

DEPARTMENT OF HEALTH SERVICES

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 SACRAMENTO, CA 94234-7320

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October 6, 1994

TO: All Holders of the Medi-Cal Eligibility Manual

MANUAL LETTER NO.: 135

Enclosed are new procedures on Institutional Status which encompass new Health Care Financial Administration guidelines and state law.

Procedure Revision

Article--6

Description

Medi-Cal Eligibility Due to Institutional Status

Filing Instructions:Remove pages

Procedural Table of Contents :

Article 6--Page PTC 7

Article 6 Table of Contents

6A-1 through 6B-7

Insert pages

Procedural Table of Contents :

Article 6--Page PTC 7

Article 6 Table of Contents

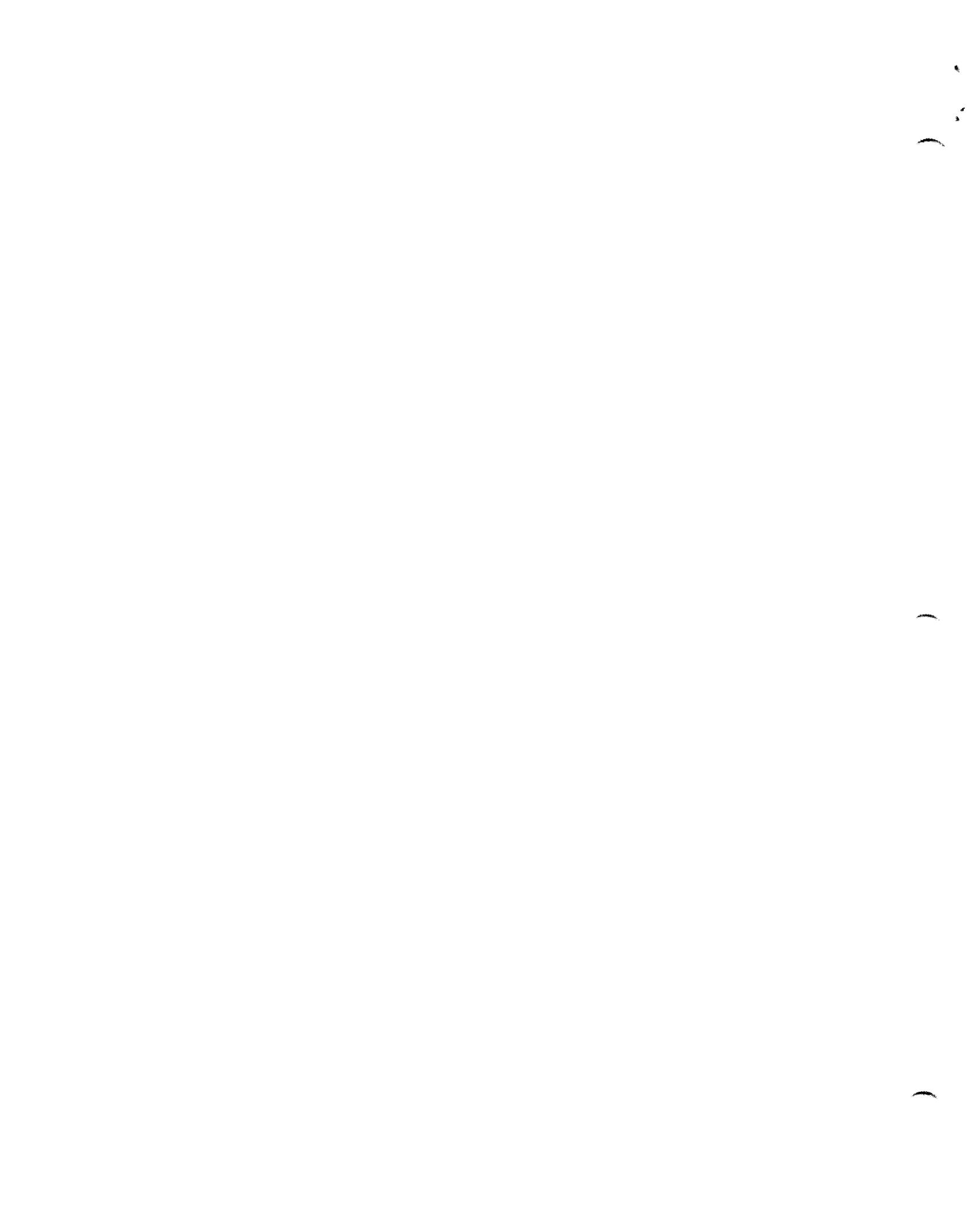
6A-1 through 6G-4

If you have any questions concerning a specific revision, please contact Ms. Elena Lari of my staff at (916) 657-0712.

Sincerely,

Original signed by
 Frank S. Martucci, Chief
 Medi-Cal Eligibility Branch

Enclosures

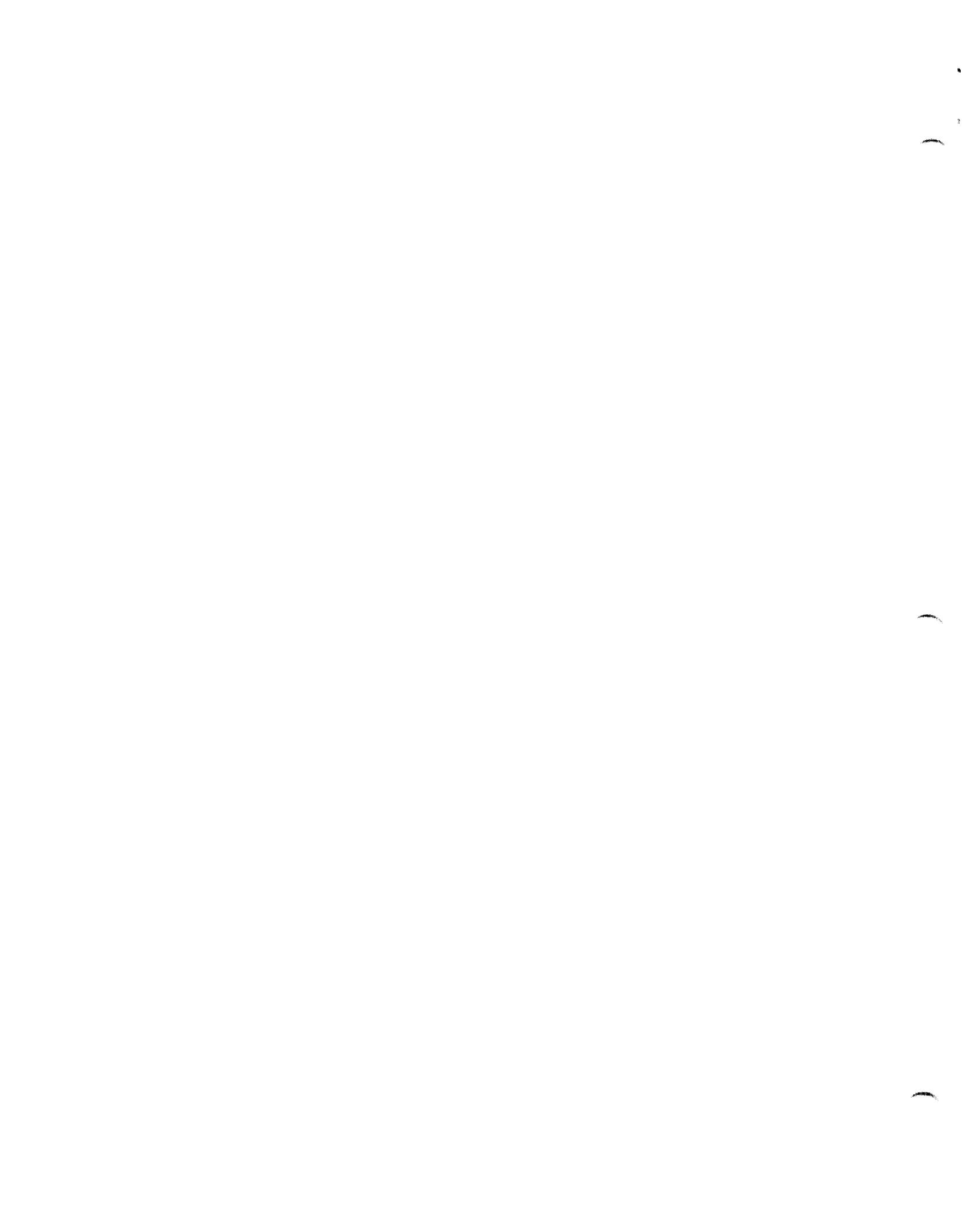


MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

Article 6

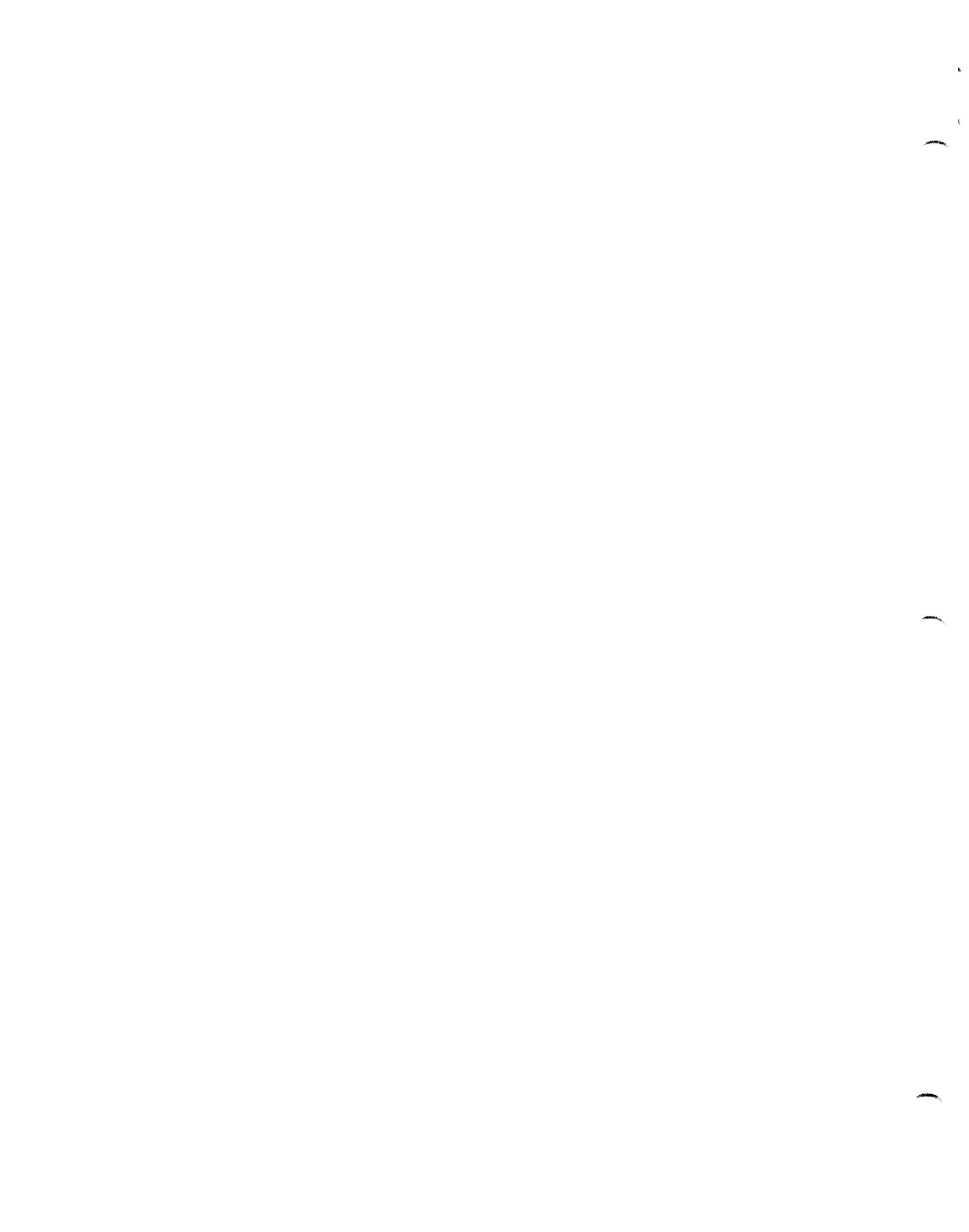
INSTITUTIONAL STATUS

- 6A - INTRODUCTION
- 6B - PUBLIC INSTITUTION
- 6C - INMATES OF A PUBLIC INSTITUTION
- 6D - JUVENILES
- 6E - INSTITUTIONS FOR MENTAL DISEASES (IMD)
- 6F - CHART
- 6G - QUESTIONS AND ANSWERS



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- ARTICLE 6 INSTITUTIONAL STATUS
- 6A - INTRODUCTION
1. Purpose
2. Background
3. Notices of Action
4. Implementation
- 6B - PUBLIC INSTITUTION
1. Definition
2. Not A Public Institution (FFP)
3. Publicly Operated Community Residences (No FFP)
- 6C - INMATES OF A PUBLIC INSTITUTION
1. Medi-Cal Eligible
2. Not Medi-Cal Eligible
- 6D - JUVENILES
1. Prior to Disposition
2. After Disposition
3. Nature of Facility
4. Foster Care
5. Emergency Assistance Program
6. Sample Disposition Orders
- a. Probation to Correctional Facility
- b. Sentence to Correctional Facility
- c. Placement in Foster Care
- d. Other Samples
- 6E - INSTITUTIONS FOR MENTAL DISEASES (IMD)
1. Definition
2. Identification of an IMD
3. IMD Exclusion
4. IMD's in California
5. Managed Mental Health Care
- 6F - CHART
- 6G - QUESTIONS AND ANSWERS



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6A. INTRODUCTION

1. PURPOSE

Federal Medicaid regulations prohibit federal financial participation (FFP) for certain individuals due to institutional status. Medi-Cal is not available to an inmate of a public institution. This article will distinguish for both adults and juveniles who is an inmate of a public institution for purposes of Medi-Cal eligibility.

