

Filed  
Superior Court of California,  
Sacramento  
06/07/2023  
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By \_\_\_\_\_, Deputy  
23WMD000024

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7 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF SACRAMENTO

9 SADE DANIELS,

10 Petitioner/Plaintiff,

11 vs.

12 COUNTY OF SACRAMENTO,

13 Respondent/Defendant

Case No.:

VERIFIED PETITION FOR WRIT OF  
MANDATE (C.C.P. § 1085) AND  
COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF

14  
15 **INTRODUCTION**

16 1. For years, the County of Sacramento (“the County” or “Respondent”) has  
17 unlawfully housed children in foster care in unlicensed and inappropriate facilities, causing  
18 further trauma and harm to vulnerable children who have been removed from their homes and  
19 families due to abuse or neglect. In violation of licensing requirements, care and supervision  
20 protections, and the individual rights of foster children, the County has a long-standing practice  
21 of utilizing unlicensed settings until being forced to stop, then moving those children to other  
22 unlicensed settings, where the cycle then repeats. Petitioner/Plaintiff Sade Daniels (“Petitioner”)  
23 brings this taxpayer action to ensure Respondent complies with its legal obligations to the  
24 children in their care and prevent Respondent from continuing to rely on short-term solutions  
25 involving unlicensed placements, which can further traumatize and exacerbate the placement  
26 instability of these children long term.

BY FAX

1           2.     The Community Care Licensing Act (“Act”), Health and Safety Code §§ 1500 *et*  
2 *seq.*, and its implementing regulations, Cal. Code Regs. tit. 22, §§ 80000 *et seq.*, govern the  
3 operation of facilities that care for foster children and incorporate care and supervision standards  
4 that are crucial to ensuring the physical, mental, and emotional well-being of children in care.  
5 Health and Safety Code § 1508 expressly prohibits a county from operating, establishing,  
6 managing, conducting, or maintaining a community care facility without a current valid license.  
7 State law also requires that children in foster care be placed in the least restrictive family setting  
8 and be afforded certain essential rights, including the right to live in a safe, healthy, and  
9 comfortable home where they are treated with respect.

10           3.     Since August 2022, Respondent has housed children in foster care at the Warren  
11 E. Thornton Youth Center (“WET Youth Center”), a facility that was previously operated by the  
12 County’s Probation Department and closed in 2009. The WET Youth Center is not licensed to  
13 care for children in foster care, and as a former juvenile justice facility with a traditional  
14 panopticon design, the environment is not suitable for foster youth. Furthermore, group settings  
15 in which children are cared for by rotating staff members are detrimental to healthy adolescent  
16 development and deprive children of opportunities to build connections to engaged adults,  
17 succeed academically, and exercise age-appropriate decision-making and critical thinking skills.  
18 Children who are involved in the foster care system have already experienced some level of  
19 trauma and deserve to be placed in a stable, nurturing environment that enables typical childhood  
20 experiences.

21           4.     Unfortunately, this use of the WET Youth Center is not the County’s first time  
22 operating an unlicensed facility for foster youth. Before reopening the WET Youth Center to  
23 house children in care, Respondent housed children in an office building where they slept on  
24 makeshift beds in an office space. Before using that office building, Respondent housed children  
25 in a different office building with similar makeshift beds. Since at least 2016, Respondent has  
26 operated an unlicensed setting and failed to implement policy and practice changes to remedy  
27 these clear violations and avoid the need for any unlicensed care.



1 suffering, harm due to abuse or neglect. The purpose of removing children from home is to  
2 provide them with maximum protection and safety, and to ensure their physical and emotional  
3 well-being.

4 11. State and federal law require that children who must be removed from home be  
5 placed in the least restrictive, most family-like setting, in close proximity to the child's home,  
6 consistent with the needs of the child. Welfare and Institutions Code § 16000; 42 U.S.C. §§  
7 622(b)(8)(A)(ii) & 675(5)(A). State law permits the appropriate placement of children in  
8 residential care facilities when placement is in the best interest of the child, paying attention to  
9 the individual needs of the child and the ability of the facility to meet those needs as well as the  
10 licensing requirements of the facility as determined by the licensing agency. Health & Safety  
11 Code §1501.1.

12 **B. Community Care Licensing Requirements**

13 12. In California, foster care placements, other than those providing medical care, are  
14 regulated pursuant to the California Community Care Facilities Act ("Act"), Health & Safety  
15 Code §§ 1500, *et seq.*, and are licensed by CDSS.

16 13. The Act prohibits private and public agencies within the state from operating,  
17 establishing, managing, conducting, or maintaining community care facilities without a current  
18 valid license issued by CDSS. Health & Safety Code §1508. A community care facility is defined  
19 as any facility, place, or building that is maintained and operated to provide nonmedical  
20 residential care, day treatment, adult daycare, or foster family agency services for children and/or  
21 adults, and includes facilities designed to care for children in foster care. Health & Safety Code  
22 §1502. Health & Safety Code § 1508 expressly applies the provisions of the Act to community  
23 care facilities operated by state and local public agencies.

