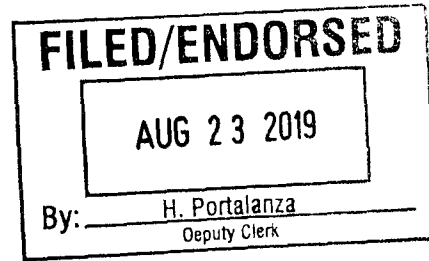


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7 Attorneys for Petitioners, Teen Rescue, et al.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SACRAMENTO**

10
11 TEEN RESCUE, TOGETHER FREEDOM,) Case No. **34-2019-80003206**
12 F.A.C.E.S.S.)
13 Petitioners,) **VERIFIED PETITION FOR WRIT OF**
14 v.) **MANDAMUS; COMPLAINT FOR**
15 KIM JOHNSON, Director of the Department) **INJUNCTIVE AND DECLARATORY**
16 of Social Services, in her official capacity,) **RELIEF**
17 XAVIER BECERRA, Attorney General of)
18 the State of California, in his official)
19 capacity,)
20 Respondents.)
21)
22)

23 Petitioners allege:

24 1. Petitioner Teen Rescue is a California religious nonprofit corporation established
25 pursuant to section 501(c)(3) of the Internal Revenue Code. Part of its ministry is the
26 establishment of a Christian boarding school as explained in detail below.
27
28

1 Campus

2
3 24. River View Christian Academy sits on a 250 acre campus in Shasta County. Upon
4 entering the campus, the first image encountered is a prominent Latin cross. (Exhibit 2).

5 25. There are 30 buildings and full amenities for a school, including but not limited to,
6 classrooms, library, cafeteria, basketball court, swimming pool, lake, baseball diamond, athletic
7 field, library, dorms, administration building, rec room, and weight room. (Exhibit 3).

8 26. The cafeteria stands as the largest structure and is used for large assembly
9 gatherings. On the walls are various faith-based inspirational art and signs.

10 Religious-Institution

11
12 27. In addition to the integration of Christian thought into every subject, River View
13 Christian Academy has a faith statement which reads:

14
15 What We Believe

- 16 1. The Bible is the only inspired, infallible, and authoritative Word of God (2 Tim.
17 3:16; 2 Pet. 1:21).
- 18 2. There is only one God, eternally existing in three persons: God the Father, God the
19 Son, and God the Holy Spirit (Matt 28:19; John 15:26; I John 5:7).
- 20 3. We believe in the deity of our Lord Jesus Christ, in His virgin birth, His sinless life,
21 His miracles, His vicarious and atoning death, His bodily resurrection, His
22 ascension to the right hand of the Father, and in His personal future return to this
23 earth (Matt 1:18-23; 16:16; 28:6-7; Heb 4:15; Luke 1:26-27; 8:22-25; John 2:11;
24 14:13; Isaiah 53:7; I John 2:1-2; I Cor. 15:3; Eph. 4:8-10; Rom. 8:3; Acts 1:1; Rev.
25 1:7).
- 26 4. A person is cleansed from sin only through genuine repentance and faith in the
27 precious blood of Jesus Christ (Rom. 10:9-10; Acts 3:19).
- 28 5. The Holy Spirit dwells within the Christian, giving him/her sanctifying power to
live a life glorifying to God (Gal. 5:16; Rom. 8:1-17).
6. Water baptism symbolizes to the world our identification with Christ (Rom. 6:3-4).

26 28. River View Christian Academy is Christian but not affiliated with a denomination.
27 It holds orthodox doctrines and theologically conservative beliefs in the tradition of Evangelical-

1 Protestantism.

2 29. All River View Christian Academy staff are required to be Christians. However,
3 students are not required to be Christians.

4 30. Evangelical church services are provided on Sundays. Bible studies are offered on
5 Wednesdays. Christian-based guidance and counsel is provided to students by volunteers who
6 are pastors or mature Christians.

7 31. Daily religious devotions appear from 8 to 8:30 each morning on the Monday
8 through Friday schedule.

9 **Therapeutic Activities & Behavior Modification**

10 32. River View Christian Academy does not employ mental health professionals such
11 as school psychologists, marriage and family counselors, psychiatrists, psychoanalysts, or social
12 workers.

13 33. Disruptive, negative, antisocial, or otherwise inappropriate conduct by students is
14 not dealt with through therapy administered by mental health workers.