2. BACKGROUND

42 United States Code (U.S.C.) Section 1396d(a)(24)(A) and 42 Code of Federal Regulation (CFR) Section 435.1008(a)(1) state that Federal Financial Participation (FFP) is not available in expenditures for services provided to individuals who are inmates of public institutions. 42 CFR Section 435.1009 states that an inmate of a public institution is a person who is living in a public institution.

Under new federal guidelines from the Health Care Financing Administration (HCFA), dated January 13, 1992, to the Director of the Arizona Health Care Cost Containment System, the term "inmate of a public institution" was further defined for purposes of Medicaid eligibility under Title XIX of the Social Security Act (SSA). The guidelines clarify that an individual is considered an "inmate of a public institution" from the date of actual incarceration in a prison, county, city or tribal jail until permanent release, bail, probation or parole.

Under the Social Security Act (SSA) Section 1905(a)(24)(A) and (B), Medi-Cal is not available for any individual under age 65 in an institution for mental diseases (IMD), but is available for inpatient psychiatric services for individuals under age 21 and up to age 22 if the services were begun prior to the 21st birthday.

For persons between 21 (or under certain conditions 22) and 65 years of age who are inmates of a mental institution, the state or county mental health system is responsible. For persons of any age who are detained under the penal system, the responsible third party is the penal institution or administration who retains authority over the individual. Under Section 4011.1 of the Penal Code a county may choose to cover prisoners under the county medical program; however, such coverage is optional. If a county does not choose to cover prisoners, the medical provider must collect directly from the penal authority, i.e., city jail for city prisoners, county jail or sheriff's office for county prisoners, etcetera.

3. NOTICES OF ACTION

Since Title 22, California Code of Regulations (CCR), Section 50273, precludes Medi-Cal eligibility for certain institutionalized individuals from the date of entry into an institution through the date of release, a ten-day Notice of Action (NOA) is not required prior to discontinuance as discontinuance due to entry into an institution is not considered an adverse action (Title 22, CCR, Section 50015). County welfare departments should immediately discontinue individuals found to be institutionalized with an appropriate NOA and request return of the Medi-Cal card.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

4. IMPLEMENTATION

The new HCFA guidelines which clarified the federal statute were sent to all county welfare departments on July 7, 1993. A retroactive period of one year previous to this date was granted for any case which resulted in a wrongful denial of Medi-Cal eligibility based upon institutional status. This would include any case wherein the final determination of ineligibility was made during the time period July 7, 1992 until July 7, 1993.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6B. PUBLIC INSTITUTION

1. DEFINITION

Public (non-medical) institution means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

2. NOT INCLUDED IN PUBLIC INSTITUTION

The following facilities are not public institutions and FFP is possible:

- a medical institution;
- an intermediate care facility;
- a publicly operated community residence that serves no more than 16 residents; or
- a child care institution:
 - for children who receive foster care payments under Title IV-E of SSA;
 - for children who receive AFDC-foster care under Title IV-A of SSA;
 - that accommodates no more than 25 children;
- an institution for the mentally retarded or persons with related conditions (chronic disability attributable to cerebral palsy or epilepsy or any other condition other than mental illness closely related to mental retardation);
- a community care facility (H&S Code, Sec. 1502): Any facility, place, or building which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. FFP is possible.
 - Residential Facility - family home, or group care facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of individual.
 - Adult Day Care Facility - provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of individual on less than 24-hour basis.
 - Therapeutic Day Services Facility - provides nonmedical care counseling, educational or vocational support, or social rehabilitation services on less than

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

24-hour basis to persons 18 years or under who would otherwise be placed in foster care or are returning to family from foster care.

- Foster Family Home - residential facility which provides 24-hour care for six or fewer foster children and is the residence of the foster parent or parents, including their family.
 - Small Family Home - residential facility which provides 24-hour care to six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. This home can also accept children without special health care needs.
 - Social Rehabilitation Facility - a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.
 - Community Treatment Facility - residential facility which provides mental health treatment services to children in a group setting.
3. The following facilities may be publicly operated community residences that serve no more than 16 residents, but they are not eligible for FFP:
- residential facilities located on the grounds of or adjacent to any large institution (no FFP);
 - correctional or holding facilities for prisoners or individuals being held under court order as witnesses or juveniles (no FFP);
 - detention facilities, forestry camps, training schools or any other facility for children determined to be delinquent (no FFP); or,
 - educational or vocational training institutions that provide an accredited program for its residents (no FFP).

[NOTE: Persons who reside in public institutions in order to receive educational or vocational training provided by the facility (e.g., a state school for the blind) are not considered to be "inmates" of public institutions and are therefore entitled to Medi-Cal coverage if they are otherwise eligible.]

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6C. INMATES OF A PUBLIC INSTITUTION

Counties must consider both the facility and the person's circumstances when making a Medi-Cal determination of eligibility for either a juvenile or an adult who is incarcerated or placed in any type of public institution. In making these determinations, follow the guidelines below as well as the chart in Section 6E:

1. THE FOLLOWING ARE CONSIDERED INMATES OF A PUBLIC INSTITUTION (ADULT OR JUVENILE) AND ARE NOT ELIGIBLE FOR MEDI-CAL:

- a. An inmate in a prison;
- b. An inmate of a county, city, or tribal jail; or,
- c. An inmate in a prison or jail:
 - Prior to arraignment;
 - Prior to conviction; or,
 - Prior to sentencing.

Unless they are out on bail or own recognizance (OR).

- d. An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.
- e. Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency.
- f. A minor in a juvenile detention center prior to disposition (judgment) due to criminal activity.
- g. A minor placed on probation by a juvenile court on juvenile intensive probation with specific conditions of release, including residence in a juvenile detention center.
- h. A minor placed on probation by a juvenile court or on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is part of the criminal justice system.

2 THE FOLLOWING ARE NOT INMATES OF A PUBLIC INSTITUTION AND ARE ELIGIBLE FOR MEDI-CAL:

- a. An individual who, after arrest but before booking, is escorted by police to a hospital for medical treatment and held under guard.
- b. An individual in prison or jail who transfers temporarily to a halfway house or residential treatment facility prior to a formal probation release order.

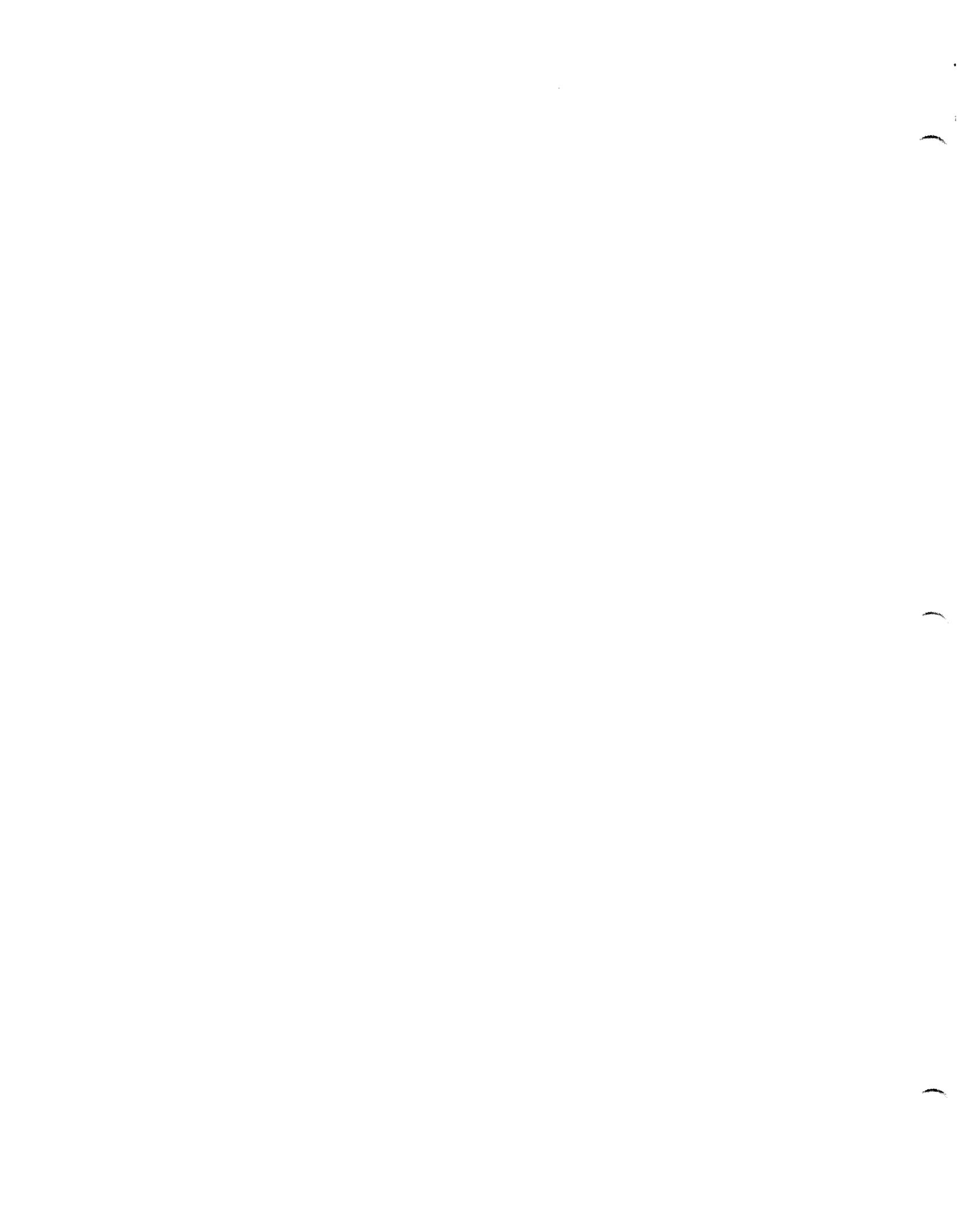
MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- c. An individual released from prison or jail on probation, parole, or release order; with a condition of:
- home arrest;
 - work release;
 - community service;
 - outpatient treatment; or,
 - inpatient treatment.
- d. Individuals released from prison or jail under a court probation order due to a medical emergency.
- e. Individuals who are patients in an institution for mental diseases (IMD) are immediately eligible for Medi-Cal upon transfer or discharge to a medical facility certified under Title XIX of the Social Security Act if they are otherwise eligible. This would include periods of conditional release or convalescent leave from the IMD.
- f. Juveniles between the ages of 21-22 in an IMD who were institutionalized prior to their 21st birthday will be eligible until they reach their 22nd birthday, as long as they remain continuously institutionalized and continue to receive inpatient psychiatric care.
- g. A minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary. This could include those juveniles awaiting placement but still physically present in juvenile hall.
- h. A minor placed on probation by a juvenile court on juvenile intensive probation with home arrest restrictions.
- i. A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is not part of the criminal justice system.
- j. A minor placed on probation by a juvenile court or on juvenile intensive probation with treatment as a condition of probation:
- in a psychiatric hospital;
 - in a residential treatment center; or,
 - as an outpatient.
3. INMATES UNDER PENAL CODE SECTIONS 1367, 1370, and 1372
- a. **Penal Code 1367:** Those charged with a misdemeanor, but who are incompetent to stand trial, and who will be treated by a mental health facility.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

Penal Code Section 1367 provides that "A person cannot be tried or adjudged to punishment while that person is mentally incompetent." If the judge finds reason to believe that the defendant may be incompetent to stand trial, he/she may order that the defendant be referred for 72-hour treatment and evaluation. Defendant continues to be an inmate of a public institution and ineligible for Medi-Cal. If evaluation results in placement in a mental health facility for treatment, then the individual is not eligible for Medi-Cal unless he/she is under age 21 or over 65. If the individual is referred for outpatient treatment, he would not be living in the institution and could be eligible for Medi-Cal.

- b. **Penal Code 1370:** A Murphy Conservatorship may be established if a state hospital patient charged with a specified serious felony is not restored to competence upon expiration of a Penal Code 1370 commitment. The establishment of a Murphy Conservatorship ends the Penal Code commitment, regardless of the expiration date of the Penal Code 1370 commitment. A Murphy Conservatorship requires the determination that the patient is gravely disabled in accordance with Welfare and Institutions Code (WIC) Section 5008 (h)(1). This state hospital patient could not be eligible for Medi-Cal if he/she were between the ages of 21-65, unless the individual was in the hospital before the age of 21 continuously to the age of 22. Then he/she could be eligible for Medi-Cal.
- c. **Penal Code 1372:** Those felons incompetent to stand trial, previously treated at the state hospital, but whose competency has been restored and are returned to the Inpatient Unit to stand trial. When a defendant is returned to court with a certification that competence has been regained, the court shall determine whether the person is entitled to be admitted to bail. An individual who is released from incarceration on bail is not an inmate of a public institution, and may be eligible for Medi-Cal. If not released on bail, the individual is likely to be held in a prison or jail prior to conviction or sentencing. The individual would then be an inmate of a public institution, and would not be eligible for Medi-Cal.



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6D. JUVENILES

In determining the Medi-Cal eligibility of juveniles, HCFA distinguishes between the nature of the detention, pre and post disposition situations, and types of facilities.

1. **Prior to Disposition**

A juvenile who is in a detention center due to criminal activity is an inmate of a public institution.