24 14. Community care licensing requirements provide protection to children by  
25 prohibiting overcrowding; requiring criminal records and child abuse registry checks for staff;  
26 establishing minimum staff qualifications and training; strictly limiting the use of physical  
27 restraints and other staff interventions that may be harmful; requiring that children be permitted  
28

1 to interact with the community, including their families; ensuring that vulnerable children are not  
2 confined with youth who may be dangerous to them; providing that infants and toddlers receive  
3 special care consistent with their developmental needs; and ensuring resident privacy and  
4 personal rights. These regulations take into account that dependent children are victims and  
5 should not be subjected to punitive conditions. Cal. Code Regs. tit. 22, §§ 80000 *et seq.*

6 15. If a facility is not licensed as a community care facility or otherwise exempt from  
7 licensure and is providing care or supervision, is held out or represented as providing care or  
8 supervision, or accepts or retains residents who demonstrate a need for care or supervision, it  
9 may be deemed an unlicensed community care facility. Health & Safety Code § 1503.5(a); Cal.  
10 Code Regs. tit. 22, § 80001(u)(2).

11 16. CDSS is responsible for investigating complaints of unlicensed care. Within 10  
12 days of receiving a complaint alleging that a facility is operating without a license, CDSS's  
13 Community Care Licensing Division ("CCLD") conducts a preliminary review and onsite  
14 inspection of the facility. Cal. Code Regs. tit. 22, § 80006(b); Health & Safety Code § 1538.

15 17. If the facility is operating without a license, CCLD has authority to issue an  
16 immediate civil penalty to the facility, but it also must issue a notice of operation in violation of  
17 the law and refer the case for criminal prosecution and/or civil proceedings. Cal. Code Regs. tit.  
18 22, § 80006(c), (d). If there is an immediate threat to the clients' health or safety, or if the facility  
19 does not submit an application for licensure within 15 days of receiving the notice of operation  
20 in violation of law, CCLD must notify the appropriate placement or protective service agency.  
21 Cal. Code Regs. tit. 22, § 80006(f).

22 18. A facility will be penalized at \$200 a day if it continues to operate after its operator  
23 fails to submit a completed application for licensure within the required 15 days or after its  
24 application for licensure was denied. Cal. Code Regs. tit. 22, § 80058(a). The penalty continues  
25 until the facility operator ceases operation or applies for licensure. Cal. Code of Regs. tit. 22, §  
26 80058(b).

1 19. CDSS also annually inspects licensed community care facilities that provide 24-  
2 hour care to children and investigates complaints about licensed facilities. Health & Safety Code  
3 §§ 1522.4(a)(4), 1534(a)(1)(A). CDSS may make unannounced inspections of any community  
4 care facility to secure compliance with, or prevent a violation of, licensing requirements. Health  
5 & Safety Code § 1533.

6 20. If a facility is out of compliance with licensing requirements, CDSS issues a  
7 notice of deficiency, works with the facility to develop a corrective action plan, and conducts  
8 follow-up visits to monitor compliance. Health & Safety Code §§ 1526.5, 1534(a)(2)(A). CDSS  
9 has the authority to suspend or revoke the license of a facility that is out of compliance with  
10 licensing requirements, and may issue an immediate temporary suspension when the health or  
11 safety of a child is jeopardized. Health & Safety Code §§ 1550, 1550.5. When a license is  
12 suspended or revoked, the facility must cease operation, and residents are moved to a facility  
13 licensed to provide appropriate care. Health & Safety Code § 1556.

14 **C. Foster Youth Bill of Rights**

15 21. In addition to the Community Care Licensing regulations, foster youth have  
16 protections under other state statutes and regulations, including California's Foster Youth Bill of  
17 Rights. Welf. & Inst. Code § 16001.9(a). The Foster Youth Bill of Rights provides children and  
18 youth in care with a variety of protections for their health, safety, and general well-being. These  
19 rights apply to all children in foster care, including nonminor dependents, and all foster children  
20 must be given an age and developmentally appropriate explanation of these rights and be able to  
21 report violations of their rights. Welf. & Inst. Code §§ 1530.91, 16001.9(a)(40)-(41).

22 22. An integral licensing requirement that ensures the rights of children in foster care  
23 are protected is the requirement that each licensee ensures that every child in their care is given  
24 the personal rights specified in the California Foster Youth Bill of Rights. Cal. Code Regs. tit.  
25 22, § 84072(d). The purpose of this requirement is to ensure that any facility that accepts foster  
26 children is aware of the rights afforded by the Foster Youth Bill of Rights and that they are  
27 obligated to respect those rights.



1 KCRA (Apr. 26, 2023), [https://www.kcra.com/article/sacramento-county-lawsuit-housing-](https://www.kcra.com/article/sacramento-county-lawsuit-housing-foster-youth-former-jail-betty-williams/43700272)  
2 [foster-youth-former-jail-betty-williams/43700272](https://www.kcra.com/article/sacramento-county-lawsuit-housing-foster-youth-former-jail-betty-williams/43700272) [hereinafter Michelle Bandur Article].

3 28. The County then moved operations of CPSU, and the children who were awaiting  
4 suitable placement, to a County-owned office building located at 3701 Branch Center Road in  
5 Sacramento County. *See* Michelle Bandur Article. That building had makeshift beds and no  
6 showers or kitchen facilities. *See* Michelle Bandur Article.

7 29. In May 2022, CDSS received a complaint about unlicensed care at that location  
8 and conducted an unannounced site inspection and interviews of staff and children. *See* Letter  
9 from Kevin Gaines, Deputy Dir., Community Care Licensing, to Dr. Verronda Moore, Child  
10 Protective Services Division Manager, Sacramento County Centralized Placement Services Unit  
11 (Aug. 30, 2022) (on file with author) [hereinafter Letter to Dr. Moore].

12 30. In July 2022, Sacramento Metropolitan Fire District issued a formal correction  
13 notice to Sacramento Child Protective Services stating that an office building was not permitted  
14 for sleeping or dwelling and that the children must be relocated immediately. *See* Letter to Dr.  
15 Moore.