15 34. River View Christian Academy is not a boot camp or wilderness camp. Staff do
16 not employ corporal punishment to change behaviors. They do not seek to modify behaviors
17 through withholding food or denying medical treatment to the sick or injured. They do not place
18 students in solitary confinement.

19 35. Instead, River View Christian Academy provides a combination of a structured
20 environment and spiritual guidance.

21 36. Concerning a structured environment, the school has schedule and rules of conduct
22 for students that are similar to any public or private school. Disciplinary actions for violation of
23 rules include removal of privileges, writing sentences, separation from other students when
24 appropriate, (e.g., in cases such as threats of violence or fighting), detention, suspension, and
25 expulsion. School discipline falls within the ordinary scope of what is administered in public and
26 private secondary schools throughout California.

27 37. As to the spiritual guidance, such is provided through opportunities to study the
28

1 Bible, attending a church service at River View Christian Academy, prayer, pastoral counseling,
2 or spiritual discussions with older mature Christians.

3 38. River View Christian Academy does not promote an intent to provide community
4 care services.

5 39. The Attorney General and Director, through their agents, view the structured
6 environment and spiritual guidance of River View Christian Academy as a “behavioral based
7 service” as per Cal. Health & Safety Code § 1502(a)(19). *Behavioral based service* is not defined
8 in the Health and Safety Code.

9 **Students**

10 40. River View Christian Academy’s website has a tab which reads: “Does Your Teen
11 Need Help?” The text under the tab states:

12
13 It is often very difficult for parents to determine whether the struggles that their
14 child are having are normal teenage struggles, or something that they should be
15 more concerned about. Many times what a struggling child needs most is to be in a
16 structured and positive environment, removing them from the negative influences
17 that are leading them down the wrong path. If your child is exhibiting these
behaviors, or you are concerned about other students with these behaviors
influencing your child, it could be a sign that they could be helped by a change to a
more positive environment at RVCA.

18 41. River View Christian Academy’s website further explains symptoms that parents
19 may notice in their teenage child which would indicate that River View Christian Academy may
20 be a viable option. These include, rebelling against authority, disdain for the family, dabbling in
21 drugs and alcohol, running away, stealing, among other behaviors that show that they are heading
22 down a wrong path.

23 42. Students are typically enrolled in River View Christian Academy for 18 months.
24 The success rate is high. Follow up with the students shows that more than 90% of the students
25 completing the full 18 months are successfully integrated back into public high schools, college,
26 the work force, or the military.

27 43. However, about 7% of students do not experience a change of heart and pick back
28

1 up where they left off on travelling down a negative path which they carry into their 20s. This
2 includes typical problems such as substance abuse, promiscuous and volatile relationships,
3 unreliability in employment and the like.

4 44. Although many students are enrolled at River View Christian Academy because
5 they are troubled, some are enrolled because the structured environment is conducive to their
6 unique academic and spiritual needs rather than any volitional shortcomings. Some students are
7 enrolled because their parents see the environment at their child's local public high school as
8 negative. The student is not troubled, but his or her parents believe River View Christian
9 Academy provides the best academic and spiritual environment for their child to succeed.

10 45. River View Christian Academy staff perform a detailed review of applicants and
11 will decline to enroll students who have severe psychiatric problems. Moreover, River View
12 Christian Academy does not enroll students declared dependents of California's juvenile courts
13 under Cal. Welfare & Institutions Code § 300 or those who have become wards of the court
14 pursuant to Cal. Welfare & Institutions Code §§ 601 and 602. No outside private or public
15 agency provides social services to students.

16 Parents

17 46. The typical student enrolled in River View Christian Academy has not had success
18 in the public school system. Parents therefore are looking for a non-governmental option.

19 47. Parents are fully informed that River View Christian Academy is Christian, that all
20 staff are Christians, that courses are taught from a Christian worldview, and that students will be
21 exposed to a Christian environment. To ensure full disclosure, a 40-page contract is executed by a
22 school official and a parent or guardian. A parent-handbook is also provided in which the
23 Christian nature of River View Christian Academy is explicitly set forth. Unsurprisingly, parents
24 or guardians ordinarily take a physical tour of the campus before signing the contract.

25 48. Parents and guardians are not only fully informed about the spiritual, academic, and
26 structured environment, they choose to enroll their children in River View Christian Academy
27 because of those conditions.

1 provides, or holds itself out as providing, behavioral-based services to youth with social,
2 emotional, or behavioral issues.” Cal. Health & Safety Code CCR § 1502(a)(19).

