

LOS ANGELES CITY TASK FORCE ON FAMILY DIVERSITY
RESEARCH TEAM ON RUNAWAYS AND HOMELESS YOUTH

Submitted by:

JAN C. COSTELLO

CELIA M. MATA

July 16, 1987

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....i

ABOUT THE AUTHORS.....ii

SUMMARY OF RECOMMENDATIONS.....1

REPORT

 INTRODUCTION.....4

 I. HOMELESS CHILDREN IN FAMILIES.....4

 A. NEED FOR HOUSING AND ECONOMIC ASSISTANCE.....4

 1. Temporary Shelter.....5

 2. Permanent Housing.....8

 II. HOMELESS CHILDREN ALONE.....9

 A. EMERGENCY SHELTER AND SERVICES.....11

 B. ELIGIBILITY FOR GENERAL RELIEF AND SOCIAL SERVICES.....14

 III. BOTH HOMELESS CHILDREN IN FAMILIES AND HOMELESS CHILDREN ALONE.....15

 A. ACCESS TO PUBLIC SCHOOL PROGRAMS.....15

 B. TRANSPORTATION TO AND FROM SERVICES.....18

 C. COORDINATION OF SERVICES.....19

BIBLIOGRAPHY.....21

LIST OF RESOURCES.....23

ACKNOWLEDGEMENTS

We would like to thank, first of all, the students who assisted with research for this report: Richard Prince, University of Southern California Law Center student, and Leticia Mendez and Twinkle Werber, students in sociology at California State University, Northridge. Second, we deeply appreciate the contributions made by witnesses who testified before the Task Force: Nancy Berlin, Coordinator, House of Ruth; Byron Gross, Staff Attorney, Legal Aid Foundation of Los Angeles; Mary Smith, F.N.P., and David Wood, M.D., Venice Family Clinic, and Gary Yates, M.A., M.F.C.C., Director, High Risk Youth Project, Children's Hospital, Los Angeles. Finally, we thank the Bush Program, UCLA School of Social Welfare for furnishing the report by Jack Rothman, Ph.D., and Thomas David, Ph.D., Focus on Runaway and Homeless Youth: Status Offenders in Los Angeles County, A Study and Policy Recommendations (1985), and Richard A. Rothschild of the Western Center on Law and Poverty, Los Angeles, California, for providing documents in the cases of Hansen v. McMahan, No. B021106, __ Cal.App.3d __ (2d Dist. July 1, 1987) and Nelson v. Board of Supervisors of San Diego County, 190 Cal.App.3d 25 (1987).

ABOUT THE AUTHORS

Jan C. Costello is Professor of Law and Associate Dean of Loyola Law School, Los Angeles. She teaches and writes in the areas of children's rights, family law, and rights of mentally disabled persons.

Celia M. Mata is a graduate student in the School of Public Administration at the University of Southern California. She has worked with high school students in the Upward Bound Project at Occidental College.

SUMMARY PAGE OF RECOMMENDATIONS

Recommendation # 1:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES USE ITS AUTHORITY TO URGE THE COUNTY OF LOS ANGELES TO IMPLEMENT AND COMPLY WITH THE HOLDING OF THE COURT OF APPEAL IN HANSEN V. MCMAHON; SPECIFICALLY, TO PROVIDE EMERGENCY SHELTER AND SERVICES TO HOMELESS FAMILIES, RATHER THAN REMOVE THE CHILDREN OR REQUIRE PARENTS TO RELINQUISH CUSTODY, IN ORDER TO PROVIDE SHELTER AND SERVICES TO THEM AS DEPENDENT CHILDREN.

Recommendation # 2:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES SUPPORT STATE LEGISLATION AND ADMINISTRATIVE REGULATIONS THAT WOULD ASSIST HOMELESS FAMILIES BY:

- a) increasing AFDC Immediate Need from \$100 to the full amount of a one month grant;
- b) permitting AFDC "non-recurring special needs" payments to be made available to homeless families "due to any sudden, unusual or desperate circumstances";
- c) expanding services under the Child Welfare Services Act to include rent and deposits for homeless families;
- d) proposing programs for transitional housing, single parent housing, and housing rehabilitation programs for non-profit organizations.

Recommendation # 3:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES REQUIRE A SIX MONTH REPORT FROM THE HOMELESS YOUTH PROJECT AND, IF THE PROJECT IS MAKING GOOD PROGRESS, SUPPORT ITS CONTINUATION AND EXPANSION, INCLUDING FUNDING OTHER SUCH PROJECTS.

Recommendation # 4:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES CREATE SHELTER BEDS AND INDEPENDENT LIVING PROGRAMS FOR HOMELESS YOUTH ALONE IN ADDITION TO THOSE NOW AVAILABLE AND:

- a) assess need for different kinds of programs, based on assessment of runaway youth population;
- b) design transitional living programs for youth preparing for emancipation;
- c) emphasize services to youth who will not be reunited with parents, and for whom independent living is appropriate.

Recommendation # 5:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES SUPPORT CHANGES IN LOCAL AGENCY PROCEDURES AND GUIDELINES AND IN THE STATE EMANCIPATION LAW SO THAT 16-17 YEAR OLDS CAN OBTAIN GENERAL RELIEF FUNDS AND PURSUE INDEPENDENT LIVING.

Recommendation # 6:

IT IS RECOMMENDED THAT THE LOS ANGELES UNIFIED SCHOOL DISTRICT, WHERE NECESSARY, CHANGE ITS POLICIES AND PRACTICES TO

PERMIT HOMELESS CHILDREN TO ENROLL AND PARTICIPATE IN SCHOOL PROGRAMS, INCLUDING SCHOOL LUNCH PROGRAMS, SO LONG AS THEY OFFER SOME EVIDENCE OF RESIDENCE IN THE SCHOOL DISTRICT.

Recommendation # 7:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES DEVELOP A DRIVER AND VAN SERVICE TO TRANSPORT HOMELESS CHILDREN IN FAMILIES AND HOMELESS CHILDREN ALONE TO AND FROM SHELTERS, MEDICAL APPOINTMENTS, AND OTHER SOCIAL SERVICES AGENCIES.

Recommendation # 8:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES INCREASE PUBLIC AWARENESS AND COORDINATION OF SERVICES BY HAVING A CENTRALIZED CITY NETWORK WHICH WOULD PROVIDE INFORMATION ABOUT SERVICES AVAILABLE AND:

- a) outreach to homeless families and homeless children alone;
- b) referral and coordination of services to these people;
- c) education and involvement of community in services to homeless children in families and homeless children alone.

REPORT

INTRODUCTION

We were asked to look at the problems of homeless children and runaways. We quickly discovered that "runaways" is a misnomer; many of the children living on the street in Los Angeles have been abused, abandoned or "pushed out" by their parents, or do not know where their parents are. Since in many instances reunification with their parents is neither possible nor desirable, these children must be regarded as "homeless." Thus, "homeless children" includes two groups: those children without homes who are still living with their parents, and those who are not. In this report we will refer to "homeless children in families" and "homeless children alone." If a source which we cite uses the term "runaways," we intend it to mean "homeless children alone."

Homeless children in families and homeless children alone share certain problems. However, each group also has distinct needs. Our report will address first the problems and recommendations for homeless children in families, and next those of homeless children alone. Finally, we will discuss common problems and make recommendations to benefit both groups.

I. HOMELESS CHILDREN IN FAMILIES

A. NEED FOR HOUSING AND ECONOMIC ASSISTANCE

Problem: Homeless children living with their families need a home. They need temporary or "emergency" shelter care to

address the immediate need, and economic assistance to find decent, affordable housing as a permanent home.

Families with children constitute a substantial and growing part of the homeless population in Los Angeles County:

"In 1985, over half of the 18,485 requests for emergency shelter to Los Angeles County's Infoline were from families with children.... According to data from the United States Conference of Mayors published in the Los Angeles Times on January 25 [1987], Los Angeles experienced a 30% increase in the demand for emergency shelter for families with children in 1986."

Byron Gross, Attorney, Legal Aid Society of Los Angeles, Written Statement Submitted to the Task Force on Family Diversity, January 28, 1987 [hereafter Byron Gross Written Statement], at 1-2 (see Appendix 4).

1. Temporary shelter:

Although General Relief grants and hotel vouchers are immediately available for individual homeless applicants, there is no emergency shelter program available for homeless families in Los Angeles County. "Under the AFDC program (Aid to Families with Dependent Children), families can receive only \$100 as an emergency payment, and DPSS is not required to provide this until the day after the family applies." Byron Gross Written Statement, at 2.

While the Los Angeles County Department of Social Services (DSS) acknowledges a legal obligation under section 16504.1 of the Child Welfare Act (see Appendix 2), to provide emergency shelter and services to homeless children, it has taken the position that the law does not require it to assist homeless

families to obtain housing. "The position of DSS is that destitute families who are homeless, but intact, are not entitled to any sum, beyond the amount of their monthly AFDC grant, to be used to secure safe and adequate shelter. In other words, homeless children are eligible to receive emergency shelter care, provided that such children have been, or are in the process of being, removed from their homes." Hansen v. McMahon, 2d Civ. No. B021106 __ Cal.App.3d. __ (2d Dist. July 1, 1987) [hereafter Hansen], Slip op. at 10. (See Appendix 6).

Just before the Task Force began its deliberations, the Los Angeles County Superior Court in May 1986 issued a preliminary injunction prohibiting DSS from denying the provision of emergency shelter care "so as to exclude homeless children, regardless of whether homeless children remain with their parent(s), guardian(s), or caretakers(s)." Id. at 4. However, "[i]nstead of setting up a system to provide emergency shelter, the state has appealed the injunction, and both the state and the counties, Los Angeles included, have refused to take any clear action to provide shelter while the appeal is pending." Byron Gross Written Statement, at 3. Mr. Gross, in his oral testimony, explained that, although Los Angeles County, pending the outcome of the Hansen appeal, took the position that it did not have to provide emergency shelter for homeless children with families, county offices were offering some assistance on a case-by-case basis:

"The county is trying to prevent another confrontation in court, so basically what they're

doing is they are coming up with money for people. They're either processing the welfare case immediately, or they've liberalized the requirements for this extra money... [Since the preliminary injunction was issued] I can just call the Welfare Department, they'll say, 'O.K., send them over; we'll give them \$250.' So in the short run, it's been much better for the families that we've been dealing with. but of course there are a lot of families out there that aren't getting to us and in the long run they need to set up some sort of system to really deal with this."

Byron Gross, Attorney, Legal Aid Foundation of Los Angeles, Testimony Before the Task Force on Family Diversity, [hereafter Byron Gross Testimony] January 28, 1987 at 35. (See Appendix 5).

On July 1, 1987, the Court of Appeal for the Second Appellate District affirmed the ruling of the trial court in Hansen v. MacMahon. The Court of Appeal held that the DSS regulation which limits "emergency shelter care" to children "who must be immediately removed from [their] homes," was contrary to the plain meaning of Welfare and Institutions Code §§ 16501(c) and 16501.1. (See Appendix 2). Hansen, slip op. at 2. The Court concluded that:

"DSS must act not only in a manner consistent with the intent and purpose of this legislation, but must act with the reasonable understanding of the practical demands of the circumstances with which individual homeless families are faced.

"DPSS' interpretation...also runs counter to the objective of federal and state child welfare services legislation that social services be provided in such manner as to prevent to unnecessary separation of children from their families. (cites omitted)"

Id. at 30.

Recommendation # 1:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES USE ITS

AUTHORITY TO URGE THE COUNTY OF LOS ANGELES TO IMPLEMENT AND COMPLY WITH THE HOLDING OF THE COURT OF APPEAL IN HANSEN V. MCMAHON: SPECIFICALLY, TO PROVIDE EMERGENCY SHELTER AND SERVICES TO HOMELESS FAMILIES, RATHER THAN REMOVE THE CHILDREN OR REQUIRE PARENTS TO RELINQUISH CUSTODY, IN ORDER TO PROVIDE SHELTER AND SERVICES TO THEM AS DEPENDENT CHILDREN.

2. Permanent Housing:

Shelters are only a temporary solution. Homeless children with families need affordable, permanent housing. It is very difficult for a homeless family to find an apartment, or to save up the money for a security deposit and rent.

The public assistance programs, as currently administered by Los Angeles County and the State, do not provide the kind of lump-sum grants, or voucher programs, which would enable homeless families to obtain permanent housing.

"[W]hat [homeless families] get on an emergency basis is not shelter, but \$100 [from AFDC]. And that \$100 has to last until their case is processed which can take up to several weeks. Now \$100 doesn't go very far towards providing someone shelter; in fact it's maybe three nights in a hotel even on skid row or a Motel 6 somewhere. And the family is stuck. For families who are already on welfare who often become homeless also even if they are getting welfare payments, there is some special money provided by the welfare program. However until recently, the county and state were taking a very narrow interpretation of that and they would only give it to people if their housing was destroyed in a catastrophe. So that if your house burned down, you could get this extra money; but if your grandmother dies and you were living with your grandmother and you were kicked out of the house you couldn't get anything, or if you were a battered woman and you had to flee your husband, you couldn't get anything."

Byron Gross Testimony, at 33.

Solution: Although providing maintenance income for homeless families is primarily the responsibility of the state and Los Angeles County, the City of Los Angeles could promote permanent housing by supporting legislation to make more funds available and to broaden the eligibility criteria for programs to assist homeless families.

Recommendation # 2:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES SUPPORT STATE LEGISLATION AND ADMINISTRATIVE REGULATIONS THAT WOULD ASSIST HOMELESS FAMILIES BY:

- a) increasing AFDC Immediate Need from \$100 to the full amount of a one month grant;
- b) permitting AFDC "non-recurring special needs" payments to be made available to homeless families "due to any sudden, unusual or desperate circumstances";
- c) expanding services under the Child Welfare Services Act to include rent and deposits for homeless families;
- d) proposing programs for transitional housing, single parent housing, and housing rehabilitation programs for non-profit organizations.

II. HOMELESS CHILDREN ALONE

Background: Thousands of homeless children live alone in the Los Angeles area. Gary L. Yates, Co-Director of the High Risk Youth Project, submitted a report which contained the

following important information:

"With nearly 10% of the nation's population and a long coastline of warm weather population centers, California has become a popular haven for the homeless street youth. This is especially true for the metropolitan areas of San Francisco and Los Angeles. The Hollywood-Wilshire area of Los Angeles, known for high concentration of adolescents, includes Sunset Strip, Hollywood Boulevard and Santa Monica Boulevard. It is a haven for teenage runaways, drug and alcohol abusers, pimps and prostitutes. Hollywood Boulevard and the Sunset Strip is the center of activities for rock clubs, and punk crowd, marijuana, cocaine and other illicit substance use and abuse. More than 300 runaways arrive in the area each week. A 1981 study by the United Way Planning Council of Los Angeles estimates that approximately 4,000 young runaways are on the streets of Hollywood on any given day, with that number doubling in the summer months. In Los Angeles County as a whole, the number is estimated at 10,000, increasing to 20,000 in the summer. Using the 24% homeless ratio documented by the DHHS study, this translated to 2,500 - 5,000 homeless youth in Los Angeles County on any given day, with 750 to 1,000 congregating in Hollywood."

Gary L. Yates, M.A., M.F.C.C., Written Statement Submitted to the Task Force on Family Diversity, Wednesday, January 28, 1987, at 1 [hereafter Gary Yates Written Statement]. (See Appendix 14).

A major study of this population was developed by the School of Social Welfare, Bush Program in Child and Family Policy of the University of California, Los Angeles, in collaboration with the Department of Social Services, Los Angeles. Jack Rothman, Ph.D., and Thomas David, Ph.D., Focus on Runaway and Homeless Youth: Status Offenders in Los Angeles County, A Study and Policy Recommendations (1985) [hereafter Bush Report]. (See Appendix 13). That study's findings were entirely consistent with the testimony of Gary L. Yates, as well as the information our team obtained through interviews with public and private organizations

which serve homeless youth.

The well-documented needs of these youth include: 1) emergency shelter and crisis intervention; 2) counseling; and 3) longer-term placement for those children unlikely to return home, especially certain types who are difficult to place in foster care.

A. EMERGENCY SHELTER AND SERVICES

For the purposes of this report, we wish to emphasize the need for services to that last group of children -- those for whom a return to living with their parents is not feasible.

"Where reconciliation [with parents] is possible, it should be given priority. However, research also shows that many families are so destructive, abusive and rejecting that children cannot wisely be returned to them. Almost fifty percent of the runaways need other options, including alternative residential care (such as group homes and foster care for some, transitional services for those ready for emancipation, and basic survival services for nomadic youngsters committed to life in the streets."

Bush Report at 3.

There are not enough shelter beds for these youth. The Los Angeles County Juvenile Court has available 22 SODA (Status Offender Detention Alternatives Program) beds, and a total of 24 short-term (2 week maximum stay) shelter beds in non-profit agencies. Gary Yates Written Statement at 2. Those beds primarily are used for children against whom a petition is filed in the juvenile court under section 601 of the Welfare and Institutions Code (as "status offenders" -- that is, children who have committed no act which would be a crime for an adult, but whose behavior is regarded as unacceptable for a child, e.g.

curfew violation, running away, truancy). Most, although not all of such programs, will be used as temporary placement for children while attempts are made to reunite them with their families. The SODA bed program serves "only a very tiny fraction of the runaway and transient youth population." Bush Report at 64.

Expanding the services available through the juvenile court SODA program is not the answer, however. The homeless children who live on the street are likely to avoid any program which brings them into close contact with the juvenile authorities. "[M]any of the youth...avoid traditional service providers out of ignorance or fear. A runaway may be hesitant to approach an 'establishment' organization for fear that she/he will be reported to the police." Gary Yates Written Statement at 2. Id.

Solution: Shelter and services should be developed which are aimed at the homeless children alone for whom reunification with their family is not feasible.

The Homeless Youth Project, (a cooperative project of the Division of Adolescent Medicine, Children's Hospital of Los Angeles, the Los Angeles Youth Network and the Coordinating Council for Homeless Youth Services) has recently been funded to provide expanded services to homeless youth. This is a pilot project. "[A] 20 bed overnight emergency shelter, connected programmatically to a daytime comprehensive case management center, will be developed in the Hollywood-Wilshire District within a more connected, cooperative network of services

providers. Under the leadership of Children's Hospital a Coordinating Council for Runaway and Homeless Youth Services has been convened to ensure effective interprogram communication and service delivery." Gary Yates Written Statement at 4.

