

Today Judge David Hunter (Alameda Superior Court) issued an order for the *Beckwith (Ellis) v. Wagner* case that prohibits CDSS from implementing the policy that would have required counties and Public Authorities to use all felonies and specified misdemeanors as disqualifying crimes for IHSS providers.

In October 2009, CDSS issued ACL 09-70 with instructions for counties and Public Authorities to terminate any IHSS provider who had ever been convicted of any felony or specified misdemeanors. The state was sued via the *Beckwith (Ellis) v Wagner* case and the Alameda Superior Court issued an order that limited disqualifying crimes to three specified under Welfare & Institutions Code 12305.81(a). CDSS filed an appeal and the court automatically stayed the effect of the court's order pending a decision by a court of appeal – which means that the earlier court order with the limit of three disqualifying crimes was suspended.

On August 11, 2010 CDSS issued a draft ACL to counties, Public Authorities and IHSS stakeholders which states, "As a result of the stay, CDSS is reinstating the policy established before the court order was issued by the Alameda County Superior Court." The draft ACL established the state's intent to immediately implement the policy for counties and Public Authorities to use all-felonies & specified misdemeanor to disqualify current and prospective providers.

The attached court order issued today by Judge David Hunter states, "Respondents have recently prepared a draft notice to all County Welfare Directors instructing them that this Court's rulings in this case are stayed pending disposition of their appeal.....The court hereby orders that the cross-appeals in this case do not operate as a stay of Writ of Mandate issued on March 26, 2010....The Court is satisfied with the showing by one or more Petitioners that they (and/or those individuals to whom they are providing in-home care) will suffer irreparable damage if the Writ of Mandate is stayed pending the appeal."

Hence, the state is enjoined (prohibited) from implementing the all-felonies policy to terminate IHSS providers until further action is taken by the Appeals Court.