3 53. The regulations related to the Community Care Facilities Act place restrictions on
4 schools relative to religion. Specifically, students are to be “free to attend religious services or
5 activities of his/her choice and to have visits from the spiritual advisor of his/her choice.” See, 22
6 CCR § 80072

7 54. The Community Care Facilities Act and the accompanying regulations are
8 irreconcilable with a religious school.

9 55. Violation of the Community Care Facilities Act criminalizes as a misdemeanor any
10 willful or repeated violation of any of its rules or regulations. The penalty is a \$1,000 fine and/or
11 imprisonment in the county jail for up to 180 days. Cal. Health & Safety Code § 1540.

12 56. The religious practices of River View Christian Academy violate portions of the
13 Community Care Facilities Act.

14 57. This regulation poses an existential threat to religious schools such as River View
15 Christian Academy. River View Christian Academy only allows spiritual advisors who by
16 profession and conduct adhere to the faith statement. Additionally, River View Christian
17 Academy only provides Christian Bible studies and Christian church services. It intentionally
18 excludes spiritual rituals, counsel, totems, services, and practices inconsistent with the Christian
19 faith.

20 58. The Community Care Facilities Act addresses moral issues in a manner that is
21 inconsistent with the religious beliefs and practices of River View Christian Academy. The
22 Community Care Facilities Act gives students the right “[t]o be free from acts that seek to change
23 his or her sexual orientation, including efforts to change his or her gender expressions, or to
24 eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.”
25 Cal. Health & Safety Code § 1502.2(d)(1)(P). River View Christian Academy holds the religious
26 convictions that sexual activities are proper only between a man and a woman who are married to
27 each other. Moreover, River View Christian Academy does not allow any sexual or romantic
28

1 encounters or entanglements between students of any kind. That stands as a universal rule and
2 applies between boys and girls, boys and boys, and girls and girls. In addition to the religious
3 basis for the rule, River View Christian Academy has this rule in order to prevent distractions to
4 academic endeavors by the students.

5 59. In view of the rights of students to sexual autonomy related to sexual orientation
6 under the Community Care Facilities Act, a private alternative boarding school must “submit a
7 staff training plan to the department [of Social Services] as part of its plan of operation” to include
8 the rights of youth in the area of “[c]ultural competency and sensitivity in issues relating to the
9 lesbian, gay, bisexual, and transgender communities.” Cal. Health & Safety Code § 1502.2(c)(4).
10 In that River View Christian Academy holds a theologically conservative position on sexual ethics
11 described above, Teen Rescue is informed and believes and thereon alleges that it is impossible for
12 it to propose a plan consistent with its religious beliefs and practices that the State of California
13 will approve.

14 60. Because of this, neither the Attorney General nor the Director can bring River View
15 Christian Academy under the Community Care Facilities Act as written and remain consistent
16 with the religion clauses of the First Amendment.

17 61. Moreover, requiring River View Christian Academy to train its staff on “[c]ultural
18 competency and sensitivity in issues relating to the lesbian, gay, bisexual, and transgender
19 communities” would compel the institution to deliver a message to its employs for which it does
20 not agree. Such violates the freedom of speech of the Petitioners.

21 Search Warrants And Investigations

22 62. On February 1, 2011, officials from the California Community Care Licensing
23 Division of DSS alleged that a complaint was submitted that Julian Youth Academy (the school’s
24 prior name) was operating an unlicensed group home. On December 9, 2011, four licensing
25 program analysts, a licensing program manager and an Investigation’s Bureau investigator made
26 an unannounced visit to River View Christian Academy with a search warrant. The purpose of the
27 visit was for California Community Care Licensing to perform an onsite investigation in response
28

1 to the allegation of an unlicensed group home. Interviews of staff and a review of records were
2 made and photographs taken. As to the latter, a comment was made by one of the investigators to
3 the other investigators not to take photographs of the library as this would make River View
4 Christian Academy look like a school. On November 14, 2012, a further site visit was conducted
5 with a Licensing Program Manager and a program Administrator. At that time they conducted
6 five interviews of employees and five interviews of students which state officials falsely referred
7 to as "clients." More than two years passed since the alleged complaint was submitted before a
8 letter from the Department of Social Services was dispatched to the school. The letter read in
9 pertinent part, "I am writing to you in reference to the complaint our department received on
10 February 1, 2011. We have completed our investigation and determined the allegation to be
11 unfounded."