Obviously, this one project is not an adequate solution to major, system-wide problems. "After the first three months of operation with twelve agencies reporting a total of 357 youth were housed in Los Angeles while 588 were turned away for lack of space." Id. However, based upon the progress that Project Homeless Youth has made, the City of Los Angeles can develop and fund other programs modelled, wholly or in part, upon it.

Recommendation # 3:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES REQUIRE A 6 MONTH REPORT FROM THE HOMELESS YOUTH PROJECT AND, IF THE PROJECT IS MAKING GOOD PROGRESS, SUPPORT ITS CONTINUATION AND EXPANSION, INCLUDING FUNDING OTHER SUCH PROJECTS.

Recommendation # 4:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES CREATE SHELTER BEDS AND INDEPENDENT LIVING PROGRAMS FOR HOMELESS YOUTH ALONE IN ADDITION TO THOSE NOW AVAILABLE AND

- a) assess the need for different kinds of programs, based on an assessment of the runaway youth population;
- b) design transitional living programs for youth preparing for emancipation;
- c) emphasize services to youth who will not be reunited with parents, and for whom independent living is appropriate.

B. ELIGIBILITY FOR GENERAL RELIEF AND SOCIAL SERVICES

"Homeless youth who cannot prove that they are county residents may not be able to access social services agencies." Gary Yates Written Statement at 2.

A continuing problem is the ineligibility for general assistance of homeless children alone. General relief is available to single adults, but not to minors. Persons under age 18 can be declared "emancipated" under the Emancipation of Minors Act, Cal. Civ. Code § 61 et seq. (See Appendix 3). However, since the emancipation statute requires evidence that the minor is living away from home with the consent of parents and is obtaining income from a lawful source, Cal. Civ. Code § 63(a)(2), children living on the street generally are ineligible for emancipation. Since older children (16-17 year olds) who have become hardened to the life on the street are not generally suitable for traditional foster care placement, independent living is often the best option. Without general assistance as a source of income, however, independent living is hard to achieve:

"[W]e're going to have to recognize that the young kids who are 16 and 17 who are really independent of their parents need to be helped out through general relief as if they were emancipated. They need to be connected with a program, but they have to get that relief much easier than they can now. Right now, in order for the court to give them that relief, they have to show that they've been stable for six months and I assert to you that's impossible when there's no place for you to stay. You can't show you're stable at 16; whereas, if we would just emancipate them on cause -- they have no place to stay, they want to work on independent living -- monitor them, make sure they are getting job training, but provide them that \$400 a month that could help them pay for apartment living. We have to divert them from the street

prostitution and the drug they're on now to survive. And until we do that we're going to have a lot of difficulty working with this kind of young person and help them get back off the street."

Gary L. Yates, Testimony Before the Task Force on Family Diversity, January 28, 1987 [hereafter Gary Yates Testimony (see Appendix 15) at 58-59.

Solution: Enable homeless children alone to qualify for general relief and other social services. Where possible this should be done first, by changing local agency procedures and guidelines. Next the emancipation statute should be changed to allow a court to declare emancipated (for the purposes of obtaining public benefits) a minor age 16-17 who is enrolled in an independent living program.

Recommendation # 5:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES SUPPORT CHANGES IN LOCAL AGENCY PROCEDURES AND GUIDELINES AND IN THE STATE EMANCIPATION LAW SO THAT 16-17 YEAR OLDS CAN OBTAIN GENERAL RELIEF FUNDS AND PURSUE INDEPENDENT LIVING.

III. Both Homeless Children in Families and Homeless Children Alone

A. ACCESS TO PUBLIC SCHOOL PROGRAMS

Background: Homeless children, whether they live with their parents, or are "runaways," find it difficult to attend public school. "Many of the shelters only allow a family to stay for two to three weeks. Many families won't enroll a child in school for such a short period of time. Then they move to another

shelter for a few weeks. And the same situation happens. The school lives of the children are significantly disrupted." Nancy Berlin, Coordinator, House of Ruth, Testimony Before the Task Force on Family Diversity, Los Angeles, February 19, 1987 at 132 [hereafter Nancy Berlin Testimony]. (See Appendix 1).

When parents do attempt to enroll their children, or when "runaways" seek to enroll, they encounter two common bureaucratic barriers. First, state law requires evidence of inoculation; schools also frequently ask for a birth certificate or baptismal record. Homeless families and children may find it difficult to produce such documents. Discouraged, they are apt not to pursue school enrollment, especially if they have no long-term shelter. Byron Gross Testimony at 36. Second, participation in school programs, such as school lunch programs, is sometimes made conditional upon the child's family giving a permanent address. Co-author Celia Mata went to visit Gates Elementary School in Lincoln Heights on July 10, 1987 and spoke with Tony Sacco, Intermediate Office Assistant. She was told that, because there was a formal regulation requiring it, the school informs all parents that they must show evidence of a permanent address, such as a utility bill. Los Angeles Unified School District, Policy Manual, IV, Registration, Enrollment and Withdrawal, Bulletin No. 22 (August 1, 1985). (See Appendix 8). The application form for the school lunch program requires the names and social security numbers of all "household" members, but not a permanent address. It asks only for a monthly income, to determine the family's eligibility.

Schools may require families to provide items such as supplies or bag lunches, which homeless families are unable to do. "We have had kids denied school lunches because they did not know what a homeless family was and why our shelter did not provide them with a bag lunch." Nancy Berlin Testimony at 132.

Problem: Public school regulations or practices do not recognize the special problems of homeless families and homeless children. Requiring documentation and proof of permanent residence makes it unnecessarily difficult for these children to receive a public education.

Solution: Public schools should not require a permanent address from families in order to enroll their children in school or receive the benefit of publicly-funded school programs. All that should be required is some evidence that the child is presently residing in the school district. In Nelson v. Board of Supervisors of San Diego County, 190 Cal.App.3d 25 (1987), (see Appendix 11), the Court of Appeal held that welfare applicants need only prove that they were residents of the county in order to obtain benefits; it declared invalid the county's regulation, which authorized termination of such benefits to recipients who failed to establish a "valid address" within 60 days. The Court agreed that the "valid address" requirement "denies general relief benefits to the homeless and leaves them without any means of support in violation of the County's mandatory duty under section 17000 [Cal. Welf. & Inst. Code] to aid its indigent resident population." Id. at 29. The Court of Appeal concluded that, under California law, residence is satisfied by presence in

the jurisdiction and intent to remain. Id. at 30, citing Smith v. Smith, 45 Cal.2d 235, 239 (1955), and Collier v. Menzel, 176 Cal.App.3d 24, 31 (1985) (homeless plaintiffs satisfied the statutory residence requirement for voter registration of fixed habitation and intent to remain). "Under Adkins [v. Leach, 17 Cal.App.3d 771 (1971)], a dwelling address is at most only an objective criterion of residence, not an element of residence itself." Nelson, 190 Cal.App.3d at 30.

In light of the reasoning of the Court of Appeals in Nelson, the permanent address requirement of the Los Angeles Unified School District is unlawful and should not be enforced.

Recommendation #6:

IT IS RECOMMENDED THAT THE LOS ANGELES UNIFIED SCHOOL DISTRICT, WHERE NECESSARY, CHANGE ITS POLICIES AND PRACTICES TO PERMIT HOMELESS CHILDREN TO ENROLL AND PARTICIPATE IN SCHOOL PROGRAMS, INCLUDING SCHOOL LUNCH PROGRAMS, SO LONG AS THEY OFFER SOME EVIDENCE OF RESIDENCE IN THE SCHOOL DISTRICT.

B. TRANSPORTATION TO AND FROM SERVICES

Background: Los Angeles City is a large metropolitan center with an inefficient public transportation system. For homeless children in families and homeless children alone, traveling from one service center to another is quite difficult without the proper means of transportation. Many get discouraged and do not continue to seek the much needed help. "When you're talking about young people who are transient and not very stable anyway, any kind of barrier for them getting from one place to another to receive help they need ends up with them not getting what they

need." Gary Yates Testimony at 56.

Problem: Lack of transportation to and from social service and medical support agencies prevents homeless children from receiving adequate care and discourages them from pursuing assistance.

Solution: Development of a publicly-funded van service between social and medical support services agencies. This service would transport the homeless children, alone or with their families from one location to another, thus providing them with a greater access to a system of care.

Recommendation # 7:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES DEVELOP A DRIVER AND VAN SERVICE TO TRANSPORT HOMELESS CHILDREN IN FAMILIES AND HOMELESS CHILDREN ALONE TO AND FROM SHELTERS, MEDICAL APPOINTMENTS, AND OTHER SOCIAL SERVICES AGENCIES.

C. COORDINATION OF SERVICES

Problem: The local agencies available do not adequately coordinate in order to make sure that homeless children receive even the services which are available. "What scarce resources are available are not being utilized effectively because there is little rational planning, inadequate communication among agencies, and minimal coordination of effort. Each agency and service goes its own way, doing its best, but without reference to others serving the same population." Bush Report at 2. "The system of care in about every area in Los Angeles is very fragmented. When you're talking about young people who are transient and not very stable anyway, any kind of barrier for

them getting from one place to another to receive the help they need ends up with them not getting what they need." Gary Yates Testimony at 56.

Solution: Increase access to services and public awareness by providing instruction to parents and children on the available support services such as family counseling. Educate the community on the severity of the problem of homeless children through public service announcements, pamphlets, community presentations, etc.

Recommendation # 8:

IT IS RECOMMENDED THAT THE CITY OF LOS ANGELES INCREASE PUBLIC AWARENESS AND COORDINATION OF SERVICES BY HAVING A CENTRALIZED CITY NETWORK WHICH WOULD PROVIDE INFORMATION ABOUT SERVICES AVAILABLE AND:

- a) outreach to homeless families and runaway youth;
- b) referral and coordination of services to these people;
- c) education and involvement of community in services to homeless children in families and homeless children alone.

BIBLIOGRAPHY - APPENDICES

1. Nancy Berlin, Coordinator, House of Ruth, Testimony Before the Task Force on Family Diversity, Los Angeles, February 19, 1987
2. California Child Welfare Act, Welfare & Institutions Code sections 16501(c), 16501.1, 16504.1
3. California Emancipation of Minors Act, Civil Code sections 61, 64(a)(2)
4. Byron Gross, Attorney, Legal Aid Society of Los Angeles, Written Statement Submitted to the Task Force on Family Diversity, Los Angeles, January 28, 1987.
5. Byron Gross, Attorney, Legal Aid Society of Los Angeles, Testimony Before the Task Force on Family Diversity, Los Angeles, January 28, 1987
6. Hansen v. McMahon, No. B021106, ___ Cal.App.3d ___ (2d Dist. July 1, 1987)
7. Jones, Lanie, "Youngsters Share Plight of Homeless", Los Angeles Times (May 19, 1987), Part I, p.1
8. Los Angeles Unified School District, Policy Manual, IV, Registration, Enrollment and Withdrawal, Bulletin No. 22 (August 1, 1985)
9. Mall, Janice, "Plight of Homeless Families in Los Angeles", Los Angeles Times (November 23, 1986), Part VI, p.6
10. Leticia Mendez and Twinkle Werber, Runaways: A Social Problem, A Research Investigation Compiled for Fulfillment of Sociology 498 AEE, CEE (Dr. Wayne Plasek, Professor), California State University at Northridge, December 12, 1986
11. Nelson v. Board of Supervisors of San Diego County, 190 Cal.App.3d 25 (1987)
12. Richard Prince, Runaway and Homeless Youth in Los Angeles County, Paper Prepared for Domestic Partners Course (Thomas Coleman, Professor), University of Southern California Law Center, December 1, 1986
13. Rothman, Jack, and David, Thomas, Bush Program, UCLA School of Social Welfare, Focus on Runaway and Homeless Youth: Status Offenders in Los Angeles County, A Study and Policy Recommendations (1985)

14. Gary L. Yates, Co-Director, High Risk Youth Project, Written Statement Submitted to the Task Force on Family Diversity, Los Angeles, Wednesday, January 28, 1987

15. Gary L. Yates, Co-Director, High Risk Youth Project, Testimony Before the Task Force on Family Diversity, January 28, 1987

LIST OF RESOURCES

Angel's Flight
Brother Phil Mandile, Director
(213) 251-3462/(213) 463-8525
(shelter and services for children alone)

Aviva Center
For Adolescent Girls
7357 Hollywood Boulevard
Los Angeles, CA 90046
(213) 876-0550

Bush Program
UCLA School of Social Welfare
Thomas David, Director
200 Dodd Hall
Los Angeles, CA 90024
(213) 820-8391
(research on homeless and runaway children)

Catholic Social Services of
Los Angeles
(213) 251-3400
(range of social services for families and children)

Children of the Night
Lois Lee, Executive Director
Vikki Balet, Intake Coordinator
and Outreach Supervisor
1800 N. Highland, Suite 123
Hollywood, CA 90028
(213) 461-3160
(shelter and services for homeless children alone)

Homeless Youth Project
Tina Shaps, Program Director
P.O. Box 54700
Los Angeles, CA 90054
(213) 669-2503
(services for homeless children)

House of Ruth
Nancy Berlin, Coordinator
605 N. Cumming Street
Los Angeles, CA 90033
(213) 266-4139
(shelter for homeless women and children)

High Risk Youth Project
Children's Hospital of Los Angeles
Gary L. Yates, Co-Director
4650 Sunset Blvd
Los Angeles, CA 90027
(213) 669-2153
(health care for homeless children)

Infoline
Linda Lewis, Executive Director
(Referrals for all assistance)
(213) 686-0950 (24 hours)

Legal Aid Foundation of Los Angeles
Kathy Krause, Director
Byron Gross, Staff Attorney
1636 West Eighth Street, Suite 313
Los Angeles, CA 90017
(213) 389-3581
(homeless litigation)

Los Angeles County Department of
Children's Services
Al May, Division Chief
1126 West Sixth Street
Los Angeles, CA 90017
(213) 482-2767
(services for homeless, abused and dependent children)

Los Angeles County Department of Public
Social Services Hotline
(dial Operator, ask for Zenith 2-1234)

Los Angeles Unified School District
(Board of Education)
450 North Grand Avenue
Los Angeles, CA 90012
(213) 625-6000

Runaway Hotline
(Information/referrals to shelter,
counseling, legal and medical aid,
transportation home; relays messages to parents)
1-800-231-6946 (24 hours)

Teen Hotline
(213) 855-HOPE
(6 p.m.-10 p.m., 7 days)

Venice Family Clinic
Mary Smith, F.N.P.
David Wood, M.D.
604 Rose Avenue
Venice, CA 90291
(213) 392-8639
(health care issues for homeless children)

Western Center on Law & Poverty
Mary Burdick, Executive Director
Richard A. Rothschild, Director of Litigation
3535 West Sixth Street
Los Angeles, CA 90020
(213) 487-7211
(homeless litigation)

Appendix 2

CHILD WELFARE ACT

§ 16501

WELFARE AND INSTITUTIONS CODE

§ 16501. Scope and purpose of child welfare services; plan and regulations; contracts and use of private services; volunteers

As used in this chapter, "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (a) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (b) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (c) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (d) restoring to their families children who have been removed, by the provision of services to the child and the families; (e) identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (f) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. Child welfare services may include, but are not limited to: case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, and transportation.

The county shall provide child welfare services as needed pursuant to an approved service plan and in accordance with regulations promulgated by the department. Counties may contract for child welfare services, as defined in Sections 16504.1, 16506.1, 16507.1, and 16508.1. Each county shall use available private child welfare resources prior to developing new county-operated resources when the private child welfare resources are of at least equal quality and lesser or equal cost as compared with county-operated resources. Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services.

Nothing in this chapter shall be construed to affect duties which are delegated to probation officers pursuant to Sections 601 and 654 of the Welfare and Institutions Code.

Any county may utilize volunteer individuals to supplement professional child welfare services in the areas of transportation, respite care, and emergency foster care, provided all volunteers agree to be subject to the State Department of Social Services regulations.

(Amended by Stats.1982, c. 978, p. 3547, § 35, urgency, eff. Sept. 13, 1982, operative July 1, 1982.)

§ 16501.1. Preplacement preventive services; emergency response program; family maintenance program; operative date of section

Preplacement Preventive Services are those services which are designed to help children remain with their families by preventing or eliminating the need for removal.

(a) The Emergency Response Program is a component of Preplacement Preventive Services and is a response system which provides immediate in-person response, 24 hours a day, seven days a week to reports of abuse, neglect, or exploitation, for the purpose of providing initial intake services and crisis intervention to maintain the child safely in his or her own home or to protect the safety of the child.

(b) The Family Maintenance Program is a component of Preplacement Preventive Services and is designed to provide time-limited protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

This section shall become operative on October 1, 1983, unless a later enacted statute extends or deletes that date.

(Added by Stats.1982, c. 978, p. 3648, § 37, urgency, eff. Sept. 13, 1982, operative Oct. 1, 1983.)

§ 16504.1. Scope of emergency services; operative date of section

Services in emergency situations shall include, but not be limited to, initial intake, crisis intervention, counseling, emergency shelter care, and transportation.

This section shall become operative on October 1, 1983, unless a later enacted statute extends or deletes that date.

(Added by Stats.1982, c. 978, p. 3550, § 44, urgency, eff. Sept. 13, 1982, operative Oct. 1, 1983.)

Appendix 3

EMANCIPATION OF MINORS ACT

CIVIL CODE

§ 69

§ 64. Declaration of emancipation; petition; contents; notice; mandate

(a) A minor may petition the superior court of the county in which he or she resides or is temporarily domiciled, for a declaration of emancipation. The petition shall be verified and shall set forth with specificity all of the following facts:

- (1) That he or she is at least 14 years of age.
- (2) That he or she willingly lives separate and apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian.
- (3) That he or she is managing his or her own financial affairs.
- (4) That the source of his or her income is not derived from any activity declared to be a crime by the laws of the State of California or the laws of the United States.

