

XXXX  
LAW OFFICES OF XXXX  
X XXX XXX XX XXXX XXX XXX  
XXX XXXX XXXX XXX., XXXXX X  
XXXXXXXX XXXX, XX XXXXX-XXXX  
Telephone Number: (XXX) XXX-XXXX  
Attorney for (Minor) XXXX

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF XXXXXX**

IN THE MATTER OF

(Minor) XXXX

A MINOR.

CASE NO. XXXX

**CHILD'S NOTICE OF MOTION  
AND MOTION FOR JOINDER  
[WIC §§ 362(A), 5694.7, 4500 et. seq.  
and 20 U.S.C. § 1412 et. seq.];  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

DATE: August 14, 2002  
TIME: 8:30 a.m.  
DEPT.: 413

TO ALL PARTIES AND THEIR COUNSEL OF RECORD TAKE NOTICE that on  
\_\_\_\_\_ in Department XXX of the Superior Court of the State of  
California, located at XXX XXXX XXX XX, XXXX XXXX, XX XXXXX, counsel for the  
child, (Minor) XXXX, will move the court pursuant to Welfare and Institutions Code sections  
362(a), 5694.7, 4500 et. seq. and 20 U.S.C. § 1412 et. seq. for an order joining the XXXX  
County Department of Mental Health (hereinafter "XC DMH"), the XXXX Regional Center  
(hereinafter "XRC") and the XXXX Unified School District (hereinafter "XUSD") as parties to  
these proceedings and directing them to comply with their obligations to provide services to  
(Minor) including family support services, counseling and respite, behavioral training and  
modification, emergency and crisis intervention including supplemental staffing, and  
residential placement in the community.

Dated:

Respectfully submitted,

XXXX XXXX  
Attorney for (Minor) XXXX

1 **MOTION FOR JOINDER**

2 **[WIC §§ 362(a), 5694.7, 4500 et. seq. and 20 U.S.C. § 1412 et. seq.]**

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **INTRODUCTION**

5 Welfare and Institutions Code section 362(a) authorizes the juvenile court to join in the  
6 proceedings any agency that the court determines has failed to meet a legal obligation to  
7 provide services to a child who is adjudged a dependent of the court. Because (Minor) is  
8 eligible for Medi-Cal services and under age 21, she is eligible for intensive mental health  
9 services to be provided by XC DMH, which also has a special duty to assess the child's needs  
10 when requested to do so by the Juvenile Court pursuant to Welfare and Institutions Code  
11 section 5694.7. In addition, (Minor) has special education rights to mental health services,  
12 including residential placement, to be provided by the school district and/or XC DMH under  
13 the Individuals with Disabilities Education Act (hereinafter "IDEA") 20 U.S.C. § 1412 et. seq.  
14 As a client of the XRC, (Minor) has a right to family support services including counseling and  
15 respite, behavioral training and modification, emergency and crisis intervention including  
16 supplemental staffing, and residential placement in the community pursuant to Welfare and  
17 Institutions Code sections 4512(b), 4685, and 4648(a)(9)-(10). These three agencies have  
18 failed to adequately provide these services to (Minor). Therefore, the requested order requires  
19 XC DMH, XUSD and the XRC to appear before this court to carry out their duties to the  
20 minor, (Minor).  
21  
22  
23

24 **STATEMENT OF FACTS**

25 (Minor) came to the attention of the dependency court in December of 1999. (Minor)  
26 was declared a dependent of the juvenile court and removed from her grandparents' custody.  
27 (Minor) was placed at XXXX Group Home on December 17, 1999. (December 22, 1999  
28 Detention Hearing Report attached hereto and incorporated herein by this reference as Exhibit

1 A.) (Minor)'s initial placement at XXXX Group Home failed, as there was insufficient  
2 supervision and structure. During her stay at XXXX Group Home, (Minor) ran away to her  
3 grandparent's home numerous times. (January 13, 2000 Jurisdictional/Dispositional Hearing  
4 Report attached hereto and incorporated herein by this reference as Exhibit B.) On January 11,  
5 2000 (Minor) was detained at Juvenile Hall. (January 13, 2000 Information for Court Officer  
6 attached hereto and incorporated herein by this reference as Exhibit C.) (Minor) was ordered  
7 to be released from Juvenile Hall on February 1, 2000 and was placed at XXX Children's  
8 Center ten days later. (February 7, 2000 Application for and Notice of Hearing WIC 385  
9 attached hereto and incorporated herein by this reference as Exhibit D.) While at XXX  
10 Children's Center (Minor) was hospitalized twice due to her suicidal behavior. (February 24,  
11 2000 15 Day Review Report attached hereto and incorporated herein by this reference as  
12 Exhibit E.)

