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**KAREN KOENS, KAREN KOENS** as  
Guardian ad litem for **MK., VANESSA**  
**LANDEROS-MARTINEZ, VANESSA**  
**LANDEROS-MARTINEZ** as Guardian ad Litem  
for **E.M.,** and **MARCELLA PIERSON** as Guardian  
ad Litem for **A.M.**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

**KAREN KOENS, KAREN KOENS** as )  
Guardian ad litem for **MK., VANESSA** )  
**LANDEROS-MARTINEZ, and VANESSA** )  
**LANDEROS-MARTINEZ** as Guardian ad Litem )  
for **E.M. and MARCELLA PIERSON** as Guardian )  
ad Litem for **A.M.** )

Petitioners/Plaintiffs )

vs. )

**WILL LIGHTBOURNE**, in his official capacity )  
as Director, California Department of Social )  
Services, **CALIFORNIA DEPARTMENT OF** )  
**DEPARTMENT OF SOCIAL SERVICES,** )  
**JENNIFER KENT**, in her official capacity as )  
Director California Department of Health Care )  
Services and the **CALIFORNIA DEPARTMENT** )  
**OF HEALTH CARE SERVICES,** )

Respondents/Defendants. )

Case No. RG17885067

FIRST AMENDED VERIFIED  
PETITION FOR WRIT OF  
MANDATE, PETITION FOR WRIT  
OF ADMINISTRATIVE MANDAMUS  
[CCP §§ 1060,1085, 1094.5;  
Welf. & Inst. Code §10962];  
COMPLAINT FOR DECLARATORY  
RELIEF  
[CCP § 1060]

DATE: N/A  
TIME: N/A  
DEPT: TBA  
JUDGE: TBA

**Action Filed: December 7, 2017**

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## I. INTRODUCTION

1. Petitioners Karen Koens, Vanessa Landeros-Martinez and Marcella Pierson hereby challenge the failure by Respondents Will Lightbourne, Director, California Department of Social Services, the California Department of Social Services (hereafter CDSS), Jennifer Kent, Director California Department of Health Care Services and the California Department of Health Care Services (hereafter DHCS) to provide adequate Notices of Action when denying Protective Supervision after assessing an In-Home Supportive Services applicant or reassessing an In-Home Supportive Services recipient.

2. Respondents impermissibly limit the information contained in the notice of action provided to applicants and recipients of IHSS Protective Supervision in a meaningful manner. When a county denies protective supervision, the notice does not state whether the applicant or recipient was assessed for protective supervision or why protective supervision was denied. The notice of action (hereafter NOA) does not identify the specific regulation that supports the action. Instead, the NOA cites the regulation containing the technical definition of Protective Supervision and Protective Supervision regulations generally. The NOA fails to identify the information or action that the applicant or recipient needs to gain IHSS protective supervision.

3. Petitioners bring this action on their own behalf because they are beneficially interested in receiving an adequate NOA for IHSS Protective Supervision Services that provides (1) client-specific information that is sufficient to allow the individual to determine the issue, (2) a non-technical explanation of the concept of “Protective Supervision”, (3) an explanation of the action, if any, to be taken to establish eligibility or determine a correct amount of aid, (4) the specific regulations that were relied upon to determine that Protective Supervision was not needed and (5) if

1 the individual does not agree, to decide whether to request an administrative hearing to review the  
2 county's determination.

## 3 **II. STATEMENT OF FACTS**

### 4 **A. Petitioner KAREN KOENS**

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6 4. Ms. Koens is the mother and caregiver of her disabled minor son, M.K., who suffers from  
7 Autism. From infancy, M.K. experienced profound developmental delays with respect to language  
8 development, self-stimulating behaviors, socialization and impulsivity. When M.K. was 18 months,  
9 Ms. K.K. had his symptoms and behaviors evaluated and was diagnosed with autism spectrum  
10 disorder. He has since been diagnosed with seizure disorder. At seven years of age, M.K., who is  
11 nonverbal, did not know and could not recite his telephone number his name or his address. At all  
12 relevant times, M. K. lives with his parents and his older sister in Santa Cruz County.  
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14 5. M.K. receives federal Social Security Supplemental Security Income benefits and Medi-  
15 Cal. He is a client with the San Andreas Regional Center. At all pertinent times, he attends special  
16 education classes in a highly restricted environment.  
17

18 6. On February 6, 2014, Ms. Koens applied for IHSS services and Protective Supervision for  
19 her son. On March 12, 2014, Santa Cruz County conducted a home visit to assess M.K. for IHSS  
20 services. The worker noted that 7-year old M.K. is not toilet trained and uses diapers, needs  
21 assistance with dressing, bathing, oral hygiene, grooming. M.K. requires verbal direction and  
22 supervision during meals.  
23

24 7. During the March 12, 2014 interview, Ms. Koens reported that her husband worked. She  
25 also said that she was temporarily disabled because as she was being treated for breast cancer. The  
26 social worker informed Ms. Koens that she could hire someone to be the paid IHSS provider. Ms.  
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1 Koens stated that she could care for M.K. at that point in time. She indicated that she might need to  
2 have a care provider for M.K. after her surgery.

3 8. On March 12, 2014 Santa Cruz County denied Ms. Koens' IHSS application. The NOA  
4 states that "[Y]ou did not tell us enough information to determine if you can get services. (MPP 30-  
5 760.1)." The denial reason is that "[T]he parent has not left full-time employment or is prevented  
6 from obtaining full-time employment because of the need to provide IHSS to the child. (30-  
7 763.451(a).)" The NOA did not provide (1) client-specific information that was sufficient to allow a  
8 determination as to why the minor was not eligible for PS sufficiently to allow the individual to  
9 determine the issue, (2) a non-technical explanation of the concept of "Protective Supervision", (3)  
10 an explanation of the action, if any, to be taken to establish eligibility or determine a correct amount  
11 of aid and (4) the specific regulations that were relied upon to determine that Protective Supervision  
12 was not needed.  
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14  
15 9. Ms. Koens made a new application for IHSS for M.K., including Protective Supervision in  
16 early 2016. Santa Cruz County approved IHSS services including Protective Supervision and also  
17 approved Ms. Koens as the IHSS provider for M.K.  
18

19 10. After the 2016 IHSS application was approved, Ms. Koens requested an administrative  
20 hearing on April 19, 2016 to review the March 12, 2014 Notice. Santa Cruz County requested that  
21 the hearing be bifurcated to determine whether there was jurisdiction for CDSS to hold an  
22 administrative hearing on the 2014 NOA.  
23

24 11. The jurisdictional hearing was held on May 25, 2016. The ALJ found that the March 12,  
25 2014 NOA was inadequate and ordered an administrative hearing on the merits. The administrative  
26 hearing on the merits was held on September 15, 2016. During the hearing, the parties reviewed  
27 IHSS services areas including Protective Supervision. The Santa Cruz County argued that Ms.  
28

1 Koens was ineligible to be a provider for her son and receive IHSS due to the two-parent rule,  
2 M.P.P. § 30-763. The County conceded that Ms. Koens had recovered from her illness and was  
3 currently the IHSS provider.