(b) Before the petition is heard, such notice as the court deems reasonable shall be given to the minor's parents, guardian, or other person entitled to the custody of the minor, or proof made to the court that their addresses are unknown, or that for other reasons the notice cannot be given. The clerk of the court shall also notify the district attorney of the county where the matter is to be heard of the proceeding. When a minor is a ward or dependent child of the court, notice shall be given to the probation department.

(c) The court shall sustain the petition if it finds that the minor is a person described by subdivision (a) and that emancipation would not be contrary to his or her best interests.

(d) If the petition is sustained, the court shall forthwith issue a declaration of emancipation, which shall be filed by the county clerk. Upon application of the emancipated minor, the Department of Motor Vehicles shall enter identifying information in its law enforcement computer network, and the fact of emancipation shall be stated on the department's identification cards issued to emancipated minors.

(e) If the petition is denied, the minor shall have a right to file a petition for a writ of mandate.

(f) If the petition is sustained, the parents or guardian shall have a right to file a petition for a writ of mandate if they have appeared in the proceeding and opposed the granting of the petition.

(g) A declaration shall be conclusive evidence that the minor is emancipated.

(Amended by Stats.1986, c. 946, § 1.)

1986 Legislation.

The 1986 amendment inserted a sentence in subd. (b) which required notice be given to the district attorney where the matter is to be heard.

Appendix ..

LEGAL AID FOUNDATION OF LOS ANGELES

1636 WEST EIGHTH STREET SUITE 313
LOS ANGELES, CALIFORNIA 90017
(213) 389-3581

GOVERNMENT BENEFITS UNIT

TO: TASK FORCE ON FAMILY DIVERSITY
FROM: BYRON GROSS
LEGAL AID FOUNDATION OF LOS ANGELES
DATE: JANUARY 28, 1987
RE: HOMELESS FAMILIES

THE CURRENT SITUATION:

Until recently, families have been a hidden part of the homeless population in Los Angeles (and throughout the country). Families don't line up on the streets of Skid Row waiting for a place at the missions. Families often don't present themselves to government social service agencies, for fear of having their children taken away from them. Only as the magnitude of the homelessness situation has grown has it become increasingly evident that there are a large number of families with children who are part of that population.

There has been an enormous amount of media attention focused on the problem of homelessness during the last few weeks since the weather turned cold, so it is not necessary to convince anyone that there is a problem out there. The City Council has now turned its attention to homelessness in an unprecedented way; testimony on this subject would have had a much more demanding and frustrated quality several weeks ago. Still, only some of the actions taken by the City Council will have a direct impact on homeless families with children. Much more needs to be undertaken to address the particular problems faced by homeless families.

The numbers of homeless families are significant, and growing. In 1985, over half of the 18,485 requests for

emergency shelter to Los Angeles County's Infoline were from families with children. Infoline statistics for families per se in 1986 are not available, but the overall number of requests for emergency shelter in 1986 has increased by about 35% over the previous year. Furthermore, the percentage of requests for emergency shelter for which Infoline has been unable to find a referral has increased from 25% to 40%. According to data from the United States Conference of Mayors published in the Los Angeles Times on January 25, Los Angeles experienced a 30% increase in the demand for emergency shelter for families with children in 1986.

The County and State have dealt with the need for emergency shelter by families in a much different way than the need for emergency shelter by single adults. Under the current system, homeless adults without children, even if they don't have identification, can theoretically walk into any DPSS office in Los Angeles County and will receive a voucher for a hotel room that night. The emergency shelter will continue until their General Relief grant is approved. For families, however, there is no emergency shelter available.

Under the AFDC program (Aid to Families with Dependent Children), families can receive only \$100 as an emergency payment, and DPSS is not required to provide this until the day after the family applies. This \$100 must last until the family's case is approved, a process which can take up to several weeks. The Department of Children's Services, which is supposed to guard the welfare of children and help to keep families together, provides no emergency shelter to families, although in some cases it may remove the children from the parent(s), place them in McLaren Hall or in emergency foster care, and let the parent(s) fend for themselves. The Sundowner program, jointly administered by the Red Cross and the County, will provide one night or one

weekend of shelter (hotel vouchers). But the availability of shelter through Sundowner is limited by some arbitrary eligibility requirements and is one time only, no repeats.

The failure of the State or counties to make any provision for emergency shelter for families, in the face of the increasing need for such relief, led to the lawsuit of Hansen v. McMahon. This is a class action brought by homeless families against the California Department of Social Services, seeking enforcement of provisions in the Child Welfare Services Act which require the state, through the counties, to provide emergency shelter to homeless families. Due to an overly restrictive interpretation of this statute, DSS and the counties were only providing emergency shelter to children removed from their families, but not to children remaining with their families.

The Los Angeles Superior Court granted plaintiffs' request for a preliminary injunction in May, 1986, finding that the state's overly restrictive regulations were invalid. However, the state and counties are still refusing to recognize their obligation under state law. Instead of setting up a system to provide emergency shelter, the state has appealed the injunction, and both the state and the counties, Los Angeles included, have refused to take any clear action to provide shelter while the appeal is pending.

Families who find themselves without shelter remain in a crisis situation, with non-profit shelter beds for families few and far between and government refusing to recognize its legal obligation to provide shelter. Even if temporary shelter can be found, social services are inadequate and transition to permanent housing is very difficult.

DIRECT ACTIONS WHICH COULD BE TAKEN BY THE CITY

Although the provision of maintenance income for destitute families and the provision of services for endangered children, including those endangered because of their family's economic situation, is primarily the responsibility of the state and/or County, there are several actions which the City could take with whatever funds are available:

1. Set up more shelters for families.

The demand for temporary shelter is very high. There are relatively few shelter beds for families. Many of the family shelters which do exist will not take families with teenage boys, because of the close proximity of living quarters there, so families with teenage boys are in an especially difficult situation. Other shelters will only take women with children, but not two-parent families. The family shelters are always full and even the families who can make contact with them must sometimes wait weeks until a space opens up. The only family shelter which doesn't set limits on the number of families it accepts - Bible Tabernacle in Venice - has such unhygienic facilities and treats its residents so poorly that many agencies refuse to refer families there.

Although shelters are only a temporary solution, more are needed. Even if extra funds are made available for move-in costs for permanent housing, families need time to find an apartment. They often need a place to stay while they save up the money from several welfare checks or simply to regroup while they put their lives together after the trauma of not having shelter.

The City has recently proposed to make 42 apartments in public housing projects available for emergency shelter for a maximum stay of one week. This is a worthwhile start, but

a far greater number of beds is needed, and families need to be permitted to stay longer.

2. Emergency hotel vouchers.

For homeless families who are refused immediate payments by DPSS or who have used up all of their entitlement under current AFDC regulations, emergency hotel vouchers provided by the City could be a temporary solution until the State and County begin truly meeting their obligation to provide emergency shelter under the Hansen court order.

3. Grants or loans for security deposits.

It is very difficult for homeless families attempting to transition into permanent housing to come up with the lump sums of money needed to pay first and last month's rent/security deposits to move into an apartment. Periodically FEMA funds are available for this purpose, but they are not available on a consistent basis. Funds could be disbursed directly to the landlord in situations where the family has obtained housing but needs additional funds to move in; this would assure that the funds are being used for the stated purpose. If it is not possible to provide outright grants, a revolving fund could be created and the money could be loaned to the family to be paid back in installments with no interest.

4. Case workers for homeless families.

Families are often on the streets because they have no family or friends to back them up when financial disaster hits. Homeless families are sometimes newly arrived in Los Angeles with no contacts here at all. There are so many things which need to be taken care of to transition from the streets to permanent housing: first temporary shelter, then an apartment must be found; furniture and often clothing

must be obtained; medical care may be needed; children must be placed in school, which often involves obtaining inoculation records and birth certificates from another county or state; the necessary documentation for the AFDC application must be gathered.

At the present time, there are no persons in a "social work" capacity who are available to intervene to assist homeless families to cope with these various tasks. The Department of Children's Services provides no assistance, only taking action when they decide the children are abused and must be removed from home. The City could establish an innovative program to provide the kind of assistance that these families need.

In addition to short term intervention to assist families to stabilize their lives, children who have spent time being homeless or in emergency shelter often are suffering from psychological problems. (See attached article on "Characteristics of Sheltered Homeless Families.") Programs are needed to provide longer term supportive and rehabilitative services.

SUPPORT FOR PENDING STATE LEGISLATION

Several pertinent bills are or will be pending before the state legislature this year and deserve the support of the City of Los Angeles:

1. Increasing AFDC Immediate Need from \$100 to the full amount of a one month grant.

Sen. Diane Watson proposed a bill (SB 466) on this issue last year; it passed the legislature but was vetoed by the Governor. An increase in the immediate need payment (which is an accelerated payment, not an additional payment) would enable families to more easily obtain temporary shelter until their regular AFDC checks began arriving. Currently, homeless families can pay for a motel room for

only a few days with the \$100 Immediate Need payment, and this is often not long enough for the AFDC application process to be completed. Senator Watson is expected to sponsor a similar bill again this year.

2. AFDC "Non-recurring special needs" payments.

Under the current AFDC statute, families with a housing emergency are entitled to an additional grant of up to \$600 to pay for moving costs, security deposits or interim housing, if housing is unavailable due to a "sudden and unusual circumstance beyond the control of the family." Unfortunately, the state Department of Social Services has promulgated regulations which have the effect of narrowly restricting eligibility for this extra grant to situations where the housing was destroyed by catastrophe, e.g., fire. Legislation is being proposed to make clear that such a narrow interpretation is impermissible and that the \$600 special needs payment should be made available to any family which is homeless or in temporary housing due to any sudden, unusual or desperate circumstance. The availability of these extra funds can be crucial for immediately obtaining hotel rooms for families on the street, or for paying security deposits so that families in hotels or shelters can move into a stable rental situation. The regular AFDC grants are rarely enough to pay move-in costs. This proposal is currently being circulated and will likely be sponsored in the coming session.

3. Expand services under the Child Welfare Services Act to include rent and deposits for homeless families.

The Child Welfare Services Act, under which plaintiffs in Hansen sued to obtain shelter for intact families, only provides for "emergency shelter." This bill would enable Children's Services workers to make funds available so that families without shelter could transition into permanent

housing. The money spent on a hotel room for two weeks might better be used for move-in costs for permanent housing. This proposed bill is also currently being circulated and will likely be sponsored this year.

4. Housing bills.

In addition, there will be several bills which deal with housing, including proposals for transitional housing, a demo project for single parent family housing, and housing rehabilitation programs for non-profits.

Attachment: Bassuk, Rubin and Lauriat, Characteristics of Sheltered Homeless Families, American Journal of Public Health, September, 1986.

Characteristics of Sheltered Homeless Families

ELLEN L. BASSUK, MD, LENORE RUBIN, PhD, AND ALISON S. LAUNAT, MA

Abstract: To describe the characteristics of homeless families, we interviewed 80 homeless mothers and 151 children living in 14 family shelters in Massachusetts (two-thirds of the shelters in the state). Ninety-four per cent of the families were headed by women. 91 per cent were on AFDC (aid to families with dependent children), with twice as many as the state average having been on AFDC for at least two years; most had long histories of residential instability. Although 60 per cent had completed high school, only a third had worked for longer than one month. One-third of the mothers reported having been abused during their childhood, and two-thirds had experienced a major family disruption. At the time of the interview, almost two-thirds either lacked or had minimal supportive relationships and one-fourth of these named their child as the major support.

Eighteen mothers were involved with the Department of Social Services because of probable child abuse or neglect. Seventy-one per cent of the mothers had personality disorders. In contrast to many adult homeless individuals, however, deinstitutionalized persons or those suffering from psychoses were not overrepresented. About 50 percent of the homeless children were found to have developmental lags, anxiety, depression, and learning difficulties, and about half required further psychiatric evaluation. Two-thirds described housing and social welfare agencies as not helpful. Given the many serious problems of the mothers and the difficulties already manifested by their children, comprehensive psychosocial and economic interventions must be made to interrupt a cycle of extreme instability and family breakdown. (*Am J Public Health* 1986; 76:1097-1101.)

Introduction

While homelessness has long been a problem for individuals, many cities describe a recent problem with homeless families. New York City, for example, is attempting to shelter approximately 4,000 families (14,530 individuals including 9,590 children).¹ On any given night in Massachusetts, 200 families reside in shelters (including individual, family and specialized facilities) and the overflow of 380 to 550 are placed in welfare hotels or motels.² It is estimated that across the country family members now comprise more than 20 per cent of the overall homeless population and that their numbers will double in 1986.³

Despite the far-reaching social consequences of family homelessness, descriptions of this subgroup are sparse. New York City reports unmet nutritional needs,⁴ inadequate service delivery,⁵ substandard conditions in the sheltering facilities,⁶ and severe emotional problems in the families.^{7,8} An anecdotal study indicates developmental delays in the children,⁹ but systematic clinical data are lacking. The present report provides systematically collected descriptive clinical information about homeless families sheltered in Massachusetts.

Methods

Subjects

Eligible subjects were all members of homeless families residing in family shelters in Massachusetts during the period from April to July, 1985. Battered women's shelters, facilities serving specialized populations (e.g., teenage mothers), and those housing fewer than three families were not eligible. A family was defined as at least one parent with one child, or a pregnant mother.

*Whitman B. Sprankel J. Stretch J. Hutchinson W: Children of the homeless: A high risk for developmental delays. Presented at American Public Health Association annual meeting, Washington DC, November 16, 1985.

Address reprint requests to Ellen L. Bassuk, MD, Associate Professor of Psychiatry, Harvard Medical School, 20 Randolph Road, Chestnut Hill, MA 02167. Dr. Rubin is Instructor in Psychiatry (Psychology), Harvard Medical School. Ms. Launat is Project Manager, Sheltering Homeless Families. This paper, submitted to the Journal February 12, 1986, was revised and accepted for publication May 9, 1986.

Editor's Note: See also related editorial p 1084, and Commentary p 1131, this issue.

We were able to arrange access to six of eight family shelters in Boston and to eight of 13 outside the city (Attleboro, Brockton, Holyoke, Hyannis, Lowell, Northampton, Springfield, and Worcester). We interviewed members of 82 families with 156 children out of a possible 101 families and 160 children. We excluded one family headed by a single man, and one headed by a married couple because the mother was unable to participate. This left 80 families with 151 children (49 of the families with 90 children were from Boston). Seventy-five families were headed by women and the remaining five by married couples; the latter group did not differ from their single counterparts except on ethnicity, marital status, and history of independent living. The non-participating families were similar to the participants in terms of parental gender, age, ethnicity, behavior, length of stay at the shelter, and the children's age, gender, and number per family.

Representativeness of the Sample

We were unable to arrange access to one-third of the family shelters in Massachusetts. Various shelter directors expressed concern that a study would further dehumanize and perhaps even victimize their clients. Data provided by the seven non-participating shelters suggest that their guests were similar to those in the study in terms of family composition, age, marital status, number of children, and length of stay. The sample may underrepresent Latinos since we were unable to arrange access to one shelter that primarily houses Latino families. With this exception, the sample studied appears to be reasonably representative of families living in Massachusetts family shelters.

It is possible that homeless families with serious behavioral or emotional problems are underrepresented in these shelters. In Massachusetts, homeless families are generally referred directly to family shelters. The staff turns away approximately 10 to 15 families at the larger shelters each week, two to three at the smaller shelters. Those exhibiting alcoholism, drug abuse problems, and major mental illness tend to be the first to be excluded. Some of the overflow is housed in welfare hotels and motels. What happens to the remainder is unknown.

Interviews

Psychiatrists and a child psychologist (Spanish-speaking when indicated) completed the interviews. Written informed consent to interview all members of the family unit was

obtained from each parent. In the early phase of the study, we often had to reschedule many interviews with the same family; to increase compliance, we offered monetary incentives to participants in the latter part of the study.

Parents—A semi-structured clinical interview consisting of approximately 260 items was administered to each parent. Questioning focused on: demographics; developmental background including early relationships with caretakers; family disruptions and patterns of violence; topics related to adult functioning such as housing, income and work histories, nature of relationships, health status; and patterns and perceptions of service delivery. In addition, a structured questionnaire, the modified Social Support Network Inventory⁹ was administered, and psychiatric diagnoses were made using DSM-III¹⁰ inclusion and exclusion criteria.

Children—With the interviewer's guidance, each parent completed a standardized validated behavioral checklist describing her child's behavior. The Simmons Behavior Checklist¹¹ was used for children between the ages of 3 and 5 years, and the Achenbach Behavioral Problem Checklist¹² for children older than 5.

The interviewer played with and/or talked to each child before administering standardized instruments. The Denver Developmental Screening Test¹³ was used to assess children 5 years of age or younger while the Childrens' Depression Inventory¹⁴ and the Childrens' Manifest Anxiety Scale¹⁵ were administered to older children.

Results

The Mothers

Characteristics—The median age of the homeless mothers was 27 years (Table 1), with a range from 17 to 49 years. Only six mothers were younger than 20 years. Although the overall percentages of White and Black families were approximately equal, almost two-thirds of Boston mothers were Black, while three-fourths of non-Boston mothers were White. Forty-five per cent of the women were single mothers; and 45 per cent were divorced, separated, or widowed. The proportion of single mothers within the Boston shelters (57 per cent) was higher than the proportion outside of Boston (26 per cent).

About 60 per cent of the sheltered mothers had at least a high school education (Table 1). The mothers had an average of 2.4 children, and an average of 2 were living with them in the shelter. The median age of the mother at the birth of her first child was 19 years, with a range of 14 to 37 years; approximately one-fourth had their first child at the age of 17 years or less; 11 were pregnant at the time of the interview.

Employment—About a third of the mothers reported having held a job for longer than one month (Table 1). Seven mothers were working part time during the interviewing period.

Incarceration—Ten women had been in jail for offenses ranging from larceny to prostitution, of which half were drug-related.

Relationships—About one-fourth of the mothers were unable to name any supports and 18 per cent could only name one person (Table 1). In the latter group, many mentioned a recent shelter friend or professional contact and over one-fourth named their child. Eighteen mothers were involved in an investigation or follow-up of child abuse and neglect.