13 On March 16, 2000, (Minor) was placed at XXXX Group Home for Children. (March  
14 23, 2000 15 Day Review Report attached hereto and incorporated herein by this reference as  
15 Exhibit F.) During her stay at XXXX Group Home (Minor) was hospitalized five times.  
16 (August 24, 2000 Status Review Report attached hereto and incorporated herein by this  
17 reference as Exhibit G.) Consequently, (Minor) returned to the home of her grandparents, Mr.  
18 and Mrs. XXXX. (Exhibit G.)

19 In April of 2001 the County Social Services Agency (hereinafter "Agency") determined  
20 that (Minor)'s placement at the home of her grandparents was no longer appropriate due to  
21 insufficient support and structure. (April 20, 2001 Detention Report attached hereto and  
22 incorporated herein by this reference as Exhibit H.) As a result, (Minor) was placed at XXX  
23 Children's Center. (Exhibit H.) However, (Minor) did poorly at XXX Children's Center, and  
24 therefore, on June 29, 2001 the court sent (Minor) on an extended visit with her maternal  
25 grandparents. (June 29, 2001 Minute Order attached hereto and incorporated herein by this  
26 reference as Exhibit I.)

27 Early in 2000, the Dependency Court ordered that (Minor) be referred to the regional  
28 center. On August 17, 2000, XXXX XXXX, Ph.D., a staff psychologist for XRC, conducted a  
psychological evaluation of (Minor). She concluded that "(Minor) could benefit from

1 residential placement where there is a high level of structure.” (August 17, 2000 XRC  
2 Psychological Evaluation attached hereto and incorporated herein by this reference as Exhibit  
3 J.) It was determined on September 9, 2000 that (Minor) was eligible for Regional Center  
4 Services and Marcia XXXX was assigned to be (Minor)’s service coordinator. (September 22,  
5 2000 XRC Letter attached hereto and incorporated herein by this reference as Exhibit K.)

6 On October 4, 2000 (Minor) was referred for Therapeutic Behavioral Services  
7 (hereinafter “TBS”) through XC DMH. (October 26, 2000 Interim Review Report attached  
8 hereto and incorporated herein by this reference as Exhibit L.) In December of 2000, XC  
9 DMH provided TBS services to (Minor) and her maternal grandparent. CSW Rozette XXXX  
10 states in the March 23, 2001 Interim Review Report that “(Minor) is doing a lot better now ...  
11 because of the TBS services that she is receiving on a daily basis.” (March 23, 2001 DCFS  
12 Interim Review Report attached hereto and incorporated herein by this reference as Exhibit M.)  
13 On December 3, 2001, TBS services were terminated.

14 (Minor) is entitled to services from the XRC, XC DMH, XUSD, and all three agencies  
15 have identified residential facility placement as the most appropriate for (Minor). On March 6,  
16 2001 an Individualized Program Plan and Individualized Family Service Plan Conference was  
17 held by the XRC. During this meeting, XRC determined the appropriate types of services  
18 available for (Minor), including out of home care. (March 6, 2001 XRC Draft Outcomes for  
19 Individual Program Plan attached hereto and incorporated herein by this reference as Exhibit  
20 N.) Dr. XXXX from the XC DMH conducted an AB 3632 assessment of (Minor). In his  
21 report dated February 27, 2002 he finds that (Minor) would be best served in a residential  
22 facility. (February 27, 2002 AB 3632 Mental Health Assessment attached hereto and  
23 incorporated herein by this reference as Exhibit O.) On April 11, 2002 an Individualized  
24 Education Plan meeting was conducted by the XUSD. During this meeting, it was determined  
25 that residential placement should be offered to (Minor) when no conflict exists due to  
26 (Minor)’s status as an Agency client and there is a voluntary agreement by (Minor) and her  
27 maternal grandparents to participate in such a placement. (April 11, 2002 Individualized  
28 Education Plan attached hereto and incorporated herein by this reference as Exhibit P.)

