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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA ALLIANCE OF CHILD AND
FAMILY SERVICES,

Plaintiff,

v.

CLIFF ALLENBY and MARY AULT,

Defendants.

No. C 06-04095 MHP

MEMORANDUM & ORDER
**Re: Motion for Leave to file a Motion
for Reconsideration and Relief from
Judgment**

On March 24, 2008 plaintiff California Alliance of Child and Family Services (“California Alliance”) filed a motion for leave to file a motion for reconsideration and relief from judgment. For the reasons stated below, California Alliance’s motion for leave is DENIED.

For a background of this action, refer to Docket No. 57, which grants defendants’ motion for summary judgment and denies plaintiff’s motion for summary judgment. In essence, the court held that California’s statutory scheme, which provides group homes foster care providers with approximately 80% of the costs associated with the items enumerated in the Child Welfare Act, was in compliance with federal law. This court further held that without further increases over time of payments made to the providers, the California system may well be in violation of federal law.

Plaintiff now argues that the governor of the state of California has recently proposed a budget that proposes further cuts in California’s spending with respect to group homes. This, they contend, is in violation of federal law for two reasons: 1) the proposed budget reduces the payout to group foster care facilities to 70% of the costs associated with the items enumerated in the Child Welfare Act; and 2) the proposed budget will force group homes to provide sub-standard care or

1 shut down.

2 Plaintiff's argument, however, suffers from a fatal flaw. The governor's proposed budget
3 has not yet been adopted by the State legislature, nor is there any evidence that it will be adopted
4 without substantial revisions by the California legislature. Thus, the issue of whether the proposed
5 budget if adopted, will be in violation of federal law, is unripe for adjudication at this time. The
6 injury to plaintiff, if any, is speculative and may never occur. See, e.g., Ohio Forestry Assn., Inc. v.
7 Sierra Club, 523 U.S. 726 (1998) (environmental group's challenge is not ripe when modification in
8 the plan remains possible). Indeed, in Ohio Forestry Assn., Inc., changes to the plan remained
9 possible just as changes to the proposed budget remain possible here. Id. at 735 ("the possibility
10 that further consideration will actually occur before the Plan is implemented is not theoretical, but
11 real.").

12 For the foregoing reasons, plaintiff's motion for leave to file a motion for reconsideration
13 and relief from judgment is DENIED.

14 IT IS SO ORDERED.

15 Dated: April 9, 2008



MARILYN HALL PATEL
United States District Court Judge
Northern District of California

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