When asked about relationships with men, 58 per cent reported a history of one major relationship with a man, 32 per cent described two or three, and 10 per cent described none. The men with whom they had the most recent rela-

TABLE 1—Characteristics of Homeless Mothers Residing in Massachusetts Family Shelters (N = 62)

Characteristics	Per Cent	N
Age (median)		
27 years		
Geographic Area		
Boston	61	49
Other	39	31
Ethnicity		
White	48	39
Black	46	38
Latino	6	5
Other	1	1
Mental Status		
Single	45	36
Married	10	8
Separated, Divorced, Widowed	45	36
Education		
Partial High School	41	32
HS Grad/GED	37	29
Some College	22	17
Employment History		
Some Work Experience	36	29
Occasional	23	18
Minimal or Never Worked	41	33
Number of Supports		
None	26	21
One	18	14
Two	20	16
Three or More	36	29
Health Status*		
Current Contact with Mental Health System	24	19
Alcohol Problem	8	6
Drug Problem	9	7
Physical Illness	21	17

*Categories are not mutually exclusive and only those with a recorded problem are included.

tionship generally were said to have poor work histories, substance abuse problems, and battering tendencies. Twenty-nine women had been involved in at least one relationship in which they had been battered; more than two-thirds of the reported violence was alcohol or drug-related.

Health/Mental Health Status—Overall, 44 women had contact with the mental health system at some point in their lives, and 19 had been involved during the previous year (Table 1). Six had histories of psychiatric hospitalization; seven had substance abuse problems, two of whom were receiving treatment. Seventeen described a major physical illness or ailment requiring ongoing medical attention.

One-fourth of the mothers were assigned DSM-III Axis-I diagnoses indicating the presence of major psychiatric clinical syndromes (Table 2). Fifty-seven (71 per cent) were given Axis-II diagnoses of personality disorders. There were nine mothers with both Axis-I and II diagnoses. Only 11 mothers had no DSM-III diagnosis.

Early Family Disruptions—A third of the homeless mothers had never known their fathers. More than two-thirds described at least one major family disruption during childhood (almost half were due to separation or divorce of the parents; the remainder were due to the death of a parent, mental illness and alcoholism of the parent, abuse resulting in state placement, and miscellaneous reasons). Twenty-one of the 52 disruptions occurred when the mother was 5 years old or younger; in about half the disruptions, the child remained with one parent, but 12 were placed with a relative, eight ran away, four were put in foster care, and three were admitted to mental hospitals. One-third of the homeless mothers

CHARACTERISTICS OF SHELTERED HOMELESS FAMILIES

TABLE 2—Clinical Psychiatric Diagnoses of Massachusetts Sheltered Homeless Mothers (N = 57)

Psychiatric Diagnosis	Per Cent	N
Axis I—Clinical Syndromes		
Total Present	27	21
Major Affective Disorders	10	8
Substance Abuse	9	7
Mental Retardation	5	4
Schizophrenia	3	2
Total Absent	73	59
Axis II—Personality Disorders		
Total Present	71	57
Dependent	24	19
Other	13	10
Atypical	10	8
Borderline	6	5
Narcissistic	4	3
Antisocial	4	3
Passive-aggressive	4	3
Mixed	4	3
Schizoid	3	2
Histrionic	1	1
Total Absent	29	23

reported that they had been physically abused, generally by their mothers. Nine acknowledged that they had been sexually abused.

Income Maintenance/Housing History—Ninety-one per cent of the families were receiving aid to families with dependent children (AFDC). Although only 30 per cent of Massachusetts AFDC recipients¹⁶ had been receiving AFDC for more than two years, 59 per cent of shelter mothers (95% confidence limits 48 per cent, 70 per cent) had been AFDC recipients for at least this long. Forty-seven families were getting food stamps, 25 were receiving WIC (women, infants and children supplemental program), and 20 had housing subsidies.

Overall, the families had moved an average of 6.6 times (range 2 to 24) in the five years prior to the current homelessness episode, and 3.6 times (range one to 11) in the year before becoming homeless. During the previous five years, 85 per cent had been doubled up and more than 50 per cent had been in other emergency housing facilities. One-third had been in two or more of these situations, while one-fifth were in three or more. More than 40 per cent had come to the shelters from shared, but overcrowded living arrangements. When asked why they had lost their home, 57 per cent cited such problems as eviction, nonpayment of rent, condominium conversion, and, most commonly, overcrowding. Almost one-third described an interpersonal precipitant: dissolution of a relationship with a man, battering, death or illness within the mother's nuclear family, or inability to get along with others in a shared domestic arrangement (excluding overcrowding).

Most mothers tended to move within the area where they grew up and to be sheltered in emergency facilities in that community. The length of stay in the shelters averaged two to three months.

The Children

The 151 children ranged in age from 6 weeks to 18 years. Two-thirds were 5 years or younger. The numbers of boys and girls were about equal.

Testing—Based on the Denver Developmental Screening test, 47 per cent of 81 children aged 5 years or younger had at least one developmental lag and 33 per cent had two or

TABLE 3—Clinical Characteristics of Massachusetts Sheltered Homeless Children

Clinical Characteristics	Per Cent
Children 5 years or younger (N = 81)	
Denver Developmental Screening Test	
Number of Developmental Lags	
None	53
1	14
2	17
3	3
4	14
Skills Affected	
Language acquisition	37
Personal and social growth	34
Gross motor skills	18
Fine motor coordination	15
Children Older than Five	
Children's Depression Inventory (N = 44)	
Requires psychiatric evaluation (cut-off = 9)	54
Evidence of clinical depression (cut-off = 13)	31
Children's Manifest Anxiety Scale (N = 50)	
Requires psychiatric evaluation (Scored higher than mean of 14.4; standard deviation = 6.2)	48

more lags (Table 3). Using the Simmons Behavior Checklist, 55 children ages 3 to 5 years scored higher than the overall mean of 5.6 on the following factors: shyness (9.6), dependent behavior (7.4), aggression (7.4), attention span (7.3), withdrawal (6.1), and demanding behavior (5.7). They scored less than the mean on: sleep problems (4.5), coordination (4.1), fear of new things (3.8), and speech difficulties (3.5) [data not shown; available on request to author].

The findings on the Children's Depression Inventory and the Children's Manifest Anxiety Scale suggested that, among the 52 children over age 5 tested, approximately half required further psychiatric evaluation. Based on the Achenbach parent checklist, among the 29 6-11 year olds tested, two-thirds of the boys and almost one-half of the girls required further psychiatric evaluation; in the 13 children in the 12-16 year group, more than one-third required psychiatric referral [data not shown; available on request to author].

School Problems—While all school age children were reported by their parents to be attending school, shelter directors indicated that attendance was irregular. According to reports from parents, 21 children were failing or performing below average work; 25 per cent were in special classes; and 43 per cent had already repeated one grade.

Medical, Emotional Problems—Based on parental reports, 12 children had medical problems requiring ongoing care by a physician. However, about one-fourth of the children were described by parents as having an emotional or developmental problem.

Service Utilization

Thirty-four mothers reported current involvement with a social welfare or housing agency while they were living in the shelter. Such involvement was defined as at least one contact (including by telephone) with a service provider during their shelter stay. Likelihood of involvement increased in proportion to the length of stay. For example, of 40 families at the shelter one month or less, 30 per cent were involved, whereas 85 per cent of 14 families sheltered longer than three months were receiving some type of social services.

Thirty-four families described some involvement (past

or present) with the Department of Social Services: more than half had open S1As (obligatory contacts for child abuse); 26 contacts with housing authorities; 70 contacts with the Department of Public Welfare; and six with the Department of Mental Health. However, two-thirds described their contact with these agencies as "not at all helpful" (scores of 1 or 2 on a 7-point rating scale). In contrast to their perception of these public agencies, two-thirds of the mothers described their shelter experience as quite helpful, and only eight scored it "not at all helpful."

Nearly half of the women could name a family doctor or hospital from which they had received "helpful" or "very helpful" treatment within the previous year. Only one child had not received his inoculations.

Despite the children's emotional and developmental difficulties, however, only 14 of the children 5 years of age and younger were in day care, and only 12 of all the children were in therapy/counseling.

Discussion

Our data indicate that many of the women heading these homeless families now have difficulty establishing themselves as autonomous adults. Although many have completed high school, they are unable to hold jobs, and generally lack or have limited relationships with other adults or institutions although they have lived in the same community most of their lives. Many were unable to maintain a home because of economic and interpersonal problems and most had long histories of residential instability. This subgroup is most likely to become long-term AFDC recipients¹⁷ and, with the current low-income housing crisis, part of the permanent "underclass" population.¹⁸

In contrast to many adult individual homeless persons who have been deinstitutionalized and suffer from psychoses such as schizophrenia,^{19,20} psychoses were not over-represented among homeless mothers. Overall, about one-fourth suffered from a major psychiatric clinical syndrome (i.e., DSM III, Axis-I), but these did not cluster into a single category.

Seventy-one per cent of homeless mothers were assigned Axis-II diagnoses of personality disorders. In contrast, large-scale random sampling estimates of the prevalence of serious personality disorders in the adult population range from 5-15 per cent.^{21,22} Although specific criteria exist for each diagnosis, personality disorders are less reliable and valid than Axis-I diagnoses.^{23,24} Moreover, personality disorder is a diagnosis of social dysfunction and does not take into account the influence of environmental factors extrinsic to the organization of the personality, such as poverty, racism, and gender-bias.²⁵ Criteria for these disorders are no more than descriptions of behavioral disturbances that are long-term and predate the homelessness episode. The resultant diagnostic labeling may exaggerate the degree of psychopathology within this subgroup of homeless women. Thus, the labels should primarily be used to indicate severe functional impairment and the need for help rather than implying strict causality.

Given the mother's pervasive emotional problems and the conditions in the sheltering facilities, it is not surprising that approximately 50 per cent of their homeless children interviewed required further psychiatric and medical evaluation.

There is a belief that family homelessness has been caused exclusively by external factors such as the shortage of low-income housing, the inadequacy of AFDC benefits, and

the breakdown of family structure in association with poverty.²⁶ Our data suggest that psychosocial factors, particularly family breakdown, play an important role as well. There can be little doubt that the constellation of economics, subsistence-living, family breakdown, psychological deprivation, and impoverished self-esteem contribute to the downward cycle of poverty, disruption, stress, and violence. With the unavailability of affordable housing, the most emotionally vulnerable and marginal members of society will be the first to fall through the "safety net." The homeless families of the 1980s may well be the "multi-problem" families of previous decades,²⁷ but they are now far more visible. We must also ask whether these children are likely to become the system dependent and perhaps the homeless adults of the next generation.

Although identifying and labeling emotional problems among a disadvantaged population always carries with it the risk of "blaming the victim,"²⁸ ignoring psychological factors will lead to faulty social planning. If family homelessness were due solely to economics and bad luck, then the potential solution would involve only income assurance and the construction of many more low-income housing units. However, if the problem has both economic and psychological roots, then support and rehabilitative services attached to specialized housing alternatives become an essential part of the solution.

ACKNOWLEDGMENTS

Support for this research was provided by The Boston Foundation, Godfrey B. Hyams Trust, and Boston Safe Deposit and Trust Co. The authors wish to acknowledge the contributions of Harriet Peterson, Lynn Rosenberg, ScD, and Ann Birk PhD.

REFERENCES

1. Newsletter of the Emergency Alliance for Homeless Families and Children: New York: Citizens Committee for Children, 1983; 1:1-4.
2. Massachusetts Department of Public Welfare: Monthly Statistical Reports, June-November 1983.
3. Basler B: Homeless families to double this year, a report predicts. New York Times Jan 12, 1986, p 20.
4. Simpson J, Kilduff M, Blewett CD: Struggling to Survive in a Welfare Hotel. New York: Community Services Society of NYC, 1984.
5. Citizens Committee for Children of New York, Inc: 7,000 Homeless Children: The Crisis Continues. New York: Citizens' Committee, October 1984.
6. Coalition for the Homeless: Perchance to Sleep. Homeless Children without Shelter in New York City. New York: The Coalition, December 1984.
7. Leavitt R (ed): Homeless Welfare Families. A Search for Solutions. New York: Community Council of Greater New York, October 1981.
8. Kroonenfeld D, Phillips M, Middleton-Jenar V: The Forgotten Ones: Treatment of Single Parent Multi-Problem Families in a Residential Setting. Washington, DC: US Dept Health and Human Services, Office of Human Development Services, Grant Number 18-P-90705-03, 1973-80.
9. Flaherty J, Gaviria FM, Pathak D: The measurement of social support: The social support network inventory. *Compr Psychiatry* 1983; 24:521-529.
10. Diagnostic and Statistical Manual of Mental Disorders, 3d Ed. DSM-III. Washington DC: American Psychiatric Association, 1980.
11. Reinherz H, Gracey CA: The Simmons Behavior Checklist: Technical Information. Boston: Simmons School of Social Work, 1982.
12. Achenbach T, Edelbrock C: Behavioral problems and competencies reported by parents of normal and disturbed children aged four through sixteen. *Monographs for the Society for Research in Child Development* 1981; 46 (1, Serial No. 188).
13. Frankenburg WK, Goldstein A, Camp B: The revised Denver Developmental Screening Test. Its accuracy as a screening instrument. *J Pediatr* 1971; 79:988-995.
14. Kovacs M: The Children's Depression Inventory: A self-rated depression scale for school-aged youngsters. Pittsburgh: University of Pittsburgh School of Medicine, April 1983.
15. Castaneda A, McCandless B, Palermo DS: The children's form of the manifest anxiety scale. *Child Dev* 1956; 27:317-325.

CHARACTERISTICS OF SHELTERED HOMELESS FAMILIES

16. *The Facts about Welfare: Being Poor in Massachusetts*. Boston: Department of Public Welfare, 1985.
17. Bane MJ, Ellwood D: *The Dynamics of Dependence: The Routes to Self-Sufficiency*. Washington DC: US Dept of Health and Human Services, June 1983 (Contract No. HHS-100-32-C034).
18. Auletta K: *The Underclass*. New York: Random House, 1983.
19. Bassuk E, Rubin L, Loomis A: Is homelessness a mental health problem? *Am J Psychiatry* 1984; 141:1546-1550.
20. Fischer P, Breakley W: Homelessness and mental health: An overview. *Int J Mental Health* 1986; 14:6-41.
21. Leighton D, Harding J, Macklin D, *et al*: Psychiatric findings of the Stirling County Study. *Am J Psychiatry* 1963; 119:1021-1026.
22. Langer T, Michael S: *Life Stress and Mental Health: The Midtown Manhattan Study*. New York: Free Press, 1963.
23. Widiger T, Frances A: Axis II Personality Disorders: Diagnostic and treatment issues. *Hosp Community Psychiatry* 1985; 36:619-627.
24. Drake R, Vaillant G: A validity study of Axis II of DSM-III. *Am J Psychiatry* 1985; 142:553-558.
25. Proposed new psychiatric diagnoses raise charges of gender-bias. *Science* 1986; 231:327-328.
26. Harrington M: *The New American Poverty*. New York: Holt Rinehart and Winston, 1984.
27. Pavenstedt E (ed): *The Drifters: Children of Disorganized Lower Class Families*. Boston: Little Brown & Co, 1967.
28. Ryan W: *Blaming the Victim*. New York: Random House, 1976.

Tuesday, May 19, 1987

Streets, Flophouses

Youngsters Share Plight of Homeless

By LANIE JONES,
Times Staff Writer

He hadn't had much to eat—french toast at breakfast, later some 7-Up. Most of the day, 12-year-old Nikia Harris and his family had walked around downtown Los Angeles looking for a place to stay.

Now, as men in worn clothing spread their blankets around him, Nikia huddled on a bench, pulling the hood of his gray sweat shirt tightly around his face. Nearby, his mother cradled his 15-month-old baby brother in her lap. A 7-year-old brother curled on an Army blanket beside her.

Evicted from their Pomona apartment the week before, the family had found refuge—for one night at least—in a temporary shelter for the homeless in downtown Los Angeles.

But Nikia didn't want to be here, sharing the floor with grizzled men. "Look at all the Skid Row bums," he said angrily. "It's dull and dumb and, if it was my world, I would set it on fire."

Share Parents' Plight

In the last five years as the nation's homeless population has soared, children like Nikia have increasingly joined their ranks. Traipsing around the country with parents in search of jobs and places to live, the children share soup kitchens, flophouses and city sidewalks with derelicts and the mentally ill.

Exact counts are elusive, but the National Conference of Mayors reported in December that the fastest growing segment of the homeless population was families, comprising 28% of all the homeless.

The National Coalition for the Homeless, a private lobbying group, estimates that 500,000 of the nation's 2 million to 3 million homeless are children—with more than 20,000 homeless children in California and as many as 10,000 in Los Angeles.

Because their parents often keep a low profile, fearing that social workers may take their children away, the youngsters are invisible to most people. Few attend school. They may live in motels or Salvation Army shelters or even the family car—"camping" for days or months at local parks.

A National Tragedy

But their plight is fast becoming a national tragedy, a growing number of social workers, doctors and advocates for the homeless said.

"We're basically throwing away a whole generation of children, a whole generation of citizens when we allow children to grow up homeless," said Maria Foscarinis, Washington counsel for the National Coalition for the Homeless.

In the last two years, a handful of social scientists has begun studying the effects of homelessness on children. Among the problems they describe:

—Nutritional deficiencies from fast food diets or little food at all.

—Lack of schooling for weeks or months. Even if the children attend some classes in shelters or on the road, "It's virtually impossible to do well when a child has no home, no place to study, no food to eat and the incredible emotional burden of being homeless," Foscarinis said.

Please see CHILDREN, Page 3

Many Share Parents' Life on the Streets

Continued from Page 1

—Poor hygiene and health problems, including untreated respiratory infections, head lice and chronic diarrhea.

—A parent-child bond that disintegrates in the shelters.

—Lags in behavioral development and severe emotional problems. In a study of 151 children at Boston shelters, Harvard psychiatrist Ellen Bassuk found that 47% showed serious lags in social, motor and language skills; 51% over age 5 were severely depressed and most of the depressed children over 5 had suicidal thoughts.

Despite growing concern about these children, no solutions are in sight. No federal program and only a few state and local government efforts are targeted at them.