12 63. On March 2, 2015, an official from the California Community Care Licensing
13 again appeared at River View Christian Academy and alleged that a complaint was submitted that
14 the school was operating an unlicensed group home. This appearance was unannounced. The
15 Licensing Program Manager was not admitted to the campus by River View Christian Academy.
16 The official reviewed the River View Christian Academy website and issued a report that the
17 language in the website which states that the school program is designed for "struggling teenagers
18 in need of full-time supervision and redirection" indicates that the "web site does not clearly meet
19 the intention of the regulations." The findings were noted as "inconclusive."

20 64. Since the Community Care Facilities Act was amended in 2016, the California
21 Department of Social Services asserts that River View Christian Academy falls within the
22 definition of *private alternative boarding school* and thus is subject to the Community Care
23 Facilities Act, the jurisdiction of the California Department of Social Services, and is enforced by
24 the California Attorney General. This allegation rests upon a warrant, dated January 8, served at
25 the campus of River View Christian Academy. The warrant was by application of the Community
26 Care Licensing Division of the California Department of Social Services in which the Attorney
27 General and his deputies provided legal representation before the Superior Court of California, in
28

1 and for the County of Shasta.

2 65. DSS employees submitted false and outlandish claims against River View Christian
3 Academy to the Superior Court in Shasta County in order to induce the judge to issue a warrant
4 against the school and justify the use of overwhelming force. These claims included:

- 5
- 6 a. Use of shock collars
 - 7 b. Withholding food
 - 8 c. Solitary confinement
 - 9 d. Stockholm treatment
 - 10 e. Exorcism
 - 11 f. Staff uses cocaine
 - 12 g. Stockpiling weapons for an end of times war against the government

13 66. The warrant provided for the physical inspection of the grounds, interviews of staff,
14 leadership, volunteers, clients/children/ residents and “any other potential witness” along with the
15 collection, inspection and review of documents related to matters enumerated in the Community
16 Care Facilities Act. This includes, records related to the following:

- 17
- 18 a. staff meetings on behavioral interventions;
 - 19 b. records or evidence that shows that...RVCA operates as a community care
20 facility;
 - 21 c. monitoring of food intake;
 - 22 d. behavioral based services;
 - 23 e. rehabilitative or treatment services;
 - 24 f. conversion or other therapy for social, emotional, or behavioral issues;
 - 25 g. the acceptance of children with developmental disabilities, mental disorders or
26 physical handicaps;
 - 27 h. the acceptance of juveniles declared dependents of the court under Welfare &
28 Institutions Code § 300 and juveniles declared wards of the court under Welfare
& Institutions Code §§ 601 and 602 (See Cal. Code of Regs., tit., § 80007(a).)
(Citations in original).

67. The search of the campus involved 17 investigators accompanied by 16 uniformed
and armed members of the California Highway Patrol with two attack dogs. Before the
unannounced swarm of the school campus, members of the community reported to employees of
River View Christian Academy that they observed this force gather at a staging area in a nearby
town and drive as a convoy to the targeted area.

1 68. Plaintiffs are informed and believe and thereon allege that the 17 investigators were
2 employed or contracted by the California State Department of Social Services, under the direction
3 of Director Lightbourne and his agents, and the California Department of Justice, under the
4 direction of General Becerra and his agents. Upon arrival, they spread out and began searching
5 the buildings, scanning, and in some instances, removing and confiscating school papers. No
6 evidence was found relative to: (a) use of shock collars; (b) withholding food; (c) solitary
7 confinement; (d) Stockholm treatment; (e) exorcisms; (f) staff use of cocaine; or, (g) stockpiling
8 weapons for an end of times war against the government.

9 69. Investigators sought to interrogate employees and students. Because of the warrant
10 and the potential criminal liability related to the Community Care Facilities Act, counsel for Teen
11 Rescue advised the staff not to speak to investigators. No instructions were given to students to
12 not speak with investigators. Some students spoke with investigators and some refused. Based
13 on subsequent discussions between staff and students, Plaintiffs are informed and believe and
14 thereon allege that investigators coerced students to speak to them by deception. Investigators
15 threatened students that if they did not answer questions the students would be taken.

16 70. The Teen Rescue director challenged the warrant because there were hand-written
17 changes on the document. This stopped the search and questioning for a short period of time.
18 After making telephone calls, the search resumed. Although the warrant was open from January
19 8 to February 2, the investigators and Highway Patrolmen left after just five hours.