4 12. The Proposed Decision in Hearing #2016112009 specifically rejected Santa Cruz  
5 County's contention that Ms. Koens could not be her son's IHSS provider because her husband was  
6 available to provide care to the child as part of an intact two-parent family. (A true copy of the  
7 Proposed Decision in Hearing #2016112009 is attached hereto and incorporated by reference as  
8 Exhibit 1.) The Proposed Decision also rejected the county's contention that Ms. Koens was  
9 ineligible to be her child's IHSS provider as she had not left out-of home employment to care for  
10 M.K. (Exhibit #1, Proposed Decision #2016112009 p. 23.) The ALJ also granted Protective  
11 Supervision for M.K and ordered the claim remanded for the County to approve Protective  
12 Supervision and other IHSS in the amount effective February 6, 2014 ongoing until the date of the  
13 current 2016 assessment. (See Exhibit #1, Proposed Decision, p. 23.)

14 13. After reviewing the Proposed Decision in #2016112009, the Presiding Judge, on behalf  
15 of Respondent Jennifer Kent, exercised his authority to issue the Director's Alternate Decision and  
16 held that the March 12, 2014 NOA was adequate and asserted that CDSS had no jurisdiction to  
17 consider the merits of Ms. Koens' claim for retroactive Protective Supervision for M.K.. (A true  
18 copy of the Director's Alternate Decision in Hearing #2016112009 is attached hereto and  
19 incorporated by reference as Exhibit 2.)

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23 **B. Petitioner VANESSA LANDEROS-MARTINEZ**

24 14. Ms. Landeros-Martinez is the mother and caregiver of her developmentally disabled  
25 minor daughter, E.M. E.M. was diagnosed at birth as having the congenital developmental disorder  
26 Down Syndrome and has been diagnosed as having significant intellectual disabilities (formerly  
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described as mental retardation). E.M. receives Supplemental Security Income (SSI) and Medi-Cal. She is a client with the North Bay Regional Center. She attends special education classes. At all times relevant to this petition, E.M. lives with her mother, stepfather and younger half-siblings in Sonoma County, California.

15. Ms. Landeros-Martinez initially requested In Home Supportive Services (IHSS) on behalf of her daughter in 2010 when E.M. was 10 years old from the Sonoma County Welfare Department. Sonoma County made a home visit to assess E.M. for IHSS eligibility. Sonoma County issued a NOA granting some IHSS for the child. However, the NOA did not state whether Sonoma County assessed E.M. for Protective Supervision and does not state the reasons for denying Protective Supervision. This NOA did not provide (1) client-specific information that was sufficient to allow a determination as to why the minor was not eligible for PS sufficiently to allow the individual to determine the issue, (2) a non-technical explanation of the concept of “Protective Supervision”, (3) an explanation of the action, if any, to be taken to establish eligibility or determine a correct amount of aid and (4) the specific regulations that were relied upon to determine that Protective Supervision was not needed.

16. Subsequent reassessment home visits confirmed E.M.’s eligibility for IHSS services. From January 27, 2011 through June 22, 2015, Ms. Landeros-Martinez received seven (7) additional notices of action pertaining to E.M.’s IHSS services. None of the additional notices of action addressed whether Sonoma County assessed E.M. for Protective Supervision and found her to be ineligible or that she was never assessed for Protective Supervision. This NOA did not provide (1) client-specific information that was sufficient to allow a determination as to why the minor was not eligible for PS sufficiently to allow the individual to determine the issue, (2) a non-technical explanation of the concept of “Protective Supervision”, (3) an explanation of the action, if any, to be

1 taken to establish eligibility or determine a correct amount of aid and (4) the specific regulations that  
2 were relied upon to determine that Protective Supervision was not needed.

3 17. Subsequent to the June 22, 2015 NOA, Ms. Landeros-Martinez learned about Protective  
4 Supervision from an IHSS advocate. She requested that the County assess E.M. for Protective  
5 Supervision. Sonoma County issued the August 16, 2016 NOA authorizing Protective Supervision  
6 retroactive to October 30, 2015.  
7

8 18. On September 7, 2016, Ms. Landeros-Martinez requested an administrative hearing to  
9 dispute the County's denial of Protective Supervision from the initial application date September 15,  
10 2010 until October 29, 2015.  
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12 19. CDSS held the administrative hearing on October 28, 2016. During the hearing, Sonoma  
13 County asserted that all of the issued NOAs pertaining to the amount of and type of IHSS services  
14 available to E.M. between 2010 and October 29, 2015 were legally sufficient. The County  
15 maintained that E.M. was not entitled to retroactive Protective Supervision as there had been no  
16 timely request for a hearing within the jurisdictional window, per CDSS regulations is generally 90  
17 days from the date the NOA is issued. None of the seven NOAs indicate that E.M. was ever assessed  
18 for Protective Supervision even though IHSS regulations specifically requires that all minor children  
19 IHSS applicants be assessed for any need for PS services. None of the seven notices provided (1)  
20 client-specific information as to why the minor was not eligible for PS sufficiently to allow the  
21 individual to determine the issue, (2) a non-technical explanation of the concept of "Protective  
22 Supervision", and (3) an explanation of the action, if any, to be taken to establish eligibility or  
23 determine a correct amount of aid.  
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26 20. The CDSS Administrative Law Judge (ALJ) issued a Proposed Decision in Hearing  
27 #2016256251 on November 9, 2016. (A true copy of the Proposed Decision in Hearing  
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1 #2016256251 is attached hereto and incorporated by reference as Exhibit 3.) In this Decision, the  
2 ALJ analyzed the County's documents. There were no notes under Protective Supervision and there  
3 was no protective supervision worksheet in the file.