A juvenile who is in a detention center due to care, protection, or in the best interest of the child is not an "inmate of a public institution" if there is a specific plan for him/her that makes the stay temporary.

2. **After Disposition**

Juveniles on intensive probation with a plan of release which includes residence in a detention center are "inmates of a public institution." However, if the juvenile is placed on intensive probation in a secure treatment facility, he is an "inmate of a public institution" if the facility is part of the criminal justice system.

3. **Nature of the Facility**

The nature of the facility is extremely important in determining Medi-Cal eligibility because federal regulations at 42 CFR 435.1008 prohibit FFP to "inmates of public institutions". 42 CFR 435.1009 defines a public institution. Publicly operated community residences that serve no more than 16 residents are excluded from this definition, and FFP is allowed for these facilities. In making an eligibility determination, both the status of the juvenile and the facility must be taken into consideration. The juvenile is not eligible if he/she is a resident of a public institution.

EXAMPLE:

A juvenile is detained for criminal activity. He is placed on probation with specific conditions of release, including a stay of 30 days or longer at a detention facility. The facility is identified as a juvenile detention center, not a treatment center. Upon release from this detention center, he would be placed on probation with his mother. Because of the nature of his/her custody and the nature of the facility as a detention center (public institution), he/she is not eligible for Medi-Cal. The juvenile is living in a public institution and is not eligible for Medi-Cal during the period of incarceration. After release from the detention center and while on probation, the juvenile may be eligible for Medi-Cal.

Do not consider that a short stay in a detention facility as set forth above is a temporary placement pending other arrangements. Under HCFA guidelines, this would be incorrect. Incarceration in a detention center due to criminal activity makes the juvenile an inmate of a public institution and ineligible for Medi-Cal.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

4. Foster Care

The purpose of the Foster Care Program is to provide financial and medical assistance for those children who are in need of substitute parenting and who have been placed in foster care -- that is, outside of the home of the parents or legal guardian. Foster Care placement may be in a relative's or non-relative's home as well as a ranch, institution, group home, or the like.

Foster Care children are automatically eligible for Medi-Cal after utilizing whatever other health coverage is available. This is clarified in Section 903 of the Welfare & Institutions Code, Liability for Costs of Support.

The Medi-Cal Program automatically grants a Medi-Cal card to children in Foster Care, and providers are instructed to bill the Medi-Cal program first. Medi-Cal pays the provider of service first, and then Medi-Cal seeks repayment from the other health coverage.

Foster Care children are excluded from being classified as an "inmate of a public institution" when such children are temporarily in an institution pending more suitable arrangements such as Foster Care placement in a foster family or group home. Specifically, this includes a minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary. This could include those juveniles awaiting placement but still physically present in juvenile hall.

5. Emergency Assistance (EA) Program

The EA program is a federally funded program under Title IV-A of the Social Security Act. Federal funding of 50 percent (50% federal/50% county) is available for a period of up to 12 months or until the emergency is over, whichever is less, for children under the age of 21 in accordance with 45 CFR 233.120. Eligibility for EA requires that an emergency must exist within the family in order for a child to be considered eligible for assistance.

There are two distinct definitions of an "emergency" that apply to probation cases and child welfare services cases. The definition of an emergency for a probation case is "a child's behavior that results in the child's removal from the home and a judicial notice that the child must remain in out of home care for more than seventy-two judicial hours." The definition of an emergency for a child welfare services case is "a child is at risk of abuse, neglect, abandonment or exploitation".

The Medi-Cal program has implemented two new aid codes to be used for the EA Foster Care portion of the EA program:

- 4K - for probation cases which result in out-of-home non-federal Foster Care; and,
- 5K - for children at risk of abuse, neglect, abandonment, or exploitation placed in out-of-home non-federal Foster Care.

Children receiving EA services who are temporarily detained in an institution, such as a county operated juvenile assessment center or residential treatment facility pending foster care placement, are prohibited from being placed into the 4K (Probation) or 5K (Child Welfare Services) aid codes. These children, if determined Medi-Cal eligible, will remain in aid code 45.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6. Sample Disposition Orders

Exhibit A - Probation to Correctional Facility

A sample court order for a minor ordered to a juvenile detention center for a temporary period pending placement. This minor is not eligible for Medi-Cal because the facility is part of the criminal justice system.

Exhibit B - Sentence to Correctional Facility

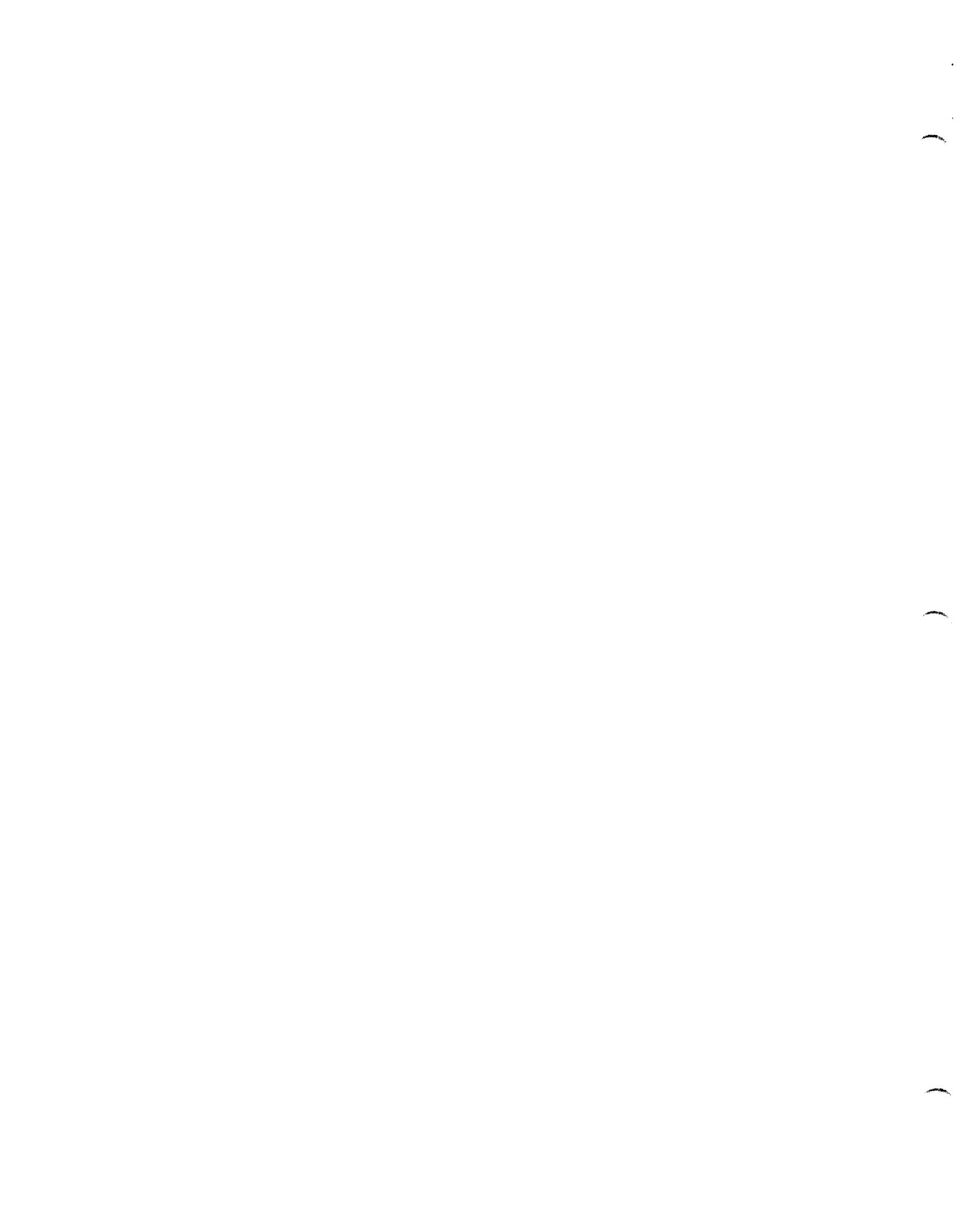
A sample court order for a minor committed to a correctional facility to serve a sentence--CTC for five days. This minor is not eligible for Medi-Cal because he/she has been sentenced to a correctional facility for criminal activity.

Exhibit C - Placement in Foster Care

A sample court order for a juvenile placed on probation and ordered to suitable placement. If placement is in foster care and not a correctional facility, this minor is eligible for Medi-Cal.

Exhibit D (1) - (9) - Sample Court Orders

Because of the diversity of juvenile and adult court orders and the judgments rendered and/or specific situations pertinent to each individual case, several orders are included to demonstrate that each must be read individually to determine Medi-Cal eligibility.



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

(A)

PAGE:

Reporter: Clerk: Bailiff:
For: 4/06/93 Tuesday Dept: 35

4. 8:30 AM Case No: MATTER OF
Addl Info: Filing Date: 5/08/90
Case: JUVENILE - 602 W&I
Trial:
Event: DISPOSITION
SUBSQ PETN: 03-23-93
MINOR:
DOB/DOD: 09/18/78

PRESENT BEFORE THE COURT:
[] DDA: [] DPO: [] Counsel:
[] Minor [] Mother [] Father [] No App [] State - Father
AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:
[] Notice of hearing was given as required by law. [] Notice waived.
[] Appearance of parent waived. [] Probation Report received [] waived.
[] Psychiatric/Psychological report received.
[] Legal residence of minor is [] Ventura [] county
[] Detrimental to minor's welfare to leave custody with the parents.
[] Reasonable efforts have been made to prevent the need to remove minor
from the home and to make it possible to return minor to the home.
[] That the minor has been tried on probation in the custody of the
parent(s) and has failed to reform. [] Minor has ability to pay fine
[] Total maximum term of physical confinement: [] 6 Yrs. [] 4 mths.
THE COURT ORDERS:
[] Minor declared/continued as a ward of the court. [] Minor committed
to the care of the probation officer for suitable placement in the
Colston
for a period not to exceed 30 days pending other arrangements
suitable for his needs. The minor shall remain in such placement until
allowed to leave by probation officer or further order of the Court.
[] Credit for days served. [] Weekends commencing
[] Execution stayed until
[] Custody removed from parents. [] Placed in care of probation officer
for placement in [] suitable facility []
[] Upon release from Colston [] Minor released to mother on terms/
conditions of probation [] Attached [] heretofore ordered [] modified:
[] Co. of Ventura to pay for care and maintenance of minor and parents
directed to reimburse County provided they have the financial ability.
[] Parent(s) of the minor, is/are ordered to pay
for the costs of legal services rendered to the minor in the amount of
\$45, provided they have the financial ability to do so.
[] Probation officer authorized to seek medical, dental, surgical care

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(A)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
MON. STEVEN Z. PERREN.**

PAGE: 2

For: 4/06/93 Tuesday Dept: 35

4. 8:30 AM Case No: _____ MATTER OF _____ Filing Date: 5/08/90
Addl Info: _____

- for minor as deemed necessary by a licensed physician or dentist.
- CSA to arrange for a psychiatric/psychological exam.
- Parents _____ to attend family counseling as directed.
- Minor shall pay a fine in the amount of \$ _____ to Restitution Fund.
 Stayed pending successful completion of probation per WIC 730.6
- Transfer in accepted. Probation/wardship terminated.
- Petition dismissed with/without prejudice.
- Minor detained in CTC VCJ Waives right to be housed at CTC.
- Minor waives Ray O. rights. Minor advised of appeal rights.
- Placement staff to submit periodic progress reports.
- Bench warrant issued recalled stayed until _____
- Next hearing set for 4/20/93 at 8:30 a.m./p.m. in Courtroom 35
for review N/A Ricardo M. _____ Time waived
- 30 days stayed, to be calendared at discretion of Probation
- PLACEMENT REVIEW SET ___/___/___ at ___ a.m./p.m. in Courtroom ___
- MATTER CONTINUED TO ___/___/___ at ___ a.m./p.m. in Courtroom ___
- OFF-CALENDAR SHERIFF to transport minor to _____
- The court hereby notifies the minor that his/her privilege to operate a motor vehicle is suspended/revoked pursuant to Vehicle Code Section _____, based upon a sustained charge of violating Section _____ of the Vehicle/Penal/Health and Safety/Business and Professions Code.
- Minor is detained pending delivery to JRP Colston _____
The minor is detained pending delivery to Colston

Judge's Signature

Superior Court
Executive Officer and Clerk

By: _____
Deputy Clerk

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

TERMS AND CONDITIONS OF PROBATION (A)

NAME: _____ DATE: 4-6-93 CASE NO.: _____

- 1. [X] You shall obey the reasonable and proper orders of your parent(s)/probation officer/placement staff...
2. [X] You shall obey all laws, including city and county ordinances.
3. [X] You shall attend school as scheduled and cooperate with school officials.
4. [] You shall seek and maintain employment as directed by your probation officer.
5. [X] You shall not associate with any person not approved of by your parent(s) or probation officer.
6. [X] You shall not use or possess any controlled substance, including marijuana, or any related paraphernalia.
7. [X] You shall not drink or possess any alcoholic beverage and you must submit to tests to see if you have consumed alcohol.
8. [] You shall not use, possess or inhale spray paint, glue or any substance which is likely to cause intoxication.
9. [X] You shall not possess any weapon, including but not limited to a firearm, a replica weapon and ammunition.
10. [X] You shall submit to a search of your person, your residence, your vehicle or any personal or real property under your control...
11. [X] You shall participate in therapy or counseling programs as directed, show proof of attendance and continue until allowed to terminate by probation officer/court.
12. [X] You shall not leave Ventura County for more than 72 hours without the prior permission of your probation office and your parent(s).
13. [] You shall complete _____ hours in the Community Work Program by _____.
14. [X] You shall pay through Corrections Services Agency Collections Unit, 800 South Victoria, Ventura, CA 93009...
15. [X] You shall serve time in the Clifton Tatum Center as follows:
16. [X] You shall not drive a motor vehicle unless properly licensed and insured.
17. [] You shall attend Alcohol Information School: [] Level I [] Level IB
18. [] You shall complete _____ days in the Weekend Work Program by _____.
19. [X] Other: See attached

I have received a copy of these terms and conditions. I understand and agree to each of the conditions checked above.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

EXHIBIT
(A)

TERMS AND CONDITIONS OF PROBATION - PAGE 2

NAME: _____

DATE: 4-6-93

CASE NO. _____

20. During the period of your commitment or placement, you must obey the orders of the placement staff (as well as your probation officer) and participate in all required school, treatment, and other programming. In addition to the terms and conditions of probation which you must follow at all times you are on probation, you must also follow the following special terms during the period of time you are in placement.

