

# California

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## Foster Care Policy Unfair, Groups Say

By Alexa Hyland  
Daily Journal Staff Writer

Three nonprofit advocacy groups are claiming the California Department of Social Services' policy requiring foster children to show whether they will complete their high school education by age 19 violates the Americans with Disabilities Act and state anti-disability laws.

The Public Interest Law Project of Oakland, Youth Law Center in San Francisco and Western Center on Law and Poverty in Los Angeles filed a lawsuit Wednesday in San Francisco Superior Court *Leonard v. Wagner*, CPF07507449 (S.F. Super. Ct., filed July 25, 2007).

In the suit, the Bay Area Youth Centers' executive director, Joshua Leonard, claims the department's education-completion rule unjustly denies disabled foster children funding, which is cut off at age 18 when children cannot show they will graduate by their 19th birthday.

"We are asking that the foster youth with disabilities be able stay in foster care until 19," said Corene Kendrick, a Youth Law Center staff attorney.

The Department of Social Services' deputy director of public affairs, Shirley Washington, said the department is reviewing the pleadings.

Under California's Aid to Families with Dependent Children,

Foster Care, foster children receive financial support until they turn 19. A stipulation in the policy, the completion rule, requires a school or educational program to certify that the child is expected to graduate by age 19.

The Bay Area Youth Centers, a nonprofit that supports children with mental-health problems, claims it cannot support a child once federal funding is cut off, and therefore loses one additional year to plan for a child's transition into adulthood.

Leonard also claims the rule unjustly denies foster children with disabilities federal funding because they cannot be expected to complete their education within the same timeframe as non-disabled children, thereby violating the Americans with Disabilities Act.

The act specifies that anyone with a disability cannot be denied the benefits of public-agency programs, and requires an agency to modify its programs to avoid discrimination on the basis of a disability.

The lawsuit is not the first to challenge an education-completion requirement stipulated by a state agency.

In 2002, the state Court of Appeal held that the California Work Opportunity and Responsibility to Kids' school-completion rule violated federal disability laws because the rule was not an essen-

tial eligibility requirement. *Fry v. Saenz*, 98 Cal App. 4th 256 (Cal Ct App 3d 2002).

The latest suit alleges that the department has refused to apply the analysis in the *Fry* case to its foster care aid program.

Following the state Court of Appeal's decision, advocacy groups attempted to persuade the department to change its policy.

"We sent a letter to the state in 2004 and talked to them about the policy," Kendrick said. "We also contacted the department and discussed the issue, but they were unable to implement a change that we requested for financial reasons."

The state department does not track the number of disabled foster children denied funding because of the education requirement, Kendrick said. But, the agency does record the number of children emancipated from foster care each year — 4,000.

## Funds From Pretexting Will Buy Equipment

SACRAMENTO — Some of the \$13.5 million the state got in the settlement of its pretexting suit against Hewlett-Packard will be going soon to district attorneys in Southern California to fight identity theft, Attorney General Jerry Brown announced Thursday.

Disbursements of \$178,000, the first payments from the Privacy and Piracy Fund established in the wake of the settlement, will be sent to prosecutors in Los Angeles, Orange and San Diego counties, he said.

The money will be used to buy equipment such as technology for forensic computer analysis, to help evaluate evidence from identity-theft investigations, Brown said.

## San Diego Parishioners Ask Bankruptcy Judge to Intervene

By Allison Hoffman  
Associated Press

SAN DIEGO — A parishioners' group claiming to represent more than 1 million Catholics asked a federal bankruptcy judge Thursday to prevent churches, schools

Attorneys representing more than 140 plaintiffs, who are seeking a settlement of about \$200 million, have sued the diocese in bankruptcy court for allegedly shielding land and other holdings worth millions through transfers to parishes and schools.