



## **JUSTICE FOR WELFARE PARTICIPANTS** **By Natalie Hanlon-Leh and Maureen S. Farrell**

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Represented by a team of pro bono lawyers, welfare participants recently won their case against the State of Colorado and Adams County. *Weston v. Hammons* was a class action suit involving more than 900 families who, as a result of faulty notices, lost life sustaining benefits when they were improperly sanctioned or terminated from the Colorado Welfare program.

*Weston* involved constitutional and administrative due process claims. The challenged notices were vague and confusing, informing participants that they were being sanctioned because of their alleged failure to comply with work requirements, child support enforcement requirements, and/or child immunization requirements. Class members challenged the adequacy of these notices, claiming that they did not provide participants with specific information about what they had done wrong, or tell them how they could correct the problem, or appeal the decision.

The case is one of first impression. It has been the subject of national attention because it raises the issue of whether welfare benefits are considered an entitlement under the new welfare program. If participants are entitled to welfare benefits, then they are also entitled to due process of law when the state seeks to reduce or cut off those benefits.

As we reported in our last newsletter, this suit was filed against the State of Colorado, Adams County and the City and County of Denver. Denver settled in March 1999, and agreed to pay restitution to 1,100 families. To date over 600 families have been paid an average of \$1,100 each. The legal team tried the case against Adams County in late September 1999. Denver District Court Judge Larry Manzanares found for the plaintiff class on all claims and ordered Adams County to stop reducing or terminating welfare benefits until it developed new, improved notices. Adams County has appealed the ruling.

Post Trial Issues - Plaintiffs have objected to the new notice developed by Adams County saying that it does not appear to comply with general due process requirements established by Judge Manzanares' decision. It also appears that Adams County may not have reimbursed and/or reinstated all of the participants it should have under the Court's order. A Motion to Show Cause why Adams County should not be held in

contempt for failure to comply with the Order was filed recently. A hearing on that Motion will be scheduled.

Future Plans - Because of Colorado's unique "devolved" model of welfare reform, each county is currently responsible for developing its own notices to participants about problems with program compliance and sanctions. The case against Denver and Adams counties applies to those two counties only, and the litigation team now has begun to discuss how to resolve similar problems in other counties throughout the state.

CCLP also has learned that the State Department of Human Services plans to propose regulations which would essentially undo the judgment in the Weston case. A change in these rules may impact a much broader group than welfare participants, including beneficiaries of state-funded programs like the Old Age Pension and the Aid to Needy Disabled program. The litigation team will explain to the State Board of Human Services the adverse impact changing the regulations will have on the due process protections afforded to welfare participants.

Thanks to the Litigation Team

Members of the litigation team included: Tom Nichols, Kim Ghiselli, Barbara Blumenthal, Eric Fisher, Chris Beall, Steve Zansberg, and Natalie Hanlon-Leh. CCLP served, and continues to serve, as a consultant to the team and has also worked with individual plaintiffs.

CCLP appreciates the involvement of these attorneys and their firms for the fine work they continue to do on behalf of this vulnerable population which otherwise would not have been represented.

For additional information regarding Weston v. Hammons please contact the following:  
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