1 Although each of these three agencies has identified residential placement as most appropriate,  
2 they have all failed to secure such a residential placement for (Minor).

3 In June of 2002 (Minor) was arrested and detained in XXXX Juvenile Hall. Since there  
4 are no appropriate placements available for (Minor), she remains inappropriately detained in  
5 Juvenile Hall today. (June 27, 2002 Notice to Child's Attorney Re: Child's Case Status  
6 attached hereto and incorporated herein by this reference as Exhibit Q.)

## 8 **DISCUSSION**

### 9 **I. Juvenile Courts have Authority to join XC DMH and the XXXX Unified** 10 **School District as Parties in Dependency Proceedings.**

11 The juvenile court has broad authority under Welfare and Institutions Code section  
12 362(a) to "join in the juvenile court proceedings any agency that the court determines has  
13 failed to meet a legal obligation to provide services to the minor." This authority extends to  
14 the agencies at issue here, as the legislative history of section 362 makes clear. One legislative  
15 committee noted that the amendment

16 addresses the needs of the most difficult to serve population of dependent  
17 children and wards of the court – children with multiple services needs  
18 [who are] legally entitled to services from several public agencies. The  
19 fact that multiple agencies are involved often results in a failure to provide  
legally mandated services: the buck gets passed from agency to agency  
without the child getting any services.

20 (Senate Committee Report on Judiciary Bill No. AB 3553 [June 23, 1992].) Another  
21 committee analysis specifically named the agencies typically involved as "the Department of  
22 Education, Department of Mental Health, Department of Health Services, Department of  
23 Rehabilitation, and Regional Centers." (Assembly Committee Analysis of Judiciary Bill No.  
24 AB 3553 [April 8, 1992].)

25 The three agencies which are responsible for providing mental health and behavioral  
26 services to (Minor) have failed in their respective duties. Without a joinder order under  
27 Welfare and Institutions Code section 362(a), there is a real danger that "the buck [will] get[]  
28 passed from agency to agency without the child getting any services." (*Id.*) With all agencies

1 present, this court could ensure that each of these agencies provides the needed services to  
2 (Minor).

3  
4 **II. XC DMH has a Duty to Assess a Child's Need for Mental Health Services.**

5 Under Welfare and Institutions Code section 5694.7, when requested to do so by the  
6 juvenile court, the county mental health director must

7 ... assess whether or not the child is seriously emotionally disturbed as well as to  
8 determine the level of involvement in the case needed to assure access to  
9 appropriate mental health treatment services and whether appropriate treatment is  
10 available ... through another agency, and to ensure access to services available  
11 within the county's program.

12 (Welf. & Inst. Code § 5694.7, emphasis added.) This statute imposes a duty on XC  
13 DMH to assess a child's needs for mental health services even if these services are not  
14 provided by the county. Accordingly, the county has an obligation to develop a treatment  
15 plan which addresses all the child's needs, including needs for mental health services  
16 from the school district or from other programs or agencies.

17 Finally as noted below, for children such as (Minor), XC DMH also has a duty to  
18 provide mental health services in conjunction with the child's special education rights,  
19 pursuant to Assembly Bill (AB) 3632/882 as amended by Assembly Bill 2726 and  
20 codified as Cal. Gov. Code sections 7570-7588 (hereinafter "AB 3632").