16 31. In August 2022, CDSS was informed that the County was considering the option  
17 of operating a Temporary Shelter Care Facility (“TSCF”). CDSS reminded the County that a  
18 TSCF or Transitional Shelter Care Facility (“TrSCF”) license is required for any location that  
19 provides residential care and supervision to children or youth who have been taken into protective  
20 custody or who are between placements, regardless of the child’s length of stay. CDSS  
21 encouraged the County to avail itself of the technical assistance from the State in “addressing  
22 impediments to the immediate placement of all children in safe and licensed residential settings,”  
23 as well as additional resources. CDSS also reminded the County that it must comply with  
24 licensing rules, even while engaging with technical assistance. *See* Letter to Dr. Moore.

25 32. On August 30, 2022, CDSS determined that the County-owned office building  
26 “posed an immediate health and safety risk” and could not continue to house children and youth.  
27 *See* Letter to Dr. Moore.

1           33.     In August 2022, the County stopped using the office building as the location of  
2 CPSU and moved operations of the CPSU, and the children and youth who were at the office  
3 building awaiting suitable placement, to the WET Youth Center. *See* Letter from Margo  
4 Castaneda, Regional Manager of Sacramento Children’s Residential Regional Office,  
5 Community Care Licensing Division California Department of Social Services, to County of  
6 Sacramento, DCFAS (May 16, 2023) (on file with author) [hereinafter Letter from Margo  
7 Castaneda].

8           **B. Unlicensed Care at the Warren E. Thornton Youth Center**

9           34.     On information and belief, Sacramento County owns and operates the WET  
10 Youth Center, where Respondent detains children removed from home because their parents have  
11 allegedly abused, neglected, or abandoned them.

12           35.     On information and belief, the WET Youth Center, which was closed by the  
13 County in 2009, was historically used by the county as a facility for its juvenile probation  
14 program. The Sacramento County Probation Department still maintains administration offices  
15 on site.

16           36.     The WET Youth Center is being utilized by Respondent to provide nonmedical  
17 residential care for foster children and meets the definition of an unlicensed community care  
18 facility under Health & Safety Code § 1503.5(a), and Cal. Code Regs. tit. 22, § 80001(u)(2). *See*  
19 *also*, Health & Safety § Code 1508.

20           37.     Although the relevant statutes and regulations require that the WET Youth Center  
21 be licensed, it does not have a valid current license issued by CDSS. Both conditions within the  
22 facility and the treatment foster youth receive at the facility fail to meet the standards set by  
23 licensed care. *See* Letter from Margo Castaneda.

24           38.     On February 13, 2023, CDSS notified the County that it was operating the WET  
25 Youth Center without a license in violation of California Health and Safety Code § 1508, which  
26 prohibits any state or local public agency within the state from operating, establishing, managing,  
27 conducting, or maintaining a community care facility in this state without a current valid license  
28

1 from CDSS. *See* Letter from Kevin Gaines, Deputy Dir., Community Care Licensing, to Melissa  
2 Lloyd, Deputy Dir., Sacramento Child Protective Services (Feb. 13, 2023) (on file with author)  
3 [hereinafter Letter to Melissa Lloyd].

4 39. On April 10, 2023, the County applied for licensure of the WET Youth Center as  
5 a TSCF, while it continued to engage local providers interested in contracting with and running  
6 a TrSCF for the County. *See* Letter from Margo Castaneda.

7 40. Disability Rights California (“DRC”) is the state’s Protection and Advocacy  
8 Agency and has authority under federal and state law to inspect the facility and report its findings  
9 to the public. 42 U.S.C. §§ 10805(a)(4)(B)(iii), 15043(a)(2)(I)(ii)(III); Welf. & Inst. §  
10 4903(a)(2)(C), (h)(3)(B); 42 C.F.R. § 51.45(b)(1); 45 C.F.R. § 1326.28(c).

11 41. DRC opened an investigation into Thornton and conducted an unannounced site  
12 inspection on April 17, 2023. *See* Disability Rights California, “*It Feels Like a Juvenile Hall to*  
13 *Me”: A Snapshot of Conditions in the Warren E. Thornton Youth Center*, Disability Rights  
14 California (May 10, 2023), [https://www.disabilityrightsca.org/custom-page/it-feels-like-a-](https://www.disabilityrightsca.org/custom-page/it-feels-like-a-juvenile-hall-to-me-a-snapshot-of-conditions-in-the-warren-e-thornton-0)  
15 [juvenile-hall-to-me-a-snapshot-of-conditions-in-the-warren-e-thornton-0](https://www.disabilityrightsca.org/custom-page/it-feels-like-a-juvenile-hall-to-me-a-snapshot-of-conditions-in-the-warren-e-thornton-0) [hereinafter DRC May  
16 Report]. Photos taken during DRC’s April 2023 inspection of the WET Youth Center are  
17 included in the Complaint as Exhibits A-G.

18 42. On May 10, 2023, DRC released its findings report, which noted that “because  
19 youth enter the WET Center from traumatic placement disruptions, it is imperative that they  
20 receive trauma-informed care and supervision in a nurturing, homelike environment.” *See* DRC  
21 May Report.

22 43. On May 16, 2023, CDSS’s Community Care Licensing Division (“CCLD”)  
23 denied the County’s application to license the WET Youth Center as a TSCF. Among other  
24 reasons, CCLD found that the WET Youth Center “is a former youth detention facility, with a  
25 jail-like setting,”<sup>1</sup> and violates the personal rights of youth in foster care to live in a safe, healthy,

26 \_\_\_\_\_  
27 <sup>1</sup> The WET Youth Center was licensed as a Level A Placement, not a youth detention facility,  
while operated by the Sacramento County Probation Department.

