Justice & Equality

Improving the Functions of the California Department of Developmental Services in Limited Conservatorship Proceedings

Thomas F. Coleman
Legal Director
Spectrum Institute

January 16, 2017

Disability and Guardianship Project
Disability and Abuse Project

9420 Reseda Blvd. #240, Northridge, CA 91324
(818) 230-5156 • www.spectruminstitute.org

January 16, 2017

Director Nancy Bargmann
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

Re: Request for Meeting to Discuss Improving DDS Oversight and Regulation of Regional Centers and Their Function in Limited Conservatorship Proceedings

Dear Ms. Bargmann:

I am writing to request a meeting with you to discuss serious problems with respect to oversight and regulation of an important function of regional centers. DDS can play a role in helping to ensure that regional center clients receive access to justice in limited conservatorship proceedings. Unfortunately, access to justice in these proceedings is being systematically denied due to flaws in various aspects of the limited conservatorship system, one of which involves regional centers.

At our request, the Judicial Council and the State Bar are in the process of addressing other parts of the problem – seeking to formulate improvements from their own independent perspectives.

The Department of Developmental Services is the only agency in the Executive Branch that has any role to play in connection with these proceedings. Regional centers have a direct and important function in limited conservatorship cases. However, because DDS is not providing guidance, regulation, and oversight of these functions, the quality of the services in these cases varies significantly among the 21 regional centers. (http://spectruminstitute.org/rc-report.pdf)

I will be in Sacramento on March 26 to deliver a presentation at the Public Policy Conference of The Arc of California. Dr. Nora Baladerian and I would like to meet with you and other appropriate DDS personnel the next day to discuss ways in which DDS can take a pro-active role to improve access to justice and to protect the civil rights of people with intellectual and developmental disabilities who are involved in limited conservatorship proceedings.

We would appreciate a morning meeting on March 27 if possible. I look forward to your reply.

Respectfully submitted:

Thomas F. Coleman
Legal Director, Spectrum Institute
tomcoleman@spectruminstitute.org

cc: Brian Winfield, Community Services Division
Rapone Anderson, Regional Center Branch

Enclosure:
Booklet of Reference Materials

Contents

This Report is Available Online at:
www.spectruminstitute.org/dds-materials.pdf

The Department of Developmental Services is Failing to Protect Regional Center Clients in Conservatorships

by Thomas F. Coleman

The California Department of Developmental Services has reported that more than 41,000 adults with developmental disabilities are under an order of conservatorship. Data suggests that about 5,000 new cases are opened each year.

Ongoing research by the abuse and guardianship projects of Spectrum Institute document that the limited conservatorship system in California – used exclusively for people with developmental disabilities – is dysfunctional. Capacity assessments are not being properly performed. The use of court investigators was suspended for several years in Los Angeles to save money. Court-appointed attorneys are not properly trained and are often surrendering, rather than defending, the rights of their clients.

There is a role for the Department of Developmental Services to play in monitoring the limited conservatorship system. Unfortunately, the department has chosen to distance itself from the system and ignore requests that it provide some form of oversight.

In June 2014, we wrote to Santi Rogers, the director of DDS, advising him of major problems with the limited conservatorship system and asking for a meeting to discuss possible interventions. Despite follow up requests, including one in person, our letter has not been answered and our request for a meeting has been ignored.

In January 2015, we wrote another letter to DDS, this time asking for a clarification of department regulations on social rights. We asked that the regulations be amended to specify that adults with developmental disabilities have the freedom not to associate with individuals whom they want to avoid. Freedom of association is a two-way street. This freedom includes the freedom not to associate. We have received no response to this letter.

Earlier this year, we submitted public records requests asking for documents pertaining to the role of DDS in overseeing regional center activities associated with limited conservatorship cases.

State law mandates that regional centers submit reports to the probate court in limited conservatorship cases. The reports are supposed to provide judges insights into the capacities or incapacities of clients in making decisions regarding medical care, finances, education, marriage, social relationships, sexual activities, and residence.

The state constitution requires that laws of a general nature are uniform in operation. Since each regional center is an independent nonprofit corporation, autonomous from other regional centers, the only way that their statutorily-mandated functions can be uniform in operation is through oversight and regulation by DDS.