4  
5 21. The ALJ analyzed the Notices of Action for adequacy on the issue of assessing for  
6 "Protective Supervision". The ALJ noted that the 9/15/10, 1/27/2011, 1/30/12, 2/15/13 and the  
7 8/29/13 had no figure in the column following Protective Supervision and no regulation describing  
8 Protective Supervision at the bottom of the Notices. The Protective Supervision Notices dated  
9 5/20/14, 6/9/14 and 6/22/15 failed to provide any short descriptions of any service. These Notices  
10 contained zeros for the line Protective Supervision, failed to explain why E.M. was not eligible for  
11 Protective Supervision and there were no messages concerning Protective Supervision anywhere on  
12 the Notices. Also, the June 22, 2015 notice did not contain any individual messages to the claimant  
13 on the fifth page. The ALJ determined that none of the Notices of Action were adequate and there is  
14 jurisdiction to hear the merits for retroactive assessments. (Exhibit 3, Proposed Decision in Hearing  
15 #2016256251, pp. 12, 13.)  
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18 22. The ALJ also reviewed the standards for protective supervision for minors. The ALJ  
19 found that the Sonoma County social workers made home visits in most of the years from 2010 to  
20 2016. She noted that the county failed to assess E.M. for Protective Supervision and failed to  
21 request that the parent obtain available information and documentation about the mental  
22 development.  
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24 23. After reviewing Proposed Decision #2016256251, The Presiding Judge, on behalf of  
25 Respondent Director Lightbourne, exercised his authority to issue the Director's Alternate Decision  
26 by concluding that all of the written notices of action were adequate. (A true copy of the Director's  
27 Alternate Decision in Hearing #2016256251 is attached hereto and incorporated by reference as  
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Exhibit 4.) As such, Ms. Landeros-Martinez's request for hearing must be dismissed as an untimely filing within the State Hearing jurisdiction.

24. In reaching the decision that the request for hearing must be dismissed, only one NOA was reviewed for adequacy. (Exhibit 4, Director's Alternate Decision, p. 6 ["Since a single adequate NOA would be sufficient to render the Claimant's hearing request untimely, it is only necessary to evaluate the most recent NOA from June 22, 2015."]) There is no authority for such a finding.

25. The Presiding Judge stated

"While some would like a detailed evaluation in each notice of action of what information was considered and which element was found lacking, the *IHSS program finds that is not necessary to meet the legal adequacy standard.* [Emphasis added.] Indeed, many individual parents request a state hearing each year, without benefit of a professional advocates, solely on the basis of the information provided on the notice of action. The notice of action is already 6 pages long, and at some point adding more detail only confuses the issues." (Exhibit 4, Director's Alternated Decision, p. 7.)

### **C. Petitioner MARCELLA PIERSON**

26. Ms. Pierson is the mother and caregiver of her disabled minor son, A.M. On June 11, 2013, her son suffered a near drowning accident and was subsequently diagnosed as having Anoxic Brain Injury. At all times relevant to this petition, A.M. lives with his mother, father and three other siblings in Mission Hills, Los Angeles County, California.

27. When her son was being treated in the hospital, Ms. Pierson was informed of the IHSS Program by hospital staff. In response to Ms. Pierson's request for IHSS, Los Angeles County performed an IHSS home assessment on October 7, 2013. On November 12, 2013 Los Angeles County issued a NOA granting some IHSS service activities from August 9, 2013 but had zero hours for protective supervision. The NOA informed Ms. Pierson of the statutory eight (8) percent hourly reduction in IHSS services. This NOA does not (1) state whether Los Angeles County assessed A.M. for Protective Supervision, (2) does not provide a non-technical explanation of the concept of

1 “Protective Supervision” (3) does not state client-specific information as to why the minor is not  
2 eligible for Protective Supervision, (4) an explanation of the action, if any, to be taken to establish  
3 eligibility or determine a correct amount of aid and (5) the specific regulations that were relied upon  
4 to determine that Protective Supervision was not needed.

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6 28. After receiving the November 12, 2013 NOA, Ms. Pierson contacted the County and  
7 asked the social worker if there were additional hours that her son could receive and asked if her son  
8 was eligible for Protective Supervision or paramedical services. The worker verbally advised her  
9 that her son was not eligible.

10 29. Los Angeles County sent a NOA dated January 10, 2014 reconfirming that the minor  
11 could receive 181:30 hours of IHSS services per month with zero (0) hours for Protective  
12 Supervision. The January 10, 2014 NOA stated that the IHSS hours would be through the IHSS Plus  
13 Program since the IHSS service provider is the parent. The NOA informed Ms. Pierson of the  
14 statutory eight (8) percent hourly reduction in IHSS services. This NOA (1) does not state whether  
15 Los Angeles County assessed A.M. for Protective Supervision, (2) does not provide a non-technical  
16 explanation of the concept of “Protective Supervision”, (3) does not state client-specific information  
17 as to why the minor is not eligible for Protective Supervision and (4) an explanation of the action, if  
18 any, to be taken to establish eligibility or determine a correct amount of aid.  
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21 30. Subsequent reassessments gave rise to NOAs dated June 9, 2014, February 18, 2015 and  
22 June 17, 2016 which continued to authorize 181:30 of IHSS services each month. These notices  
23 suffered the same due process defects as the January 10, 2014 NOA. These NOAs did not authorize  
24 Protective Supervision hours. The June 9, 2014 and February 18, 2015 NOAs informed Ms. Pierson  
25 of the statutorily mandated hourly reduction in IHSS services.  
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1           31. Los Angeles County conducted a reassessment of A.M. on January 18, 2017. The  
2 County issued the February 1, 2017 NOA stating that the minor's condition has changed and/or that  
3 A.M. now needs Protective Supervision in the amount of 23 hours and 26 minutes per week effective  
4 February 1, 2017, for a total of 283 IHSS hours per month. The NOA stated that the minor is non-  
5 self-directing, confused, mentally impaired or mentally ill and need 24-hour supervision.  
6

7           32. On February 24, 2017, Ms. Pierson requested an administrative hearing to dispute the  
8 County's denial of Protective Supervision benefits from August 13, 2013 until February 1, 2017.  
9 Ms. Pierson stated that her son had had the same diagnosis, and has required the same amount of  
10 care since June 13, 2013.  
11

12           33. In response to the hearing request, Los Angeles County issued the NOA dated March 1,  
13 2017 notifying Petitioner that Protective Supervision was authorized retroactive to October 1, 2016  
14 in the amount of 23:26 per week.

15           34. CDSS held the hearing on May 2, 2017 on the issue of whether jurisdiction existed to  
16 hold a hearing on the merits for retroactive Protective Supervision for the period August 2013  
17 through September 30, 2016. During the hearing, Los Angeles County asserted that there was no  
18 jurisdiction for the hearing in that the Claimant did not request a hearing within 90 day and that all  
19 of the issued IHSS NOAs were legally sufficient. The County testified that all five notices were sent  
20 to the claimant's address of record and that none of the notices were returned to the county.  
21

22           35. During the hearing, the County representative testified that the county did not conduct a  
23 reassessment of A.M.'s IHSS needs in 2014. The County representative testified that Ms. Pierson  
24 first requested Protective Supervision for her son on October 17, 2016.  
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1           36. During the hearing, the minor's father testified that they [Mr. Muhammad and Ms.  
2 Pierson] trusted the county, who informed them that their son was not eligible for protective  
3 supervision and that his son's condition has always been the same.