California provides aid for runaways but none expressly for homeless children. Non-profit agencies offer counseling and run emergency shelters. And sometimes child-protective workers intervene, placing homeless children in foster homes if they find parental neglect.

Otherwise, lawyers for the homeless said, the only government aid for homeless children is aimed at families—federal money for temporary shelter and food stamps. And that aid fails to reach many homeless children, whose parents are mentally ill or alcoholics and drug addicts who spend their grant money to support their habits.

Even when homeless parents try to feed their families, the children often go hungry. "Their parents don't have a place to cook or store food so they buy what they can . . . McDonald's hamburgers, food at 7-Eleven, lots of potato chips," said UCLA pediatrician David L. Wood, who treats homeless children at a Venice clinic.

□

The young family was living in a tent in Orange County's Featherly Regional Park in Yorba Linda. Parents Linda Napgezek and Richard Hudy, both 21, had run out of money. Hudy, a laid-off factory worker from Madison, Wis., couldn't find a job. Their car was out of gas. And Joey, their 7-month-old baby, was drinking Kool-Aid because formula cost too much.

Six months on the road had taken their toll on 2-year-old Jason, too. When the family left Wisconsin to look for work, Jason was a confident toddler, but now, after living in the tent and a succession of motels, he clung to his mother, mimicking the actions of his baby brother.

"Jason was potty-trained when we left," Napgezek said, "but now he's back in diapers."



GAIL FISHER / Los Angeles

Plight of homeless children is mirrored in the eyes of Fernando Cazarez as he kills time at Skid Row motel; below, his mother, Rosa, and baby brother, Je

S-521

Schooling for homeless children can be an uncertain proposition.

Several East Coast school districts have refused to admit homeless children because they had no local address, Foscarinis said. And homeless children who do attend school usually miss classes because they move so often.

Los Angeles sociologist Kay Young McChesney said most of the 148 children she studied at five county shelters last year attended school rarely—if at all.

A few shelters provide tutoring—or even schools. In San Diego, the St. Vincent de Paul Society's shelter has worked with the city school district for the last three years to run a one-room schoolhouse for kindergarten through ninth-grader children. Typically, half the 30 or so students start out below grade level but catch up, said Robert Calhoun, program manager for special education at the San Diego Unified School District.

Others are not as fortunate.

"We definitely are beginning to see children with a developmental lag of 2½ or 3 years," said Michael Jeffers, principal of the Ninth Street Elementary School, which has many homeless children from downtown Los Angeles among its students. "The bottom line is that we [taxpayers] will have to pay for those kind of things the rest of our lives."

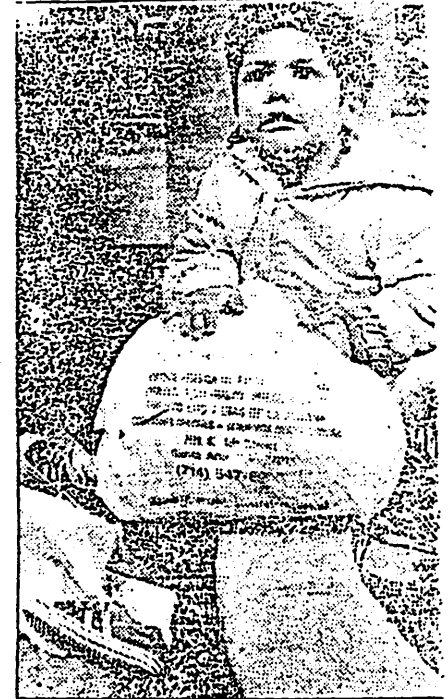
Homeless children also have serious health problems that taxpayers are just beginning to pay for.

On weekday afternoons, shabbily dressed parents and squirming children from nearby shelters line up at the Venice Family Clinic for its special session for homeless families.

Children arrive "with all the typical childhood diseases . . . and a lot of untreated conditions that can become more serious—vomiting, diarrhea, colds, skin conditions and ear infections that can lead to loss of hearing," said Mandy Johnson, director of the clinic's homeless health-care project, one of 19 in the nation financed by the Robert Wood Johnson Foundation.

Many of the children have not been properly immunized, she said. And sometimes homeless parents cannot afford to care for their sick children or do not know how. Recently one mother whose baby had pneumonia accepted a prescription she could not afford to fill, Johnson said. A week later the baby was reexamined. He had received no medication and was still very ill; clinic staff members reported the mother for suspected child neglect.

In her study of homeless families, McChesney found developmental lags in many of the children she interviewed. She found older children who, under the stress of being homeless, had begun wetting their beds. She also met children who had



Homeless family that found shelter at City Hall during cold snap; Nikia Harri boy with head in his hands. At right, Emeterio Luevano, 4, in a Santa Ana park



Children of a family that lives in camper at Hansen Dam; from left, Kirk, 7, Bren, 6, and Lara, 9, who is embarrassed to tell her classmates where she lives:

learned "adaptive strategies" from being homeless that could create problems for them.

When a child used to eating from trash cans does so in school, "he's shunned by other kids and labeled a troublemaker," McChesney said. "Already, habit patterns established from only a few months . . . are getting children in trouble for years."

Wood, the UCLA pediatrician, remembers examining a boy, the 4-year-old son of a cocaine addict, who was unable to speak more than a few words and tried to hit, bite or kick when approached.

Homeless children desperately need

love, Wood said. "I think much of the acting out is screaming at the world: 'please give me something.'"

At dusk in Hansen Dam Park in Pacoima, 9-year-old Lara turned cartwheels beside neighbor's garbage can fire. She had lived in camper in the park with her parents and three young brothers since September and kept a B average in school.

Staying in the camper was "not bad," Lara said. "It's like a house to me except it's smaller." The camper had no shower but "m-

Please see CHILDREN, Page 2

Continued from Page 3

mom has a shower at work and sometimes we take showers there," Lara said. And every week, a Salvation Army truck stops by, offering food and extra blankets when the weather turns cold.

Still Lara was embarrassed to tell her fourth-grade classmates where she lived and had not invited them to visit. "They think we live in a house," she said.

□

Ironically, one problem for homeless children comes from an institution created to help them—the shelters.

Their rules often drive children and parents apart, Foscarinis said. In many cities, a "family" shelter is restricted to women and children; homeless fathers must stay in a shelter for men, forcing families to split up.

And the lack of privacy in a shelter may cause mothers and children to become withdrawn and depressed, Atlanta psychologist Nancy Boxill reported in a 1986 study of 50 mothers and 120 children at a shelter there.

Shelter families are subjected to "public mothering," Boxill explained. "All their activity—24 hours a day, seven days a week—is in full view. That puts incredible stress on the relationship of mother and child."

□

Melissa Coleman, 21, a single mother with four children, was complaining about the lack of privacy in a shelter run by a Venice evangelical church.

Coleman and her children—15-month-old twins, a 4-year-old and a 7-year-old—had left Houma, La., for a better life in California. They found lodging and free meals at the Bible Tabernacle Church, which each night lets more than 100 homeless parents and children sleep on its wooden pews or on the floor.

But after six weeks at the church, Coleman was hoping her family would send her bus fare home. "It's not like I thought it was going to be," she said. All her children seemed depressed, Coleman said, as she held one baby and at the same time, tried to coax some baby food into the other twin's mouth. "My babies—they have a tendency to cry lots," she said.

In California, homeless families have faced another threat. Until a year ago, when a Los Angeles Superior Court judge barred the practice, some county welfare agencies were requiring homeless parents who sought food stamps or other aid to allow their children to be placed in foster homes.

"People had gone in, saying, 'We're sleeping on the street and our baby's hungry,' and in some cases welfare officials would say, 'No, we're not going to do anything for you, but we'll take the child away,'" said Melinda Bird, an attorney for the Western Center on Law and Poverty in Los Angeles.

Department of Social Services spokeswoman Kathleen Norris maintained that parents have lost their children only when there was abuse or neglect. "It was never the policy of the state to separate children from homeless families," she said.

But in their class-action suit, legal aid lawyers argued successfully that the state should stop removing children from homeless parents and offer them emergency housing instead. The department has appealed but, for now, the counties and the state cannot deny emergency housing to homeless children with their parents.

'Resources Are There'

Meanwhile, California will pay private agencies \$4 million this year to run emergency shelters, said Maggie DeBow, assistant secretary for policy and fiscal affairs for the California Health and Welfare Agency. "The resources [to help homeless families] are there. It's just really trying to get people hooked up to them," she said.

But many city and shelter administrators disagree.

Los Angeles has 250 beds for homeless parents and children, but could use 3,000, said Gene Boutillier, emergency services manager for United Way Inc. And, every night, a third of the 20 families who telephone the Info-Line hot line seeking shelter must be turned away, said the service's director, Linda Lewis.

In Orange County, there are about 230 beds for homeless families, when at least 1,000 are needed, said Marianne Guido, housing specialist for the county Human Relations Commission.

And shelters are only a temporary solution, those officials said. "Our efforts right now are a

CHILDREN:

Tuesday, May 19, 1987 / Part I 25

Homeless Youngsters Share Parents' Life on the Streets

band-Aid kind of effort," said Emery Bontrager, assistant to the director of Los Angeles County's Department of Children's Services.

Homeless families need a host of services—tutoring, counseling and medical care for the children, child care and courses in parenting and money management for parents, Bontrager and other experts said.

But the first priority for homeless children is stability, they said—and that means a permanent home.

□

At a Salvation Army shelter in downtown Los Angeles, three teenagers were discussing the frustrations of being homeless.

"Sometimes I tell my friends about the shelter, and they ask, 'Why do I keep moving all the time?' I say I have to move. My mother is moving, but they say, 'Why don't you stay in one place?' " 13-year-old Rodney complained.

Raquel, 14, said she was embarrassed to tell classmates about the shelter. "If you say you are from the Salvation Army, they make fun of you," she said.

"I just want to get out of here," interrupted 16-year-old Maria. "I don't want to be in a shelter."

Counselor Terry Porgrejak asked if there was anything they could do to help their parents find a home. They were silent a moment. Then

Rodney spoke. "I can't do nothing," he said.

"No, you can't," Porgrejak said. "That's true. You guys are the kids."

□

The task of finding homeless families a permanent place to live has been difficult for several years. Since 1981, the Reagan Administration has sharply cut the money available to cities for federally subsidized, low-income housing, and cities have had a choice—pay for low-income projects themselves, or build little such housing at all.

In Los Angeles, housing officials projected that the city needed about 230,000 new units of low-in-

come housing from 1985 to 1988. So far, only 30,000 units have been built. The result? "Low income families in the city do have a lot of trouble finding units," said Steve Renahan, an analyst for the Los Angeles City Housing Authority. "That's one of the reasons for homelessness."

Some government officials believe that the federal government should get back into the business of subsidizing most low-income housing. "We've got to start building housing," said Rep. George Miller (D-Martinez), chairman of the Select Committee on Children, Youth and Families. "The choice is whether we want to look like New Delhi—or the progressive high-in-

come country that we are."

□

In the Los Angeles shelter, Niki hunched forward on the bench staring into space. Nearby, a woman with matted hair danced down the aisle and several older men, the one he had called "Skid Row bums," began to snore.

Nikia glanced at them, then looked away. He didn't want to stay here the boy said softly. He pulled the hooded sweat shirt more tightly about his face, telegraphing his misery with each move.

"I feel like a dead cat."

Times researcher Patricia L. Brown contributed to this story.

Appendix

Office of the Associate
Supt., School Operations

- 3 -

BULLETIN NO. 22
August 1, 1985

2. Every Register Carrying Teacher* shall be responsible for attendance taking and accounting for his/her class and shall:
 - a. Personally maintain an attendance card for each student in his/her class.
 - b. Provide accurate attendance-accounting information (including all changes) to the office.
 - c. Ensure accuracy of Register entries and computations and sign the Register at the end of every school month.
3. Register Carrying Teacher names and class counts shall coincide with names and counts submitted on monthly Classification Reports.

IV. REGISTRATION, ENROLLMENT, AND WITHDRAWAL

- A. School personnel shall attempt to register and enroll all nonenrolled students.
- B. Students shall not be enrolled until registration is complete.
- C. Registration is a six-step process in which school personnel:
 1. Request a Pupil Accounting Report (Form 34-ELL-64) from previous LAUSD school, if appropriate.
 2. Determine the student's grade placement and age by:
 - a. Referring to the report card/transcript provided by student, or
 - b. Checking the age-verification document provided by the parent/guardian, or
 - c. Contacting the previous school, or
 - d. Referring to the District Age-Grade Placement Chart (Educational Support Services Bulletin No. 14).
 3. Determine the student's permit status, if any.
 4. Verify that the student lives within the boundaries of the school by:
 - a. Examining the address on at least one of the following:
 - (1) The driver's license of the parent/guardian.

*Teachers of attendance-recording/reporting classes shall be referred to as Register Carrying Teachers for purposes of this Bulletin.

- (2) A mortgage document or a signed lease agreement.
- (3) A utility bill issued to the parent/guardian at the address indicated (excluding telephone bills).
- (4) An Address Verification Form (see Exhibit C) signed by the parent/guardian attesting to the validity of the indicated address.

b. Checking the school's address guide or calling School Information at 625-5437.

5. Identify the student's parent/guardian. If the student does not reside with the parent/legal guardian, complete a Declaration for Transfer/Statement of Residence (Exhibit B).
6. Assist the parent to complete certain forms, paying special attention to health/immunization forms and the Home Language Survey.

D. Active enrollment in school consists of:

1. Completion of registration, and
2. Assignment of the student to a Register Carrying Teacher's class, and
3. The student's reporting to the Register Carrying Teacher and having:
 - a. His/her name entered into the Register, and
 - b. A completed Attendance Record Card on file with that teacher.
4. Enrollment does not carry over from year to year; therefore, every student must enroll every year.
 - a. An "E" (indicating enrollment) shall be placed in the appropriate date box both in the Register and on the Attendance Record Card for each enrolling student.
 - b. The names of enrolling students shall be placed in the Record of Entrance and Withdrawal (E and L Book).
 - (1) Names of non-EI students who arrive at any time during the school year shall be recorded in the E and L Book.
 - (2) Names of EI students who arrive:
 - (a) During the first week of the school year need not be recorded in the E and L Book.
 - (b) After the first week of the school year shall be recorded in the E and L Book.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Address Verification Form

(In order to assure your son's/daughter's proper school assignment, please answer Section A and Section B as completely as possible.)

I, _____, am the parent and/or lawfully authorized guardian of _____, _____.

(Name)

(Birthdate)

We reside at

(Address)

A. We have resided at this address _____ years and _____ months. As I do not own, nor am I purchasing my residence, and since I rent or lease my residence at the above designated address, I state that I pay rent to the owner or manager of the property, who is _____

(Name)

(Telephone, if known)

(Address)

I, _____, the landlord, do, under penalty of perjury, affirm that the residency information given above is true and correct, and I could and would so testify under oath if called to do so before any tribunal or officer empowered by the laws of this state to administer oaths.

Executed this _____ day of _____, 19____, at _____ California.

(Signature of Landlord)

B. I authorize the School District to contact my neighbors or employer

(Name of Neighbor) _____ (Address) _____ (Telephone)

(Name of Neighbor) _____ (Address) _____ (Telephone)

(Name of Employer) _____ (Address) _____ (Telephone)

or one of the following city, county, or federal agencies who have knowledge of my official address as shown above:

(Name of Agency) _____ (Address) _____ (Telephone)

(Name of Agency) _____ (Address) _____ (Telephone)

I declare under penalty of perjury that the above information is true and correct, and I could and would so testify under oath if called to do so before any tribunal or officer empowered by the laws of this state to administer oaths.

(Signature of Parent/Guardian)

PLEASE NOTE: "Perjury is punishable by imprisonment in the state prison for two, three, or four years." P.C. Section 126

About Women

Plight of Homeless Families in Los Angeles

By JANICE MALL

Substance abusers and the mentally ill represent the most familiar picture of the homeless, but, in fact, families are the fastest-growing segment of the homeless population, according to USC sociologist Kay Young McChesney, who recently conducted an in-depth study of homeless mothers and children at Los Angeles County shelters.

McChesney, head of the USC Homeless Families Project, and her team interviewed 87 mothers. Their median age was 28; their median number of children was two. About two-thirds of them were single mothers.

"These women are not crazy," she said in the project release on the study. "They aren't substance abusers either. Even though most of them were very poor, they had managed to keep a roof over their children's heads until something happened to upset their already precarious economic balance."

That something was eviction or the threat of eviction for almost half of these families. The median rent for a one-bedroom apartment in Los Angeles is \$491 a month; the average monthly Aid to Families with Dependent Children payment to a mother with one child is \$448, McChesney pointed out. Many of

Los Angeles Times

these mothers had to literally decide between having a home or having food. "Some months, they decide to eat," McChesney said.

For a third of the families, the financial turning point was that they ran out of money after moving to Los Angeles. The latter problem was common for the married couples among the homeless families, many of whom came here when the husbands lost their jobs in other states. In many cases, these families either had money stolen or could not save enough for the high move-in costs of rentals.

Crippled by Low Pay

About one in four of the single mothers became homeless when they left or were thrown out by a man, in some cases an abusive man. These women were being supported at a reasonable level when they suddenly found themselves in the street. Trying to make it on their own, they were crippled by low pay and inability to pay for child care while they worked or looked for jobs.

McChesney found one very important difference between the homeless families she interviewed and other families: Considering the relative youth of most of the subjects, a "surprisingly high number had deceased parents," she said. These women had no immediate family to turn to when financial disaster struck.

A third of the women had deceased mothers and 43% had fathers who were dead or with whom they'd had so little contact they didn't know if they were alive or dead. "Fully 16% were orphans," McChesney said, and "five (of the 87) were not only orphans but had no living siblings.

"The difference between the poor who wind up homeless and those who don't seems to be a matter of having relatives to turn to when problems come up," McChesney said.

Those who did have families had the kind who don't or can't help. Of those who had living parents or

Please see WOMEN, Page 7

WOMEN: Homeless

Continued from Page 6

siblings, only about half had a mother or brothers or sisters in the Los Angeles area.