You may not leave placement without the permission of placement staff. You shall not possess any weapons or stolen property. You shall not use or possess alcohol or any controlled substance, including marijuana. You shall submit to tests to determine if you have used any of these substances and submit to search of your person, your residence, your vehicle, or any personal or real property under your control for the above prohibited substances, weapons, or stolen property by placement staff, the probation officer, or any law enforcement officer.

21. You shall complete _____ hours of community service work while in the Juvenile Restitution Program or the equivalent amount of hours in a paid employment position approved by the probation officer.

You shall pay 80% of the net money earned while in JRP towards your Court-ordered restitution or fines.

22. You shall not associate with any gang member, including but not limited to members of the Colonia Chiques 13. You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang. You shall submit to search of your person, residence, vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest or reasonable cause, to determine the presence of any of these items.

I have received a copy of these terms and conditions. I understand and agree to each of the conditions checked above.

Signature of Minor

4-30-93

TERMS AND CONDITIONS OF PROBATION - PAGE 2

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA JUVENILE COURT

(B)

JUDGE: DATE: JUNE 02, 1993 TIME: 8:30 a.m.
CLERK: BAILIFF: CASE NO.:
REPORTER: INTERPRETER: Sworn Oath on File

TITLE OF CASE:
in the Matter of

NATURE OF PROCEEDINGS: (602)

- Adjudication Pretrial/Contest
Transfer out Bench Warrant
Detention

OB 10-10-77

Minor

PRESENT BEFORE THE COURT:

DDA: DPD/EDA/Counsel: DONNA FORRY
DPO: County Counsel:

Minor named above Mother Father
The above-entitled case comes on for hearing upon the 602 Petition/Supplemental/Amended Petition filed on 05-17-93

- Public Defender appointed to represent minor. Conflict declared.
Conflict Defense Associates appointed to represent minor. Relieved.
Court/DDA explains meaning and contents of petition, nature and consequences where applicable, of right to appointed counsel, subject to claim by the County for reimbursement. Court/DDA informs minor of his/her constitutional rights. Petition amended on its face. Court/DDA advises minor re driving privilege.
Minor waives appearance of parent(s). Guardian(s). Over the age of 18.
Minor and counsel waive reading of petition and formal arraignment.
Detention hearing report is read and considered.

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- Notice of hearing was given as required by law. notice was waived.
Minor understands nature of conduct alleged in petition and possible consequences of admission or plea of nolo contendere. minor waives rights.
Minor pleads nolo contendere admits allegations as to count(s) 2
Minor's plea is free and voluntary minor understands wrongfulness of acts. Counsel stipulate there is a factual basis for entry of plea court may consider all counts in determining restitution. Harvey Waiver.
Allegations of petition are true not true as to count(s)
Petitioner moves the court to dismiss count(s) WITH A HARVEY WAIVER AND COUNT 3 OUTRIGHT
Minor comes within provisions of Section 602. Legal residence is Ventura County.
Previous orders have not been effective in rehabilitation of minor.
Total maximum term of physical confinement to be 3 month(s)/year(s).
The court makes the appropriate findings pursuant to Section 1488(e) of the California Rules of Court and accepts the plea.

COURT ORDERS:

- Count(s) 1, 2 dismissed. Matter stricken from calendar.
Petition sustained. Petition dismissed with/without prejudice.
Offense(s) declared to be felony misdemeanor.
Hearing continued to 06-25-93 at 1:30 am/pm in Courtroom 35 for disposition Time is waived.
Detained in Clifton Tatum Center County Jail pending further hearing.
Contest date heretofore set is vacated. Contest remains as scheduled.
Minor released to parent(s) MOTHER and ordered to return.
Home supervision ordered/continued. 24 hour.
Bench Warrant issued recalled stayed until
Corrections Services Agency to arrange for psychiatric/psychological examination.
Matter transferred to County pursuant to Section 750 WIC.

Dated:

JUDGE'S SIGNATURE

HEILA GONZALEZ, Superior Court
Executive Officer and Clerk

By: DEPUTY CLERK

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(B)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE COURT

JUDGE: DATE: JULY 22, 1993 TIME: 8:30 A.M.
CLERK: BAILIFF: CASE NO: J47467
REPORTER: INTERPRETER: [] Sworn [] Oath on File
TITLE OF CASE: NATURE OF PROCEEDINGS: (602)
In the Matter of [X] Disposition [] Ricardo M

DOB 10-10-77

Minor

PRESENT BEFORE THE COURT:

DDA: DPO: [X] Minor [] Mother [] Father []

The above entitled case comes on for hearing, the court having found that the Amended Original Petition filed on May 17, 1993 is true and minor is a person described in Section 602 of the WIC.

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- (X) Notice of hearing was given [] Notice waived [X] Appearance of parent waived [] Over age 18
(X) Probation report received [] Waived by minor and counsel
[] Reasonable efforts have been made to prevent the need to remove the minor from the home and to make it possible to return the minor to the home [] It would be detrimental to the welfare of the minor to leave custody with the parents [] Minor has the ability to pay fine
[] Total maximum term of physical confinement to be _____ months/years

THE COURT ORDERS:

- (X) Minor declared a ward of the court
(X) Minor committed to CTC for 5 days
(X) Credit for 0 days served
(X) Execution stayed until 07-30-93 @8:00 a.m., Juvenile Hall
[] Custody removed from parents [] placed in care of probation officer for placement in [] suitable facility []
[] Upon release from [] [X] minor released to parents
[X] on terms and conditions of probation [X] attached [] heretofore ordered [] modified
(X) County of Ventura to pay for care and maintenance of minor and parents directed to reimburse the County provide they have the financial ability
(X) Parent(s) of the minor, _____, are ordered to pay for the costs of legal services rendered to the minor in the amount of \$ 65 _____, provided they have the financial ability to do so.
(X) Parents [] _____ to attend family counseling as directed
[] Hearing continued/review set _____ at _____ a.m./p.m., courtroom
[] Appearance [] Non-appearance [] Ricardo M review [] _____ [] Time waived
[] Minor detained in [] CTC [] County Jail [] Waives right to be housed at CTC
(X) 30 days stayed, to be calendared at discretion of CSA
(X) On motion of the petitioner, the court orders the Subsequent Petition filed on June 17, 1993 dismissed with a Harvey Waiver.
(X) The court indicates the minor shall not be responsible for paying for damage to the window as the damage has been paid for by another minor.
(X) The court orders the minor shall voluntarily surrender to the custody of Juvenile Hall on July 30, 1993 at 8:00 a.m.
(X) The court states for the record that, in the event the minor fails to voluntarily surrender on July 30, 1993, the court will impose additional custody _____

DATED: JUL 23 1993

JUDGE

SHEILA GONZALEZ, Superior Court Executive Officer and Clerk

DEPUTY CLERK

(REVISED 3/93)

DISPOSITION JUVENILE-602 MINOR ORDER

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(B)

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TERMS AND CONDITIONS OF PROBATION

Name _____ Date June 25, 1993

1. You shall obey the reasonable and proper orders of your parent(s)/probation officer and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions, and detention to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parents and probation officer. You are specifically ordered not to associate with
6. You shall not drink or possess any alcoholic beverage and you must submit to tests to see if you have consumed alcohol.
7. You shall not possess any weapon, including, but not limited to firearms, a replica of any weapon, or ammunition.
8. You shall submit to a search of your person, your residence, your vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest, or reasonable cause for: weapons/stolen property/alcohol/property which is evidence of affiliation with or membership in any gang.
9. You shall participate in therapy or counseling programs as directed, show proof of attendance, and continue until allowed to terminate by the probation officer or the Court.
10. You shall not leave the County of Ventura for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents. You shall obey a special curfew of 9:00 p.m.
11. You shall complete ~~40~~ ^{10 DAYS} hours in the ~~Community Work~~ ^{WEEKEND WORK} Program by ~~9-1-93~~.

9-19-93

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

EXHIBIT C

EXHIBIT (C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE: 1

Reporter: Clerk: Bailiff:

For: 8/09/93 Monday Dept: 35

37. 10:00 AM Case No: MATTER OF Filing Date: 9/01/88
Addl Info:

Case: JUVENILE - 602 W&I
Trial:
Event: DISPOSITION S/PETN: 07-14-93
777 S/PETN: 08-09-93

MINOR:
DOB/DOD: 08/21/76

PRESENT BEFORE THE COURT: -J15

[X] DDA: [X] DPD/CDA/Counsel:
[X] DPO: [] Counsel:
[X] Minor [] Mother [] Father [] No App []

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

[X] Notice of hearing was given as required by law. [] Notice waived.
[X] Appearance of parent waived. [] Probation Report received [] waived.
[] Psychiatric/Psychological report received.
[] Legal residence of minor is [] Ventura [] county
[X] Detrimental to minor's welfare to leave custody with the parents.
[X] Reasonable efforts have been made to prevent the need to remove minor
from the home and to make it possible to return minor to the home.
[] That the minor has been tried on probation in the custody of the
parent(s) and has failed to reform. [] Minor has ability to pay fine
[X] Total maximum term of physical confinement: [X] 1 Yrs. [X] 4 mths.

THE COURT ORDERS:

[X] Minor declared/continued as a ward of the court. [] Minor committed
to the care of the probation officer for suitable placement in the
for a period not to exceed days pending other arrangements
suitable for needs. The minor shall remain in such placement until
allowed to leave by probation officer or further order of the Court.
[] Credit for days served. [] Weekends commencing
[] Execution stayed until
[X] Custody removed from parents. [X] Placed in care of probation officer
for placement in [] suitable facility []
[X] Upon release from [] PLACEMENT [] Minor released to PARENTS on terms/
conditions of probation [] attached [] heretofore ordered [] modified:
[X] Co. of Ventura to pay for care and maintenance of minor and parents
directed to reimburse County provided they have the financial ability.
[X] Parent(s) of the minor, ordered to pay
for the costs of legal services rendered to the minor in the amount of
\$65.00, provided they have the financial ability to do so.
[X] Probation officer authorized to seek medical, dental, surgical care

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

EXHIBIT (C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE: 2

For: 8/09/93 Monday Dept: 35

37. 10:00 AM Case No: MATTER OF Filing Date: 9/01/88
Addl Info:

- for minor as deemed necessary by a licensed physician or dentist.
 - CSA to arrange for a psychiatric/psychological exam.
 - Parents MOTHER to attend family counseling as directed.
 - Minor shall pay a fine in the amount of \$_____ to Restitution Fund.
 - [Stayed pending successful completion of probation per WIC 730.6
 - Transfer in accepted. Probation/wardship terminated.
 - Petition dismissed with/without prejudice.
 - Minor detained in CTC VCJ Waives right to be housed at CTC.
 - Minor waives Ray O. rights. Minor advised of appeal rights.
 - Placement staff to submit periodic progress reports.
 - Bench warrant issued recalled stayed until _____
 - Next hearing set for 08/23/93 at 8:30 a.m. in Courtroom 35
 - for review N/A Ricardo M. _____ Time waived
 - 30 days stayed to be calendared at discretion of Probation
 - PLACEMENT REVIEW SET 02/09/94 at 8:30 a.m. in Courtroom 35
 - MATTER CONTINUED TO ___/___/___ at ___ a.m./p.m., in Courtroom ___
 - OFF-CALENDAR SHERIFF to transport minor to _____
 - The court hereby notifies the minor that his/her privilege to operate a motor vehicle is suspended/revoked pursuant to Vehicle Code Section _____, based upon a sustained charge of violating Section _____ of the Vehicle/Penal/Health and Safety/Business and Professions Code.
 - Minor is detained pending delivery to JRP Colston SUITABLE PLACEMENT
- THE PREVIOUSLY SET PLACEMENT REVIEW OF SEPTEMBER 3, 1993 IS HEREBY VACATED.

Judge's Signature

_____, Superior Court
Executive Officer and Clerk

By: _____
Deputy Clerk

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(C)

TERMS AND CONDITIONS OF PROBATION

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Name _____ Date 8-9-93 J 40674

1. You shall obey the reasonable and proper orders of your parents/probation officer/placement staff and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions, and detentions to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parents and probation officer. You are specifically ordered not to associate with _____ or _____ (prior order).
6. You shall not use or possess any controlled substance, including marijuana, or any related paraphernalia. You shall submit to tests to determine if you have used any such substances.
7. You shall submit to a search of your person, your residence, your vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest, or reasonable cause for: controlled substances including marijuana and related paraphernalia, and property which is evidence of or affiliation with membership in any gang.
8. You shall participate in therapy or counseling programs as directed, show proof of attendance, and continue until allowed to terminate by the probation officer or the Court.
9. You shall not leave Ventura County for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents.