4           37. The CDSS Administrative Law Judge (ALJ) issued a Decision in Hearing #2017060421  
5 on May 8, 2017. (A true copy of the Decision in Hearing #2017060421 is attached hereto and  
6 incorporated by reference as Exhibit 5.) The ALJ reviewed the Notices of Action for adequacy on  
7 the issue of assessing for "Protective Supervision". The ALJ noted that the "Description of  
8 Services" cites the CDSS regulations for Protective Supervision (MPP 30-757.17) as well as  
9 indicates that "protective supervision is for observing the behavior of a nonself-directing,  
10 confused, mentally impaired or mentally ill recipient and assisting as appropriate to safeguard the  
11 recipient against injury, hazard or accident."  
12

13           38. The ALJ found that all five NOAs informed Claimant that he had the right to request a  
14 hearing within 90 days if he disagreed with the county's action and how to request it. The NOAs  
15 included a "Description of Services" sheet with citations to the regulations supporting the county's  
16 action, the regulations and explanation of Protective Supervision.  
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18           39. The ALJ determined that the five NOAs were adequate because each informed the  
19 claimant of the action the county intended to take, including informing the claimant that the county  
20 had authorized no time for protective supervision services, and it included the reasons for the  
21 intended action, the specific regulations supporting the action and an explanation of the claimant's  
22 right to request a state hearing.  
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24           40. The ALJ concluded that the hearing request was untimely and as such there is no  
25 jurisdiction to hear the claimant's claim that the recipient should receive retroactive protection  
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1 supervision for the period of August 2013 through September 30, 2016. A request for an  
2 administrative rehearing was denied by Respondents on January 2, 2018.

### 3 **III. PARTIES**

4 41. Petitioner Karen Koens is the mother and care provider for her son, M.K., who has been  
5 diagnosed with Autism Spectrum Disorder. Petitioner Koens requested IHSS on behalf of her son on  
6 February 6, 2014 but the IHSS application was denied on March 12, 2014. The NOA made no  
7 mention of whether Santa Cruz County assessed M.K. for Protective Supervision.  
8

9 42. Petitioner Vanessa Landeros-Martinez is the mother and care provider for her minor  
10 daughter E.M. Petitioner originally applied for IHSS Services on August 11, 2010 when E.M. was  
11 10 years of age. The County granted IHSS services but not Protective Supervision. From 2010  
12 through 2015, Ms. Landeros-Martinez never received one NOA that explained Protective  
13 Supervision and whether Sonoma County assessed E.M. for Protective Supervision.  
14

15 43. Petitioner Marcella Pierson is the mother and care provider for her minor son, A.M.  
16 Petitioner originally applied for IHSS and was granted IHSS services but not Protective Supervision  
17 effective August 9, 2013. From 2013 through September 30, 2016, Ms. Pierson never received one  
18 NOA that explained Protective Supervision, whether Los Angeles County assessed her son for  
19 Protective Supervision and why the County determined that A.M. was not eligible.  
20

21 44. Respondent Lightbourne is responsible for formulating, adopting, and amending  
22 regulations and general policies affecting the purposes and responsibilities within the jurisdictions of  
23 CDSS, in a manner which is both consistent with the law and necessary for the administration of  
24 public social services. He is also responsible for the enforcement of all federal and state laws and  
25 regulations to insure that county welfare departments execute the regulations in a uniform and  
26 consistent manner. (Welf. & Inst. Code § 10553.) He has the authority, where appropriate, to  
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1 alternate a hearing decision that has been prepared by a CDSS Administrative Law Judge should the  
2 hearing decision not meet the legal standards for issuance and enforcement of agency rules, state  
3 and/or federal law. (Welf. & Inst. Code §§ 10959, 10961, MPP § 22-061.) Respondent Lightbourne  
4 is being sued in his official capacity.  
5

6 45. Respondent Lightbourne has the authority to grant a rehearing, if appropriate, should a  
7 hearing decision not meet the legal standards for issuance and enforcement of agency rules, state  
8 and/or federal law. (Welf. & Inst. Code § 10960.)

9 46. Respondent California Department of Social Services is the single state agency  
10 responsible for the administration of the public social services administrative hearing process.  
11 (Welf. & Inst. Code § 10950.) When CDSS' administrative law judge conducts a hearing, the judge  
12 will prepare a written decision that may be adopted as Respondent Lightbourne's decision. (Welf. &  
13 Inst. Code § 10958.)  
14

15 47. CDSS administers the In-Home Supportive Services Program, to insure that each county  
16 complies with state laws and regulations including issuing adequate NOAs after each and every  
17 assessment or reassessment of an individual granting or denying protective supervision. (Welf &  
18 Inst. Code § 10600.)  
19

20 48. Respondent Jennifer Kent is the Director of Department of Health Care Services and, as  
21 such, is responsible for operations of DHCS, enforcement of all laws pertaining to the administration  
22 of health care services and medical assistance (Welf. & Inst. Code § 10721.) Respondent Kent is  
23 responsible for overseeing that all Medi-Cal NOAs comply with the federal Medicaid regulations  
24 pursuant to 42 C.F.R. Section 431.210. (Welf. & Inst. Code § 12300.) She has authorized  
25 Respondent Director Lightbourne to provide administrative hearings for health care services and  
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1 medical assistance. (Welf. & Inst. Code § 10950(f).) Respondent Kent is sued in her official  
2 capacity.

3 49. Respondent Department of Health Care Services is the single state agency charged with  
4 full power to supervise every phase of the administration of health care services and medical  
5 assistance for which grants-in-aid are received from the United States government or made by the  
6 state in order to secure full compliance with the applicable provisions of state and federal laws.  
7 (Welf. & Inst. Code § 10740.) This includes the administration of the Medi-Cal<sup>1</sup> program and  
8 ensuring the Medi-Cal program is operated in conformity with all state and federal laws. (Welf. &  
9 Inst. Code §§ 14000 *et seq.*)  
10

11 50. Petitioners are informed and believe and on that basis allege that the actions complained  
12 of herein were carried out by and under the direction and control of Respondents, through their  
13 agents and/or employees, and done within the scope of said agency and/or employment of  
14 Respondent Lightbourne and Respondent Kent.  
15

#### 16 **IV. APPLICATION TO PROCEED UNDER FICTITIOUS NAMES**

17 51. Petitioners Karen Koens , Vanessa Landeros-Martinez and Marcella Pierson request  
18 permission from this Court to proceed in this action using fictitious names for their minor children,  
19 E.M. who is profoundly disabled, M.K., who is a disabled minor child, and A.M. who is brain  
20 damaged. Ms. Koens, Ms. Landeros-Martinez and Ms. Pierson seek to proceed using fictitious  
21 names for their children to protect the privacy their children. In the matter *Doe v. Lincoln Unified*  
22 *School District* (2010) 188 Cal.App.4<sup>th</sup> 758, the California Third District Court of Appeal held in  
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27 <sup>1</sup> The federal Medicaid Program is called Medi-Cal in California.  
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1 that the judicial use of “Doe” plaintiffs had gained “wide currency”. (See *Starbucks Corp. v.*  
2 *Superior Court* (2008) 16 Cal.App.4<sup>th</sup> 1436.)