20 71. The Community Care Facilities Act requires that private boarding schools allow
21 students full autonomy on matters of religion and sexual identity. No exception is provided for
22 religious educational institutions.

23 72. The school has a statement of faith, employs only Christians, and intertwines a
24 Christian perspective in all subjects taught. Further, the school deals with negative behaviors
25 through spiritual guidance, schedules daily religious devotions, and provides opportunities for: (1)
26 the study of Christian courses, (2) a weekly Wednesday evening Bible study, and (3) a Christian
27 church service on Sunday. It does not provide equal opportunities for other religions or secular
28

1 worldviews. As part of its structured environment, the school houses the boys and girls separately
2 and has sex-segregated learning environments. The theological position of the school is
3 conservative. Specifically as it relates to human sexuality, it holds a hetero-normative view of
4 relationships. Sexual relationships are confined to a man and a woman who are married to each
5 other. In order to help pupils stay focused on their studies, it discourages, and indeed prohibits,
6 physical and romantic entanglements between or among the sexes. This biblically-based manner
7 of running the school places the institution in conflict with the Community Care Facilities Act.
8 Violation of the Community Care Facilities Act is a criminal offense.

9 73. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of
10 law.

11 74. Petitioners have exhausted all available administrative remedies.
12

13 **Administrative Appeals**

14
15 75. On March 28, 2019, Petitioners, along with another nonprofit corporation (New
16 Day for Children), were personally served a Notice of Operation in Violation of Law. They were
17 accused of operating River View Christian Academy which the DSS claims is a community care
18 facility. Only Teen Rescue operates the Academy. The other three nonprofit corporations simply
19 provide financial assistance to parents for tuition and other related expenses for students enrolled
20 in the Academy. Although these entities do nothing more than help families financially with their
21 children's schooling, the notice gave these nonprofits 16 days to file a licensing application or face
22 fines of \$200 per day and criminal prosecution carrying a 180-day jail sentence.

23 76. On April 2, Teen Rescue received the same notice, but by certified mail. The
24 notice had two telephone numbers and no e-mail. Counsel for these entities immediately called
25 the numbers provided. The number on the cover page was a wrong number. The individual who
26 answered the second number had little knowledge of the matter and did not know to whom to
27 direct counsel to engage on the matter. The name on the letter was not typed and the signature
28

1 was illegible.

2 77. Because of this escalation by the Department of Social Services, Teen Rescue filed
3 an application for a TRO and motion for preliminary injunction in the federal case. Attorneys for
4 the Department of Justice opposed the application and motion based on Younger abstention¹
5 because, they stated, there were administrative proceedings and appeals and challenges to the law
6 can be taken through the administrative process, including the filing of a petition for a writ of
7 mandate. The Honorable Judge John A. Mendez dismissed Teen Rescue's complaint sua sponte
8 on April 11, 2019, without opportunity for reply because of Younger abstention, finding that there
9 is an ongoing state proceeding.

10 78. On April 23, 2019, CCLD issued a Facility Evaluation Report and fined Petitioners
11 \$200 per day and backdated the fine to April 13, 2019. Served with the Facility Evaluation Report
12 was a document providing for rights to an administrative appeal.

13 79. The Facility Evaluation Report claims deficiencies under Title 22 of the California
14 Code of Regulations, §§ 80001, 80006 and 80007. Specifically, the deficiencies alleged are as
15 follows: "The school's function is not educational only. The program is designated as providing
16 rehabilitative or treatment services. The school's function promotes intent to provide community
17 care services, and the facility accepts children who are in need of such services, including but not
18 limited to children with developmental disabilities, mental disorders, and juveniles declared wards
19 of the court. A county probation dept. provides social services to one or more children in the
20 facility. Requirements for unlicensed operation were met as evidenced by: Based on statements
21 provided by children and staff, records reviewed, and facility tour, RVCA is providing care and
22 supervision without a license which poses an immediate Health and Safety risk to residents in
23 care."

24 80. A first level administrative appeal was filed on May 22, 2019. In a letter dated
25 May 3, 2019, a DSS official stated that the appeal was per 22 CCR 80055. The official provided a
26 copy of said regulation. The regulation provides for review of a "deficiency and/or notice of

27 _____
28 ¹ *Younger v. Harris*, 401 U.S. 37 (1971).

1 penalty.”

2 81. The first level appeal was denied on June 14, 2019.