(Continued on page two.)

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

**EXHIBIT D (1) - (9)
SAMPLE COURT ORDERS**



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(1) Juvenile Court Order - Status: Foster Care Placement - Minor is Medi-Cal Eligible.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO
JUVENILE COURT MINUTE ORDER

JUL 27 1992

PO: REVIEW HEARING
REJIS NO: PETITION NO: JDA NO: Date: JULY 27, 1992 Time: 8:30 AM

IN THE MATTER OF _____ - A MINOR
DATE OF BIRTH - _____
Minor's Attorney: PUBLIC DEFENDERS

JUDGE/REFEREE - _____ CLERK - _____ REPORTER - _____

PRESENT BEFORE THE COURT:

District Attorney: _____ Court Officer: _____
Attorney for Minor: PUBLIC DEFENDERS
Other: _____
Minor: _____

THE MATTER COMES BEFORE THE COURT FOR:

Original #02 petition filed NOVEMBER 7, 1991.

THE COURT FINDS:

Court has read and considered the report of the Probation Officer dated JULY 27, 1992 and the report is admitted into evidence by reference. Reasonable efforts have been made and will continue to be made to prevent or eliminate the need for removal of the minor from his/her home and make it possible for the child to return to his/her home. NOTICE has been given as required by law; the MINOR'S NAME and BIRTHDATE are VERIFIED and the minor's LEGAL RESIDENCE is SAN DIEGO County. Court finds that the case plan is appropriate. The reunification plan is appropriate, reasonable and likely to be successful in alleviating the causes that brought this matter before the Court. The return of said minor to the custody of the parent(s)/ guardian(s) would create a substantial risk of detriment to said minor's physical and emotional well being. Termination of parental rights would be detrimental to the child because the minor objects to termination of parental rights.

THE COURT ORDERS:

Said person is continued a ward pursuant to WIC #02. CARE CUSTODY AND CONTROL OF MINOR IS TO BE UNDER THE SUPERVISION OF THE PROBATION OFFICER. The Department of Social Services shall pay for care and maintenance of minor in accordance with the agreement with the Probation Officer and pursuant to the regulations of the Department of Social Services regarding the eligibility. County Treasurer shall pay travel and incidental expenses for the minor and Probation Officer, as necessary. Previously ordered placement/commitment is continued. The parent(s)/guardian(s) shall comply with the reunification plan. The parent(s)/guardian(s) shall participate in a treatment program which may include, but not be limited to individual counseling, parenting classes, educational programs, and rehabilitation programs, as directed by the probation officer and consistent with the reunification plan. PLACEMENT CONTINUED AT CHILDREN'S THERAPEUTIC COMMUNITIES, 12205 GAY RIO DRIVE, LAKESIDE, CA 92040.

The matter is set for PERMANENCY PLANNING HEARING (74525) on NOVEMBER 24, 1992 at 8:30 AM in Dept. 03. Minor is ordered to return.

ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT.

DATE _____ REFERRAL _____ JUDGE _____

Copy of Order Received By: _____ on Date: _____
Minor's Signature

Witnessed By: _____
P.O. / Clerk

ATTEST: The foregoing is a full, true and correct copy of the original on file in this office.
CLERK OF THE SUPERIOR COURT.

By _____

RDLF05P1(19920727923509)DFANGA/7

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(2) Juvenile Court Order - Status: Minor is in Foster Care in Licensed Residential Facility and is Eligible for Medi-Cal.

DISPOSITION HEARING **MAR 27 1992**

FOI: _____ Date: **MARCH 17, 1992** Time: **1:30 PM**

STATE NO: _____ JUDGE NO: _____ JUD. NO: _____

IN THE MATTER OF _____ - A MINOR
 DATE OF BIRTH: _____
 Minor's Attorney: **ALABAMA'S PUBLIC DEFENDERS**

JUDGE/REFERRER: _____ CLERK: _____ REPORTER: _____

PERSONS BEFORE THE COURT:

Director Attorney: _____ County Officer: _____
 Attorney for Minor: **ALABAMA'S PUBLIC DEFENDERS** Minor's P.O.: _____
 Other: **DEPARTMENT ATTORNEYS** COUNTY COUNCIL

Minor: _____

THE MATTER COMES BEFORE THE COURT FOR:

Original 602 petition filed **FEBRUARY 14, 1992.**

THE COURT FINDS:

Court has read and considered the report of the Probation Officer dated **MARCH 19, 1992** and the report is admitted into evidence by reference. Reasonable efforts have been made and will continue to be made to prevent or eliminate the need for removal of the minor from his/her home and make it possible for the child to return to his/her home. NOTICE has been given as required by law; the MINOR'S NAME and BIRTHDATE are VERIFIED and the minor's LEGAL RESIDENCE is **ANN BIRCH** County.

Court finds that the case plan is appropriate. The return of said minor to the custody of the parent(s)/ guardian(s) would create a substantial risk of detriment to said minor's physical and emotional well being. Counsel has advised the terms and conditions of Probation; Court orders minor to follow said terms and conditions. Minor agrees to follow all terms and conditions of probation.

THE COURT ORDERS:

Said person is adjudged a ward pursuant WIC 602. CARE CUSTODY AND CONTROL OF MINOR IS TO BE UNDER THE SUPERVISION OF THE PROBATION OFFICER. Dependency status is maintained. Visitation is to be at the discretion of the Probation Officer. Custody is taken pursuant to WIC 726(c). The welfare of the ward requires that custody be taken from the parent or guardian. Minor is placed in a suitable licensed residential facility. Execution of PLACEMENT is stayed pending further review. The County Treasurer is authorized to pay for care and maintenance, clothing and incidentals, at the prevailing rate for a period of 30 days from the placement, pending granting or reinstatement of AFDC funds through the Department of Social Services. Nothing in this order shall be construed to relieve the responsible relatives of their legal obligation to support ward. County Treasurer shall pay travel and incidental expenses for the minor and Probation Officer, as necessary. Minor shall report to the Probation Officer within 10 days from disposition or release from placement or commitment to arrange compliance of conditions of probation. Minor shall also report to any future court hearing as directed by the Probation Officer. Minor shall follow the rules and instructions of the Probation Officer; you must report all Law Enforcement contacts to your Probation Officer within three days. Minor shall obey all Federal, State, County and City laws. Minor shall follow the rules and instructions of the person or persons with whom you are ordered placed by the COURT. You are not to leave your Court ordered placement without guardian's permission. Minor shall report any change of address or school attendance to your Probation Officer within three days. Minor shall attend school regularly, obey the rules and conditions of the school, and maintain satisfactory grades and citizenship, unless you have been officially excused from school attendance. Minor shall show proof of attendance or other school records whenever requested by the Probation Officer. Minor shall be at his/her local residence between the hours of 5:00 PM AND 6:00 AM unless in the company of his/her parent/legal guardian or adult person having legal care or custody of the minor, subject to modification at the Probation Officer's discretion. Minor AND THE MINOR'S PARENT shall participate in a program of counseling or treatment as directed by Probation Officer pursuant to WIC 727(c). Therapist is to provide diagnostic and progress reports to the Probation Officer whenever requested. Minor shall attend Alcoholics Anonymous as directed by Probation Officer and provide proof as ordered. Minor shall attend Narcotics Anonymous as directed by Probation Officer and provide proof as ordered. Minor shall not use or possess alcohol or controlled substances without a valid prescription and shall submit to testing for the detection of alcohol or controlled substances whenever requested by any law enforcement or Probation Officer. Minor shall submit his/her person, property, vehicle, and any property under his/her immediate custody or control to search at any time, with or without probable cause, with or without a search warrant whenever requested to do so by any law enforcement or Probation Officer. Minor shall not be within TWO BLOCKS OF BALCON PARK. Minor is not to enter Balcon unless in the immediate custody and control of the parent or legal guardian and with prior Probation Officer permission. Minor is ordered REMAIND IN FOSTER HOME ON HOME SUPERVISION pending further hearing. Minor is to be in the custody of: **FOSTER MOTHER: _____ (FDOJG). Address: _____ CAN DHEC-CA 92188-0000.**

AUTHORIZED TO REVIEW ALL OF MINOR'S PSYCHOLOGICAL EVALUATIONS.

The hearing is set for REVIEW OF STAYED COMMITMENT (71928) on **APRIL 30, 1992** at 8:30 AM in Dept. 05. Minor is ordered to appear.

The hearing is set for REVIEW HEARING (71928) on **SEPTEMBER 12, 1992** at 8:30 AM in Dept. 06. Minor is ordered to appear.

The hearing is set for REVIEW HEARING (71928) on **FEBRUARY 25, 1993** at 8:30 AM in Dept. 06. Minor is ordered to appear.

ALL COURT ORDERS NOW IN COMPLETE FORCE AND EFFECT.

DATE: _____ REVIEWED: _____ JUDGE: _____

Copy of Order Received By: _____ on Date: _____
 Minor's Signature

Witnessed By: _____
 P.O. / Clerk

NOTE: The accompanying is a full, true and correct copy of the original on file in this office.
 CLERK OF THE SUPERIOR COURT.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- (3) Juvenile Court Order - Status: Minor is on Probation Awaiting Placement in Foster Care. Minor is Eligible for Medi-Cal.

JUN 18 1990

PG: REVIEW HEARING
BRIS NO: 8981888 PETITION NO: 00167312 JDA NO: 67489 Date: JUNE 4, 1990 Time: 8:30 AM
IN THE MATTER OF A MINOR
JUDGE/REFEREE - CLERK - REPORTER -

PRESENT BEFORE THE COURT:

District Attorney: COURT OFFICER:
Attorney for Minor: PUBLIC DEFENDERS - CTA Minor's P.O.
Other: STEPHENNER
Minor Father

THE MATTER COMES BEFORE THE COURT FOR:

Original 402 petition filed JUNE 4, 1990.

THE COURT FINDS:

Reasonable efforts have been made, and will continue to be made, to prevent or eliminate the need for removal of the minor from his/her home, and to make it possible for the child to return to his/her home.

THE COURT ORDERS:

Minor is appointed a ward of the court. CARE, CUSTODY AND CONTROL OF THE MINOR IS UNDER THE SUPERVISION OF THE PROBATION OFFICER. Minor has been tried on probation in such custody and has failed to reform. W&I 725(b). Minor is ordered PLACED IN A 24-HOUR SCHOOL. The County Treasurer is authorized to pay for the care and maintenance of the minor at the prevailing rate. The County Treasurer is authorized to pay for the care and maintenance of the minor at the prevailing rate pending granting of AFDC funds. PARENT/GUARDIAN SHALL REIMBURSE THE COUNTY FOR THE CARE AND SUPPORT OF THE MINOR IN AN AMOUNT AND IN A MANNER AS DETERMINED BY THE DEPARTMENT OF REVENUE AND RECOVERY, INCLUDING ATTORNEY'S FEES. Visitation is allowed between minor, parents, adults as authorized by the Probation Officer and institution. Minor shall comply with the Conditions of Probation signed JUNE 4, 1990. THE STATED PLACEMENT TO A 24-HOUR SCHOOL IS VACATED. ATTORNEY FOLLOCK IS TO BE NOTIFIED PRIOR TO THE 15-DAY REVIEW OF THE MINOR'S PROSPECTIVE PLACEMENT. THE MINOR IS DETAINED IN JUVENILE HALL, INC, JUV CR LOCK PORTAL.

FIFTEEN DAY REVIEW HEARING (67489) is set for JUNE 18, 1990 at 8:30 AM in Dept. 4.
REVIEW HEARING (67489) is set for NOVEMBER 30, 1990 at 8:30 AM in Dept. 4.

ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT.

DATE JUN 04 1990

REFEREE

JUDGE

NOTE: The foregoing is a full, true and correct copy of the original on file in the office.
CLERK OF THE SUPERIOR COURT.

By _____

NUMBER: (39888413161492)JEN011/2

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- (4) Juvenile Court Order - Status: Minor is on Probation With Residence in Licensed Residential Facility Pending Permanent Placement. Minor is Eligible for Medi-Cal.

JUL 13 1992

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO
JUVENILE COURT MINUTE ORDER

PO: DISPOSITION HEARING
REVIS NO: PETITION NO: JDA NO: DATE: JULY 13, 1992 Time: 8:30 AM
IN THE MATTER OF - A MINOR
CASE OF BIRTH -
Minor's Attorney: PUBLIC DEFENDERS

JUDGE/REFEREE - CLERK - REPORTER -

PRESENT BEFORE THE COURT:

District Attorney: Court Officer:
Attorney for Minor: PUBLIC DEFENDERS
Other: STEP-GRANDFATHER
Minor Mother

THE MATTER COMES BEFORE THE COURT FOR:
Original Supplemental 602/777 petition filed MAY 26, 1992.

THE COURT FINDS:
Court has read and considered the report of the Probation Officer dated JULY 13, 1992 and the report is admitted into evidence by reference. Reasonable efforts have been made and will continue to be made to prevent or eliminate the need for removal of the minor from his/her home and make it possible for the child to return to his/her home. NOTICE has been given as required by law; the MINOR'S NAME and BIRTHDATE are VERIFIED and the minor's LEGAL RESIDENCE is SAN DIEGO County. Court finds that the case plan is appropriate. The reunification plan is appropriate, reasonable and likely to be successful in alleviating the causes that brought this matter before the Court. The return of said minor to the custody of the parent(s)/ guardian(s) would create a substantial risk of detriment to said minor's physical and emotional well being. Termination of parental rights would be detrimental to the child because the minor objects to termination of parental rights.