3         52. The principal rule concerning the use of a fictitious name for a party plaintiff requires for  
4 that the California Civil Code Sec. 372 be followed. In short, the party prosecuting the claim must  
5 be the “real party in interests” or the person who was injured, otherwise harmed and who has legal  
6 standing to proceed with the suit. In this action, the disabled minor children, of Ms. Koens, Ms.  
7 Landeros-Martinez and Ms. Pierson are the parties aggrieved and injured by the Respondents’  
8 issuance of “alternated decisions” in CDSS administrative fair hearings matters concerning the  
9 eligibility of the disabled minors to receive IHSS PS services. Ms. Koens, Ms. Landeros-Martinez  
10 and Ms. Pierson, as guardians and ad litem, as well as the parents of the disabled minor children, are  
11 not only entitled to proceed with this action on behalf of their children, but they are also authorized  
12 to proceed using the “Doe” fictitious name rules.  
13

14         53. The “Doe” plaintiff rule is best articulated in the federal case *Does I through XXIII v.*  
15 *Advanced Textile Corp.* (9<sup>th</sup> Cir. 2000) 214 F.3d 1058 at 1067. That decision recognized three  
16 grounds for which a plaintiff is permitted to proceed in an action using a pseudonym. Only the first  
17 two reasons are relevant to this matter. First, is the situation where “identification creates a risk of  
18 retaliatory physical or mental harm [citations omitted]. The second situation is where anonymity is  
19 necessary “to preserve privacy in a matter of a sensitive and highly personal nature.” The real  
20 parties in interest in this action, represented by their parents and guardians ad litem, have profound  
21 developmental and other disabilities which are easily and readily the sources of public fear, scorn  
22 and approbation as a result of behaviors and conduct consistent with their diagnosed medical  
23 conditions as well as shame and embarrassment.  
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54. The true names of these real parties in interests are actually known to the Respondents, their agents and assigns. The use of the “Doe” plaintiff pseudonyms is necessary to afford the real parties in interests, some modicum privacy, dignity and respect while their right to have IHSS PS benefits provided as required by law are prosecuted through their request for judicial review of the actions of the Respondents.

## V. LEGAL FRAMEWORK

55. While the IHSS program is jointly operated by the DHCS and CDSS, CDSS is the entity responsible for the day-to-day management of IHSS in compliance with state and federal laws. (Welf. & Inst. Code §§ 10600, 10604(d), 10553, 12301, 12301.1 and 12302.) The CDSS promulgated regulations to implement these statutes.

56. The IHSS program enables aged, blind or individuals with physical and/or mental impairments who are unable to perform certain vital services for themselves and who cannot safely remain in their homes of their choosing unless these services are provided for them by others. (Welf. & Inst. Code §§12300, et. seq.) Protective Supervision is one service available in the IHSS Program.

57. Protective Supervision consists of monitoring the behavior of non-self-directing, confused, mentally impaired, or mentally ill persons. (Welf. & Inst. Code §12300 and CDSS Manual of Policies and Procedures [MPP] §30-757.17.) Protective Supervision is available for "observing recipient behavior in order to safeguard the recipient against injury, hazard, or accident." (MPP §30-757.171.) To be eligible for such services, an individual must show "that twenty-four hour need exists ... and that the recipient can live at home safely if protective supervision is provided." (MPP §30-757.173.)

58. When assessing a minor for IHSS services, the county must assess for Protective

Supervision eligibility. (Welf. & Inst. Code §§ 12300(d)(4), 12301.1, 12309; MPP §§30-756.1, 756.2, 761.261.) A minor child is eligible for Protective Supervision if the need for supervision is greater than what is needed for a non-disabled child of the same age. (Welf. & Inst. Code §§ 12301(a), 12301.1, MPP § 30-756.372.) The county must review the child's mental functioning on an individualized basis and must not presume a minor of that age has a mental functioning that allows the child to perform an age appropriate function without human assistance. A minor must not be denied protective supervision based solely on age because the minor has had no injuries at home due to the mental impairment, as long as the minor has the potential for injury by having the physical ability to move about the house. (Welf. & Inst. Code §§ 12300, 12301.1, MPP §§ 30-761.26, 30-763.1.)

59. When action is taken regarding the amount of IHSS services, due process requires that Respondents must send IHSS applicants or recipients a NOA. (Welf. & Inst. Code §§ 12300.2) The purpose of the NOA is to provide sufficient information to allow the individual to determine what the issue is, understand the action to be taken and if the individual does not agree, the individual has a right to request an administrative hearing to review the county's determination. (California Constitution Article I, Section 7(a) and MPP § 22-001(a)(1).)

60. The Due Process Clause of the California Constitution Article I, Section 7(a) requires that the NOA provide adequate explanation for its reasons in order to avoid arbitrary actions by government agencies. NOAs must contain sufficient recipient-specific facts explaining and justifying the intended actions, and inform Protective Supervision applicants and recipients regarding what information or action is needed to reestablish eligibility or determine the correct amount of aid.

1           61. Consistent with the Due Process Clause of the California Constitution Article I, Section  
2 7(a), Respondent CDSS adopted formal regulations, Division 22 of the Manual of Policies and  
3 Procedures, which govern the state administrative hearing process for all public social services  
4 programs, including In-Home Supportive Services. These regulations define what constitutes an  
5 adequate NOA for purposes of meeting the due process rights of individuals applying for or  
6 receiving public social services benefits. An adequate NOA is defined as

8                   [A] written notice informing the claimant of the action the county  
9 intends to take, the reasons for the intended action, the specific  
10 regulations supporting such action, an explanation of the claimant's  
11 right to request a state hearing, and if appropriate, the circumstances  
under which aid will be continued if a hearing is requested. . . .  
(CDSS Manual of Policies and Procedures 22-001(a)(1).)