3 82. A second level administrative appeal was filed on June 26, 2019. It was denied on
4 July 9, 2019. In the denial, the DSS reviewer claimed that the appeal is being conducted under 22
5 CCR 80059. That provision only provides for appeal of the penalty assessment and not the
6 allegation of a deficiency as per 22 CCR 80055.

7 83. A third level administrative appeal was filed on July 17, 2019. It was denied on
8 July 25, 2019.

9 84. Each level appeal included the following: **“REQUEST FOR HEARING**
10 **The Appellants hereby request a hearing and that the hearing be scheduled with sufficient time for**
11 **the parties to subpoena witnesses and documents.”**

12 85. The request for a hearing was denied.

13 86. The denial of the third level appeal stated: “This is the final level of the
14 administrative review. No further administrative remedy and no hearing is authorized by law for a
15 provider of an unlicensed facility operation.”

16 **CAUSES OF ACTION**

17 **First Cause of Action**

18 Writ of Mandamus (CCP § 1085)

19 All Petitioners Against Kim Johnson

20 (Violation of Health & Safety Code § 1547(c))

21 87. Petitioners reallege and incorporate by reference each and every allegation
22 contained in the above paragraphs as though fully set forth herein.

23 88. In her Third Level denial of the Petitioners’ appeal, Respondent Johnson refused to
24 give them a hearing writing, “no hearing is authorized by law.”

25 89. This stands as either neglect or defiance of Health & Safety Code § 1547(c) which
26 mandates that DSS “shall adopt regulations setting forth the appeal procedure.” The regulations
27 and Manual of Policies and Procedures shows that DSS has failed to adopt regulations.

1 follow regulations setting forth the appeal procedure.”

2 104. The Notices of Operation in Violation of Law did not provide Petitioners an
3 opportunity to challenge the determination that River View Christian Academy is a facility that
4 falls within the Community Care Facilities Act.

5 105. The Civil Penalty Assessment imposed a daily fine without providing Petitioners an
6 opportunity to review the evidence and challenge the determination of a violation **before**
7 assessment of the penalty.

8 106. Respondent Johnson reviewed and considered evidence of matters occurring prior
9 to the law going into effect as to *private alternative boarding schools*. Health & Safety Code §
10 1502(a)(19). That provision took effect July 1, 2018. Health & Safety Code § 1502(h). It was
11 error to consider pre-July 1, 2018 evidence.

12 107. Respondent Johnson refuses to provide an operational definition for the term
13 *behavioral-based services*, found in Health & Safety Code § 1502(a)(19), which triggers the
14 statute relating to private alternative boarding schools. A statute must be clear so that a party does
15 not have to guess at its meaning.

16 108. Respondent Johnson asserts violations of regulations, §§ 80001, 80006 and
17 80007 of Title 22 of the California Code of Regulation by River View Christian Academy without
18 first showing that the institution initially falls within the definition of an *alternative boarding*
19 *school* under Health & Safety Code § 1502(a)(19). Entities are subject to the regulations
20 regulating facilities only if those entities come within the Community Care Facilities Act. Until
21 jurisdiction under the Act vests in DSS, it is premature to apply Title 22 regulations.

22 109. Respondent Johnson improperly gives more weight to unattested hearsay evidence
23 proffered against River View Christian Academy than firsthand evidence, provided under penalty
24 of perjury, by the appellants.

25 110. Counsel for F.A.C.E.S.S. provided DSS with letters and corporate documents
26 proving that the organization only provides financial support to Teen Rescue and students enrolled
27
28

1 in the school. It does not run a facility in Shasta County or anywhere in the world. As such, it
2 was error that Respondent Johnson found F.A.C.E.S.S. to fall within the Community Care
3 Facilities Act and fine it \$200 per day.

4 111. Counsel for Together Freedom provided DSS with letters and corporate documents
5 proving that the organization only provides financial support to Teen Rescue and students enrolled
6 in the school. It does not run a facility in Shasta County or anywhere in the world. As such, it
7 was error that Respondent Johnson found Together Freedom to fall within the Community Care
8 Facilities Act and fine it \$200 per day.

9 112. Petitioners have a clear, present and beneficial right to accurate review of their
10 appeal of the determination that they operate a facility that falls within the jurisdiction of DSS and
11 the validity of penalties assessed against them.

12 113. In the alternative, under the public interest exception to the beneficial interest
13 requirement, Petitioners have standing to seek a writ compelling the performance of Respondent
14 Johnson's duty under Health & Safety Code § 1547(c).

