

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

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Scarlet Daugherty, et al., :
Plaintiffs, : Case No. 92-1206
v. : Judge Kilpatrick
Terry A. Wallace, et al., :
Defendants. :

BRIEF OF AMICUS CURIAE, THE OHIO CHAPTER
OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS
IN SUPPORT OF PRELIMINARY INJUNCTIVE RELIEF

Introduction and Interest of Amicus

The Ohio Chapter of the National Association of Social Workers (Ohio NASW) seeks leave to provide Amicus Curiae support for the injunctive relief sought by the plaintiffs. The Association's interest in the case derives from its members' personal and professional commitment to social work ethics and philosophy.

Ohio NASW is one of fifty-five chapters of the National Association of Social Workers. The 137,000 members of the Association (more than 5,000 affiliated with the Ohio Chapter) focus on social work practice and knowledge, professional standards and social policy. Members adhere to a Code of Ethics which sets the standard of conduct for individual social workers and are firmly committed to the humanitarian ideals and values of the social work profession.

The NASW Code of Ethics directs each members' ethical responsibility to society and in particular, the most vulnerable sectors of the population. Among this group are the recipients of General Assistance, whose benefit reductions and eventual elimination of support, imperil 90,000 Ohioans.

Devoted to the empowerment of people, social workers are committed to assisting the individual in his or her situation. Social workers hear and see firsthand the drama of the private terror and the depletion of families by domestic violence, chemical dependence, insufficient education and hopelessness, which are the direct results of poverty. The current status of Ohioans in poverty must be addressed, and concentrating on the estimated 90,000 recipients of General Assistance, whose safety has been jeopardized by the removal of minimum state assistance, is a social work priority.

Discussion

The important constitutional issues before this Court must not be decided in a vacuum. Moral principles underlie every legal precedent. As a result, a sense of justice should accompany every legal determination. In this case, the parties have briefed the legal precedent. The Ohio NASW now asks the Court to focus on the ethics and policy corresponding to the legal issues.

Central to the issues in this case is the right of all Ohioans to obtain a sense of safety and security. Jobs and income, of course, form the foundation for community well-being

and are the cornerstones for quality and safety in our lives. Unfortunately, circumstances play a key factor in who is poor. In some cases, working is an impossible or an improbable alternative to poverty. There are numerous barriers and discrimination to full-time employment and statistics refute the popular belief that the General Assistance recipient is a young able-bodied male who is not willing to work.

For example, Cuyahoga County Department of Human Services reports that recipients include women, ages 45-59 who have few marketable skills. Now widowed, divorced, deserted and abandoned by their families, these women were once dependent on another person for income. Other Ohioans receiving General Assistance have chronic physical and or mental problems that create barriers to securing and retaining jobs, but those conditions are not serious enough to establish eligibility for disability payments. Such conditions include sickle cell anemia, chronic depression, alcoholism and addiction, hypertension and seizures. Adults who care for other people's children and many children themselves who fall between the gaps of AFDC eligibility also receive G.A. Finally, there are the individuals considered "hard-core" unemployable with lower IQs or learning disabilities. Many are illiterate and lack marketable skills and would not be offered employment during these tough economic times. When a large segment of the community like this hurts, everyone is affected. As Ohioans, we must understand that it in the best interest of all to reduce the economic inequalities throughout our state.

Another myth is that the discontinuing of General Assistance payments to 90,000 people will balance the state of Ohio's budget. This simply is not true. Nor will it see 90,000 new workers gainfully employed to boost Ohio's economy through increased tax revenues and retail consumption. Instead, the elimination of this meager aid to individuals will see some creative adaptations to the environment by some who are more strong and more determined to survive the hostile environment and the swifter demise of those who are weaker or who have smaller or no support systems to battle the dangers of having no income, shelter or health care.

Our current economic situation has seen an increase in competition and lack of opportunities throughout all levels of employment. Many working people are unable to become self-sufficient and depend upon voluntary support systems and family members to remain independent of government assistance. Living a crisis or a few paychecks from becoming a "welfare statistic" themselves, job security is at a premium. Understanding that individuals who are employed are struggling, how can a General Assistance recipient be expected to become economically independent of all public assistance when a majority of the working poor are receiving assistance of another kind?

As social workers toil with other advocates to bridge the ever-growing gap between the rich and poor, we ask the Court to

consider the approach that lawmakers and the bureaucracy have traditionally taken toward poverty. Believing that the welfare system is an investment in human lives, Ohio NASW recommends that the Court consider the structural and economic causes of poverty and implement changes in public policy to address this problem. The Court also should factor into its deliberations the principle of "need and deserve." This phrase was aptly coined late last year by the Cleveland City Council in a resolution emphasizing government's responsibility to promote the common welfare of citizens. Citing that General Assistance recipients unable to work "need and deserve" assistance and that recipients able to work "need and deserve" earned income from a job, the resolution reflects recognition of the same constitutional guarantees plaintiffs wish to preserve in this case.

In the short-run, reinstating benefits to the former recipients of General Assistance and the individuals who will continue to lose benefits due to the six-month eligibility requirement will provide a temporary solution while our government leaders seek a more comprehensive solution to the economic injustice wrought upon Ohio's poor -- one that is consistent with constitutional guarantees.

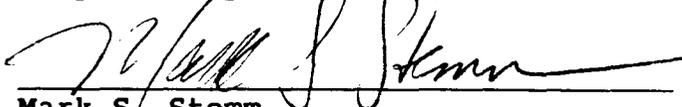
Conclusion

The index of social indicators has fallen to its lowest level in twenty years. The gap between the rich and the poor has hit an all time low. The General Assembly has only

exacerbated the problem by focusing on responding to a crisis instead of understanding the larger implications of our past inactivity. In the process, the legislature has lost sight of basic human rights guaranteed by the Ohio Constitution.

Plaintiff's request for injunction relief must be granted.

Respectfully submitted,



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CERTIFICATE OF SERVICE

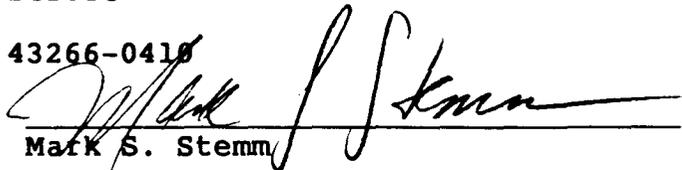
I hereby certify that a true and correct copy of the foregoing was served this 22nd day of April, 1992 upon:

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