The department's response to our public records requests is very revealing: (1) contracts between regional centers and DDS are silent on responsibilities dealing with limited conservatorship assessments and reports; (2) there are no financial line items about this function; (3) there are no regulations about these assessments; and (4) training materials and programs to guide regional centers in making proper assessments are nonexistent. In other words, each regional center is free to do what it wants and there are no guidelines or quality assurance controls by DDS.

DDS has essentially washed its hands of any responsibility for the protection of limited conservatees or oversight of this system. Without monitoring by any executive branch agency, the system has been allowed to become dysfunctional and the rights of people with developmental disabilities have suffered. This is legally and morally unacceptable. ◊◊

Thomas F. Coleman is the legal director of Spectrum Institute. www.spectruminstitute.org

Expanding the Role of Regional Centers in Limited Conservatorship Proceedings

by Thomas C. Coleman

Although Regional Centers play a major role in the life of people with developmental disabilities, they have a rather minor role in connection with the Limited Conservatorship System.

Regional Centers collectively administer more than $1 billion in government contracts and grants annually. That money is used to pay salaries of Regional Center employees, overhead for buildings, and subcontracts with various types of vendors who provide services for Regional Center clients.

The only role I have been able to determine that Regional Centers have in the limited conservatorship process is submitting a report to the Probate Court in which they recommend which of the "seven powers" should be granted to conservators and which rights should be retained by their clients. From what I have seen, that report often consists of three or four pages, with little analysis or explanation.

Assume that it takes a case worker less than two hours to prepare and write such a report. Perhaps it may take a supervisor 30 minutes to review a report before it goes to the court. If these assumptions are correct, a report would cost a Regional Center less than $200, including staff time and overhead.

About 4,000 such reports are filed each year with courts in California. In total, these reports are costing Regional Centers about $800,000 per year. That is a minuscule fraction of the annual expenditures of Regional Centers collectively in California.

The establishment of a limited conservatorship is a major event in the life of a Regional Center client. Once established, it will likely effect the client's rights for the rest of his or her life.

Regional Centers are required to develop an Individual Program Plan (IPP) for clients and update them periodically. Often they are updated annually, at or near the date of the client's birthday.

A Regional Center representative at a recent educational forum said that her center has a protocol that recommends a case worker to meet with the parents and the client when a limited conservatorship is contemplated. However, she added that this protocol is often not adhered to. She also emphasized that each Regional Center is independent and therefore may or may not have such a protocol in place.

Based on what this speaker said at this seminar, and based on what I have learned from other sources, I believe that a face-to-face meeting between a case worker and proposed conservators and conservatee is the exception to the rule. I believe that most Regional Center reports are based on a quick review of existing records and perhaps a brief discussion between the case worker and a supervisor.

My research also suggests that most Regional Center reports to the court recommend that five of the seven powers be given to the conservators and that decisions on marriage, sexual behavior, and social contacts remain exclusively with the conservatee. This is not recommended as a matter of individual evaluation of client capacities, but more as a matter of a principle of promoting independence.

My review of dozens of court files also shows that, in a significant number of cases, the conservatorship is granted without the court having read the Regional Center report. This is because in such cases the Regional Center did not file a timely report and the court did not want to delay the proceeding to wait for the report. This is another indicator that some judges consider the role of the Regional Center to be peripheral, not central, to the proceeding.

Regional Centers perform functions that are either required by statute or by their contract with the California Department of Developmental Services (DDS). Although they also may perform some fee-for-service functions, most activities are probably done under statutory or contractual mandate.

If statutes were to require Regional Centers to conduct a special IPP prior to the filing of a conservatorship petition, it would be done. Funding for this would have to be provided by the Legislature.

If the California Department of Developmental Services wanted Regional Centers to play a more significant role in the limited conservatorship process, the department would insert into their contract with Regional Centers various paragraphs and clauses specifying what that role should be.

I have been unable to find any regulations promulgated by DDS regarding limited conservatorships or the role of Regional Centers in that process. This suggests that the Department has not given any priority to limited conservatorships and their effect on the rights of people with developmental disabilities. It is almost as if this area is a blind spot in the regulatory and oversight functions of DDS.

Although Regional Centers are autonomous non-profit corporations, they have voluntarily formed an Association of Regional Center Agencies (ARCA). Presumably, ARCA exists for the mutual benefit of these independent agencies. It would be to their mutual benefit to have educational and training materials on how to conduct assessments of clients involved in limited conservatorship proceedings.

