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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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13 **CALIFORNIA ALLIANCE OF CHILD
14 AND FAMILY SERVICES,**

15 Plaintiff,

16 v.

17 **JOHN WAGNER, Director of the California
18 Department of Social Services, in his official
capacity; GREGORY ROSE, Deputy
19 Director of the Children and Family
Services Division of the California
20 Department of Social Services, in his official
capacity,**

21 Defendants.
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CV 09-4398 MHP

**DECLARATION OF PETER CERVINKA
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND AND ORDER TO SHOW CAUSE
RE: PRELIMINARY INJUNCTION**

Date: 10/9/2009
Time: 2:30 p.m.
Courtroom: 15, 18th Floor, San Francisco
Judge The Hon. Marilyn Hall Patel

Action Filed: September 18, 2009

23 I, Peter Cervinka, do hereby declare:

24 1. Since January 2008 been serving as an Assistant Secretary for Program and Fiscal
25 Affairs with the California Health and Human Services Agency (Agency). Prior to my current
26 position, I assisted in the development of the Administration's positions on and amendments to
27 pending legislation affecting any part of the entire breadth of California's health and human
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1 services programs, beginning June 2007, also with the Agency. My experience before June 2007
2 includes roughly nine years of state budget development, enactment, and implementation work,
3 with the most recent of that experience in the state budgets for the California Departments of
4 Health Care Services, Mental Health, Developmental Services, Public Health, Alcohol and Drug
5 Programs, and the Managed Risk Medical Insurance Board.

6 2. My current responsibilities include policy and fiscal direction and oversight for the
7 California Department of Social Services (department), which includes the department's Division
8 of Children and Family Services that administers and/or coordinates all of California's foster
9 youth programs.

10 3. I hereby declare the following facts to be true and correct to the best of my
11 knowledge attained through my experience and information provided to me by the state
12 departments mentioned below:

- 13 • In addition to the state and federal funding provided via the Department of Social
14 Services (CDSS) to group homes serving foster youth in California, these group
15 homes also receive resources from county and other local government entities, and
16 from community-based organizations including non-profit organizations, in some
17 cases as "matching funds" to the funding provided via CDSS.
- 18 • I am aware that many group homes serving foster youth in California also receive
19 the funding from other state departments, as follows:
 - 20 ○ The passage of Proposition 63 in November 2004, created the Mental
21 Health Services Act (MHSA) program, administered by the California
22 Department of Mental Health. This program provides increased funding,
23 personnel and other resources to support community-based county mental
24 health programs. The focus of these services is on underserved or
25 previously unserved populations including adults and youth. Specifically,
26 and in part, the MHSA requires that counties and cities receiving MHSA
27 funds provide services to address the needs of transition-age youth in the
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1 ages of 16 to 25. These youth served through MHSA programs may also
2 be receiving services through the foster care system.

- 3 ○ The federal Medicaid program, commonly known as Medi-Cal in
4 California, provides health care services to eligible persons in California.
5 Most, if not all, foster youth meet the eligibility requirements to receive
6 health care services through this program. While this funding is not
7 provided directly to group homes, the Department of Health Care Services
8 administers this funding for the benefit and care of foster youth served by
9 group homes in California in collaboration with the Department of
10 Alcohol and Drug Programs, Department of Developmental Services,
11 Department of Social Services, and the Department of Mental Health.
- 12 ○ The Early and Periodic Screening, Diagnosis, and Treatment Program
13 (EPSDT) Program is a federally mandated benefit under Medicaid (Medi-
14 Cal). States receiving Medicaid dollars must provide these services in
15 order to comply with federal requirements and their federally approved
16 state plans if funding is to be continued. All Medi-Cal-eligible children
17 and young adults in California who are under 21 years of age, including
18 youth served through the foster care system, are entitled to receive any
19 medically necessary mental health services that are needed to correct or
20 ameliorate the child/youth's condition. While these funds are not received
21 directly by group homes in California, the Department of Health Care
22 Services and Department of Mental Health collaborate to provide these
23 mental health services to eligible foster youth served by group homes in
24 California.
- 25 ○ The Community Treatment Facility (CTF) supplemental rate is paid by
26 the Department of Mental Health to Mental Health Plans (MHPs) that
27 distribute the funds to CTFs as required by subdivision (d) of Section
28 4094 of the California Welfare and Institutions Code. The supplemental

1 rate provides funding necessary for CTFs to meet the mental health needs
2 of seriously emotionally disturbed (SED) children in Rate Classification
3 Level 13 and 14 group homes. There are four CTFs operating in
4 California.

5 I declare under penalty of perjury that the foregoing is true and correct, and that this
6 declaration was executed, electronically, at my request, on October 5, 2009, while I was in
7 Sacramento, California.

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/s/ Peter Cervinka
PETER CERVINKA

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GENERAL ORDER 45 ATTESTATION

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I, George Prince, am the ECF user whose ID and password are being used to file this
request for an order. In compliance with General Order 45, X.B., I hereby attest that declarant
Peter Cervinka has concurred in the filing of this document with his electronic signature.

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Dated: October 5, 2009

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/s/ George Prince
George Prince

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