THE COURT ORDERS:
Said person is continued a ward pursuant to WIC 602. CARE CUSTODY AND CONTROL OF MINOR IS TO BE UNDER THE SUPERVISION OF THE PROBATION OFFICER. The parent(s)/guardian(s) shall comply with the reunification plan. The parent(s)/guardian(s) shall participate in a treatment program which may include, but not be limited to individual counseling, parenting classes, educational programs, and rehabilitation programs, as directed by the probation officer and consistent with the reunification plan. Visitation is to be at the discretion of the Probation Officer. Custody is taken pursuant to WIC 726(b). The ward has been tried on probation and failed to reform. Minor is placed in a suitable licensed residential facility. Name: PER PROBATION. The County Treasurer is authorized to pay for care and maintenance, clothing and incidentals, at the prevailing rate for a period of 30 days from the placement, pending granting or reinstatement of AFDC funds through the Department of Social Services. Nothing in this order shall be construed to relieve the responsible relatives of their legal obligation to support ward. County Treasurer shall pay travel and incidental expenses for the minor and Probation Officer, as necessary. Minor shall submit his/her person, property, vehicle, and any property under his/her immediate custody or control to search at any time, with or without probable cause, with or without a search warrant whenever requested to do so by any law enforcement or Probation Officer. Minor is ordered DETAINED IN JH, JFY, OR CBO AT P.O.'S DISCRETION. MINOR TO ATTEND COUNSELING AT SCHOOL, TO INCLUDE ANGER CONTROL. MOTHER ORDERED TO RETURN ON 1/13/93 AND 5/18/93. DEPT. TO USE BEST EFFORTS TO HAVE MINOR PLACED AT A FACILITY IN SAN DIEGO. IF PLACED IN SAN DIEGO, MINOR AND MOTHER TO ATTEND FAMILY COUNSELING.
The matter is set for FIFTEEN DAY REVIEW HEARING (74632) on JULY 27, 1992 at 8:30 AM in Dept. 03. REVIEW HEARING (74632) scheduled for DECEMBER 17, 1992 at 8:30 AM in Dept. 06 is vacated. The matter is set for REVIEW HEARING (74632) on JANUARY 13, 1993 at 8:30 AM in Dept. 03. Minor is ordered to return. The matter is set for PERMANENCY PLANNING HEARING (74632) on MAY 18, 1993 at 8:30 AM in Dept. 03. Minor is ordered to return.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- (5) Juvenile Court Order - Status: Placement in Psychiatric Facility - Furtherance of Detention under Section 602. Minor is Not Eligible for Medi-Cal.

JUVENILE COURT ALBERTA ORDER

PO: MISCELLANEOUS AND ADOPTS
REVIS NO: PETITION NO: JCA NO: Date: DECEMBER 17, 1991 Time: 8:38 AM
IN THE MATTER OF - A MINOR
DANCE OF RIVER

JUDGE/REFERRER - CLERK - REPORTER -

PERSONS BEFORE THE COURT:

District Attorney Attorney for Minor PUBLIC DEFENDER, COURT OFFICER.
Other: SP. APP. FOR MIN. CONSERVATOR
Mizez

THE MATTER COMES BEFORE THE COURT FOR:

Original Supplemental 602 petition filed JUNE 17, 1991.

THE COURT FINDS:

THE COURT ORDERS:

DETENTION EXPANDED TO PSYCHIATRIC FACILITY. MINOR TO BE RELEASED TO JOHN CASTRO, CONSERVATOR, FOR IMMEDIATE DETENTION TO PSYCHIATRIC FACILITY.

FIFTEEN DAY REVIEWS HEARING (72420) scheduled for DECEMBER 30, 1991 at 8:30 AM in Dept. 03 remains.
REVIEW HEARING (7228) scheduled for JANUARY 30, 1992 at 8:30 AM in Dept. 03 remains.

ALL PRIOR ORDERS BY IN CONFLICT REMAIN IN FULL FORCE AND EFFECT.

DATE DEFENDANT JUDGE

Copy of Order received By: Mizez's Signature on Date:

Witnessed By: P.O. / Clerk

ATTENT: The foregoing is a full, true and correct copy of the original on file in this office.
CLERK OF THE SUPERIOR COURT.

BY

CC:JOSPL(1991121702010)00ANG/14

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(6) Juvenile Court Order - Status: Minor was Placed in Residential Treatment Center and then Psychiatric Hospital. Since under Foster Care and Not Sentenced, Minor is Eligible for Medi-Cal.

DOB:
JDA NO.:
REJIS NO.:

FEB 3 - 1992
[Signature]

PET. NO.:
DATE: 1-31-92
DEPT. 6

APPLICATION FOR AN ORDER AND ORDER (EX PARTE)

The minor was adjudged a ward of the San Diego County Juvenile Court on 12-5-91 under W&I Section 602.

RECOMMENDATION:

- _____ Jurisdiction is terminated. (DW090)
_____ Court vacates <bench warrant <arrest warrant <Juvenile Detention Order dated < _____. (Warrant Screen)
XX Annual review hearing previously set for 12-11-92 is vacated. (Rev. screen)
XX Annual review hearing previously set for 12-23-92 is vacated. (Rev. screen)
XX Annual review hearing is set for 11-12-92. (Rev. Screen)
_____ Petition dated < _____ be dismissed. (Screen)
_____ Transfer to _____ County, effective date _____
_____ Clothing/Medical care in the amount of \$ _____
XX Other: To inform the Court of the minor's transfer from Rancho Park's RTC to their psychiatric hospital on 1-20-92 to stabilize her. (Screen)

REASON: The annual review hearing/12 month permanency planning hearing must be set 12 months from detention. Additionally, Lisa required psychiatric hospitalization on 1-20-92 so with the concurrence of her parents and her attorney, she was moved to the hospital. She will be going back to the RTC next week, as soon as she stabilizes.

Respectfully submitted,

CECIL H. STEPPE
Chief Probation Officer

Approved: _____ By: _____
Supervisor Deputy Probation Officer

ORDER

So ordered by the Court

DATE: FEB 3 1992

JUDGE/REFEREE OF THE JUVENILE COURT

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

(7) Juvenile Court Order - Status: Minor was placed with parents with permission to place minor in Mesa Vista Hospital. This would be viewed as Foster Care/Probation Placement with parents. Minor is Eligible for Medi-Cal. If committed to psychiatric unit, Minor would continue to be Eligible for Medi-Cal.

WETA
DOB: JAN 07 1992
JDA NO.:
REJIS NO.:
RECOMMENDATION: (U)
CLASS of the Superior Court
PET. NO.:
DATE: 1-7-92, 1:30 pm
DEPT. 9
ATTORNEY.: PD
By: J. EDWARDS-CUMER Deputy

APPLICATION FOR AN ORDER AND ORDER

The minor was declared a ward of the San Diego County Juvenile Court on 12-30-91 under W&I Section 602.

RECOMMENDATION:

_____ Jurisdiction is terminated. (DW090)
_____ Court vacates <bench warrant <arrest warrant <Juvenile Detention Order dated <_____. (Warrant Screen)
_____ Annual review hearing previously set for _____ vacated. (Rev. screen)
_____ Petition dated _____ be dismissed. (Screen)
_____ Transfer to _____ County, effective date _____
_____ Clothing/Medical care in the amount of \$ _____

XX Other: The minor is detained with her parents, with permission to be detained at Mesa Vista Hospital. (Screen)

If minor is released from Mesa Vista, she is to be returned to Juvenile Hall for further dispositional hearing. (Screen)

That the minor is detained/placed at no cost to the county. (FD010)

REASON:

On 12-20-91, the minor was discharged from Mesa Vista Hospital and returned to Juvenile Hall. She has not been doing well, in fact has decompensated to the point that she is suffering from visual and auditory hallucinations when alone, is denying herself food and biting on herself. Dr. Greenberg feels that she should be hospitalized again and possibly remain so until placement. His plan is to contact CMH and transfer Lisa to the Child & Adolescent Unit when she is ready for discharge from Mesa Vista. The parents and Attorney Pastores have been notified of this hearing and are expected to attend.

Respectfully submitted,

CECIL H. STEFFE
Chief Probation Officer

Approved: _____ By: _____

Supervisor

Deputy Probation Officer

ORDER

So ordered by the Court

DATE: JAN 07 1992
FRANK D. MURPHY
JUDGE/CLERK OF THE JUVENILE COURT

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- (8) Juvenile Court Order - Status: Minor was released on Probation to Parents with hospital stay, then placement to 24-hour school on release from hospital. Minor is Eligible for Medi-Cal because Minor is on Probation. If 24-hour school is part of criminal justice system and is a correctional facility, then Minor would not be Eligible for Medi-Cal.

SUPERIOR COURT OF THE COUNTY OF CALIFORNIA, JUDGE MARYANN L. WOOD / 1776
JUVENILE COURT MINUTE ORDER

NO: NICHOLAS AND MICHAEL

KEYS NO: PETITION NO: JDA NO: 74581 Date: JANUARY 7, 1992 Time: 1:38 PM

OF THE MATTER OF A MINOR
 DATE OF BIRTH: _____
 Minor's Attorney: PUBLIC DEFENDERS

JUDGE/REFeree - _____ CLERK - _____ RECORDER - _____

PRESENT BEFORE THE COURT:

District Attorney: _____ Court Officer: _____
 Attorney for Minor: PUBLIC DEFENDERS/ - CR Minor's F.O.: _____
 Minor Mother Father _____

THE MATTER COMES BEFORE THE COURT FOR:

Original 602 petition filed NOVEMBER 12, 1991.

THE COURT FINDS:

THE COURT HAS RECEIVED THE ADDITIONAL INFORMATION REPORT PREPARED BY THE DELEGATION OFFICER THIS DATE;

THE COURT ORDERS:

MINOR SHALL BE RELEASED FROM JUVENILE HALL TO HER PARENTS. MINOR SHALL BE DETAINED WITH HER PARENTS, WITH PERMISSION TO RESIDE AT MESA VISTA HOSPITAL, UPON RELEASE. MINOR SHALL BE PLACED IN A 24-HOUR SCHOOL, IF PLACEMENT IS NOT AVAILABLE, MINOR SHALL BE DETAINED IN JUVENILE HALL. DO TO COMPLY WITH DR. GREENBERG REGARDING MINOR'S PLACEMENT.

FIFTEEN DAY REVIEW HEARING (74581) scheduled for JANUARY 13, 1992 at 8:30 AM in Dept. 09 remains. .
 REVIEW HEARING (74581) scheduled for JUNE 25, 1992 at 8:30 AM in Dept. 05 remains.
 EMERGENCY PLANNING HEARING (74581) scheduled for DECEMBER 11, 1992 at 8:30 AM in Dept. 09 remains.
 REVIEW HEARING (74581) scheduled for DECEMBER 23, 1992 at 8:30 AM in Dept. 09 remains.

ALL PRIOR ORDERS NOT IN COMPLIANCE REMAIN IN FULL FORCE AND EFFECT.

CASE _____ REFERENCE _____ JUDGE _____

Copy of Order Received By: _____ on Date: _____
 Minor's Signature

Witnessed By: _____
 F.O. / Clerk

NOTICE: The foregoing is a full, true and correct copy of the original or file in this office.
 CLERK OF THE SUPERIOR COURT.

BY _____

NOV002(199201071406061)JCARTER/LJ

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

- (9) Adult Court Order - Status: Adult was arrested, was released on Supervised Own Recognizance, had heart surgery, returned to jail, makes bail, returned to jail. Adult is not eligible for Medi-Cal at any time except the period he was on bail. Federal law states that institutional status does not end until the person is released from prison or jail on permanent release, bail, probation, or parole.

County of Humboldt State of California
JAN 10 1994
JANICE JONES, CLERK
By [Signature] DEPUTY CLERK

Defendant: _____
Court # _____

HUMBOLDT COUNTY SUPERVISED RELEASE PROGRAM
ORDER AND AGREEMENT
FOR RELEASE ON
INTENSIVE SUPERVISION

It is hereby ordered that the above-named defendant be released from the custody of the Humboldt County Jail TO THE CUSTODY OF THE PROBATION OFFICER for placement in the Humboldt County Supervised Release Program subject to the following terms and conditions:

TERMS AND CONDITIONS OF RELEASE

1. Defendant shall appear at all court hearings, and keep the probation officer informed of all court dates assigned.
2. Defendant shall reside at Hospital as directed
3. Defendant shall notify the probation officer of any change in residence. telephone: _____
4. Defendant shall comply with all federal, state, and local laws.
5. Defendant shall pay the sum of _____ for each day defendant is a participant in the Supervised Release Program.
6. Defendant shall report as directed and obey the instructions of the probation officer.

OTHER TERMS AND CONDITIONS BY THE COURT

7. X Defendant shall report any arrests, citations or law enforcement contacts immediately to the probation officer/court.
8. X Defendant will not leave the County of Humboldt without permission from the probation officer.
9. X Defendant shall totally abstain from the use of alcoholic beverages, illicit and/or controlled substances and submit to chemical testing to detect use of same.
10. X Defendant shall have no contact in any manner with victim without the permission of the probation officer.
11. X Defendant shall not have any weapons in his/her possession, nor in his/her residence or other property.
12. X Defendant shall seek or maintain employment and/or a program as approved by the probation officer, and notify the probation officer prior to any change in employment or program status.
13. X Defendant shall submit his/her person, real property, place of residence, vehicle and/or any other belongings to search and seizure at any time of the day or night, with or without a search warrant, to a probation officer or other law enforcement officer.
14. N/A Defendant shall be home at all times except as scheduled, with prior approval of the probation officer.
15. N/A Defendant shall participate in counseling/treatment programs as follows: _____

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

NAME _____ COURT NO _____ PAGE 2

- 16. Defendant shall submit to the use of electronic monitoring and/or alcohol testing devices under the terms and conditions of Attachment A, at the discretion of the probation officer.
- 17. Other See Attachment

Pursuant to the provisions of Section 1318 of the Penal Code, I do hereby agree that if released without bail and on my own recognizance for participation in the supervised release program:

- 1. I will appear at all times and places as ordered by the court or magistrate or any other person authorized by Section 1269 of the Penal Code to release a defendant and as ordered by any court in which, or any magistrate before whom, the charge is subsequently pending;
- 2. I will not depart the State of California without permission of the court;
- 3. I waive extradition if I fail to appear as required and I am apprehended outside the State of California;
- 4. I acknowledge that I have been informed of the consequences and penalties applicable to violation of the conditions of my release.