When I met recently with the staff and attorney for a Regional Center to discuss the limited conservatorship process, I stated that staff apparently have no criteria, guidelines, or training on each of the seven areas that are assessed for the report to the court. There was no objection to my statement. Rather, one staff member said that he would welcome guidelines and trainings in this regard.

What would a special IPP conservatorship meeting look like? It should involve two meetings – one with the client to discuss his or her rights, and one with the client and the parents to discuss the duties of a conservator and the rights of a conservatee.

The meeting with the client would be part informative and part evaluation. The informative part would tell the client that if the conservator is given authority to make sexual decisions, for example, then he or she could be prevented from going on a date, kissing a boyfriend or girlfriend, or having sex with any person. If their social rights were taken away, then the conservator could decide who they socialize with and what type of recreation they engage in.

The case worker would ask if they want someone else to make sexual decisions for them or if they want to make their own choices. They would be asked if they want the right to say "no" to visiting someone, or if they want the conservator to be able to require them to visit with people they do not like.

The IPP could schedule a further evaluation of the client's capacity to make decisions on matters that carry a risk of harm, such as decisions to have sexual intercourse with some else. Someone should inquire into their awareness of the "rules of sex" and the risks associated with protected and unprotected sex.

The IPP meeting should also explain that the client has a right to vote and determine if the client wishes to vote. This issue should be included in the report to the court, using federal voting rights standards as a guide to the Regional Center's assessment.

A conservatorship is a milestone in a client's life and should be treated more seriously by Regional Centers, the Legislature, and DDS. People with developmental disabilities deserve better. They deserve a special IPP, a more thorough evaluation of their capacities, and a greater understanding of their rights before a petition is even filed with a court.

The role of Regional Centers should be expanded in limited conservatorship proceedings. An industry with $1 billion in annual revenue should be doing more to protect the rights of its clients.

Disability & Abuse Project

2100 Sawtelle, Suite 204, Los Angeles, CA 90025 • (818) 230-5156
www.disabilityandabuse.org • nora-baladerian@verizon.net

June 1, 2014

Mr. Santi J. Rogers
Director
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

Re: Request for a Meeting

Dear Director Rogers:

The Executive Director of our Project, Dr. Nora J. Baladerian, and I would like to meet with you to discuss the ongoing violation of the rights of people with developmental disabilities by the Limited Conservatorship System in California.

As far as we can tell, the Department of Developmental Services does not play a direct role in the administration of that system, nor does it have any monitoring or oversight responsibility. We believe that when the Limited Conservatorship System was created some 30 years ago, the architects of that system made a serious mistake when they did not include any Executive Branch agency, such as DDS, into its operations, even if only as a monitor or quality assurance auditor. They placed too much confidence in the ability of the judiciary to play too many roles in administering justice for people with developmental disabilities who may need the protections of a limited conservatorship.

We are aware that DDS contracts with Regional Centers to provide and coordinate services for people with developmental disabilities, and awards more than a billion dollars a year for this purpose. It appears that only one small aspect of these services involves limited conservatorships – doing a statutorily mandated assessment about the client's capacity to make various decisions. The Department also awards more than $19 million per year to Disability Rights California, some of which is used for the Office of Client's Rights. Our preliminary investigation suggests that DRC plays virtually no role in protecting the rights of Regional Center clients when they are threatened or violated by the Limited Conservatorship System.

We have reached out to all seven Regional Centers in Los Angeles County, inviting them to participate in our conferences on the Limited Conservatorship System. We also reached out to several people at DRC. The lack of participation by DRC and the limited participation by only a few Regional Centers suggests to us that violations of the rights of limited conservatees is not in the contract of these agencies with DDS.

I am enclosing a copy of a report we recently issued about the myriad problems with the Limited Conservatorship System. Among those problems is the lack of a role for DDS and DRC and the unduly limited role of the Regional Centers. We believe those roles need to be enhanced.

Our Project is eager to meet with you and your staff to discuss the important matters addressed in *Justice Denied*. We look forward to hearing from you soon.

Very truly yours,

Thomas F. Coleman

THOMAS F. COLEMAN
Legal Director
(818) 482-4485 / tomcoleman@earthlink.net

From: "Thomas F. Coleman" <tomcoleman@earthlink.net>
Date: September 26, 2014 8:15:43 AM PDT
To: "'Ingraham, Rick@DDS'" <Rick.Ingraham@dds.ca.gov>

Hi Rick,

As you know, we have been studying limited conservatorships in California, with a special focus on Los Angeles County.