In addition, almost half of the homeless mothers McChesney's team interviewed in the shelters got into their cycle of poverty initially because they had been runaways or in foster or institutional care as teenagers. Many of them had been abused, not only by their natural parents, but in many cases by foster parents too. "They ran away in their teens and had been doing what they could to survive," McChesney said. "Then they get pregnant. And as one said, 'I can make it by myself. But what can I do with my baby?' So they wind up in Los Angeles County shelters, where they can stay for a month at most. Then they're back in the streets—this time with their babies."

McChesney said the primary cause of homelessness is an acute shortage of low-cost housing. While the

number of families living in poverty has increased in the '80s, she said, the number of low-cost housing units has decreased. Nationally for every unit available, there are two families in need of low-cost housing, she said. What will solve the problem is housing, she said, not more beds in emergency shelters.

NELSON v. BOARD OF SUPERVISORS
190 Cal.App.3d 25; — Cal.Rptr. — [Mar. 1987]

25

[No. D004711. Fourth Dist., Div. One. Mar. 10, 1987.]

JOYCE NELSON et al., Plaintiffs and Appellants, v.
BOARD OF SUPERVISORS OF SAN DIEGO COUNTY et al.,
Defendants and Respondents.

SUMMARY

The superior court, in an action for mandate, injunction, and declaratory relief brought against a county by homeless indigent county residents to challenge the statutory and constitutional validity of certain county regulations, entered a judgment of dismissal after sustaining the county's general demurrer to the complaint without leave to amend. The residents brought the action after they were denied general assistance benefits pursuant to county regulations which authorized termination of such benefits to recipients who failed to establish a "valid address" within 60 days. The residents alleged that the regulations violated the county's mandatory duty, pursuant to Welf. & Inst. Code, § 17000, to provide general relief to indigent county residents. In addition, they alleged that the regulations created a classification which unconstitutionally discriminated against indigent county residents without "valid addresses." (Superior Court of San Diego County, No. 552669, Mack P. Lovett, Judge.)

The Court of Appeal reversed. It held that the residents' allegations were sufficient to proceed on both the statutory and the constitutional claims. (Opinion by Kremer, P. J., with Wiener and Lewis, JJ., concurring.)

HEADNOTES

Classified to California Digest of Official Reports, 3d Series

- (1) Public Aid and Welfare § 4—County Assistance—General Relief.—Welf. & Inst. Code, § 17000, imposes a mandatory duty on counties and cities to provide general relief to indigent residents. The term "general relief" refers to the residual funds by which indigents who

cannot qualify for and under any specialized aid programs can still obtain the means of life.

[See Cal.Jur.3d, Public Aid and Welfare § 28; Am.Jur.2d, Public Funds § 68.]

- (2a, 2b) **Public Aid and Welfare § 4—County Assistance—General Relief—Eligibility—Valid Address.**—In an action brought by homeless indigent residents of a county for mandate, injunction, and declaratory relief to challenge the statutory validity of certain county regulations authorizing the county to terminate general relief benefits to recipients who did not establish a valid address within 60 days, the trial court erred in sustaining without leave to amend the county's demurrer to the complaint for failure to state a cause of action. Plaintiffs pleaded sufficient facts to withstand the demurrer by alleging that the regulations excluded homeless residents from general relief eligibility without regard to the practical impossibility of obtaining housing, that there was no legitimate governmental purpose for the exclusion, and that the exclusion violated the county's statutory duty pursuant to *Welf. & Inst. Code*, § 17000 to aid the county's indigent resident population.
- (3) **Public Aid and Welfare § 4—County Assistance—General Relief Regulations—Statutory Validity.**—To be valid under the general relief statutes (*Welf. & Inst. Code*, § 17000 et seq.); a county's regulations must be consistent, not in conflict with the statutes, and reasonably necessary to effectuate the statutory purpose.
- (4) **Public Aid and Welfare § 4—County Assistance—Duty to Provide General Assistance Benefits.**—Counties cannot escape their duty under *Welf. & Inst. Code*, § 17000 due to financial constraints. A county-established exclusion from eligibility for general assistance relief may not be justified by substantial public cost to be anticipated in its absence.
- (5) **Constitutional Law § 81—Equal Protection—Classification—General Assistance Benefits—Requirement of Valid Address.**—In an action for mandate, injunction, and declaratory relief brought by homeless indigent residents of a county to challenge the constitutionality of certain county regulations authorizing the termination of general assistance benefits to recipients who failed to establish a "valid address" within 60 days, the trial court erred in granting without leave to amend the county's demurrer to the complaint for failure to state a cause of action. The residents plead sufficient facts to withstand the demurrer by alleging that the regulations violated their rights to equal protection by authorizing general relief aid to indigents with fixed addresses while

denying such benefits to equally needy or even needier homeless indigents.

COUNSEL

Colleen Fahey Fearn, Dennis E. Holz, Gregory E. Knöll, Anson B. Levitan, Peter M. Liss, Robert W. Ross, Richard M. Steiner, Richard A. Rothschild, Melinda Bird and Charles Wolfinger for Plaintiffs and Appellants.

Lloyd M. Harmon, Jr., County Counsel, Daniel J. Wallace, Chief Deputy County Counsel, and Leonard W. Pollard II, Deputy County Counsel, for Defendants and Respondents.

OPINION

KREMER, P. J.—Plaintiffs Joyce Nelson et al. appeal a judgment dismissing their lawsuit for mandate, injunction and declaratory relief after the superior court sustained without leave to amend the demurrer of defendants San Diego County Board of Supervisors et al. (County). Plaintiffs' lawsuit challenges as statutorily and constitutionally invalid the County's regulations terminating general relief payments to any recipient not obtaining a "valid address" within 60 days.¹ We reverse the judgment of dismissal and direct the superior court to enter an order overruling the County's demurrer.

I

In November 1985 plaintiffs filed a complaint against the County.

In their first cause of action for mandate under Code of Civil Procedure section 1085, plaintiffs alleged: Before June 1, 1985, the County denied general relief benefits to all eligible applicants and recipients without a valid address. Since June 1, 1985, the County has denied general relief benefits to otherwise eligible applicants and recipients who do not have a valid address within 60 days. The County's actions in not providing general relief benefits to homeless but eligible residents violate its statutory duties under Welfare and Institutions Code² section 17000 and plaintiffs' right to due

¹The challenged regulations are portions of the County's General Relief Program Guide section 90-200 (GRPG 90-200). GRPG 90-200 is set forth in its entirety in the appendix to this opinion.

²All statutory references are to the Welfare and Institutions Code unless otherwise specified.

process and equal protection under California Constitution article I, section 7. Plaintiff Nelson is a homeless resident of the County who has lived in the County for 33 years, applied for general relief in June 1985, received only 60 days of general relief because she could not provide a rent receipt, and was unable to locate housing during such 60 days. Plaintiff Edmiston, a resident of the County for most of the past 41 years, is homeless, unable to work and must live on the streets. Her general relief has been limited by the County's fixed address requirements. Plaintiffs sought mandate directing the County to stop enforcing its challenged regulations and to provide general relief benefits to all County homeless residents improperly denied such relief.

In their second cause of action, plaintiffs sought to enjoin the County under Code of Civil Procedure section 526a from spending public funds in administering the general relief program in violation of its constitutional and statutory duties.

In their third cause of action, plaintiffs sought an injunction mandating the County to provide general relief benefits to all homeless County residents improperly denied such relief and a declaration the County's regulations denying general relief to homeless residents violate section 17000 and California Constitution article I, section 7.

II

The County demurred, asserting plaintiffs' complaint did not state facts sufficient to constitute a cause of action. Supporting its demurrer, the County cited *Adkins v. Leach* (1971) 17 CalApp.3d 771 [95 Cal.Rptr. 61], as upholding as reasonable Monterey County's requirement general relief recipients provide addresses to prove lawful residence. Opposing the County's demurrer, plaintiffs asserted they adequately pleaded three causes of action for the County's violating its statutory and constitutional duties and plaintiff's correlative rights by denying and terminating all homeless residents from general relief for lack of a fixed address. Plaintiffs contended *Adkins* was no longer good law as to their statutory claims and did not purport to address any constitutional issue.

The superior court sustained the County's demurrer without leave to amend. Construing *Robbins v. Superior Court* (1985) 38 Cal.3d 199, 211 [21 Cal.Rptr. 398, 695 P.2d 695], as approving *Adkins's* holding a residence address requirement did not violate state law, the court ruled plaintiffs could state no cause of action to challenge the County's enforcing GRPG 90-200' address requirement. The court entered judgment dismissing plaintiffs' complaint. Plaintiffs appeal, contending the court erred in sustaining the County's demurrer.

III

Plaintiffs make two arguments; first that the County's "valid address" requirement denies general relief benefits to the homeless and leaves them without any means of support in violation of the County's mandatory duty under section 17000 to aid its indigent resident population; and second that this court should decline to follow *Adkins v. Leach, supra*, 17 Cal.App.3d 771, as incorrectly reasoned and inconsistent with recent California cases interpreting the general relief statutes. We agree with both contentions.

IV

Section 17000 provides: "Every county and every city and county shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions."

(1) Under section 17000 general relief is "... the residual fund by which indigents who cannot qualify for and under any specialized aid programs can still obtain the means of life. ..." (*Mooney v. Pickett* (1971) 4 Cal.3d 669, 681 [94 Cal.Rptr. 279, 483 P.2d 1231].) Section 17000 imposes a mandatory duty upon the County. (*Id.* at p. 676.)

Section 17001 provides: "The board of supervisors of each county, or the agency authorized by county charter, shall adopt standards of aid and care for the indigent and dependent poor of the county or city and county."

The Legislature's charge to the counties is clear. Clear as well is that the counties do not possess unlimited discretion regarding those duties. In *Robbins v. Superior Court, supra*, 38 Cal.3d at page 211, the California Supreme Court held: "The case law addressing this provision has recognized that section 17001 confers broad discretion upon the counties in performing their statutory duty to provide general assistance benefits to needy residents. (See, e.g., *Berkeley v. Alameda County Board of Supervisors* (1974) 40 Cal.App.3d 961, 971 [115 Cal.Rptr. 540]; *Adkins v. Leach* (1971) 17 Cal.App.3d 771, 778-779 [95 Cal.Rptr. 61]; *Patten v. County of San Diego* (1951) 106 Cal.App.2d 467, 470 [235 P.2d 217].)

"However, there are clear-cut limits. " This discretion . . . can be exercised only within fixed boundaries. In administering general assistance relief the county acts as an agent of the state. [Citation.] When a statute confers upon a state agency the authority to adopt regulations to implement, interpret, make specific or otherwise carry out its provisions, the agency's regulations

must be consistent, not in conflict with the statute, and reasonably necessary to effectuate its purpose. [Citation.]” (*City and County of San Francisco v. Superior Court* (1976) 57 Cal.App.3d 44, 49 [128 Cal.Rptr. 712], quoting *Mooney v. Pickett* (1971) 4 Cal.3d 669, 679 [94 Cal.Rptr. 279, 483 P.2d 1231].)” (*Robbins v. Superior Court, supra*, at p. 211, fn. omitted.)

(2a) Appellants argue the County’s policy barring aid to indigents who while without addresses are nonetheless residents of the County conflicts with the County’s statutory duty. Appellants are correct.

Section 17101 provides: “The residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.”

Government Code section 243 provides: “Every person has, in law, a residence.” Government Code section 244 provides in part: “In determining the place of residence the following rules shall be observed:

“(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.

“(b) There can only be one residence.

“(c) A residence cannot be lost until another is gained.

“

“(f) The residence can be changed only by the union of act and intent.”

Residence under Government Code section 244 has been construed to consist of the two elements of presence in the jurisdiction and intent to remain. (*Smith v. Smith* (1955) 45 Cal.2d 235, 239 [288 P.2d 497]; *Fenton v. Board of Directors* (1984) 156 Cal.App.3d 1107, 1112-1114 [203 Cal.Rptr. 388].) In *Collier v. Menzel* (1985) 176 Cal.App.3d 24, 31 [221 Cal.Rptr. 110], the court held homeless plaintiffs satisfied the statutory residence requirements for voter registration of fixed habitation and intent to remain.

The general relief statutes do not include a dwelling address as an element of residence. Section 17000 imposes a duty on the County to relieve and support its indigent residents; the statute does not exclude those indigent residents without addresses. In defining residence, section 17101 does not mention a dwelling address or otherwise exclude persons without addresses.¹

¹The County cites no authority suggesting a dwelling address is an element of residence under California law. *Adkins v. Leach, supra*, 17 Cal.App.3d 771, does not so hold. Under *Adkins*, a dwelling address is at most only an objective criterion of residence, not an element of residence itself.

Plaintiffs have alleged the County has violated its duty under section 17000 to provide general relief to eligible lawful residents. Plaintiffs' complaint is sufficient to survive demurrer.

(3) To be valid under the general relief statutes, the County's "valid address" regulations must be consistent, not in conflict with the statutes and reasonably necessary to effectuate the statutory purpose. (*Robbins v. Superior Court, supra*, 38 Cal.3d at p. 211; *Mooney v. Pickett, supra*, 4 Cal.3d 669.) The County's regulations appear to be inconsistent with and in open conflict with section 17000's mandate to relieve and support lawfully resident indigent persons.

Further, we find nothing in this record to compel a finding as a matter of law the challenged regulations further any governmental interest necessary to effectuate the purposes of the general relief statutes.

Although a "valid address" may well be an objective criterion useful in proving residence, the record does not show the challenged regulations' "valid address" requirement is necessary as a matter of law to a determination of "true residence." Indeed, under the regulations' own terms, a "valid address" is not necessary to establish residence. The regulations require before issuance of any aid residence must be proved by documenting one of various specified criteria. Duration of residence is not a condition of eligibility. Proving a "valid address" is not required. A person otherwise eligible for general relief who satisfies the specified residence requirement receives aid for 60 days without providing a "valid address." However, general relief benefits are discontinued if the recipient does not provide a "valid address" within 60 days. Thus, providing a "valid address" is not part of the residence requirement; instead the challenged regulations exclude only those persons who have already established residence. Further, the "valid address" requirement appears inconsistent with the regulations' stated policy to assist otherwise eligible indigents who are physically present in the County, not in the County only temporarily" not residents of another state or county, and evidence an intent to lawfully reside in the County.

Preventing fraud is a legitimate County interest. However, regulations may be invalid if they are more restrictive than necessary and extend not only to claimants suspected of fraud but also to nonsuspect claimants. (*Robbins v. Superior Court, supra*, 38 Cal.3d at p. 216.) In *Collier v. Menzel, supra*, 176 Cal.App.3d 24, Santa Barbara County presented no evidence homeless persons were more likely to commit voter fraud than persons who were not homeless. The court held: "Without such evidence, the status of homelessness raises no presumption that homeless persons are more prone to commit voter fraud than any other group. [Citation.]" (*Id.* at p. 34.)

Nothing in this record shows as a matter of law homeless general relief recipients are more likely than other general relief recipients to make fraudulent benefit claims. (*Robbins v. Superior Court, supra*, 38 Cal.3d at p. 216.) Further, the record does not show as a matter of law the absence of reasonable alternative methods to determine whether a person fraudulently claims residence. (*Ibid.*) Indeed, the regulations here delineate various methods for an applicant to prove residence other than by providing a "valid address." On this record we cannot say as a matter of law the challenged regulations are necessary to prevent fraud.

To the extent a purpose of the challenged regulations may be to encourage general relief recipients to obtain housing, the record does not show as a matter of law the possibility of finding such housing is reasonably realistic as opposed to merely theoretical. (*Mooney v. Pickett, supra*, 4 Cal.3d at pp. 679-681; *Bernhardt v. Board of Supervisors* (1976) 58 Cal.App.3d 806, 811 [130 Cal.Rptr. 189].)

Finally, the record suggests a financial motive may underlie the challenged regulations. (4) "Counties generally cannot escape their duty under section 17000 due to financial constraints. . . ." (*Clay v. Tryk* (1986) 177 Cal.App.3d 119, 125, fn. 4 [222 Cal.Rptr. 729].) "A county-established exclusion, from eligibility for General Assistance relief, may not be justified by substantial public cost to be anticipated in its absence. . . ." (*Bernhardt v. Board of Supervisors, supra*, 58 Cal.App.3d at p. 811.) This record does not show as a matter of law the absence of other costcutting methods, not violating state statutes, to limit general relief payments to available financial resources. (*Robbins v. Superior Court, supra*, 38 Cal.3d at p. 217; *Mooney v. Pickett, supra*, 4 Cal.3d at p. 680.)

(2b) Plaintiffs have essentially alleged the County's regulations excluding from general relief eligibility those resident indigents unable to find "valid addresses" within 60 days, without regard to the practical impossibility of obtaining housing and without a showing such regulations are reasonably necessary to further a legitimate governmental purpose, "[leave] such individuals without any source of relief whatsoever—a result inconsistent with the language and purpose of section 17000 and other statutes establishing General Assistance relief." (*Mooney v. Pickett, supra*, 4 Cal.3d at p. 681.) We find such allegations sufficient to state causes of action challenging the County's regulations as violating the County's statutory mandates to provide general relief to indigent County residents.

V

Relying on *Adkins v. Leach, supra*, 17 Cal.App.3d 771, the County contends that it may properly require general relief recipients to prove their addresses as objective criteria of whether they are truly lawful residents and that its regulations are valid and appropriate given society's fluid mobility. However, whatever its validity in 1971, later case law has undermined *Adkins*.⁴ *Adkins* is not binding on this court now.

The plaintiff in *Adkins* challenged as unreasonable and arbitrary Monterey County's rule denying general relief applicants food vouchers or rent assistance until they furnished dwelling addresses. The court held: "Both the statutes and the appellate courts have made it clear that counties *shall* support *resident* indigent persons (§ 17000) according to standards adopted by their boards of supervisors (§ 17001). And in the discharge of their statutory duty, the county supervisors have discretion 'to determine eligibility for, the type and amount of, and conditions to be attached to indigent relief.' [Citation.] The courts have no authority to interfere 'in the absence of a clear showing of fraud or arbitrary or capricious conduct.' [Citation.]