21 Dr. XXXX conducted an AB 3632 Mental Health Assessment, dated February 27,  
22 2002. In his report he states, "(Minor) is referred to the Department of Mental Health for  
23 assessment pursuant to AB3632 due to emotional and behavioral problems that interfere  
24 with her ability to benefit from Special Education programming." (Exhibit O.) Dr.  
25 XXXX highlighted numerous ways (Minor)'s emotional and behavioral problems  
26 manifest themselves, including "cycles of aggression which may be fueled by underlying  
27 depression, poor impulse control, poor self-esteem, poor peer and adult relationships,  
28 poor academic performance, and periods of severe refusal to comply with rules and age  
appropriate expectations." (Exhibit O.) In conclusion, Dr. XXXX finds that (Minor)

1 would be best served in a residential placement. (Exhibit O.) However, Dr. XXXX  
2 wrongly concludes that he cannot recommend such a course of action under AB 3632  
3 because (Minor) is a client of the Agency and is under the jurisdiction of the Dependency  
4 Court. (Exhibit O.)

5 Furthermore, Carolyn XXXX, LCSW, in the March 1, 2002 Juvenile Court Mental  
6 Health Unit WIC 241.1 Report finds that a residential placement through either DCFS or  
7 Regional Center would be most beneficial for (Minor) to address her on-going mental health  
8 needs. (March 1, 2002 Juvenile Court Mental Health Unit WIC 241.1 Report attached hereto  
9 and incorporated herein by this reference as Exhibit R.) In July 11, 2002 Juvenile Court  
10 Mental Health Unit WIC 241.1 Report Carolyn XXXX, LCSW, again concludes that (Minor)  
11 “would benefit from a contained and structured environment.” (July 11, 2002 Juvenile Court  
12 Mental Health Unit WIC 241.1 Report attached hereto and incorporated herein by this  
13 reference as Exhibit S.) Further she states, “Regional Center will be the best resources for  
14 appropriate placement and adjunctive services at this time.” (Exhibit S.)

15 (Minor)’s status as an Agency client should not preclude her from receiving  
16 necessary placement services available through XC DMH. As stated in Welfare and  
17 Institutions Code section 5694.7 the director of mental health must “ensure access to  
18 services available within the county’s program.” Dr. XXXX’s refusal to recommend  
19 residential placement due to Agency involvement denies (Minor) access to services  
20 within the county’s mental health program. Therefore, it is necessary to join XC DMH  
21 into these proceedings to ensure that the duty owed to (Minor) is provided.

22  
23 **III. The School District has a Duty to Provide Related Mental Health Services**  
24 **Including Residential Placement.**

25 Children who are seriously emotionally disturbed (“SED”) have a right to special  
26 education “related services” including psychological counseling for the child and/or  
27 family if necessary to benefit from the child’s education or residential placement in a  
28 non-public school setting. If in the course of developing a child’s Individual Educational

1 Plan (hereinafter “IEP”) the child is identified as SED, a referral must be made to the  
2 county mental health department for an assessment and provision of mental health related  
3 services, including residential services.

4 More generally, the education rights of children with disabilities are governed by  
5 the Individuals with Disabilities Education Act (hereinafter “IDEA”), 20 United States  
6 Code section 1412 et. seq. The 1997 amendments to IDEA clarified that local school  
7 districts are ultimately responsible for services needed by pupils even when another  
8 public agency other than the educational agency is otherwise obligated to provide or pay  
9 for services that are considered special education related services. If that other agency  
10 fails to provide or pay for these services, the local school district must fulfill the  
11 obligation either directly or through contract or through some other arrangement. 20  
12 (U.S.C. § 1412(a)(12)(B)(i) & (ii).) Consequently, if mental health and/or residential  
13 services are necessary for a child to benefit from his education, the school district must  
14 provide the services if there is a delay in providing related mental health services from  
15 county mental health through the AB 3632 process and while waiting for AB 3632  
16 services to begin.<sup>1</sup>

17 It is a violation of federal law to require that a child be made a ward or dependent  
18 of the court in order to obtain residential care needed to benefit from educational  
19 services, since this will involve a cost to the parent. Federal law provides that “[i]f  
20 placement in a public or private residential program is necessary to provide special  
21 education and related services to a handicapped child, the program, including non-  
22 medical care and room and board, must be at no cost to the parents of the child.” (34  
23 C.F.R. § 300.302.)