1 and comfortable home; to be placed in the least restrictive setting possible; and to have a  
2 placement that utilizes trauma-informed and evidence-based de-escalation and intervention  
3 techniques and that does not use law enforcement intervention as a threat or in retaliation against  
4 the child. *See* Letter from Margo Castaneda.

5 44. The WET Youth Center continues to operate in violation of licensing  
6 requirements and the standards set forth in Community Care licensing regulations. Respondent  
7 is aware of these violations and has been unsuccessful in efforts to correct them despite  
8 Sacramento County’s years-long struggle with finding licensed placements for children in foster  
9 care.

### 10 C. Facility Deficiencies

11 45. The WET Youth Center does not meet the fire clearance minimum requirements  
12 set by California Code of Regulations tit. 22, § 80020(a). Per the regulation, a facility must  
13 “secure and maintain a fire clearance approved by the city or county fire department, the district  
14 providing fire protection services, or the State Fire Marshal.” *Id.*

15 46. As part of the permitting process, the Fire Marshal inspects the facility to ensure  
16 that the proper precautions are in place to avoid, and mitigate the damage from, fires. These  
17 precautions include: ensuring smoke and carbon monoxide alarms are installed and tested  
18 regularly, ingress and egress are clear, there is an escape plan and meeting place, there are no  
19 wiring issues, and there are appropriate fire extinguishers. *See Fire Inspector’s Guide - R*  
20 *Occupancies*, City of Sacramento, [https://www.cityofsacramento.org/-](https://www.cityofsacramento.org/-/media/Corporate/Files/Fire/Guidebooks/Fire-Inspectors-Guide--R-OCCUPANCIES.pdf?la=en)  
21 [/media/Corporate/Files/Fire/Guidebooks/Fire-Inspectors-Guide--R-OCCUPANCIES.pdf?la=en](https://www.cityofsacramento.org/-/media/Corporate/Files/Fire/Guidebooks/Fire-Inspectors-Guide--R-OCCUPANCIES.pdf?la=en)  
22 (last visited Jun. 5, 2023).

23 47. Respondent has not secured the appropriate use permit from the Fire Marshal for  
24 the WET Youth Center. *See* Letter from Margo Castaneda. The current use permit is for  
25 institutional occupancy, and the Respondent failed to switch to the appropriate permit for a  
26 residential care facility. The Respondent has not made this change since August 2022 when they  
27 started housing foster children in the facility. *See* Letter from Margo Castaneda.

1           48. By not obtaining the appropriate permit, Respondent is not ensuring foster  
2 children's belongings and lives are properly protected. There are vulnerable children with a  
3 history of trauma and a variety of potential mental and physical health issues who are brought  
4 into a strange environment. The Respondent has an obligation to ensure that the WET Youth  
5 Center has the appropriate fire use permit and fire safety plan to meet the needs of the foster  
6 children who are housed in the facility.

7           49. The size of the cells that serve as bedrooms within the WET Youth Center do not  
8 meet the minimum standard set by California Code of Regulations tit. 22, § 84087(b)(2). A  
9 licensee must provide bedrooms that are "large enough to allow for easy passage and comfortable  
10 use of any required assistive devices, including but not limited to wheelchairs, between beds and  
11 other items of furniture." Cal. Code Regs. tit. 22, § 84087(b)(2).

12           50. Respondent does not provide the foster children within the WET Youth Center  
13 with appropriately sized bedrooms. Cells within the WET Youth Center serve as bedrooms for  
14 foster youth housed in the facility, and there are both single occupancy and double occupancy  
15 cells within the facility. The cells in the WET Youth Center measure 16 feet by 7 feet, 9 inches,  
16 which is insufficient to allow potentially necessary assistive devices. *See* Letter from Margo  
17 Castaneda. Cell doors cannot completely open because they hit the bed frame. *See* DRC May  
18 Report; *see also* Exs. A and B.

19           51. The cells are "wet cells," meaning they have a sink and toilet within the cell.  
20 While each cell has a metal sink and toilet, the County has covered the metal toilets in the cells  
21 that are serving as bedrooms with a wooden box that prevents youth from accessing the toilet in  
22 their cell. *See* Letter from Margo Castaneda; DRC May Report; *see also* Ex. C.

23           52. The sparse furnishings provided within the WET Youth Center do not meet the  
24 minimal standards set by Cal. Code Regs. tit. 22, §§ 84088(c); 84088(4). In licensed placements  
25 the licensee is expected to provide "[a]n individual bed maintained in good repair; equipped with  
26 good springs . . . ." Cal. Code Regs. tit. 22, § 84088(c)(1).

1           53.     Additionally, in licensed placements the licensee is expected to provide  
2 “[p]ortable or permanent closets and drawer space in the child’s bedroom to accommodate the  
3 child’s clothing and personal belongings.” Cal. Code Regs. tit. 22, § 84088(4).

4           54.     Respondent does not provide the foster children within the WET Youth Center  
5 with an appropriate mattress or storage space for their clothing and personal belongings. The  
6 cells within the WET Youth Center that serve as bedrooms are sparsely furnished. *See* Letter  
7 from Margo Castaneda; DRC May Report; *see also* Ex. D.