15
16 **Fourth Cause of Action**

17 Writ of Mandamus (CCP § 1094.5)

18 All Petitioners Against Kim Johnson

19 (Abuse of Discretion – Findings Not Supported by the Evidence, Decisions
20 Not Supported by the Findings, Error of Law)

21 114. DSS Petitioners reallege and incorporate by reference each and every allegation
22 contained in the above paragraphs as though fully set forth herein.

23 115. Petitioners raise the same due process claims pursuant to CCP § 1094.5 as in the
24 Third Cause of action.

25 116. Petitioners have a clear, present and beneficial right to accurate review of their
26 appeal of the determination that they operate a facility that falls within the jurisdiction of DSS and
27 the validity of penalties assessed against them.

1 allow students to engage in spiritual exploration of other religions. 22 CCR § 80072(a)(5)
2 requires that the school grant the right to students of such exploration.

3 123. The Petitioners also challenge section 1502.2(d)(1)(P) of the Health & Safety Code
4 which states that students have the right “[t]o be free from acts that seek to change his or her
5 sexual orientation, including efforts to change his or her gender expressions, or to eliminate or
6 reduce sexual or romantic attractions or feelings toward individuals of the same sex.” This
7 provision of the Community Care Facilities Act that prohibits religious institutions, and by
8 extension, the parents or guardians who enroll their children, to provide guidance on issues of
9 sexual orientation and gender expression violates the right to the free exercise of religion.

10 124. The Petitioners challenge section 1502.2(c)(4) of the Health & Safety Code which
11 requires facilities to “submit a staff training plan to the [D]epartment [of Social Services] as part
12 of its plan of operation” to include the rights of youth in the area of “[c]ultural competency and
13 sensitivity in issues relating to the lesbian, gay, bisexual, and transgender communities.” The
14 Petitioners challenges California’s authority to require it to teach its staff a viewpoint which is at
15 odds with the moral and doctrinal positions of a religious institution.

16 125. Violation of the sections of the Community Care Facilities Act and the regulations
17 described herein is a criminal act per Health & Safety Code § 1540. In addition to criminal
18 sanctions, these sections and regulations are further enforced through civil penalties or \$200 per
19 day and issuance of injunctions by the Superior Court of California. Petitioners have been fined
20 \$200 per day.
21

22 126. The sections of the Community Care Facilities Act and the regulations described
23 herein violate the religion clauses of the First Amendment to the United State Constitution.

24 127. The Department of Social Services and the Attorney General have statutory
25 authority to enforce the Community Care Facilities Act.

26 128. Petitioners are beneficially interested In the alternative, under the public interest
27 exception to the beneficial interest requirement, Petitioners have standing to seek a writ
28

1 compelling the performance of Respondent Johnson's duty under Health & Safety Code §
2 1547(c).

3 **Sixth Cause of Action**

4 Writ of Mandamus (CCP § 1085)

5 All Petitioners Against Kim Johnson and Xavier Becerra
6 (First Amendment – Freedom of Speech)

7 129. Petitioners reallege and incorporates by reference each and every allegation
8 contained in the above paragraphs as though fully set forth herein.

9 130. The Petitioners also challenge section 1502.2(d)(1)(P) of the Health & Safety Code
10 as violative of freedom of speech.

11 131. Health & Safety Code §1502.2(d)(1)(P) prohibits speech that “seeks to change”
12 students’ gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings
13 toward individuals of the same sex.” This is a content and viewpoint based restrictions.

14 132. River View Christian Academy does not employ mental health professionals. The
15 school provides spiritual mentoring of students.

16 133. The school holds the traditional view on the sexes and human sexuality. Such are
17 that people are born male or female and legitimate sexual relations are confined to a man and
18 woman who are married to each other.

19 134. Health & Safety Code § 1502.2(c)(4) requires River View Christian Academy to
20 provide training limits the speech of religious institutions on this issue. This is a content and
21 viewpoint based prohibition on speech.

22 135. Such training stands as inconsistent with the religious views of the school. Neither
23 the Community Care Facilities Act nor the supporting regulations provide a religious exemption.

24 136. The requirement to provide the instruction on cultural competency and sensitivity
25 in issues relating to the lesbian, gay, bisexual, and transgender communities is compelled speech.
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1 Hence, the Petitioners bring this claim under the First Amendment to the United States
2 Constitution.