As a result of our research, consultations, and conferences, we have published many reports and background papers on this topic (see link below).

http://disabilityandabuse.org/conservatorship-reform.htm

Part of our study involves the role of Regional Centers in the limited conservatorship process.

When a petition is filed with the Probate Court, they are required by statute to evaluate clients who are proposed limited conservatees and file a report with the court, including findings on the client's capacity in seven areas.

Dr. Nora Baladerian and I attended a legal seminar two weeks ago in which an executive director and an attorney for a regional center stated that each Regional Center has different standards and protocols for the assessment and report.

Nora attended another conference yesterday during which an attorney for Bet Tzedek said the same thing -- each one does it their own way.

Since this is a statewide mandate under a state statute, we think there probably are state standards for these evaluations and reports.

We assume that the contract of each Regional Center with DDS must have standard language about its duties in terms of these assessments and reports. We also assume there must be money allocated in the contract for this service. We wonder whether there are also regulations promulgated by DDS on this subject.

I would be grateful if you could provide some basic information about all of this, especially in connection with the seven Regional Centers in Los Angeles County.

Here are the questions:

1. How many adult clients does each of these RCs serve?
2. How many adult clients are under a conservatorship of any type in each RC?
3. Does DDS have regulations on RC assessment of proposed limited conservatees? If so, we would like a copy.
4. What is the standard language in a contract between DDS and a Regional Center on their duties in connection with such assessments and reports to the court?
5. How much money is allocated annually to each of these Regional Centers for such assessments and reports? Is is based on a specific amount per case evaluation?

Our research is moving into the phase of an analysis of assessments by Regional Centers and this information will help up determine the facts. Thanks in advance for any assistance you can provide.

Tom Coleman
Legal Director
Disability and Abuse Project
Spectrum Institute
(818) 482-4485

Disability & Abuse Project

2100 Sawtelle, Suite 204, Los Angeles, CA 90025 • (818) 230-5156
www.disabilityandabuse.org • tomcoleman@disabilityandabuse.org

January 30, 2015

Mr. Santi J. Rogers
Director
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

Re: Request to Amend Regulations on Social Rights

Dear Director Rogers:

Our review of DDS Regulations on "Client's Rights" indicates a need to clarify with more specificity the right of clients to freedom of association. The case of a client at the Westside Regional Center was brought to our attention which caused us to look carefully at the current regulations found in Section 50510 of Title 17 of the California Code of Regulations. (See enclosed copy of this section). A summary of Gregory's Case explains how the constitutional and statutory rights of this young man to freedom of association and freedom of religion have been violated. (See enclosed summary of Gregory's Case.)

The Lanterman Act states unequivocally: "Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California." (See enclosed copy of Lanterman Act Statement of Rights.) The Statement of Rights also focuses on "personal liberty of the individual" and "least restrictive conditions," as well as a "right to religious freedom and practice," and a "right to social interaction." It also mentions a client's "right to make choices in their own lives" including "relationships with people in their community" and "leisure" activities.

The Department has promulgated regulations interpreting and implementing the rights mentioned in the Lanterman Act. With respect to the "right to religious freedom and practice" specified in that Act, the regulations explain it in greater detail, stating that it encompasses: "A right to religious freedom and practice, *including the right to attend services or to refuse attendance, to participate in worship or not to participate in worship.*" (Section 50510(a)(4)) The italicized language was placed in the regulations to explain the scope of the statutory language.

An additional phrase should be added to subdivision (6) so that it states "A right to social interaction and participation in community activities, *including the right to associate with specific individuals or not to associate with them.*" We are asking that the italicized language be added to the regulations so that it is abundantly clear that the right to social interaction includes the constitutional right to freedom of association. As the United States Supreme Court once clarified, "Freedom of association . . . plainly presupposes a freedom not to associate." (Roberts v. United States Jaycees, 468 U.S. 609, 622 (1984))

We would like to discuss this request with your staff so that we may learn what additional steps, if any, we need to take to have this regulation amended. Thousands of people with developmental disabilities will benefit from such a regulatory clarification.