I understand that if I am charged with a misdemeanor or infraction and am released and fail to appear, I am guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than six (6) months, and a one thousand dollar (\$1,000) fine, or both.

I understand that if I am charged with a felony and am released and wilfully fail to appear, I am guilty of a felony and may be punished by imprisonment in the state prison for not more than three (3) years, or the county jail for not more than one (1) year, or a fine not exceeding ten thousand dollars (\$10,000), or both.

I hereby agree and consent to the above conditions and terms of release. I further understand that failure to do so will result in my return to custody in the jail.

* Date _____ Defendant _____

The court hereby authorizes release of the defendant from the custody of the Sheriff to the custody of the Probation Officer on the above terms and conditions.

Date IAN - 6 1994 _____
JUDGE

AP-58 Rev 11/92

x Def. Refused to sign orders. Def's attorney was present at the time.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

Attachment

17. Defendant waives right of confidentiality regarding medical records.
18. Defendant will remain in hospital as directed. Further, defendant will not leave hospital until specifically authorized by Supervising Probation Officer.
19. Upon release from hospital, Humboldt County Sheriff's Office to provide transportation to Humboldt County Jail to appear in court for further custody consideration.
20. Humboldt County Probation Department to request supervision assistance from Sonoma County law enforcement.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

State of California, County of Humboldt
Eureka Municipal Court

Case number:
D.R./BAIL HEARING

Date: 1/06/94
CA: 0 1/03/94

Judge:
Court Reporter:
Defense attorney:
District attorney:

THE PEOPLE vs. , defendant (present)

Appearance Date(s)

1/18/94 at 10:00 AM in Dept. 1 for PRELIMINARY HEARING.
1/10/94 at 9:00 AM in Dept. 5 for INTERVENTION HEARING.

Charge(s)

- 1) PC 207(A); felony; KIDNAPPING
Defendant plea: ~~Noopda~~ not guilty
- 2) PC 289(A); felony; SEXUAL PENETRATN FOREIGN OBJ W/FORCE
Defendant plea: ~~Noopda~~ not guilty
- 3) PC 288A(C); felony; ORAL COP W/PERSON UNDER 14 OR W/FORCE
Defendant plea: ~~Noopda~~ not guilty
- 4) PC 243.4(C); felony; SEXUAL BATTERY - MASTURBATION
Defendant plea: ~~Noopda~~ not guilty
- 5) PC 245(A)(1); felony; ADW OR GBY FORCE/NOT FIREARM
Defendant plea: ~~Noopda~~ not guilty

Notes

Defendant has medical problem; currently in General Hospital
PA Sue Fitt present in Court with medical update
Request for release on own recognizance for medical
procedures to take place in Santa Rosa
Released on Supervised OR
Gary Bird present in Court; to prepare conditions
Ms Falor present on behalf of County

Dates remain set (condition to be determined those dates)

Custodial status: ROR - Supervised; defendant ordered discharged.

I certify the foregoing is a true copy of the judgement rendered on the above
date by the above named Judge. CLERK OF THE EUREKA MUNICIPAL COURT.

By R. Dunn, Deputy Initials RD

Minutes continued on page 2

Page 1

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

State of California, County of Humboldt
Eureka Municipal Court

Case number:
OTHER PROCEDURALS

Date: 1/11/94

Judge:
Court Reporter:
Defense attorney:
District attorney:

THE PEOPLE vs. _____, defendant (not present)

Appearance Date(s)

1/11/94 at 10:03 AM in Dept. 1 for ROUTE MINUTE TO JAIL.
1/18/94 at 10:00 AM in Dept. 1 for PRELIMINARY HEARING.

Charge(s)

- 1) PC 207(A); felony; KIDNAPPING
Defendant plea: Not guilty
- 2) PC 289(A); felony; SEXUAL PENETRATN FOREIGN OBJ W/FORCE
Defendant plea: Not guilty
- 3) PC 288A(C); felony; ORAL COP W/PERSON UNDER 14 OR W/FORCE
Defendant plea: Not guilty
- 4) PC 243.4(C); felony; SEXUAL BATTERY -- MASTURBATION
Defendant plea: Not guilty
- 5) PC 245(A)(1); felony; ADW OR GBI FORCE/NOT FIREARM
Defendant plea: Not guilty

Notes

Probation Officer, Gary Bird present.
Sue Pitt, jail medical personnel present in Court.
Defendants surgery has been performed in Santa Rosa,
defendant is in route back to Eureka.
Supervised "OR" is revoked at this time.
Bail set at \$100,000.
Defendant is to be returned to the Humboldt County Jail.

Custodial status: County Jail with bail of \$100,000.00 not posted.

I certify the foregoing is a true copy of the judgement rendered on the above date by the above named Judge. CLERK OF THE EUREKA MUNICIPAL COURT:

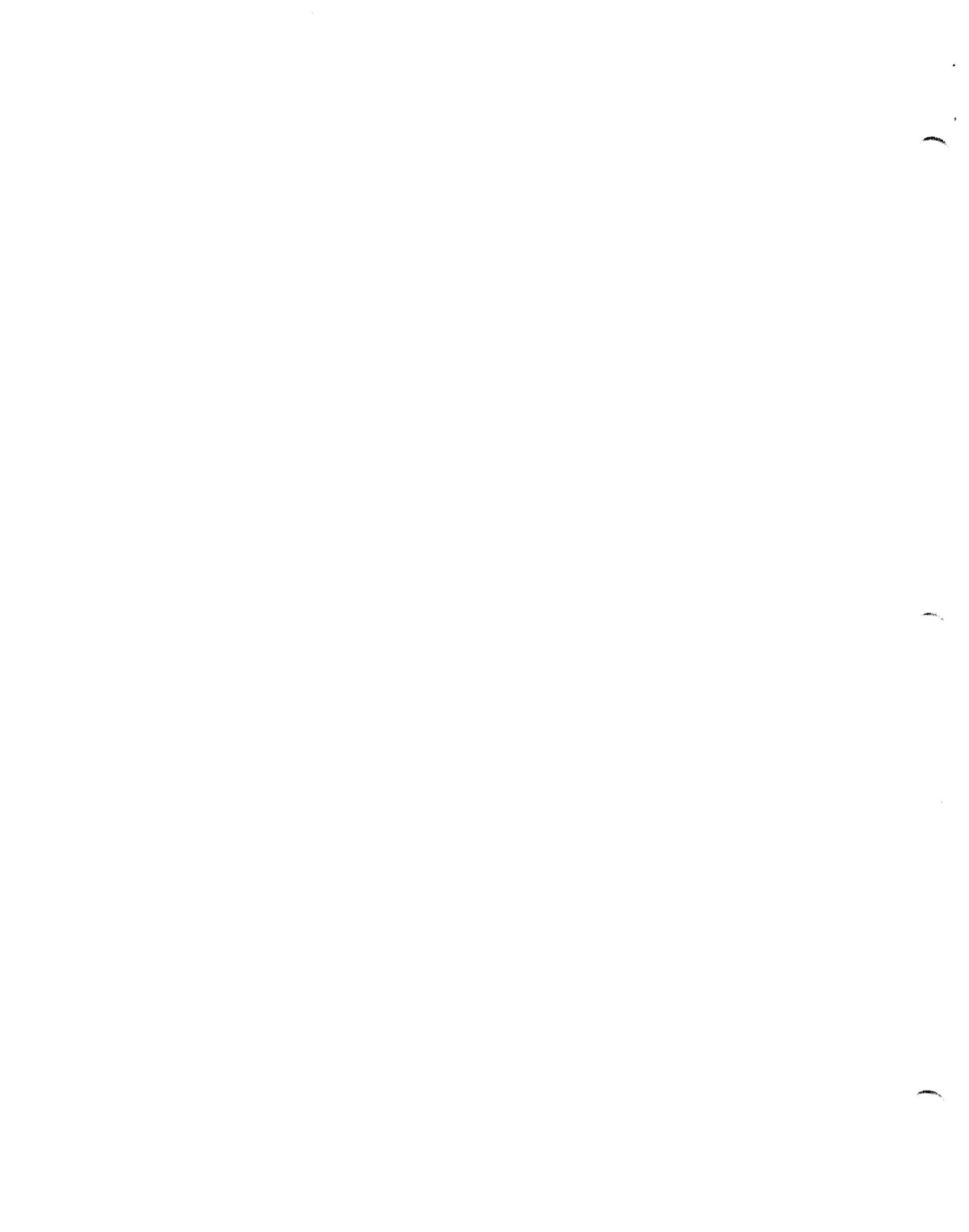
By C. Giacomini, Clerk Initials CG

Public Defender

1001 Fourth Street
Eureka, CA 95501

Phone: (707) 445-7634

Page 1



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6E. INSTITUTION FOR MENTAL DISEASES (IMD)

1. **Definition**

IMD's are defined in federal law as:

42 USC Section 1905(i): The term "institution for mental diseases" means a hospital, nursing facility, or other institution of more than 16 beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services.

42 CFR Section 435.1009: Institution for mental diseases means a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services. Whether an institution is an institution for mental diseases is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases, whether or not it is licensed as such. An institution for the mentally retarded is not an institution for mental diseases.

2. **Identification of an IMD**

The final determination of a facility's status depends on whether its overall character is that of a facility established and/or maintained primarily for the care and treatment of individuals with mental diseases. HCFA uses the following guidelines in evaluating the overall character of a facility under the Medicaid statute and regulations:

- The facility specializes in providing psychiatric/psychological care and treatment. This may be ascertained through review of patients' records. It may also be indicated by the fact that an unusually large proportion of the staff has specialized psychiatric/psychological training or that a large proportion of the patients are receiving psychopharmacological drugs;
- The facility is under the jurisdiction of the State's mental health authority;
- The current need for institutionalization for more than 50 percent of all the patients in the facility results from mental diseases;

In some cases, multiple components may be involved, and it may be necessary to apply further guidelines to identify the institution to be assessed. Components may be certified as different types of providers, such as nursing facilities and hospitals, and are considered independent of each other. Once a component is determined to be independent, the IMD criteria can be applied to that component unless it has 16 or fewer beds.

3. **IMD Exclusion**

Section 1905(a) of the Social Security Act states that FFP is not available for any medical assistance under Title XIX (Medi-Cal) for any individual under age 65 who is a patient in an IMD unless the payment is for inpatient psychiatric services for individuals under age 21. However, an

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

individual who has been receiving inpatient psychiatric services prior to his/her 21st birthday and continues to receive such services may be eligible for Medi-Cal benefits.

Individuals who are patients in an IMD may be immediately eligible for Medi-Cal benefits upon transfer or discharge to a medical institution that is certified under Title XIX, provided that all factors of eligibility are met. Under 42 CFR 435.1008, the IMD exclusion does not apply during the part of the month the individual is not a patient in an IMD. This includes periods of conditional release or convalescent leave.

4. IMD's in California

In 1986, HCFA set forth the criteria for determining whether facilities were IMD's. California's mentally disabled population had been cared for in skilled nursing facilities (SNF's). SNF's serving the mentally disabled had special treatment programs (STP) certified by the California Department of Health Services and the California Department of Mental Health. HCFA determined that these SNF/STP facilities were IMDs, and that FFP for inpatient psychiatric care and services under the Medi-Cal program was not available for residents under age 65.