8           55.     A single occupancy cell is furnished with a metal slab bed frame that is topped by  
9 a very thin plastic mattress topper, a metal desk, a metal toilet that is covered by a wooden box,  
10 and a metal sink. The mattresses have no springs and resemble thin hospital bedding that is  
11 designed to be easily cleaned after it is soiled. *See* Letter from Margo Castaneda; DRC May  
12 Report; *see also* Ex. B. Double occupancy cells have duplicates of the metal bed frame, mattress  
13 topper, and desk. *See* Letter from Margo Castaneda; DRC May Report; *see also* Ex. D.

14           56.     The cells do not have drawer space or closets for the children’s belongings.  
15 Children instead live out of bags and are not able to safeguard their personal belongings in their  
16 bedrooms. *See* Letter from Margo Castaneda; DRC May Report; *see also* Exs. C, D, and E. While  
17 each cell has a desk, there are no chairs in the cell that would allow a child to utilize the desk in  
18 a traditional manner. *See* Letter from Margo Castaneda; DRC May Report; *see also* Exs. A and  
19 D.

20           57.     The limited number of restrooms for the 15-20 foster children housed in the WET  
21 Youth Center at a given time do not meet the minimal standards set by California Code of  
22 Regulations tit. 22, § 84088(b). In licensed placements the licensee is required to ensure there is  
23 “at least one toilet and wash basin maintained for each six persons residing in the facility,  
24 including children and personnel.” Cal. Code of Regs. tit. 22, § 84088(b).

25           58.     Several cells within the WET Youth Center have been converted by the County  
26 into restrooms. *See* Letter from Margo Castaneda; DRC May Report. As described above, the  
27 metal toilets in the cells that serve as bedrooms are inaccessible to the children who reside there.

1 Instead, five of those cells have been designated as restrooms by the County. *See* Letter from  
2 Margo Castaneda; DRC May Report.

3 59. The restrooms have the same layout as the bedrooms and are unfurnished. *See*  
4 DRC May Report; *see also* Ex. F. The restrooms are locked from the outside and the children  
5 must ask adult staff to unlock the doors prior to their use. *See* DRC May Report. The majority of  
6 the restrooms have been inoperable at multiple points in time, leaving only one or two of these  
7 make-shift restrooms available for 15-20 children housed at the WET Youth Center. *See* DRC  
8 May Report. The Respondent is not consistently ensuring the appropriate ratio of foster children  
9 to available operable toilets is being maintained within the facility.

#### 10 **D. Violation of Personal Rights**

11 60. Respondent's operation of the WET Youth Center violates several of the personal  
12 rights afforded to the foster children housed there by the Foster Youth Bill of Rights. A licensee  
13 has the obligation to ensure children in foster care are given the rights afforded to them by the  
14 Foster Youth Bill of Rights. The Foster Youth Bill of Rights applies to "all children placed in  
15 foster care," and still applies to the foster children housed in the unlicensed WET Youth Center.  
16 Welf. & Inst. Code § 16001.9(a).

17 61. Foster children in the WET Youth Center have the right to "live in a safe, healthy,  
18 and comfortable home where they are treated with respect" and to "be placed in the least  
19 restrictive setting possible . . ." Welf. & Inst. Code §§ 16001.9(a)(1), (a)(4).

20 62. Respondent fails to provide the foster children in their care with a comfortable  
21 home, and the facility is not the least restrictive option possible because the WET Youth Center  
22 is a jail-like setting.

23 63. The WET Youth Center was previously used by the Sacramento County Probation  
24 Department and retains its jail-like setting of a traditional panopticon design with individual cells  
25 surrounding a common space. *See* DRC May Report. At the entrance of the facility there are  
26 three security officers from the Sacramento County Sheriff's Department, a metal detector, and  
27 an x-ray security scanner. *Id.* The gymnasium that foster children have available for  
28

1 extracurricular activities still has a Probation seal in the center of the gym floor. *See* Letter from  
2 Margo Castaneda.

3 64. County staff prepare meals for the children in a staff breakroom. The breakroom  
4 has multiple refrigerators, microwaves, and air fryers, but no oven. *See* DRC May Report. The  
5 breakroom also houses staff cubicles, printers, and office supplies, and is not dedicated to  
6 hygienically preparing meals. *Id.*

7 65. The bedrooms the foster children sleep in are modified wet cells. The bedroom  
8 doors have a rectangular glass window, which prevents youth from having privacy. *See* Letter  
9 from Margo Castaneda.

10 66. The restrooms that foster children use, when they are operable, are just wet cells  
11 that have been designated as bathrooms by the Respondent. *See* Letter from Margo Castaneda;  
12 DRC May Report.

13 67. The shower facilities that foster children use are shower stalls that require the  
14 children to repeatedly press a button to dispense water from the small metal spigot. *See* DRC  
15 May Report; *see also* Ex. G. The water has inconsistent temperature and culturally appropriate  
16 personal hygiene items are not consistently provided. *See* DRC May Report.

17 68. There are limited appropriate spaces for children to do homework within the  
18 facility. While their bedrooms have metal desks, their bedrooms lack chairs that would allow  
19 students to do work at their desks in a traditional manner. *See* Letter from Margo Castaneda;  
20 DRC May Report; *see also* Exs. A and D.

21 69. Both the presence of security officers from the Sheriff's Department and the WET  
22 Youth Center's proximity to the Probation Department's administrative office means children  
23 could actually be, or feel, threatened with a law enforcement response for any misbehavior.  
24 Instead of providing foster children with a comfortable home, Respondent placed them in a  
25 facility that significantly resembles a juvenile hall.