"Neither arbitrary nor capricious conduct (nor fraud) can reasonably be inferred from the pleaded requirement that immediate general relief is available 'only after the needy person has an address which can be given to the Welfare Department as his place of residence.' Such a requirement is obviously reasonable. A county disbursing relief under the direction of section 17000 is fairly entitled to some objective criteria whether an applicant is truly a resident of the county. One in *Adkins*' position could otherwise collect his general relief and then pass on, perhaps to repeat his demand in another county. And in such cases the requirement of section 17006 . . . that an applicant for general relief be investigated would obviously be frustrated by

⁴It appears likely since *Adkins* was decided the demographics regarding homelessness have changed as well. A conservative estimate in 1984 put the number of homeless persons in the United States at 250,000 to 350,000 with a disproportionate share in the West. (United States Department of Housing and Urban Development, A Report to the Secretary on the Homeless and Emergency Shelters (1984) p. 7, cited in A Study of the Issues and Characteristics of the Homeless Population in California conducted by the California Department of Housing and Community Development with assistance from the Department of Mental Health and Department of Social Services (Apr. 1985) p. 9.) A statewide estimate in 1985 using the same definition of "homeless" put the number of homeless persons in California at 50,000 to 75,000. (Cal. Study, *supra*, at p. 9.) Other nationwide estimates range as high as 2.5 million. (*Ibid.*) Although obvious practical problems in counting the homeless make a precise count difficult, it appears the number of homeless persons has substantially increased since 1970 when the United States Census estimated their number nationwide to be 20,957. (*Id.* at p. 8.) Factors contributing to increased homelessness in California include shortages of housing affordable to low-income persons and the release of patients from state hospital beds in the move to deinstitutionalize the mentally ill. (*Id.* at pp. 1-3.)

payment before investigation to one with no county address." (*Adkins v. Leach, supra*, 17 Cal.App.3d at p.779.)

The counties' latitude in administering general relief approved in *Adkins* has been qualified by *Mooney v. Pickett, supra*, 4 Cal.3d 669. (*Clay v. Tryk, supra*, 177 Cal.App.3d at p. 124.) Further, the superior court here mistakenly construed *Robbins v. Superior Court, supra*, 38 Cal.3d 199, as approving *Adkins's* holding a residence address requirement did not violate state law. "An appellate court's citation of an opinion does not necessarily mean adoption of all aspects of the court's reasoning in the cited opinion. . . ." (*Stocks v. City of Irvine* (1981) 114 Cal.App.3d 520, 529 [170 Cal.Rptr. 724].) *Robbins* cited *Adkins* as authority for its statement case law had construed section 17001 as conferring "... broad discretion upon the counties in performing their statutory duty to provide general assistance benefits to needy residents. . . ." (*Robbins v. Superior Court, supra*, 38 Cal.3d at p. 211.) However, in the paragraphs immediately following its citation to *Adkins*, the court in *Robbins* discussed the limits on such discretion expressed in *Mooney v. Pickett, supra*, 4 Cal.3d 669 and *City and County of San Francisco v. Superior Court* (1976) 57 Cal.App.3d 44 [128 Cal.Rptr. 712]. (*Robbins v. Superior Court, supra*, 38 Cal.3d at pp. 211-212.)

Moreover, the court in *Adkins* did not analyze the elements of residence under California law. Neither did the court analyze whether Monterey County's address requirement was in fact necessary to achieve its apparent purpose of assuring general relief applicants were "truly" residents or to further any other legitimate governmental interest.

VI

(5) Plaintiffs contend the County's regulations violate their rights to equal protection under the California Constitution by authorizing general relief aid to indigents with fixed addresses while denying such benefits to equally needy or even needier homeless indigents. Plaintiffs contend the County's assertedly discriminatory policy must be strictly scrutinized because the rights to shelter and subsistence should be deemed fundamental under the analysis of *Serrano v. Priest* (1971) 5 Cal.3d 584, 604-610 [96 Cal.Rptr. 601, 487 P.2d 1241, 41 A.L.R.3d 1187]. Plaintiffs also assert under *Harlow v. Carleson* (1976) 16 Cal.3d 731 [129 Cal.Rptr. 298, 548 P.2d 698], and *Frink v. Prod* (1982) 31 Cal.3d 166 [181 Cal.Rptr. 893, 643 P.2d 476], the right of a welfare recipient to continued welfare benefits is fundamental. Finally, plaintiffs contend the County's regulations are invalid even under the rational basis standard of review because denying aid to the homeless is irrational, inconsistent with the goal of the general relief statutes and not in furtherance of any legitimate governmental interest.

The County contends the California Supreme Court has not determined entitlement to general relief to be a fundamental right under an equal protection analysis. The County asserts general relief is only a statutory entitlement terminable at any time by the Legislature. The County further maintains its regulations further the legitimate public purpose under section 17006 of determining whether applicants for general relief are lawful County residents.

In sustaining the County's demurrer, the superior court made no specific findings as to plaintiffs' constitutional claims. Instead, the court relied on the holding in *Adkins v. Leach, supra*, 17 Cal.App.3d 771, a dwelling address requirement did not violate state law. *Adkins* does not purport to decide the constitutional issues raised by plaintiffs here.

Plaintiffs have essentially alleged the County's regulations create a classification unconstitutionally discriminating against indigent County residents without "valid addresses." We find such allegations sufficient to permit plaintiffs to proceed on their constitutional claims. However, in the absence of any trial court finding, at this time we need not address the merits of these constitutional claims.

The superior court should have overruled the County's demurrer.

DISPOSITION

The judgment of dismissal is reversed. The superior court is directed to enter an order overruling the County's demurrer. Appellants to have costs on appeal.

Wiener, P. J., and Lewis, J., concurred.

GOVERNMENT

Cite as 87 Daily Journal D.A.R. 4063

**RACHEL HANSEN, et al.,
Plaintiffs-Appellants,**

v.

**LINDA McMAHON, Director,
California Department of Social Services,
and CALIFORNIA DEPARTMENT OF SOCIAL SERVICES,
Defendants-Respondents.**

**SALVADOR MONTES, et al.,
Petitioners,**

v.

**SUPERIOR COURT OF THE
STATE OF CALIFORNIA FOR THE
COUNTY OF VENTURA,
Respondent.**

CALIFORNIA STATE DEPARTMENT

OF SOCIAL SERVICES, et al.,**Real Parties in Interest.**

2d Civil Nos. B021106 and B012398
 Super. Ct. Nos. CA000974 and 85166
 California Court of Appeal
 Second Appellate District
 Division Six
 Filed July 1, 1987

We consider in these consolidated cases whether California law requires the California Department of Social Services (hereafter referred to as "DSS") to provide assistance to homeless recipients of Aid to Families with Dependent Children (AFDC). We find that DSS regulation which limits "emergency shelter care" to children "who must be immediately removed from [their] homes," to be contrary to the plain meaning of Welfare and Institutions Code sections 16501(c) and 16001.1.¹

A. Procedural Background**1. Montes v. Superior Court**

On September 24, 1984, Salvador Montes and Joseph McCarthy (hereinafter referred to as "petitioners") filed a taxpayers' mandamus action in Ventura County seeking to compel DSS and its director to assist homeless AFDC families.

On February 1, 1985 petitioners moved for summary adjudication. The motion was denied on March 28, 1985. The trial court ruled that the statutes governing the AFDC program do not compel DSS to extend assistance in finding housing to homeless AFDC recipients. It further determined the Legislature to be the appropriate forum in which to address the issues tendered by petitioners. The court held that petitioners lacked standing to seek relief, inasmuch as it had not been alleged that any of them were, in fact, homeless.²

A petition for a writ of mandate from this court was summarily denied on April 30, 1985. On July 11, 1985, the Supreme Court granted a petition for review and ordered the matter transferred to this court with directions that we issue an alternative writ.

2. Hansen v. McMahan

Plaintiffs (hereinafter also referred to as "petitioners") filed a class action in Los Angeles County on behalf of families who are homeless, or who are imminently threatened with homelessness, to compel DSS to provide emergency shelter or other child welfare services to homeless families receiving AFDC.

On May 12 1986, the trial court decided that petitioners were likely to succeed in ultimately obtaining an injunction, and that a balancing of equities justified the issuance of a preliminary injunction. (Code Civ. Proc., §§ 526, 527.) DSS was prohibited by the injunction from denying the provision of emergency shelter care "so as to exclude homeless children regardless of whether homeless children remain with their parent(s), guardian(s), or caretaker(s)." DSS has appealed this ruling.³

B. A Brief Overview of the AFDC Program.

Before undertaking an analysis of the arguments tendered by the parties a summary of the AFDC program is in order. The AFDC program was established by the Federal Social Security Act (42 USC § 601 et seq.) in order to provide financial assistance to needy families with minors. (Green v. Obledo, supra, 29 Cal.3d at p. 131.) The State of California voluntarily participates in the federal-state compact that provides funding for social service programs to low income families. (City and County of San Francisco v. Thompson (1985) 172 Cal.App.3d 652, 656.) States that participate in this compact are vested with broad discretion to determine the disbursement of AFDC funds. (King v. Smith (1968) 392 U.S. 309, 318-319.)

A family's need for public assistance may arise as a result of any number of causes, such as the death, unemployment, desertion, or incapacity of a parent. (§ 11250.) A "flat grant" of welfare

is paid monthly to each needy family. (§ 11450.) The schedule of payments set forth in section 11450 is based upon a legislative determination of the minimum amount of money necessary to sustain the basic needs of a family. (Cooper v. Swoap (1974) 11 Cal.3d 856 861-862; Garcia v. Woods (1980) 103 Cal.App.3d 702, 720.) The maximum amount of the payments varies "according to the number of eligible needy persons in the same house." (Conover v. Hall (1974) 11 Cal.3d 842, 847.) It is the intent of the AFDC program to provide sufficient funds to allow the recipient to secure "[s]afe, healthful housing." (§ 11452(1).)

In 1961 the federal government began providing funds to assist the states in protecting abused and neglected children. (42 U.S.C. § 606(a)(1); Miller v. Youakim (1979) 440 U.S. 125, 126-128.) In ensuing years, there was a growing concern that the expenditure of these funds was resulting in the warehousing of children in foster homes and in the break-up of families. (Smith v. Organization of Foster Families (1977) 431 U.S. 816, 824-825; In re Jeremy S.C. (1980) 109 Cal.App.3d 384, 393; Wald, "State Intervention on Behalf of 'Neglected' Children: A Search for Realistic Standards" (1975) 27 Stan.L.Rev. 985, 994-995 (hereinafter referred to as Wald I).)

In an effort to reverse this trend, Public Law 96-272 (Adoption Assistance and Child Welfare Act of 1980) amended the Social Security Act. (See 42 U.S.C., §§ 622, 625(a)(1), 671, 672.) Public Law 96-272 requires that a participating state provide "child welfare services," with the purpose of fulfilling the following objectives: "... (A) protecting and promoting the welfare of all children, including ... homeless ... children; (B) preventing or remedying or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible. ..." (42 U.S.C. § 625.)⁴ Such wording makes evident Congressional recognition of the inseparability of child well-being from the preservation of the family unit. It further recognizes that its objectives can best be accomplished by providing, whenever feasible, such child welfare services that further and preserve the integrity of the family and that such services be rendered "to prevent or eliminate the need for removal of the child from his home. ..." (42 U.S.C. § 671(15)(A); see also 42 U.S.C. § 625(a)(1)(C).)

In 1982, the California Legislature enacted Senate Bill 14. The purpose of this measure is to bring California's child welfare laws into conformance with the philosophy of Public Law 96-272. (2 Cal. Juvenile Court Practice, Cont. Ed. Bar Supp (1986) § 15.3, p. 3.) DSS is mandated by this law to provide "social services which are directed toward the accomplishment of the following purposes: (a) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (b) preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of the children; (c) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of removal is desirable and possible: ... Child welfare services may include, but are not limited to: ... emergency shelter care ..." (§ 16501.)

Child welfare services consists of three components: Preplacement Preventive Services (§ 16501.1); Family Reunification Program (§ 16501.2); and Permanent Placement (§ 16501.3). Preplacement Preventive Services are "designed to help children remain with their families by preventing the need for removal." This component contains two subparts, the first of which, the Emergency Response Program, provides: "... intake services and crisis intervention to maintain the child safely in his or her own home or to protect the safety of the child." (§ 16501.1(a).) The second com-

ponent, the Family Maintenance Program. "... is designed to provide time-limited protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families." (§16501.1(b).)

The Family Reunification Program is intended to provide social services "... when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family." (§ 16501.2.)

The purpose of the Permanent Placement Program is to provide "an alternative permanent family structure for children who because of abuse, neglect, or exploitation cannot safely remain at home and who are unlikely ever to return home." (§ 16501.3.)

Emergency shelter care is made available under all three components of the Child Welfare Act. (§§ 16504.1; 16506.1; 16507.1; and 16508.1.)

C. The Legislative Intent of Term "Emergency Shelter Care" as Contained in Welfare & Institutions Code Section 16500 et seq.

Section 16504.1 directs DSS to provide services to children in the form of "emergency shelter care." DSS provides such care to homeless children. However, DSS asserts that section 16504.1 does not require it to assist homeless AFDC families to obtain housing. The position of DSS is that destitute families who are homeless, but intact, are not entitled to any sum, beyond the amount of their monthly AFDC grant, to be used to secure safe and adequate shelter. In other words, homeless children are eligible to receive emergency shelter care, provided that such children have been, or are in the process of being removed from their homes.

DSS operates its child welfare service program under the assumption that it is the intent of the Legislature that "emergency shelter care," as mentioned in section 16504.1, be solely provided to a neglected or abused child during the period that the child is initially removed from his or her home for the purpose of evaluating the need for state intervention and protection. This position is reflected in the DSS regulations which provide that "emergency shelter care" be limited to a child "who must be immediately removed from his/her home." (Manual of Policies and Procedures § 30-002(z)(3).)

Petitioners contend that DSS' regulations have added an eligibility requirement that is not contained within the language of section 16504.1. They assert that the plain meaning of the statute is that "emergency shelter care" shall be provided to all homeless children, whether or not separated from their families.

In weighing these respective arguments, we start with the precept that laws governing welfare programs are to be "liberally interpreted and actively enforced." (Robbins v. Superior Court (1985) 38 Cal.3d 199, 208.) Section § 11000 states that laws "relating to public assistance programs shall be fairly and equitably construed to effect the stated objects and purposes of the program." (See also, Mooney v. Pickett (1971) 4 Cal.3d 669, 67, fn. 8.) Section 11004 directs that public social service agencies administer aid, "... with due consideration for the needs of applicants . . ." Thus the term "emergency shelter care," accorded its broad meaning, requires DSS to provide such care to homeless AFDC families.

DSS is unable to cite legislative history or other indicia which suggest that the legislature did not intend to provide emergency shelter care to homeless families. DSS calls our attention to the fact that child welfare services are available to families regardless of wealth. (§§ 16504, 16506.) Thus, an abused child of affluent parents is entitled to protection afforded under this act. From this, DSS deduces that providing benefits to homeless families makes no sense, citing as its supporting example an hypothetical family which has been evicted from its home, but which has, nevertheless, the sum of \$5,000 in the bank and an income of \$2,000 per month.

It is in no way apparent how, in actual practice, an hypothetical

family of such financial means may be deemed to be in such economic straits as to present an "emergency situation." Even under the most tortured of logic, such a family would fail to qualify for emergency shelter under the act.

DSS also defends its regulation upon the theory that there is statutory language which indicates that the Legislature did not intend DSS to provide emergency shelter care to homeless families. Specifically, DSS alludes to the fact that emergency shelter care is available under two other components of the Child Welfare Services Program: Family Reunification (§ 16507.1) and Permanent Placement. (§ 16508.1.) Both of these components come into play after the child has been removed from his or her parents. It postulates that, where the same phrase is used more than once in a statutory scheme, it must be given the same meaning throughout. (Alhambra Consol. Mines, Inc. v. Alhambra Shumway Mines, Inc. (1966) 239 Cal.App.2d 590, 595.) Thus, DSS deduces in order for the term "emergency shelter care," as set forth in section 16506.1, to have the same meaning throughout the scheme, the Legislature must have intended that emergency care be provided at the time that initial intake and crisis intervention occurs.

We are not persuaded by the DSS argument. Social services provided through the operation of the Family Reunification and Permanent Placement programs are expressly limited to children "who cannot safely remain at home." There is no such limitation contained in the statutory language governing the Preplacement Preventive Services component. "When a statute on a particular subject omits a particular provision, the inclusion of such a provision in another statute concerning a related matter indicates an intent that the provision is not applicable to the statute from which it was omitted." (Marsh v. Edwards Theaters Circuit, Inc. (1976) 64 Cal.App.3d 881, 891.) We conclude that the Legislature's failure to include similar limitation upon homeless children who are at risk, but still residing with their parents, is a manifestation of its intent that all children be intended beneficiaries of emergency shelter care.

"Statutes relating to the same subject must, wherever possible, be reconciled in order to retain their force." (Mark Edward F. v. Superior Court (1987) 189 Cal.App.3d 206, 211. The DSS analysis fails to consider legislative intent manifest in the Child Welfare Services Act as well as California's overall legislative scheme governing the welfare of the youth of this state.

As stated, one of the purposes of the enactment of the Child Welfare Services Act is to ensure that as few children as possible be ensnared in the foster care network. It is recognized by Congress that this goal may be best accomplished by providing, whenever feasible, child welfare services appropriate to the family, and that such services be rendered "to prevent or eliminate the need for removal of the child from his home . . ." (42 U.S.C. § 671(15)(A); see also 42 U.S.C. § 625(a)(1)(C).)

It is widely recognized that children have strong emotional ties to even the "worst" of parents. (Goldstein, Freud & Solnit: Beyond the Best Interest of the Child (1973) at pp. 19-20; Kay & Phillips, "Poverty and the Law of Child Custody" (1966) 54 Cal.L.Rev. 717.) "Continuity of relationships is extremely important to children. [Fn. omitted.] Removing a child from his family may cause serious psychological damage — damage even more serious than the harm intervention is supposed to prevent. [Fn. omitted.]" (Wald I, supra, 27 Stan.L.Rev. at p. 994.)