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24  
25  
26 <sup>1</sup> The federal regulations implementing the 1997 amendments to IDEA were effective May 11, 1999 and speak clearly  
27 to this issue. The new regulations provide that:

28 “If a public agency other than an educational agency fails to provide or pay for the special education and  
related services..., the LEA ... shall provide or pay for these services to the child in a timely manner. The  
LEA or State agency may then claim reimbursement for the services for the non-educational public agency  
that failed to provide or pay...”  
34 C.F.R. § 300.142(b)(ii)(2), 48 Fed. Reg. 12406, 12430 (March 12, 1999).



1           In *Christopher T. v. San Francisco United School District*, the federal court ruled  
2 that the school district was financially responsible for the costs of residential placement  
3 for two children who were made dependents of the juvenile court and placed by the  
4 Department of Social Services. ((N.D.Cal. 1982) 553 F.Supp. 1107, 1119-20.) The court  
5 found that the school district failed to provide adequate mental health services in the  
6 children’s Individual Education Plan, particularly the residential placement that the  
7 children needed.

8           (Minor) is eligible for special education services. The most recent IEP, dated  
9 April 11, 2002, finds that (Minor) continues to be eligible for special education as she is  
10 considered emotionally disturbed. (Exhibit P.) This determination was based on  
11 (Minor)’s “inability to maintain interpersonal relationships with teachers and other  
12 students and a history of inappropriate behavior or feelings under normal circumstances  
13 as well as a tendency to develop fear and anxiety associated with personal or school  
14 problems.” (Exhibit P.) The IEP concludes that “residential placement would be  
15 offered” if (Minor)’s status as a ward of the court and a voluntary agreement of (Minor)  
16 and her grandparents to participate were not problematic. (Exhibit P.)

17           Current circumstances require that the XUSD provide residential placement for  
18 (Minor). Under federal law, IDEA, “local school districts are ultimately responsible for  
19 services needed by pupils even when another public agency ... is otherwise obligated to  
20 provide or pay for services that are considered special education related.” (20 U.S.C.  
21 1412(a)(12)(B)(i)&(ii).) (Minor)’s status as a DCFS client does not preclude her from  
22 receiving services from the XUSD. Furthermore, (Minor) is no longer under the care of  
23 her maternal grandparents as she is currently residing in Juvenile Hall. Additionally,  
24 (Minor) has expressed a desire to reside in a group home rather than with her  
25 grandparents. (Declaration of XXXX XXXX attached hereto and incorporated herein by  
26 this reference as Exhibit T.) Therefore, this court should join the XUSD into these  
27 proceedings in order to ensure that (Minor) is receiving federally mandated and necessary  
28 placement services.

1 **IV. The Regional Center has a Duty to Provide Necessary Services and Supports to**  
2 **Individuals with Developmental Disabilities.**

3 California, through the Lanterman Developmental Disabilities Services Act (hereinafter  
4 “Lanterman Act”), Welfare and Institutions Code section 4500 *et seq.*, has created a  
5 comprehensive service entitlement program which grants developmentally disabled  
6 Californians “certain statutory rights, including the right to treatment and habilitation services  
7 at state expense.” (*Association for Retarded Citizens v. Department of Developmental Services*  
8 (hereinafter “ARC”), 38 Cal.3d, 384, 389, 211 Cal. Rptr. 758 (1985).)

9 The responsibility of regional centers is to provide people with developmental  
10 disabilities with the services and supports to which they are entitled under the Lanterman Act.  
11 (ARC, 38 Cal. 3d at 391-392.) Regional centers must use an individual program planning  
12 process (“IPP”) to (1) assess the individual capabilities, needs, and preferences of their clients  
13 (hereinafter “consumers”); and (2) ensure that services and supports are provided that will  
14 promote community integration, independent, productive, and normal lives, and stable and  
15 healthy environments. (Welf. & Inst. Code §§ 4646-4648; ARC, 38 Cal. 3d at 388-90.)