The following list of facilities in California have been determined to be IMD's by HCFA:

Effective August 1, 1987:

Alpine Convalescent Center, Alpine	El Cajon
Bay Health Care, Palo Alto	Palo Alto
Beverly Manor, Riverside	Riverside
Canyon Manor, Novato	San Rafael
Chatsworth Health and Rehabilitation Center	Canoga Park
Community Care Center, Inc., Duarte	Arcadia
Cordilleras Center, Redwood City	Redwood City
Crestwood Manor, Eureka	Eureka
Crestwood Manor, Modesto	Modesto
Crestwood Manor, Sacramento	Sacramento
Crestwood Manor, San Jose	San Jose
Crestwood Manor, Stockton	Stockton
Crestwood Manor, Vallejo	Vallejo
Crestwood Manor, Angwin	Napa
Crestwood Manor, Bakersfield	Bakersfield
Downey Community Health Center	Downey
Eskaton American River Manor, Carmichael	American River
Foothill Health and Rehabilitation Center, Sylmar	San Fernando
Fresno Care and Guidance Center	SE Fresno
Garfield Geropsychiatric Hospital, Oakland	Oakland
Harbor Hills	Santa Cruz
Landmark Medical Center	Pomona
La Paz Geropsychiatric Center, Paramount	Bellflower
Laurel Park	Pomona
Meadowbrook Manor Sanitarium, Los Angeles	Marina Venice
Merced Manor	Merced

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

Olive Vista	Pomona
San Gabriel Valley Convalescent Hospital	El Monte
San Jose Care and Guidance Center	E San Jose
Shandin Hills	San Bernardino
Sierra Vista, Highland	San Bernardino
View Heights Convalescent Hospital, Watts	Los Angeles
Vista Pacifica, West Riverside	Riverside
Westwood Manor	Fremont

Effective July 1, 1988:

Crestwood Geriatric Treatment Center	Redding
Crestwood Vallejo II	Vallejo
Telecare La Casa, Norwalk	Norwalk
Telecare Villa Fairmont, San Leandro	San Leandro

Effective March 1, 1988:

Crestwood Manor, Fremont	Fremont
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Effective February 16, 1990-June 30, 1990 Only:

Harbor View Center, Long Beach	Long Beach
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Effective August 16, 1990:

Cresta Loma, Lemon Grove	La Mesa
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Effective September 7, 1990:

Eucalyptus Health Services, Inc./ Crestwood Corporation, Bakersfield	Bakersfield
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Effective April 1, 1992:

Garfield Nursing Home, Inc.	Howard
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Effective April 30, 1992:

Gladman Psychiatric Health Facilities	Oakland
---------------------------------------	---------

Effective June 15, 1992:

Garfield Mental Health Center	Oakland
-------------------------------	---------

5. **Managed Mental Health Care**

The Department of Mental Health (DMH), DHS, HCFA, the California Mental Health Directors Association (CMHDA), the California Mental Health Planning Council, and other state departments,

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

consumers, and interested constituency groups have formed a Managed Health Care Steering Committee, which was established to develop and implement a managed care program for mental health which would initiate a new service delivery system for the state's Medi-Cal beneficiaries. This program will be a separate special mental health system for present fee-for-service Medi-Cal beneficiaries who now receive acute psychiatric inpatient services, long term care in specialized psychiatric programs, and mental health services delivered by psychiatrists and psychologists. It is planned that counties will cooperate and choose to participate in this plan. State general fund dollars will be used as matching funds for fee-for-service Medi-Cal specialty mental health services allocated to the county. Each plan will receive funding on a monthly basis for each Medi-Cal beneficiary regardless of service usage. It is anticipated this program will begin on July of 1997.

50765, 50050, 50101, 50185, 50351

SECTION NO.: 50771.5, 50157, 50175, 50227, 50379 MANUAL LETTER NO.:135 DATE: OCT 0 6 1998-E-4

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

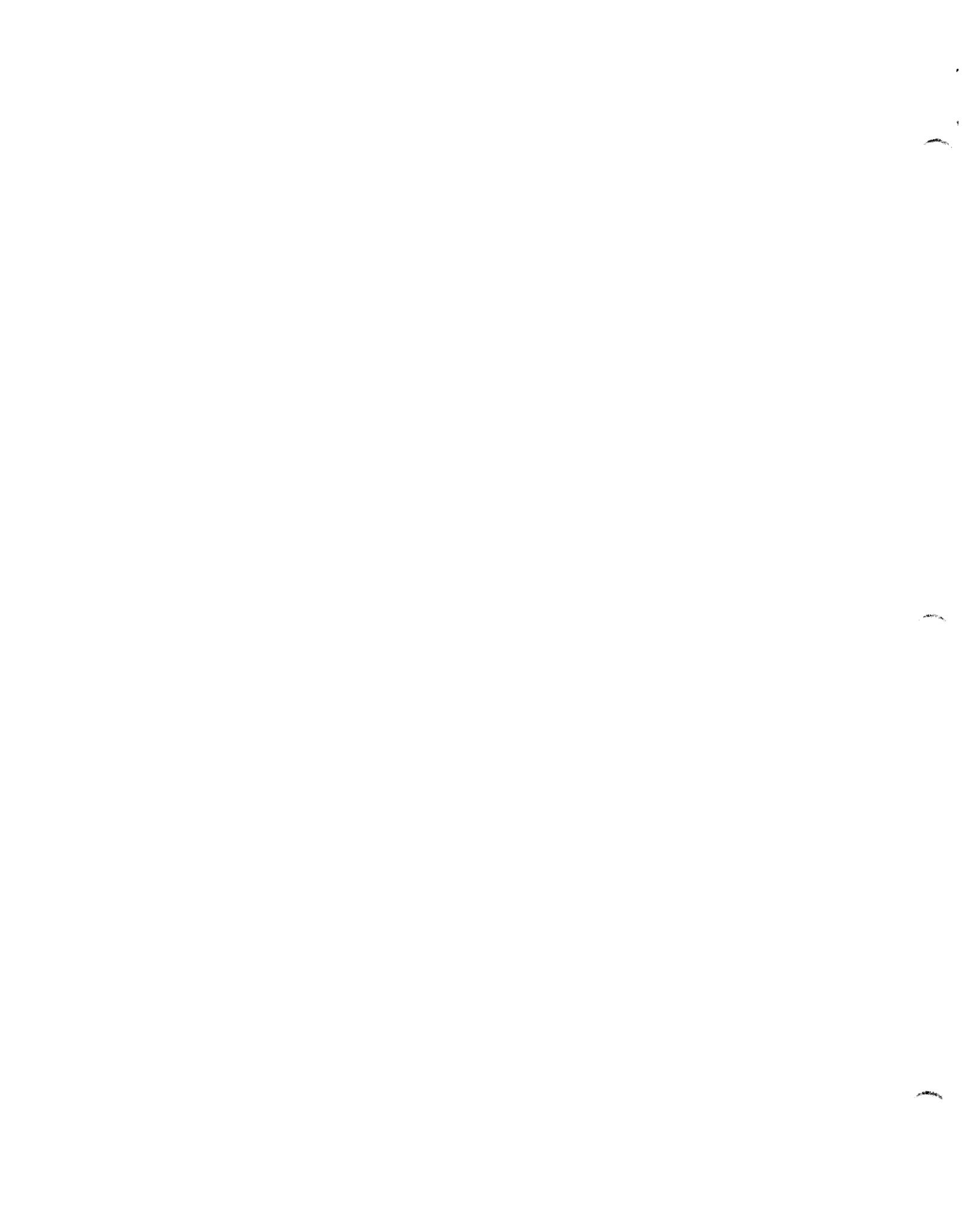
6F. CHART

The following chart identifies individuals ineligible or eligible due to institutional status:

TYPE OF INSTITUTION	TYPE OF INMATE						VOLUNTARY (Including Parolee/ Probationer)	
	Pre- Booking	Sentenced 21-64	Sentenced 65 or Over	Under W&I 601,602,300	Sentenced W&I 602	Others Under 21	21-64	65 or Over
Public or Private Mental Institution	Ineligible	Ineligible	Eligible	Eligible to Age 22	Ineligible	Eligible	Ineligible	Eligible
Public Nonmedical Institution (Correctional)	Ineligible	Ineligible	Ineligible	Ineligible Unless Temporary	Ineligible	Ineligible	Ineligible	Ineligible
Public or Private General Medical Facility	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible
Public or Private Mental Facility - Diagnosis of Mental Illness (IMD)	Ineligible	Ineligible	Eligible	Eligible to Age 22	Ineligible	Eligible to Age 22	Ineligible	Eligible
Residential Treatment Center; Board and Care Home (non-correctional)	Eligible	Eligible	Eligible	Eligible	Ineligible	Eligible	Eligible	Eligible
Public or Private Intermediate Care or Skilled Nursing Facility	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible

NOTE:

1. Approval of an application of an inmate eligible above shall be contingent upon all other eligibility criteria being met.
2. Persons institutionalized prior to their 21st birthday are eligible until they reach their 22nd birthday as long as they remain continuously institutionalized and receive inpatient psychiatric care.
3. Individuals released on bail or own recognizance (OR) are eligible for Medi-Cal.
4. Welfare and Institutions Code Number Explanations:
 - a. W&I 300 - Person needs care due to mental or physical deprivation.
 - b. W&I 601 - Uncontrollable - ward of court.
 - c. W&I 602 - Violation of law.



MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

6G. QUESTIONS AND ANSWERS

This section contains various questions that have been asked regarding institutional status and our responses to those questions.

QUESTION 1:

Since there is a real distinction between detention, adjudication, and dispositional orders issued under W&I Code, Section 602, and since Section 50273(a)(2) of the Medi-Cal Eligibility Manual specifically identifies only children detained under Section 602, is a child who is in Juvenile Hall awaiting placement in a foster home or group home as a result of a dispositional order of the Juvenile Court eligible for Medi-Cal benefits since the dispositional court order supersedes the detention orders?

RESPONSE:

Children who are paroled or placed on probation under Section 602 are not considered to be under a penal hold (see Title 22, CCR, Section 50273(d)). Similarly, children who have completed their sentence, or against whom all charges have been dropped or dismissed, are not considered to be under a penal hold. Such children could be eligible for Medi-Cal even if still physically present in the Juvenile Hall. The MC 250 would be an appropriate application for these children if they are awaiting placement in foster care (Title 22, CAC, section 50161(b)). Any other "disposition order" would require further review to establish eligibility.

Please be advised that a very common problem which occurs with juveniles on probation under Section 602 is that the probation department frequently continues to refer to the juvenile as a "602 child". Eligibility workers should be very careful to accurately ascertain the status of the child prior to completing the eligibility determination. In addition, county probation departments should be advised that the generic term "602 child" is confusing and could lead to an improper denial of Medi-Cal benefits.

QUESTION 2:

In some counties a court may review an arrested juvenile's record and decide to place the child in an alternative living arrangement under the supervision of the probation department without sentencing the child or placing the child on probation. Is such child eligible for Medi-Cal?

RESPONSE:

Such juveniles are generally first-time offenders or repeat offenders the court believes would benefit from removal from an abnormal home situation or from severance of past associations. In any case the court order will generally dispose in some way of the charges brought against the child, i.e., drop the charges, suspend the sentence, place the child on probation, etc. These children would be eligible.

QUESTION 3:

Is a "602 child" in a mental institution eligible?

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

RESPONSE:

A child placed by the court in a mental institution for pretrial or presentencing observation or who is sentenced to a mental institution is not eligible. Similarly, a child sentenced to Juvenile Hall or other correctional facility and then transferred to a mental institution due to abnormal behavior is not eligible. A child on probation against whom the charges have been dropped or the sentence suspended or completed is eligible.

QUESTION 4:

Are juveniles arrested and incarcerated under Penal Code sections, rather than Section 602 of the W&I Code, eligible?

RESPONSE:

Anyone of any age who is arrested and incarcerated is ineligible regardless of the Code section used. However, most juveniles will initially be arrested under Section 602 even though they may later be charged as adults if the court so decides.

QUESTION 5:

A minor child is sentenced to a term of incarceration. However, due to inadequate space in the juvenile detention center, the child is temporarily placed in a foster home pending available space in the detention center. Is this child eligible?

RESPONSE:

The child is ineligible. The penal authority retains full responsibility for the child, and anyone serving a sentence and not formally released is ineligible.

QUESTION 6:

Are adult offenders sentenced to mental institutions eligible?

RESPONSE:

No. An adult over 21 and under 65 years of age is never eligible when residing in a mental institution. Persons over 65 years of age who are sentenced to a mental institution are not eligible as such persons are considered to be an inmate of an institution. Persons institutionalized prior to their 21st birthday are eligible until they are 22 as long as they remain continuously institutionalized.

QUESTION 7:

Are pregnant women serving sentences in jail or prison eligible?

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

RESPONSE:

No. Care for such women is the responsibility of the jail or prison. However, once born the child is eligible even if living with the mother in the jail or prison as the child has committed no criminal offense and is not sentenced to the jail/prison regardless of the living arrangement.

QUESTION 8:

Are persons sentenced under alternative sentencing methods eligible?

RESPONSE:

Eligibility depends on the wording of the sentence rendered by the court as well as the legal responsibility of a law enforcement agency. In short, to be eligible, the sentence rendered by the court must include the periodic release of the individual and the individual must be released from the jurisdiction of the law enforcement agency for periods of not less than 24 consecutive hours with the law enforcement agency retaining no responsibility for the needs of the individual during that period. Several examples are set forth below:

EXAMPLE A:

An individual is sentenced by the court to serve a term in jail. The sentence provides that the individual is to be permitted to leave the jail daily to attend or go to work; however, the individual must return to the jail after work or school each day and remain incarcerated on weekends, holidays, etc.

RESPONSE A:

This individual is not eligible while serving the sentence. The penal authority retains the responsibility for the individual's care and support.

EXAMPLE B:

An individual is sentenced to jail only on weekends but is not incarcerated during the week by order of the court.

RESPONSE B:

This individual is eligible only during the week and becomes ineligible every weekend. The penal authority is only responsible for the individual's care on weekends.

EXAMPLE C:

A married couple is sentenced to jail. However, due to the presence of minor children in the home, the court orders that each parent be released on alternate weeks so that one parent is available to care for the children.

MEDI-CAL ELIGIBILITY MANUAL - PROCEDURES SECTION

RESPONSE C:

Each parent is eligible for the weeks spent in the home and ineligible for any week in which he/she is incarcerated.

EXAMPLE D:

An individual is sentenced to be incarcerated for a given period with no provision for temporary release as described above. The penal authority chooses to place the individual in such a program without confirmation by the court, alteration of sentence, formal parole, or probation.

RESPONSE D:

The individual is not eligible. The penal authority has not been released from responsibility for the individual's care.

EXAMPLE E:

An individual is sentenced to perform community service work in lieu of incarceration. The individual resides at home, performs his/her community service, and is (usually) loosely supervised to ensure compliance with the sentence.

RESPONSE E:

This individual is eligible. The individual is not the financial responsibility of a penal authority until and unless the individual fails to comply with the sentence requirements. If the individual fails to comply with the sentence and is, as a result, incarcerated, the individual becomes ineligible.