Judicial intervention into the integrity of the family is neither a desirable nor a recommended disposition. (§ 396; In re Marriage of Mentry (1983) 142 Cal.App.3d 260, 270; In re Jeremy S. C. (1980) 109 Cal.App.3d 384, 393.) "It is now the prevailing ethic among child care experts that foster care has been overused as a means of protecting children. [Fn. omitted.] Although still widely used, foster care is considered generally to be a worse alternative than leaving a child in the home . . ." (Wald). "State Intervention on Behalf

of 'Neglected Children': Standards for Removal of Children from Their Homes Monitoring the Status of Children in Foster Care, and Termination of Parental Rights" (1976) 28 Stan. L. Rev. 625, 644-645.

It is the purpose of the Juvenile Court Act that the bond between a minor and his or her family be "preserved and strengthened" (§ 202) through the provision of appropriate services. (§ 307(a).) "The legislative scheme contemplates immediate and intensive support services to reunify a family where a dependency disposition removes a child from parental custody." (In re John B. (1984) 159 Cal.App.3d 268, 274; see also section 361(b); California Rules of Court, rule 1377(c).)

The preservation of the family unit is also an objective which courses throughout the body of California's laws governing the AFDC program. It is the often expressed intent of the Legislature that all reasonable efforts be made to prevent the unnecessary separation of children from their parents. "From the outset AFDC has sought to provide for the financial needs of families with dependent children so that the children may remain in their home [sic]. [Citation.]" (Vaessen v. Woods (1984) 35 Cal.3d 749 755.) The Legislature has recognized that "... the family unit is of fundamental importance to society in nurturing its members, passing on values, averting potential social problems, and in providing the secure structure in which citizens live out their lives Each family has the right and responsibility to provide sufficient support and protection of its children, to raise them according to its values and to provide every opportunity for educational and social progress." (§ 11205.)

Section 10000 provides, in part, that the purpose of those laws governing the operation of public assistance programs "... is to provide for protection, care, and assistance to the people of this state in need thereof, and to promote the welfare and happiness of all of the people of the state by providing appropriate aid and services to all of its needy and distressed. It is the legislative intent that aid shall be administered and services provided promptly and humanely, with due regard for the preservation of family life"

The DSS regulation under review is subversive of these goals, in that its application has the actual potential of needlessly forcing homeless AFDC families into the clutches of child dependency proceedings, and thereby effecting the distintegration of families. For example, in order for its children to secure shelter, the homeless family is forced under present DSS regulations to choose between either remaining homeless with family members together, or the placing of its children in foster care with the attendant risk of permanent alienation of the child from his or her family. (E.g., see In re Cheryl E. (1984) 161 Cal.App.3d 587, 594-595.)⁵ In other instances, a family that is unable to secure "a home or suitable place of abode" runs the risk of having its children made subject to the jurisdiction of the juvenile court and, in many cases, of their being placed in foster care. (§ 300(b); In re Jack H. (1980) 106 Cal.App.3d 257, 266.)⁶

The plight of the homeless AFDC family often considerably worsens once their children are removed to foster care in that the loss of AFDC eligibility follows the loss of custody. In the absence of appropriate assistance, parents in these circumstances become even less able to afford adequate housing than they were prior to the loss of their children. Consequently, what is intended to be temporary foster care due to the family's inability to secure housing, has been known to result in the permanent separation of parent from child.

We find that the objective sought to be achieved by section 16504.1 is that of promoting the preservation and protection of the family unit. It is obvious that a regulation that requires the removal of a child from his or her family in order to interpose social services with the ostensible purpose of providing shelter for such child, contradicts and subverts the primary purpose of our child welfare

laws.

DSS notes that family maintenance services are available in situations in which the child may remain in his or her "own home." (§ 16504.) It asserts that the language of this section suggests that the Legislature intended the statutes to apply in those instances in which the parents are able to provide shelter.

Under section 16501.1, preplacement welfare services are intended to "maintain the child safely in his or her own home, or to protect the safety of the child." There is no question that a homeless AFDC child is in perilous circumstances.

In winter, a homeless child may be exposed to the elements. The temporary quarters of the homeless family may, in all likelihood, lack adequate sanitation facilities, and thereby expose a child to disease and pestilence.⁷ For want of a stable home environment, a homeless child becomes a likely candidate for emotional trauma.⁸ Homelessness makes it difficult for a child to attend school on a regular basis, if at all. (E.g., see Delgado v. Freeport Public School Dist. (1986) 499 N.Y.S.2d 606, 131 Misc. 2d 102.)⁹ It is, therefore, our conclusion that child welfare services are to be provided in all instances in which it is reasonable to anticipate that the safety and well-being of the child is at risk, and that such services are to be provided without regard to whether the child has, or lacks, shelter.

D. Related Statutes Governing the Provision of Emergency Shelter to Children Demonstrates Legislative Concern that Emergency Shelter be Provided to Homeless Families.

The enactment of the Child Welfare Services Act must not be viewed as an isolated attempt by the California Legislature to enact a body of laws to protect homeless families. Our Legislature has a long history of enacting laws designed to insure that low income families are provided the opportunity to dwell in housing units which are both safe and adequate. It must be assumed that the Legislature was fully aware of these statutes at the time that it enacted the Child Welfare Act, and that the Legislature intended to maintain a consistent body of laws. (Fuentes v. Workers' Compensation Appeals Bd. (1976) 16 Cal.3d 1, 8.)

The problem of homelessness is hardly a recent phenomenon. (See Malone, Homelessness in a Modern Urban Setting, 10 Fordham Urb.L.J. 749, 750, n. 4 (1982).) In California, our Legislature initially confronted the problem of homelessness during the New Deal era. In 1938, it enacted the Housing Authorities Law in an effort to provide safe housing for low-income individuals and families. (2 Deering's Gen. Laws Supp., Act 3483; repealed 1951.) The law was promptly attacked as being an illegal expenditure of public funds. The Supreme Court, in rejecting this challenge, made the following observation: "... [I]t is our view, and we are satisfied that both reason and authority support us, that the proposed elimination of slums and the erection of safe and sanitary low-rent dwelling units for persons of the prescribed restricted income will do much to advance the public welfare and to protect the public safety and morals and are in fact and law public purposes." (The Housing Authority v. Dockweiler (1939) 14 Cal.2d 437, 450.)

In 1970, the Legislature again expressed its concern that the housing needs of low-income families were not being met. The Legislature found that "... there continues to exist throughout the state a seriously inadequate supply of safe and sanitary dwelling accommodations for persons and families of low income. This condition is contrary to the public interest and threatens the health, safety, welfare, comfort and security of the people of this state." (§ 3325.) see also Henriouille v. Marin Ventures Inc. (1978) 20 Cal.3d 512, 519.) It declared the federal policy (as set forth in 42 U.S.C., § 1441), of "... a decent home and a suitable living environment for every American family,..." to be a "priority of the highest order." (Health & Saf. Code, § 50002; see also former Health & Saf. Code, §§ 37120 et seq., 42000, 41003, 41002, and 44104.)

With the intensification of social problems attending inadequate housing for families came the heightened concern of this state's lawmakers, as reflected in subsequent legislation. In 1977, it was declared that "... there exists within the rural and urban areas of the state a serious shortage of decent, safe, and sanitary housing which persons and families of low or moderate income, including the elderly and handicapped, can afford." (Health & Saf. Code, § 50003.) The Legislature stated that it was a "... public purpose to encourage the availability of adequate housing and home finance for persons and families of low or moderate income..." (Health & Saf. Code, § 50004; see also *Knight v. Halsthammar* (1981) 29 Cal.3d 46, 53, fn. 3.)

Government Code section 65580, enacted in 1980, declares: "The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order." California Administrative Code, section 6438, title 25, implementing Government Code section 65580 requires that county and cities examine the housing needs of large families, minority households, the elderly, and the handicapped.

Legislative concern notwithstanding the plight of low and moderate income families in locating housing came to be of epidemic proportion as the decade of the 1970 drew to a close. (See, *Marina Point, Ltd. v. Wolfson* (1982) 30 Cal.3d 721,743.)¹⁰ In 1980, the Legislature found to exist a "... severe shortage of affordable housing, especially for persons and families of low and moderate income..." (Gov. Code, § 65913.)

In 1984, the Legislature made the determination that, "... because of economic, physical, and mental conditions that are beyond their control, thousands of individuals and families in California are homeless. Churches, local governments, and non-profit organizations providing assistance to the homeless have been overwhelmed by a new class of homeless: families with children..." (Stats. 1984, ch. 1691.) The shortage of housing was found to be "inimical to the health, safety, and welfare of the residents of this state and sound growth of its communities." (Health & Saf. Code, § 50003.3.) The Legislature concluded it to be of "vital statewide importance" that an emergency fund be created to supplement temporary shelter programs for homeless families. (Id.; see also Health & Saf. Code, § 50001(b).)¹¹ It declared that, in order to remedy the problem, it is necessary to make the "[m]aximum utilization of state, local, and federal subsidies available to meet the emergency shelter needs of the homeless." (Health & Saf. Code, § 50003.3(b).)

The use of the Child Welfare Services program to help homeless AFDC families to obtain decent emergency shelter is appropriate under state and federal law. Such action is in keeping with the notion that our welfare programs humanely provide for the needs of families with dependent children. (§ 10000; *Robbins v. Superior Court*, supra, 39 Cal.3d at pp. 208-209)

It has been estimated that there are approximately between two and three million homeless individuals in this nation. (*Clark v. Community for Creative Nonviolence* (1984) (Marshall dissenting) 468 U.S. 288; 104 S. Ct. 3065; [82 L. Ed 2d 221, 233, fn. 4]; *New York Times*, May 2, 1984, at p. 1) A recent study conducted by the United States Conference of Mayors reported that 28 percent of the homeless are families with children. (*The Continued Growth of Hunger, Homelessness, and Poverty in America's Cities*: (1986) p. 2.) "By far, the most significant change in the cities' homeless population has been in the number of families with children, with four out of five of the survey cities reporting that the number of families seeking emergency shelter has grown. In seventy-two percent of the cities, families comprise the largest group for whom emergency shelter and other needed services are particularly lacking." (Id..)

CONCLUSION

We conclude that, in view of the Legislature's repeated manifestation of concern for the dire shortage of housing for low-income families, "emergency shelter," as stated in section 16504.1, must be given a broad meaning. DSS' narrow interpretation of this provision would render meaningless a major component of this state's program of child welfare services.

Our society can ill-afford to ignore the alarming plight of our homeless population. (*Collier v. Menzel* (1985) 176 Cal.App.3d 24, 36.) This admonition is especially true with respect to the needs of homeless children. "An administration of the welfare program that discards statutory mandate to reduce relief to the indigent young cannot be sustained. A society that sacrifices the health and well-being of its young upon the false altar of economy endangers its own future, and, indeed, its own survival." (*Cooper v. Swoap* (1974) 11 Cal.3d 856, 872-873.) The California Legislature has enacted a body of law designed to render assistance to homeless families. It is our obligation as a court to ensure that these measures be actively and humanely enforced. (*Cooper v. Swoap*, supra, 11 Cal.2d at p. 864) DSS must act not only in a manner consistent with the intent and purpose of this legislation, but must act with the reasonable understanding of the practical demands of the circumstances with which individual homeless families are faced.

DSS' interpretation of section 16504.1 not only flies in the face of the provision's clear language. (*Lister v. Superior Court* (1979) 98 Cal.App.3d 64), it also runs counter to the objective of federal and state child welfare services legislation that social services be provided in such manner as to prevent the unnecessary separation of children from their families. (42 U.S.C. §§ 625(a)(1)(c); 671(5)(A), 16501.1(b).) Moreover, DSS' interpretation disregards the legislative directive that the provisions of our welfare laws be liberally construed to "effect the stated objects and purposes of the program." (§ 11000.)

In *Hansen v. California State Department of Social Services*, case number B021106, we find the trial court's order, enjoining DSS from defining emergency shelter care "so as to exclude homeless children, regardless of whether homeless children remain with their parent(s), guardian(s), or caretaker(s)," to be consistent with the Legislature's clear and express statewide policy to meet, when reasonably possible, the housing needs of low-income families. The order granting the preliminary injunction is affirmed.

In *Montes v. Superior Court*, case number B012398, let a writ of mandate issue directing respondent superior court to set aside its order denying the motion for summary judgment and to reconsider said motion according to the views expressed in this opinion.¹²

ABBE, J.

We concur:

STONE, P. J.
GILBERT, J.

1. Unless otherwise noted, all further statutory references are to the Welfare & Institutions Code.

2. The court's determination as to the question of standing was incorrect. Petitioners, as taxpayers need not be homeless in order to have standing to bring the present action. "... (W)here the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the relator need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced" (Citation.) (*Green v. Obledo* (1981) 29 Cal.3d 126 144.)

Moreover, petitioners have standing as taxpayers to obtain a declaratory judgment concerning the nature and extent of DSS' duty to assist homeless AFDC families. (*Van Atta v. Seest* (1980) 27 Cal.3d 424, 449-450.) Declaratory relief may be granted where the complaint states sufficient facts to support such relief, even though the pleader did not seek such relief in his complaint. (Code Civ. Procedure §§ 580, 1060; *Bank of America Etc. Assn. v. Gillett* (1940) 36 Cal.App.2d 453, 455; 5 Witkin, Cal. Procedure (3d ed. 1985) Pleading, § 804; see also *Minor v. Minor* (1960) 184 Cal.App.2d 118, 127.)

3. DSS does not seek appellate review of the question of whether the petitioners have made a requisite showing of (1) a balancing of equities favoring the preliminary injunction and (2) the risk of irreparable injury. (See *Continental Baking Co. v. Katz* (1968) 68 Cal.2d 512, 527.) Accordingly, our inquiry will be limited to the question of whether the trial court abused its discretion in finding there to be a strong likelihood of success on the merits of the petitioners' claims. (Id. at pp. 527-528.) This determination necessitates an analysis of relevant law. (*City of Torrance v. Transitional Living Centers for Los Angeles, Inc.* (1982) 30 Cal.3d 516.)

4. Under 42 United States Code section 606(e)(1) and the implementing federal regulation (45 C.F.R. § 233.120(a)(4)), federal funding may be used by the state to supply emergency shelter to homeless families with needy children. (*Koster v. Webb* (E.D.N.Y. 1983) 598 F.Supp. 1134, 1137.)

5. The above illustration is neither unique nor hypothetical. One such example is that of the indigent mother of Cheryl E., who signed a relinquishment for adoption form due, in large part, to her inability to secure adequate shelter for her infant daughter. (Id. 161 Cal.App.3d at p. 595.) Two plaintiffs in the Hansen case filed declarations in support of their application for a preliminary injunction, stating that they gave up custody of their children in order to obtain shelter for them.

6. Two of the plaintiffs in the Hansen case filed declarations stating that the county initiated child neglect proceedings to remove their children as of result of their inability to secure adequate housing.

7. The Legislature has declared that "Unsanitary, unsafe, overcrowded, or congested dwelling accommodations or lack of decent housing constitute conditions which cause an increase in, and spread of, disease and crime." (Health & Saf. Code § 50001(b). Emphasis added.) Declarations filed by the plaintiffs give first-hand accounts of the harmful effects of homelessness upon the physical health of children. The homelessness of children reportedly contribute to a high incidence of problems such as upper respiratory infections, lice, scabies, skin infections, and gastrointestinal ailments.

8. Some of the plaintiffs in Hansen presented the trial court with the declaration of Doctor Ellen L. Bassuk, an Associate professor of psychiatry at the Harvard Medical School. Doctor Bassuk stated that she had recently completed a study of psychological consequences of homelessness upon 151 children. She reportedly discovered that homeless children were significantly more developmentally retarded than comparable children from the middle and lower classes. Doctor Bassuk concluded that homeless "children manifest symptoms of dire psychological distress. The most common symptoms are associated with severe anxiety and depression. Moreover, a greatly disproportionate number of homeless children are failing to develop normally in several important ways."

9. Doctor Bassuk's declaration states that 43 percent of the children that she studied had repeated a grade, and that 25 percent of the children were enrolled in special classes.

10. We are reminded of an observation made by Will Rogers during the Depression: "Last year we said: 'Things can't go on like this.' And they didn't — they got worse." (Sterling, *The Best of Will Rogers* (1979) at p. 95.)

11. Health and Safety Code section 50001 provides: "The Legislature finds and declares that the subject of housing is of vital statewide importance to the health, safety, and welfare of the residents of this state, for the following reasons: [*] (a) Decent housing is an essential motivating force in helping people achieve self-fulfillment in a free and democratic society. [*] (b) Unsanitary unsafe, overcrowded, or congested dwelling accommodations or lack of decent housing constitute conditions which cause an increase in, and spread of, disease and crime. [*] (c) A healthy housing market is one in which residents of this state have a choice of housing opportunities and one in which the housing consumer may effectively choose within the free marketplace. [*] (d) A healthy housing market is necessary both to achieve a healthy state economy and to avoid an unacceptable level of unemployment."

12. In light of our ruling, we need not reach the remaining statutory and constitutional arguments raised in *Montes*. (*Harri v. McRae* (1980) 448 U.S. 297, 306-307.)

Norman R. Dowds, Judge

Superior Court County of Los Angeles

John Van de Kamp, Attorney General, Charlton G. Holland, Assistant Attorney General; Ann S. Pressman, Supervising Deputy Attorney General; Barbara M. Motz, Deputy Attorney General, for Defendants and Appellants.

Melinda R. Bird, Robert D. Newman, Richard A. Rothschild, Western Center On Law & Poverty; Gary L. Blasi, Michael I. Bodaken, Byron J. Gross, Patricia Nagler, Legal Aid Foundation of Los Angeles; Yvonne Mariajimez, San Fernando Valley Neighborhood Legal Services; Colleen Fahey Fearn, Legal Aid Society of San Diego; Katherine E. Meiss, Edward Barnes, Legal Aid Society of Alameda County; Tamara Dahn, Legal Services of Northern California; Anita Evans, Joel Harter, Thomas Pulliam, San Francisco Neighborhood Legal Assistance Foundation; Deborah Dorman, Abby Lassen, Kirk Ah Tye, Channel Counties Legal Services; Elizabeth Arnold, Contra Costa Legal Services

Foundation; Nancy Mintie, Inner City Law Center, for plaintiffs and Respondents.

E
J