12           62. The NOA must inform the claimant regarding what information or action, if any, is  
13 needed to reestablish eligibility or determine a correct amount of aid and shall include information  
14 concerning the recipient's circumstances used to make the determination and shall cite the  
15 regulations supporting the action. (MPP §§10-116.42, 22-071.1, 22-071.13 and 22-071.6)

17           63. Each applicant or recipient of IHSS services must receive an adequate written notice of  
18 any action that the county welfare agency proposes to take with respect to a claim for services.  
19 (Welf. and Inst. Code §§ 12300.2, 12301.5 and MPP §10-116; §30-759.7 and §30-763.8).

21           64. In addition to including a description of each specific task authorized and the number of  
22 hours allotted the notice must clearly inform the individual regarding what information or action, if  
23 any, is needed to reestablish eligibility or determine a correct amount of aid so that the individual is  
24 able to understand if there is something the can be done in response to the NOA to stop or change  
25 the county's proposed action. (42 C.F.R. § 431.210; MPP §§ 22-071.1; 22-071.13 and 22-071.6.)  
26 The NOA must also include facts concerning the recipient's circumstances which have been used to  
27 make the determination and shall cite the regulations which support the action ” (42 C.F.R. §  
28

431.210; MPP § 10-116.42.) For minors, the NOA must comply with the provisions of Welf. & Inst. Code §§ 12300(d)(4); 12301.1; 12309(b)(1)(2)(c); MPP §§ 30-756.1; 30-756.2; and 30-761.261.).

65. Respondent CDSS manages the IHSS Program statewide by using the Case Management, Information and Payrolling System (CMIPS). (Welf. & Inst. Code § 12302.2) CMIPS includes generating NOAs for all 58 counties. Counties enter numerical values and provide only a short, individualized explanation in the NOA.

66. The CDSS regulations mandate that a public social services claimant, including In-Home Supportive Services claimant, who decides to challenge a county's action or inaction must request an administrative hearing within 90 days of the date of the adequate NOA in order to establish jurisdiction for the hearing. (Welf. & Inst. Code § 10951; MPP § 22-009.)

67. When an adequate NOA is required but not provided any hearing request shall be deemed to be a timely hearing request. (MPP § 22-009.11.) If the NOA is not adequate and/or language compliant, any hearing requested (including an otherwise untimely hearing request) shall be deemed a timely hearing request. (MPP § 22-009.1) The fact that the individual knows, or should have known of the action does not start the 90-day time limit. (*Morales v. McMahon* (1990) 223 Cal.App.3d 184.)

**FIRST CAUSE OF ACTION**  
**(Respondents' Protective Supervision Notices of Action Are Not Legally Adequate)**  
**(Petition for Writ of Mandate, Code Civ. Proc. § 1085)**

68. Petitioners reallege and incorporate herein by reference each allegation set forth above as fully set forth herein.

69. Respondents maintain a policy and practice that IHSS Program notices of action do not have to meet the legal adequacy standard. (Exhibit 2, Director's Alternate Decision, p. 7.) This policy and practice violates the Due Process Clause of the California Constitution Article I, Section

1 7(a), Welfare and Institutions Code §§ 12300.2, 12301.5; MPP §10-116; §30-759.7 and §30-763.8).  
2 and *Morales v. McMahon* (1990) 223 Cal.App.3d 184.)

3 70. Petitioners have requested that Respondents modify the IHSS Protective Supervision  
4 NOAs to meet the requirements of the statutory and regulatory requirements. Respondents have  
5 refused to meaningfully comply with their requests.  
6

7 71. The IHSS Protective Supervision NOAs that Respondents issue do not meet the  
8 standards for an adequate written NOA. (MPP §§ 22-001(a)(1); 22-071.1; 22-071.13 and 22-071.6)

9 72. The notices sent to Petitioners do not provide (1) client-specific information as to why  
10 the minor is not eligible for Protective Supervision (2) a non-technical explanation of the concept of  
11 “Protective Supervision”, (3) an explanation of the action, if any, to be taken to establish eligibility  
12 or determine a correct amount of aid and (4) the specific regulations that were relied upon to  
13 determine Protective Supervision was not needed.  
14

15 73. Respondents have a clear, present and ministerial duty pursuant to Welfare and  
16 Institutions Code Section 12300.2 to use written NOAs that meet the standards established by CDSS  
17 regulations and Welfare and Institutions Code Section 12300.2.  
18

19 74. At all times relevant to this action, Respondents have had the ability to fulfill their duties  
20 under the law by issuing adequate NOAs for Protective Supervision.

21 75. Written demand was made upon all of the Respondents to perform their duties. Despite  
22 this demand, Respondents have failed and refused to perform their duties to only utilize legally  
23 adequate written NOAs for IHSS Protective Supervision purposes.  
24

25 76. Petitioners are beneficially interested in Respondents’ performance of their duties.

26 77. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law.  
27

28 **SECOND CAUSE OF ACTION**  
**Respondents’ Policy Violate the Due Process Clause of the California Constitution**

**(Petition for Writ of Mandate, Code Civ. Proc. § 1085)**

78. Petitioners reallege and incorporate herein by reference each allegation set forth above as fully set forth herein.

79. The California Constitution Article 1, Section 7(a) provides that a person may not be denied due process of the law. Governmental agencies are prohibited from acting arbitrarily to cause grievous losses even where their discretion is unbridled. “The very essence of arbitrariness is to have one’s status redefined by the state without an adequate explanation for its reasons for doing so.” (*People v. Ramirez* (1979) 25 Cal.3d 260, 266-267.)

80. NOAs that meet the requirement of due process must be sufficiently detailed and specific to enable a meaningful response. Vague and generic reasons for adverse agency action, rather than specific individualized facts supporting the agency’s conclusion do not meet due process standards. Petitioners need only identify a statutorily conferred interest to trigger due process in California. (*Ryan v. California Interscholastic Federation-San Diego Section* (2001) 94 Cal.App.4<sup>th</sup> 1048, 1071.)

81. Respondents’ policy that IHSS Protective Supervision NOAs are not required to meet due process standards results in NOAs being issued that are vague and provide no specific details as to reasons and basis for the action that the government plans to take.

82. This policy denies IHSS Protective Supervision applicants and recipients their right to receive NOAs that meaningfully detailed and accurately describe the proposed county action. This prevents Petitioners and others similarly situated from having adequate information about their claim. Respondents have no compelling interest that justifies this arbitrary denial of constitutionally, statutorily and regulatory required information. As such, Respondents’ policy denies due process to applicants and recipients of IHSS Protective Supervision.

83. At all times relevant to this action, Respondents have had the ability to fulfill their duties under the law by issuing adequate NOAs for Protective Supervision.