26 70. Foster children in the WET Youth Center have the right to "have a placement that  
27 utilizes trauma-informed and evidence-based de-escalation and intervention techniques . . . and  
28

1 to not have law enforcement intervention used as a threat or in retaliation against the child.” Welf.  
2 & Inst. Code § 16001.9(a)(7).

3 71. Respondent’s placement of foster children in the WET Youth Center’s  
4 aforementioned jail-like setting is inconsistent with trauma-informed care. Many of the foster  
5 children placed at the WET Youth Center likely experienced trauma prior to their entry into the  
6 foster care system. Additionally, those foster children who have incarcerated parents or have  
7 been incarcerated themselves may be especially impacted by the WET Youth Center’s jail-like  
8 conditions. In sum, “[t]he facility environment and the institutional setting are not trauma-  
9 informed and have the potential to re-traumatize or trigger the youth.” Letter from Margo  
10 Castaneda; *see also* Sarah Fathallah & Sarah Sullivan, *Away From Home: Youth Experiences of*  
11 *Institutional Placements in Foster Care*, 25-28, 101 (2021) (“[I]nstitutional placements are in  
12 direct contradiction with the kind of supportive environment children and youth need to be  
13 healthy, develop, and thrive.”), [https://assets.website-](https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf)  
14 [files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96\\_Away%20From%20Hom](https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf)  
15 [e%20-%20Report.pdf](https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf).

16 **E. Failure to Provide Treatment Necessary to Children’s Mental Health and**  
17 **Development**

18 72. State law permits the appropriate placement of children in residential care  
19 facilities when placement is in the best interest of the child, paying attention to the individual  
20 needs of the child and the ability of the facility to meet those needs as well as the licensing  
21 requirements of the facility as determined by the licensing agency. Health and Safety Code §  
22 1501.1. Community care licensing regulations require facilities to determine each child’s needs  
23 and to develop an individualized plan to meet those needs. Cal. Code Regs. tit. 22, § 84068.2.  
24 The plan must incorporate information from the child’s education, medical, dental, and mental  
25 health records, and must identify the services necessary to meet the child’s needs. *Id.*

26 73. On information and belief, the WET Youth Center houses children with widely  
27 disparate needs and backgrounds, including those traumatized by severe abuse and neglect, those

1 with extensive histories of mental health problems, and those who have been, or are at high risk  
2 of becoming, victims of commercial sexual exploitation.

3 74. State law also provides children in foster care a right to access and receive mental  
4 health services, including any specialty mental health services deemed medically necessary.  
5 Welf. & Inst. Code §§ 16001.9(a)(22)(A), 14184.402(d)(1). Specialty mental health services  
6 include intensive, community-based services provided under Medicaid's Early and Periodic  
7 Screening, Diagnostic, and Treatment benefit, such as Intensive Care Coordination and  
8 Therapeutic Behavioral Services. Welf. & Inst. Code § 14684(a)(7); Cal. Code Regs. tit. 9, §§  
9 1810.215, 1810.247; Order Granting Pl.'s Mot. for Permanent Inj., *Emily Q. v. Bonta*, No. CV-  
10 98-4181 (C.D. Cal. Mar. 30, 2001), ECF No. 187; Stipulated Judgment Pursuant to Class Action  
11 Settlement Agreement, Ex. A, *Katie A. v. Bonta*, No. CV-02-05662 (C.D. Cal. Dec. 5, 2011) ECF  
12 No. 15.

13 75. On information and belief, children placed at the WET Youth Center have  
14 historically received inadequate mental health services in a duration and intensity that does not  
15 meet the critical needs of such a vulnerable population. Initially, children placed at the WET  
16 Youth Center had very limited access to therapeutic services, then began receiving access of, at  
17 most, once per week. These children did not receive consistent connection to community-based  
18 therapeutic services such as Intensive Care Coordination or clinical support.

19 76. On information and belief, Respondent did not consider each child's individual  
20 needs or ensure that the appropriate types or frequency of services were provided. Access to high  
21 quality and individualized mental health services are important for all youth who have  
22 experienced trauma, but especially for youth with higher needs and for whom placement has been  
23 difficult.

24 77. Respondent has stated to Petitioner that it is now providing daily therapeutic  
25 support, including Therapeutic Behavioral Services and wraparound care, to children placed at  
26 the WET Youth Center. Petitioner has not been able to confirm that all children currently at the  
27 WET Youth Center, including newly admitted children, are receiving these services, or that  
28

1 children receive these services during their transition from and after leaving the WET Youth  
2 Center.

3 **CAUSES OF ACTION**

4 **FIRST CAUSE OF ACTION**

5 **Writ of Mandate – Code of Civ. Proc. § 1085**  
6 **Violation of Community Care Facilities Act**

7 78. The allegations set forth above are realleged and incorporated by reference as if  
8 fully set forth herein.

9 79. The California Community Care Facilities Act, Health & Safety Code §§ 1500 *et*  
10 *seq.*, requires a current valid license issued by CDSS to operate a community care facility,  
11 including facilities that care for foster children.

12 80. These requirements apply to Respondent as a local public agency pursuant to  
13 Health & Safety Code § 1508.

14 81. Respondent has violated the California Community Care Facilities Act by  
15 operating, establishing, managing, conducting, and maintaining the WET Youth Center as a  
16 community care facility that provides nonmedical residential care to abused and neglected  
17 children without a current valid license.

18 82. Respondent has a clear, present, and ministerial duty to comply with the  
19 California Community Care Facilities Act.

20 83. Petitioner is a citizen and taxpayer of the County of Sacramento and State of  
21 California.

