



PETER E. SHEEHAN, BAR NO. 51555  
THE SOCIAL JUSTICE LAW PROJECT  
510 16<sup>TH</sup> STREET, SUITE 201  
OAKLAND, CA 94612  
Telephone: (510) 893-1146  
Facsimile: (510) 893-1147

**FILED**  
ALAMEDA COUNTY

NOV 24 2009

CLERK OF THE SUPERIOR COURT

By Vicki Daybell

Attorneys for Petitioners

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

MARK BECKWITH, et al.,  
Petitioners,  
JOHN A WAGNER, Director of California  
Department of Social Services, et al.,  
Respondents

No. RG 09484051  
~~1707256~~  
ALTERNATIVE WRIT OF MANDATE

On Jan. 29, 2010, ~~2009~~, at 9AM in Department no. 31 of this Court, located at the

United States Post Office Building, 201-13th Street, Oakland, California, respondents John Wagner, Director of the California Department of Social Services, the California Department of Social Services, David Maxwell-Jolly, Director of the California Department of Health Care Services, and the California Department of Health Care Services shall show cause why a writ of mandate should not issue, ordering that (1) respondents may not find persons ineligible for In Home Supportive Services ("IHSS") provider status on the basis that they have ever been convicted of any felony; (2) respondents may not use announcements or enrollment forms for IHSS enrollment indicating that persons convicted of any felony at any time are ineligible for IHSS provider status; and (3) respondents shall notify all persons they or the counties at their direction previously notified that persons convicted of a felony at any time were ineligible for IHSS provider status that such policy is void and that all persons convicted of felony are not ineligible for IHSS provider status.

Petitioners shall and serve all memorandum on or before Friday, November <sup>25</sup>~~18~~, 2009, by fax to 415-703-5480.

Petitioner's Opening Brief shall be filed and served on or before 12/4/09.

Respondents shall file and serve their opposition no later than Dec 18, 2009. Petitioners shall file and serve their reply no later than Jan 11, 2010. All service on opposing counsel may be by FAX.

Until such time as the Court hears and decides the issues presented, respondents and each of them are hereby commanded to:

(1) cease using enrollment forms or other documents indicating that persons convicted of any felony are ineligible for IHSS provider status;

(2) disqualifying or finding ineligible for IHSS provider status persons on the basis they have been convicted of any felony at any time;

IT IS SO ORDERED

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

(1) Cease using enrollment forms or other documents requiring prospective enrollees or applicants to declare that they never have been convicted of a felony crime or serious misdemeanor crime and/or that state that persons convicted of any felony are not eligible to be IHSS providers.

(2) Cease disqualifying, or finding ineligible for IHSS provider status, persons, who are not otherwise disqualified, on the basis that they have been convicted of a felony at some point of their life or have been convicted of a serious misdemeanor crime at some point of their life.

(3) This order does not affect disqualifications based on W & I Code § 12305.81.

Nov. 24, 2009

Frank Roesch  
-2- Judge of the Superior Court

FRANK ROESCH