84. Written demand was made upon all of the Respondents to perform their duties. Despite this demand, Respondents have failed and refused to perform their duties to only utilize legally adequate written NOAs for IHSS Protective Supervision purposes.

85. Petitioners are beneficially interested in Respondents' performance of their duties.

86. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law.

87. Petitioners are entitled to a writ of mandate, pursuant to Code of Civil Procedure § 1085, in that the respondents have a clear, present and ministerial duties, pursuant to Welfare and Institutions Code §§ 12300.2; 12301.5; and MPP §§10-116; 22-001(a)(1); 22-071.1; 22-071.13; 22-071.6; 30-759.7; and §30-763.8 to adopt NOAs that meet the due process standards under the California Constitution.

**THIRD CAUSE OF ACTION**  
**(Respondents' Protective Supervision Notices of Action Are Not Legally Adequate)**  
**(Declaratory Relief Code Civ. Pro. Sec. 1060)**

88. Petitioners reallege and incorporate herein by reference each allegation set forth above as fully set forth herein.

89. Unless restrained and enjoined by this Court, respondents will continue to use notices of action that do not meet the standards of an adequate NOA re IHSS Protective Supervision benefits. This policy will deny applicants and recipients of IHSS protective supervision notice of client-specific reasons why protective supervision was denied or decreased in violation of the Due Process Clause of the California Constitution Article I, Section 7(a); Welfare & Institutions Code §§ 12300.2, 12301.5; MPP §§10-116; 22-001(a)(1); 22-071.1; 22-071.13; 22-071.6; 30-759.7 and 30-763.8. Because respondents' conduct is ongoing and continuous, declaratory relief is appropriate.

1           90. As a result of respondents' unlawful conduct, petitioners are likely to suffer irreparable  
2 harm, and thus immediate relief is appropriate.

3           91. Petitioners are entitled to declaratory relief against all respondents under Code of Civil  
4 Procedure § 1060 in that respondents' policy as set forth above violates the Welfare & Institutions  
5 Code and lawfully enacted regulations. Respondents contend to the contrary.  
6

7                                   **FOURTH CAUSE OF ACTION**  
8                                   **(Director's Alternate Decision in Decision # 2016112009 Must Be Reversed As**  
9                                   **the Notices of Action Are Not Legally Adequate.)**  
10                                  **(Writ of Administrative Mandamus, Code Civ. Proc. Sec. 1094.5)**

11           92. Petitioner Karen Koens realleges and incorporates by reference each allegation set forth  
12 above as fully set forth herein.

13           93. Petitioner is authorized under Welfare and Institutions Code Section 10962 to file a  
14 petition with this court under the provision of the Code of Civil Procedure Section 1094.5, praying  
15 for a review of the Director's Alternate Decision in Hearing # 2016112009.

16           94. Respondents Lightbourne and Kent prejudicially abused their discretion and proceeded  
17 in a manner not authorized by law in adopting Director's Alternate Decision in Hearing #  
18 2016112009. The March 12, 2014 Notice does not meet the requirements of CDSS own regulations  
19 for an adequate notice or the Due Process Clause of the California Constitution Article I, Section  
20 7(a). (MPP §§ 10-116; 22-001(a)(1); 22-009; 30-759.7; and 30-763.8.) The Notice states that the  
21 County denied the February 6, 2014 IHSS application because "you did not tell us enough  
22 information to determine if you can get services" and cited MPP 30-760.1. This explanation does  
23 not give the client-specific information necessary to allow the individual to determine what the issue  
24 is, understand the action to be taken and if the individual does not agree, the individual has a right to  
25 request an administrative hearing to review the county's determination. Specifically, the Notice  
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1 does not identify the information that the County needs to get services or to identify which  
2 “services” the Notice references.

3 95. Petitioner Koens has exhausted all available administrative remedies that she is required  
4 to pursue. There is no other plain, speedy, and adequate remedy in the ordinary course of the law  
5 other than the relief sought in this petition. A writ of administrative mandamus is the sole and  
6 exclusive remedy for the review of Respondent’s decision pursuant to Welfare and Institutions Code  
7 Section 10962 and Code of Civil Procedure Section 1094.5.  
8

9 **FIFTH CAUSE OF ACTION**  
10 **(Director’s Alternate Decision in Decision # 2016256251 Must Be Reversed Because the Notices**  
11 **of Action Are Not Legally Adequate.)**  
12 **(Writ of Administrative Mandamus, Code Civ. Proc. Sec. 1094.5)**

13 96. Petitioner Landeros-Martinez realleges and incorporates herein by reference each  
14 allegation set forth above as fully set forth herein.

15 97. Petitioner is authorized under Welfare and Institutions Code Section 10962 to file a  
16 petition with this court under the provision of the Code of Civil Procedure Section 1094.5, praying  
17 for a review of the Director’s Alternate Decision in Hearing # 2016256251.

18 98. The Director’s Alternate Decision # 2016256251 is a prejudicial abuse of discretion and  
19 is contrary to law because this decision violates lawful statutes, Respondent’s regulations and the Due  
20 Process Clause of the California Constitution Article I, Section 7(a). The notices of action issued to  
21 E.M. fail to meet the due process requirements in that the notices of action do not provide client-  
22 specific information why Protective Supervision was denied that is sufficient to allow the individual  
23 to determine the issue, provide a nontechnical explanation of the concept of Protective Supervision,  
24 cite to the specific regulation that supports the action or clearly inform Petitioner regarding what  
25 information or action, if any, is needed to reestablish eligibility or determine a correct amount of aid  
26 so that the individual is able to understand if there is something the can be done in response to the  
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1 NOA to stop or change the county's proposed action. (42 C.F.R. § 431.210; MPP §§ 22-071.1; 22-  
2 071.13 and 22-071.6.)

3 99. Additionally, the Director's Alternate Decision # 2016256251 is a prejudicial abuse of  
4 discretion and is contrary to law because the notices of action do not meet the standards for an  
5 adequate NOA as set forth in CDSS' MPP §§ 10-116; 22-001(a)(1); 22-009; 30-759.7; and 30-  
6 763.8.)

7  
8 100. Further, Respondent Lightbourne prejudicially abused his discretion and proceeded in a  
9 manner not authorized by law in adopting Director's Alternate Decision # 2016256251 because he  
10 lacked the legal authority to deny jurisdiction by evaluating only one NOA for adequacy instead of  
11 reviewing all seven notices sent to Petitioner by Sonoma County. (*See* Director's Alternate Decision,  
12 p. 6.) Each NOA must be individually evaluated for adequacy.