22 84. Petitioner is a beneficially interested party entitled to a preemptory writ of  
23 mandate to compel the performance of an act which the law specifically enjoins, pursuant to  
24 Code of Civil Procedure § 1085.

25 85. Respondent has a long history of moving children and youth in foster care from  
26 one unlicensed facility to another, and will continue to utilize these unlawful settings unless  
27 compelled by the Court to comply with its legal obligations.

28 86. Petitioner has no plain, speedy, or adequate alternative remedies at law.







1 (iii) ensuring that children in foster care have access to adequate and  
2 appropriate mental health services.

3 (b) Issue declaratory relief that Respondent's current and historical practices of  
4 operating, establishing, managing, conducting, and maintaining community care facilities,  
5 including the WET Youth Center, to provide nonmedical residential care to abused and neglected  
6 children violate state law, regulations, and policies, including Health and Safety Code 1508.

7 (c) Issue declaratory relief that Respondent's current and historical practices of  
8 housing children in foster care in unlicensed community care facilities, including the WET Youth  
9 Center, that are not the least restrictive settings and do not provide access to adequate mental  
10 health services, violate state law, regulations, and policies, including Welfare and Institutions  
11 Code §§ 16000, 16501.1(d)(1), 16001.9, and 14184.402(d)(1).

12 (d) Issue injunctive relief and enter final judgment prohibiting Respondent from  
13 engaging in the unlawful practices challenged in this Complaint and requiring Respondent to  
14 implement the provisions set forth in the proposed Stipulated Judgment.

15 (e) Exercise continuing jurisdiction over this action to ensure that Respondent  
16 complies with the writ of mandate of this Court and the judgment as set forth in the proposed  
17 Stipulated Judgment.

18 (f) Award Petitioner reasonable costs and attorneys' fees in the event that a breach  
19 by Respondent of the Stipulated Judgment requires court intervention.

20 (g) Issue such other and further relief as this court shall deem necessary.  
21

22 Dated: June 7, 2023

Respectfully submitted,

23  
24  
25 Christopher Middleton  
Christopher Middleton  
YOUTH LAW CENTER

26 *Attorney for Petitioner/Plaintiff*  
27

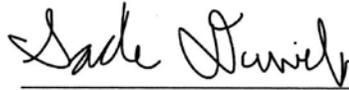
1 **VERIFICATION**

2 I, Sade Daniels, hereby declare as follows:

3 I am the petitioner and plaintiff in this action. I have read the VERIFIED PETITION  
4 FOR WRIT OF MANDATE (C.C.P. § 1085) AND COMPLAINT FOR DECLARATORY  
5 AND INJUNCTIVE RELIEF. The facts and statements that relate to me in the foregoing  
6 document are true and correct to the best of my information and belief.

7 This verification was executed on June 6, 2023 in Sacramento,  
8 California.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 

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12 Sade Daniels  
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**VERIFICATION**

I, Christopher Middleton, hereby declare as follows:

I am counsel for the Petitioner and Plaintiff in this action. I have read the VERIFIED PETITION FOR WRIT OF MANDATE (C.C.P. § 1085) AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know the contents thereof. I am informed and believe that the facts stated in the Petition and Complaint are true, and on that basis I allege them to be true and correct.

This verification was executed on June 6, 2023 in Oakland, California.

I declare under penalty of perjury that the foregoing is true and correct.

Christopher Middleton  
Christopher Middleton  
Attorney for Petitioner/Plaintiff

