

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Diana Bonta, et al., *Petitioner*,

v.

Katie A., et al., *Respondent*.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
THE HONORABLE A. HOWARD MATZ
CASE No. CV-02-05662

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* IN SUPPORT
OF AN AFFIRMANCE**

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Attorneys for Amici Curiae American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, California District IX, California Alliance of Child and Family Services, California Adolescent Health Collaborative, California Association of Social Rehabilitation Agencies, California Nurses Association, California Public Health Association-N, California School Nurses' Organization, California Teachers' Association, Children's Advocacy Institute, Children's Law Center of Los Angeles, Federation of Families for Children's Mental Health, National Alliance for the Mentally Ill, National Association of Social Workers, National Council on Community Behavioral Health, National Mental Health Association, and the Southern California Public Health Association

The American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, California District IX, California Alliance of Child and Family Services, California Adolescent Health Collaborative, California Association of Social Rehabilitation Agencies, California Nurses Association, California Public Health Association-N, California School Nurses' Organization, California Teachers' Association, Children's Advocacy Institute, Children's Law Center of Los Angeles, Federation of Families for Children's Mental Health, National Alliance for the Mentally Ill, National Association of Social Workers, National Council on Community Behavioral Health, National Mental Health Association, and the Southern California Public Health Association (hereafter collectively referred to as "Movants") respectfully move this Court, pursuant to Federal Rule of Appellate Procedure 29, for leave to file the brief submitted herewith, as *amici curiae* in support of the Brief of Respondents Katie A., Mary B., Janet C., Henry D., and Gary E.

Movants are interested in the present case given their members' commitment to ensuring that foster children with mental health needs receive proper treatment and access to services. The Movants have already authored numerous *amicus* briefs in an on-going effort to improve the quality of life for children and families affected by mental disorders. It is their belief that the district court's decision should be affirmed, because wraparound services ("Wraparound")

and therapeutic foster care ("TFC") are medically necessary services that should be covered by California's Medi-Cal system. Such coverage is the only way to ensure that foster children receive the critical mental health care that they need.

The proposed brief of *amici curiae* adds significantly to the Court's consideration of these issues. The amici examine the clinical support for Wraparound and TFC services, the experiences of other states and the several California counties that provide these services, the cost savings that California could realize by offering Wraparound and TFC to all children for whom they are medically necessary, and policy arguments in support of a broadened and coordinated implementation of both services in California. These issues are not fully discussed in the parties' briefs and would be helpful to the Court in understanding the issues at stake in this appeal.

The Movants include many of the foremost authorities on children's mental health issues. They include professionals who treat children with mental health needs, family members of such children, and others who have considerable expertise with respect to the needs of such children. Many of them have considerable experience in providing mental healthcare services to foster children, as well as representing foster children's interests in legal, legislative, and regulatory advocacy. As a result of this expertise and experience, the Movants are uniquely positioned to speak to the need for Wraparound and TFC. The Movants have been

following this case and are familiar with the issues involved in the instant appeal.

Therefore, the American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, California District IX, California Alliance of Child and Family Services, California Adolescent Health Collaborative, California Association of Social Rehabilitation Agencies, California Nurses Association, California Public Health Association-N, California School Nurses' Organization, California Teachers' Association, Children's Advocacy Institute, Children's Law Center of Los Angeles, Federation of Families for Children's Mental Health, National Alliance for the Mentally Ill, National Association of Social Workers, National Council on Community Behavioral Health, National Mental Health Association, and the Southern California Public Health Association respectfully move that this Court grant leave to file the brief of amicus curiae submitted herewith, and that the brief be distributed to the panel hearing this case.

Respectfully submitted August 10, 2006.

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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Los Angeles County, California, at the office of a member of the bar of this Court at whose direction this service was made. I am over the age of eighteen years and not a party to the within action. My business address is 400 South Hope Street, Los Angeles, California 90071-2899. On August 10, 2006, I served the following:

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI*
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I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on August 10, 2006, at Los Angeles, California.



Patricia Mackoff

LA2:808014.1