13  
14 101. Petitioner Landeros-Martinez has exhausted all available administrative remedies that  
15 she is required to pursue. She has no other plain, speedy, and adequate remedy in the ordinary  
16 course of the law other than the relief sought in this petition. A writ of administrative mandamus is  
17 the sole and exclusive remedy for the review of Respondents' decision pursuant to Welfare and  
18 Institutions Code §10962 and Code of Civil Procedure §1094.5.  
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25 **SIXTH CAUSE OF ACTION**  
26 **(Decision # 2017060421 Must Be Reversed Because the Notices of Action Are Not Legally**  
27 **Adequate.)**  
28 **(Writ of Administrative Mandamus, Code Civ. Proc. Sec. 1094.5)**

1           102. Petitioner Pierson realleges and incorporates herein by reference each allegation set  
2 forth above as fully set forth herein.

3           103. Petitioner is authorized under Welfare and Institutions Code Section 10962 to file a  
4 petition with this court under the provision of the Code of Civil Procedure Section 1094.5, praying  
5 for a review of the Decision in Hearing # 2017060421.  
6

7           104. Decision # 2017060421 is a prejudicial abuse of discretion and is contrary to law  
8 because this decision violates lawful statutes, Respondent's regulations and the Due Process Clause  
9 of the California Constitution Article I, Section 7(a) pertaining to what constitutes an adequate  
10 notice of action. The five notices of action issued to Ms. Pierson between August 2013 through  
11 September 30, 2016 fail to meet the due process requirements for an adequate NOA as set forth in  
12 CDSS' MPP §§ 10-116; 22-001(a)(1); 22-009; 22-071.1; 22-071.13; 22-071.6; 30-759.7; and 30-  
13 763.8; 42 C.F.R. § 431.210 and the Due Process Clause of the California Constitution Article 1,  
14 Section 7(a).  
15

16           105. The five NOAs individually do not meet the standard for an adequate notice. None of  
17 the notices provide client-specific information why Protective Supervision was denied that is  
18 sufficient to allow the individual to determine the issue; provide a nontechnical explanation of the  
19 concept of Protective Supervision; or cite to the specific regulation that supports the action or clearly  
20 inform Petitioner regarding what information or action, if any, is needed to reestablish eligibility or  
21 determine a correct amount of aid so that the individual is able to understand if there is something  
22 the can be done in response to the NOA to stop or change the county's proposed action.  
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25           106. Further, Respondent Lightbourne prejudicially abused his discretion and proceeded in a  
26 manner not authorized by law in failing to consider whether the principle of equitable estoppel  
27 should be applied to find jurisdiction to hear the merits of the case. During the hearing, Los Angeles  
28

1 County admitted that the county did not conduct a reassessment of A.M.'s IHSS needs in 2014.  
2 (Decision, p. 2.) A.M.'s father testified that that "they trusted the county, who informed them that  
3 their son was not eligible for protective supervision. . ." thus relying to their detriment by not  
4 requesting an administrative hearing. (Decision, p. 4.) As claimant was not represented, the ALJ  
5 had a duty to evaluate whether equitable estoppel should be applied to find jurisdiction to hear the  
6 merits of the case.  
7

8 107. Petitioner Pierson has exhausted all available administrative remedies that she is  
9 required to pursue. She has no other plain, speedy, and adequate remedy in the ordinary course of  
10 the law other than the relief sought in this petition. A writ of administrative mandamus is the sole  
11 and exclusive remedy for the review of Respondents' decision pursuant to Welfare and Institutions  
12 Code §10962 and Code of Civil Procedure §1094.5  
13

#### 14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioners requests that this Court:

16 1. Issue a preemptory writ of mandate pursuant to Code of Civil Procedure section 1085  
17 ordering Respondents to prepare and issue for immediate use new "notices of action" concerning the  
18 approvals for, denials of and decreases/increases in "protective supervision" that comply with the  
19 requirements of federal and state law, federal and state regulations MPP §§10-116; 22-001(a)(1); 22-  
20 071.1; 22-071.13; 22-071.6; 30-759.7 §30-763.8.  
21

22 2. Issue a preemptory writ of mandate pursuant to Code of Civil Procedure section 1085  
23 ordering Respondents to prepare and issue for immediate use new "notices of action" concerning the  
24 approvals for, denials of and decreases/increases in "protective supervision" that comply with the  
25 requirements of the Due Process clause of the California Constitution.  
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28

1           3. Declare that respondents' policy and practice that IHSS Program notices of action do not  
2 have to meet the legally adequate standard is incorrect and violate Welfare and Institutions Code §§  
3 12300.2, 12301.5 and MPP §10-116; 22-001(a)(1) 22-071.1; 22-071.13 and 22-071.6§30-759.7 and  
4 §30-763.8.

5  
6           4. Issue a writ of administrative mandamus ordering Respondent to set aside Director's  
7 Alternate Decision Number # 2016256251 and reinstate the Proposed Decision remanding the case  
8 to Sonoma County to assess the child E.M. for Protective Supervision from the time of her initial  
9 application in September 2010 through October 29, 2016 and provide benefits as otherwise eligible.

10           5. Issue a writ of administrative mandamus ordering Respondent to set aside Director's  
11 Alternate Decision Number # 2016112009 and reinstate the Proposed Decision remanding the case  
12 to Santa Cruz County to approve M.K. for Protective Supervision and other IHSS in the amount of  
13 227:20 effective February 6, 2014 onward until the date of the 2016 assessment.

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26           6. Issue a writ of administrative mandamus ordering Respondent to set aside Decision  
27 Number # 202017060421 and remanding the case to for a hearing on the merits.

1           7. Award Petitioners:

2                   (a) Costs of suit; and

3                   (b) Reasonable attorney fees in this action; and

4           8. Order such other and further relief as the Court deems just and proper.

5           Dated: May 1, 2018

6                                   Respectfully submitted,

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9                                   \_\_\_\_\_  
                                  GRACE A. GALLIGHER

10                           Attorney for Petitioners Karen Koens, Vanessa  
11                           Landeros-Martinez and Marcella Pierson

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22                                   VERIFICATION

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25                           I, GRACE A. GALLIGHER, am the attorney for Petitioners Karen Koens, Vanessa Landeros-  
26  
27                           Martinez and Marcella Pierson. Said Petitioners are absent from the county where I maintain my  
28                           \_\_\_\_\_

1 office. I make this verification for and on behalf of the Petitioners for that reason. I am informed and  
2 believe and on that ground allege that the matters stated in the foregoing document are true.

3 Executed on May 1, 2018 at Sacramento, Sacramento County, California. I declare under  
4 penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
5  
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7  
8 GRACE A. GALLIGHER  
9 Attorney for Karen Koens, Vanessa Landeros-  
10 Martinez and Marcella Pierson  
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