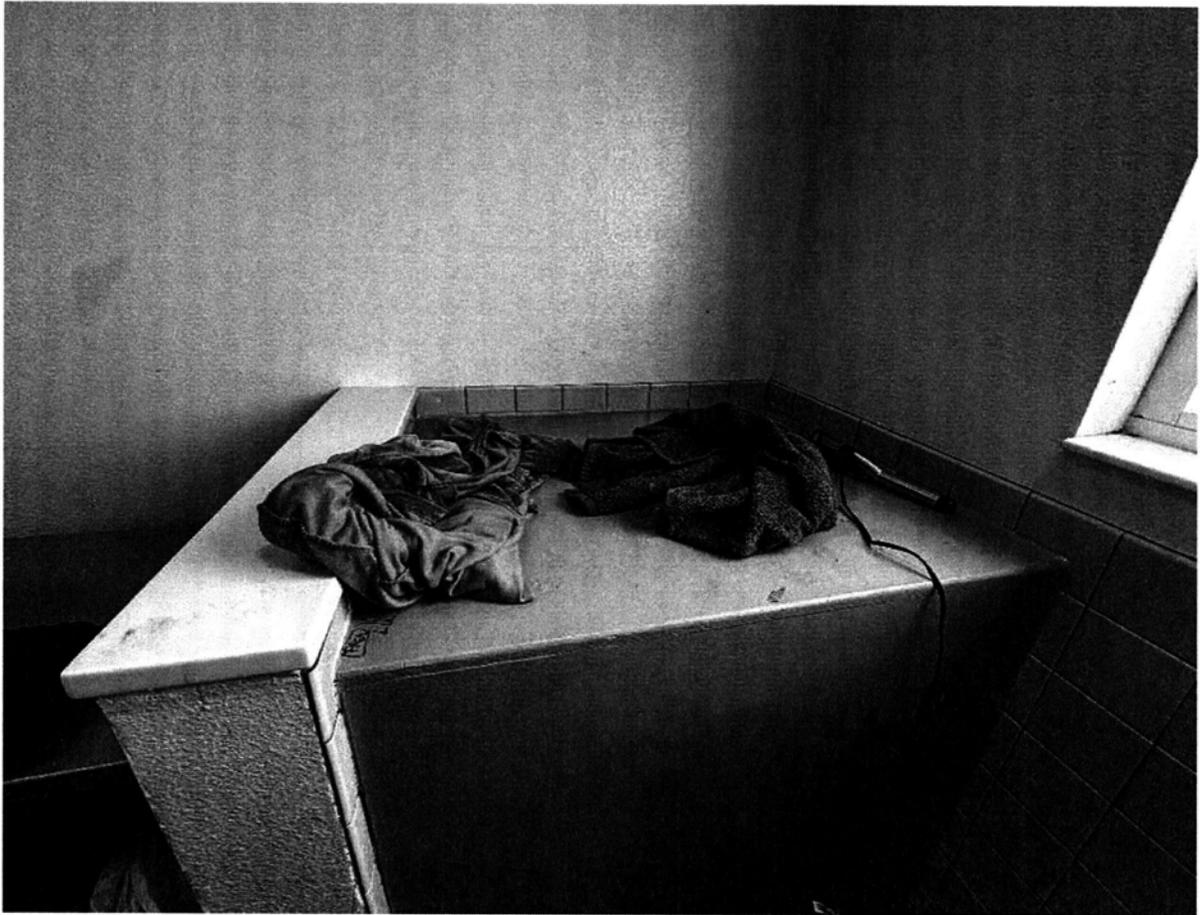
# **EXHIBIT A**



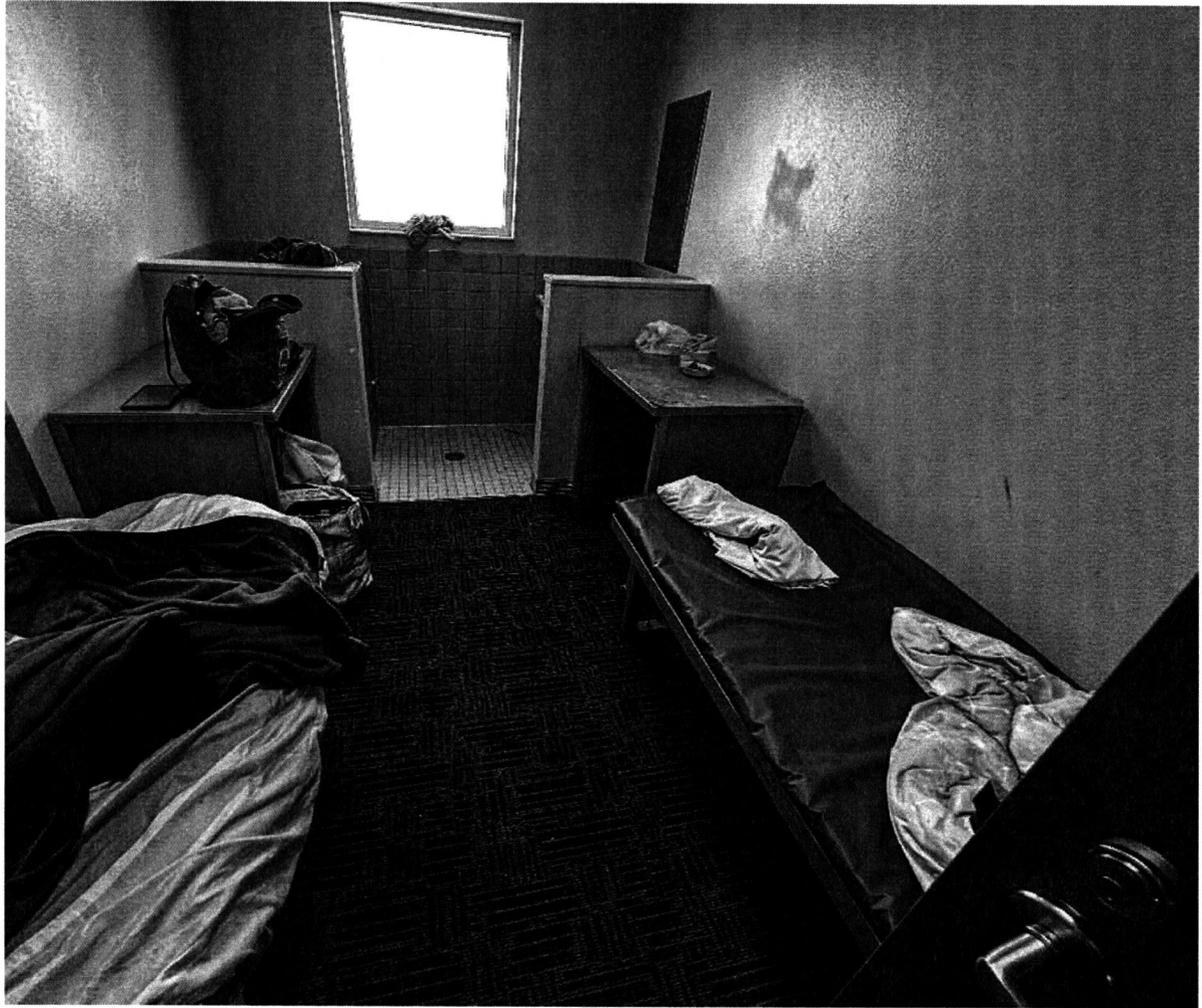
# **EXHIBIT B**



# **EXHIBIT C**



# **EXHIBIT D**



# **EXHIBIT E**



# **EXHIBIT F**



# **EXHIBIT G**



**G. GALAVIZ**

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