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FILED
 ALAMEDA COUNTY

MAR 26 2010

CLERK OF THE SUPERIOR COURT
 By Donald Williams Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

12 MARK BECKWITH, RYAN HALL,
 13 ALBERTA BACHMAN, CHRISTINE
 ADAMS, JEROME BOURARD, and JAMES
 14 MOSS,

Case No. RG09484051

[PROPOSED] WRIT OF MANDATE

Petitioners,

v.

17 JOHN WAGNER, Director of the California
 Department of Social Services, CALIFORNIA
 18 DEPARTMENT OF SOCIAL SERVICES,
 19 DAVID MAXWELL-JOLLY, Director of
 California Department of Health Care Services,
 20 CALIFORNIA DEPARTMENT OF HEALTH
 CARE SERVICES,

Respondents.

23 TO: RESPONDENTS CALIFORNIA DEPARTMENT OF SOCIAL SERVICES,
 24 CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES, JOHN WAGNER,
 25 DIRECTOR OF CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, AND DAVID
 26 MAXWELL-JOLLY, DIRECTOR OF CALIFORNIA DEPARTMENT OF HEALTH CARE
 27 SERVICES, in their official capacities as specified above:
 28

1 Petitioners having served and filed their Verified Petition for Issuance of Peremptory or
2 Alternative Writ of Mandamus, petitioner Ellis having been dismissed without prejudice from this
3 action, and the hearing on the writ having been held, this Court issued, on February 9, 2010, its
4 Order Granting Petition for Writ of Mandate, as attached.

5 THEREFORE, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, CALIFORNIA
6 DEPARTMENT OF HEALTH CARE SERVICES, JOHN WAGNER, DIRECTOR OF
7 CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, AND DAVID MAXWELL-JOLLY,
8 DIRECTOR OF CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES, in their
9 official capacities as specified above, are HEREBY COMMANDED to:

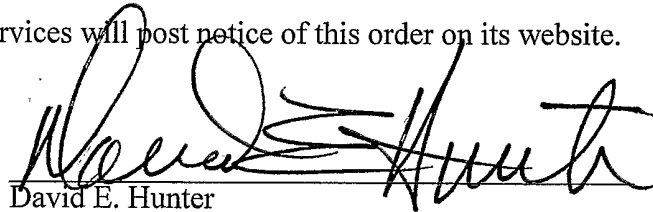
10 (1) rescind and refrain from enforcing the policy, as reflected in All-County Letter No. 09-
11 52 ("ACL"), providing that any person who has ever been convicted of a felony or certain serious
12 misdemeanor crimes is ineligible to be an In-Home Supportive Services (IHSS) provider;

13 (2) refrain from disqualifying applicants or finding persons ineligible to be an IHSS
14 provider on the basis of criminal convictions, other than finding persons ineligible for 10 years
15 following a conviction for an offense specified in Welfare and Institutions Code section
16 12305.81, subd. (a);

17 (3) notify all individuals previously denied IHSS provider status pursuant to the policy
18 described in paragraph (1) that the policy has been rescinded; that previously disqualified persons
19 may re-apply; and that the standards for disqualification are specified in Welfare and Institutions
20 Code section 12305.81, subd. (a).

21 The Department of Social Services will post notice of this order on its website.

22 Dated: 3-26-2010

23 
24 David E. Hunter
25 Judge of the Alameda County Superior Court