16  
17 **a. Welf. & Inst. Code sec. 4501 Provides that Regional Centers Must Provide**  
18 **Appropriate Community Living Arrangements in the Least Restrictive**  
19 **Environment for People with Developmental Disabilities.**

20 The Lanterman Act places the highest priority on services and supports that will allow  
21 minors with developmental disabilities to remain in their family homes. (Welf. & Inst. Code  
22 §§ 4648(a)(1), 4685.) Thus, for minors who prefer to remain with their families, and for whom  
23 living at home is the preferred objective in the Individual Program Plan (IPP), the regional  
24 center must provide the supports that the child and family need. These supports must be  
25 individualized and include such services as behavioral training and consultation for the child  
26 and family, respite to relieve parents from the daily care of their children, parent training,  
27 mental health services, and advocacy to assist in securing services from other agencies. (Welf.  
28 & Inst. Code § 4685(c)(1).)

1 If a minor cannot remain in the family home, regional centers must offer living  
2 arrangements, including community care facilities (group homes) or foster family placements.  
3 Regional centers may also provide supplemental staffing or follow-along services to enable  
4 children to live or remain in community homes. (Welf. & Inst. Code § 4648(a)(8), (9).)  
5 Regional centers have a legal obligation to “assure the availability of a continuum of  
6 community living facilities of good quality for persons with developmental disabilities, and to  
7 ensure that persons placed out of home are in the most appropriate, least restrictive living  
8 arrangement...” (Welf. & Inst. Code § 4680.)

9 XXXX XXXX, Ph.D., a staff psychologist, conducted a psychological evaluation for  
10 the XRC on August 17, 2000. (Exhibit J.) In her evaluation report, Dr. XXXX states, “(Minor)  
11 could benefit from appropriate residential placement where there is a high level of structure,  
12 and where she can learn life skills necessary for adult life.” (Exhibit J.)

13 The XRC, on March 6, 2001, held an Individualized Program Plan and Individualized  
14 Family Services Plan Conference to assess available services for (Minor). (Exhibit N.) During  
15 this meeting XRC determined that they would provide (Minor) with “respite care, grandparent  
16 training, vocational training, plan for out of home care, behavior modification training, mental  
17 health services and oversight and recreational opportunities” by March 26, 2001. (Exhibit N.)  
18 Such services were never provided to (Minor). CSW XXXX states in the Detention Report  
19 that (Minor) “needs active regional center services to help her with current needs and planning  
20 for the future.” (April 20, 2001 Detention Report attached hereto and incorporated herein by  
21 this reference as Exhibit U.)

22 In a letter dated January 2, 2002, Marcia XXXX, XRC Coordinator, acknowledged the  
23 need for assistance in “identifying the most appropriate placement, supervision and treatment  
24 program available to meet (Minor)’s needs.” (January 2, 2002 XRC Letter attached hereto and  
25 incorporated herein by this reference as Exhibit V.) On July 16, 2002, counsel for the child  
26 spoke with Ms. XXXX and expressed to her the need for assistance in securing a residential  
27 placement for (Minor) as her maternal grandparent’s home was no longer appropriate. (Exhibit  
28 T.) In this conversation Ms. XXXX stated that (Minor)’s placement in a crisis home would be  
appropriate and that such a placement would be available immediately and a more permanent

1 placement at XXXX and XXXX Home should be available in the near future. (Exhibit T.) Ms.  
2 XXXX stated that the paperwork for (Minor)'s placement in a crisis home had been sent out  
3 and that the recommendation had already been given. (Exhibit T.) Additionally, she stated that  
4 (Minor) should have an interview with the crisis home the next week. (Exhibit T.) However,  
5 on July 25, 2002 Ms. XXXX notified counsel for the child that both XXXX and XXXX Home  
6 are full as well as the crisis homes. (Exhibit T.) Further, she stated that regional center would  
7 do a nationwide search. (Exhibit T.) As of this date, no additional information has been  
8 provided regarding the results of the nationwide search for placement. (Exhibit T.)

9 XRC assistance is required to appropriately place (Minor). As stated above, regional  
10 center has a legal obligation to provide living arrangements when a minor can no longer remain  
11 in the family home. (Minor)'s placement at her maternal grandparent's home is no longer  
12 appropriate. Therefore, the regional center has a legal obligation to provide an appropriate  
13 living arrangement for (Minor). It is necessary to join XRC into these proceedings in order to  
14 ensure that this regional center provides (Minor) with appropriate residential placement.