3 137. Violation of the sections of the Community Care Facilities Act and the regulations
4 described herein is subject to criminal prosecution under Health & Safety Code § 1540. In
5 addition to criminal sanctions, these sections and regulations are further enforced through civil
6 penalties or \$200 per day and issuance of injunctions by the Superior Court of California.

7 138. The sections of the Community Care Facilities Act and the regulations described
8 herein violate the religion clauses of the First Amendment to the United State Constitution.

9 139. The Department of Social Services and the Attorney General have statutory
10 authority to enforce the Community Care Facilities Act. All respondents have undertaken to
11 enforce the provisions mentioned herein as against the Petitioners.
12

13 **Seventh Cause of Action**

14 **Injunctive Relief**

15 **All Petitioners Against Kim Johnson and Xavier Becerra**
16 **(First Amendment to U.S. Const.)**

17 140. Petitioners reallege and incorporate by reference each and every allegation
18 contained in the above paragraphs as though fully set forth herein.

19 141. The Petitioners seek an injunction against the Respondents, as against religious
20 institutions, from enforcing the requirement of training employees in “[c]ultural competency and
21 sensitivity in issues relating to the lesbian, gay, bisexual, and transgender communities” as per
22 Health & Safety Code §1502.2(c)(4).

23 142. The Petitioners seek an injunction against the Respondents, as against religious
24 institutions, from enforcing the prohibition against speech that seek to change his or her sexual
25 orientation, including efforts to change a students’ gender expressions, or to eliminate or reduce
26 sexual or romantic attractions or feelings toward individuals of the same sex. Health & Safety
27 Code §1502.2(d)(1)(P).
28

1 **PRAYER**


2
3 WHEREFORE, petitioner prays as follows:

- 4 a. A writ of mandate issue, directed to the Director of the Department of Social Services,
5 compelling her to set aside the fines imposed on Petitioners, and each of them;
- 6 b. A writ of mandate issue, directed to the Director of the Department of Social Services,
7 compelling her to adopt regulations setting forth procedures for appeal as per Health &
8 Safety Code § 1547(c), including, but not limited to, the opportunity for a hearing;
- 9 c. An order preliminarily and permanently enjoining the Director of the Department of Social
10 Services and the Attorney General from enforcing Health & Safety Code § Health &
11 Safety Code § 1502(a)(19).
- 12 d. An order preliminarily and permanently enjoining the Director of the Department of Social
13 Services and the Attorney General from enforcing Health & Safety Code §1502.2(c)(4);
- 14 e. An order preliminarily and permanently enjoining the Director of the Department of Social
15 Services and the Attorney General from enforcing Health & Safety Code §1502.2(d)(1)(P);
- 16 f. An order preliminarily and permanently enjoining the Director of the Department of Social
17 Services and the Attorney General from enforcing 22 CCR § 80072(a)(5);
- 18 g. An order declaring that Health & Safety Code § 1502(a)(19) is unconstitutional as against
19 religious institutions;
- 20 h. An order declaring that Health & Safety Code §1502.2(c)(4) is unconstitutional as against
21 religious institutions;
- 22 i. An order declaring that Health & Safety Code §1502.2(d)(1)(P) is unconstitutional as
23 against religious institutions;
- 24 j. An order declaring that 22 CCR § 80072(a)(5) is unconstitutional as against religious
25 institutions;
- 26 k. Costs of suit;
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- l. Reasonable attorneys' fees as provided by applicable law, including, but not limited to, Code of Civil Procedure § 1021.5; and,
- m. Such other relief be granted that the Court considers proper.

DATE: August 21, 2019



Kevin T. Snider, Attorney for Petitioners

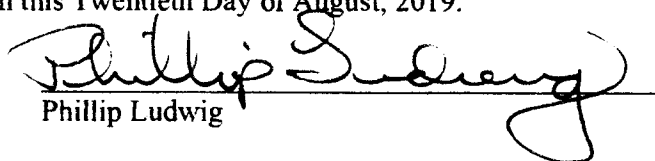
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VERIFICATION

I, Phillip Ludwig, declare as follows:

I am the chief executive officer of Teen Rescue, Together Freedom, and F.A.C.E.S.S. and am authorized to sign this verification. I have read the foregoing Verified Petition for Writ of Mandamus and know its content. All of the facts alleged herein are of my own personal knowledge, except as to those alleged on information and belief, and as to those facts, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this Twentieth Day of August, 2019.


Phillip Ludwig