15  
16 **b. Regional Centers Must Provide Emergency and Crisis Services to Prevent**  
17 **Consumers' Removal from their Community Living Arrangements Pursuant to**  
18 **Welfare & Institutions Code section 4648(a)(10).**

19 Emergency and crisis services are critical for many youth with psychiatric needs  
20 because it is often a mental health crisis that causes the failure of their living arrangement and  
21 admittance to the psychiatric hospital. Regional centers should identify and make available  
22 crisis and emergency services to meet the specific needs of individuals, and these may include  
23 supplemental staffing, a mobile crisis unit, or crisis homes operated by the regional center.

24 While regional centers often claim that the type of placement or supports to meet the  
25 complicated needs of adolescents with psychiatric needs are not available, this does not relieve  
26 the regional center of its obligation to serve its consumers. If the type of placement or the  
27 supports needed in an existing placement are not readily available, the regional center must  
28 develop them. (Welf. & Inst. Code § 4648(e).) The regional center may solicit agencies or  
individuals by requests for proposals or other means when needed services or supports are not

1 available. (Welf. & Inst. Code § 4648(e)(1).) The regional center may also pay the startup  
2 costs of a program when needed by requesting funds from the Program Development Fund.  
3 (Welf. & Inst. Code § 4648(e)(2).) In emergency situations, regional centers may provide  
4 services directly, rather than utilizing outside service providers. (Welf. & Inst. Code §  
5 4648(f).) Finally, the Department of Developmental Services (DDS) may provide services  
6 when there is no provider available. (Welf. & Inst. Code § 4648(g).)

7 (Minor) requires emergency and crisis services through the XRC in order for her to be  
8 appropriately placed outside of Juvenile Hall. In June of 2002 (Minor) was arrested and  
9 detained from her maternal grandparents due to an altercation which occurred with her  
10 grandfather. (Minor)'s placement with her maternal grandparent's is no longer appropriate.  
11 Moreover, (Minor)'s current placement at Juvenile Hall is inappropriate. Welfare and  
12 Institutions Code section 4648(e) states: "If the type of placement or the supports needed in an  
13 existing placement are not readily available, the regional center must develop them." XRC is  
14 obligated to develop a placement for (Minor) as XRC does not have any placements available  
15 for her. (Exhibit T.) Therefore, this court should join the XRC to ensure that emergency and  
16 crisis services are provided to (Minor).

### 17 18 **CONCLUSION**

19 For the reasons stated above, counsel for the child, (Minor), respectfully requests that  
20 the court order the joinder of XC DMH, XUSD and the XRC into these proceedings.

21  
22 Respectfully submitted,

23  
24 XXXX XXXX  
25 Attorney for (Minor) XXXX  
26  
27  
28

**DECLARATION OF XXXX XXXX IN SUPPORT OF CHILD'S MOTION FOR JOINDER  
[WIC SECTION 362 (A)]**

I, XXXX XXXX, declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. On August 23, 2001, I became the attorney of record for the minor, (Minor) XXXX, in the Dependency Court Case #XXXX.
3. On July 12, 2002, XXXX, Children's Social Worker, informed me in a telephone conversation that there are no available placements for (Minor) except for XXX Children's Center.
4. On July 16, 2002, Marcia XXXX, XRC service coordinator, informed me in a telephone conversation that the paperwork and a recommendation for (Minor)'s immediate placement in a crisis home had been sent out. She stated that during the following week (Minor) would be interviewed for placement in a crisis home. Ms. XXXX also recommended a more permanent placement for (Minor) at either XXXX House or XXXX.
5. On July 25, 2002, Ms. XXXX informed me during a telephone conversation that all the crisis home placements are full. Further, she stated that both XXXX House and XXXX are full and that a nationwide search for placement was going to be conducted for (Minor).
6. On August 5, 2002, (Minor) XXXX informed me that she desired to be placed in a group home, preferably a 2, 4 or 6-bed facility.

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

Executed on August 9, 2002 at X, California.

XXXX XXXX  
Attorney for (Minor) XXXX