Very truly yours,

Thomas F. Coleman

THOMAS F. COLEMAN
Legal Director
(818) 482-4485

Lanterman Developmental Disabilities Services Act

California Welfare and Institutions Code

Statement of Rights

4502. Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California.

No otherwise qualified person by reason of having a developmental disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity, which receives public funds.

It is the intent of the Legislature that persons with developmental disabilities shall have rights including, but not limited to, the following: (a) A right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible. Such services shall protect the personal liberty of the individual and shall be provided with the least restrictive conditions necessary to achieve the purposes of the treatment, services, or supports. (b) A right to dignity, privacy, and humane care. To the maximum extent possible, treatment, services, and supports shall be provided in natural community settings. (c) A right to participate in an appropriate program of publicly supported education, regardless of degree of disability. (d) A right to prompt medical care and treatment. (e) A right to religious freedom and practice. (f) A right to social interaction and participation in community activities. (g) A right to physical exercise and recreational opportunities. (h) A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect. (i) A right to be free from hazardous procedures. (j) A right to make choices in their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way they spend their time, including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation.

4502.1. The right of individuals with developmental disabilities to make choices in their own lives requires that all public or private agencies receiving state funds for the purpose of serving persons with developmental disabilities, including, but not limited to, regional centers, shall respect the choices made by consumers or, where appropriate, their parents, legal guardian, or conservator. Those public or private agencies shall provide consumers with opportunities to exercise decisionmaking skills in any aspect of day-to-day living and shall provide consumers with relevant information in an understandable form to aid the consumer in making his or her choice.

Spectrum Institute
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www.disabilityandabuse.org

Print Friendly Version

California Code of Regulations
Title 17, Division 2
Chapter 1 - General Provisions
SubChapter 5 - Clients' Rights
Article 2 - Rights of Persons with Developmental Disabilities

§50510. Application of This Subchapter.

Each person with a developmental disability, as defined by this subchapter, is entitled to the same rights, protections, and responsibilities as all other persons under the laws and Constitution of the State of California, and under the laws and the Constitution of the United States. Unless otherwise restricted by law, these rights may be exercised at will by any person with a developmental disability. These rights include, but are not limited to, the following:

(a) Access Rights.

(1) A right to treatment and habilitation services. Treatment and habilitation services shall foster the developmental potential of the person. Such services shall protect the personal liberty of the individual and shall be provided under conditions which are the least restrictive necessary to achieve the purposes of treatment.

(2) A right to dignity, privacy, and humane care.

(3) A right to participate in an appropriate program of publicly-supported education, regardless of the degree of handicap.

(4) A right to religious freedom and practice, including the right to attend services or to refuse attendance, to participate in worship or not to participate in worship.

(5) A right to prompt and appropriate medical care and treatment.

(6) A right to social interaction and participation in community activities.

(7) A right to physical exercise and recreational opportunities

(8) A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse or neglect. Medication shall not be used as punishment, for convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.

(9) A right to be free from hazardous procedures.

(10) A right to advocacy services, as provided by law, to protect and assert the civil, legal, and service rights to which any person with a developmental disability is entitled.

(11) A right to be free from discrimination by exclusion from participation in, or denial of the benefits of, any program or activity which receives public funds solely by reason of being a person with a developmental disability.

(12) A right of access to the courts for purposes including, but not limited to the following:

(A) To protect or assert any right to which any person with a developmental disability is entitled;

(B) To question a treatment decision affecting such rights, once the administrative remedies provided by law, if any, have been exhausted;

(C) To inquire into the terms and conditions of placement in any community care or health facility, or state hospital, by way of a writ of habeas corpus, and

(D) To contest a guardianship or conservatorship, its terms, and/or the individual or entity appointed as guardian or conservator.

(b) Personal Rights. Each person with a developmental disability who has been admitted or committed to a state hospital, community care facility, or health facility shall have rights which include, but are not limited to, the following:

(1) To keep and be allowed to spend one's own money for personal and incidental needs.

(2) To keep and wear one's own clothing.

(3) To keep and use one's own personal possessions, including toilet articles.

(4) To have access to individual storage space for one's private use.

(5) To see visitors each day.

(6) To have reasonable access to telephones, both to make and receive confidential calls, and to have calls made for one upon request.

(7) To mail and receive unopened correspondence and to have ready access to letter-writing materials, including sufficient postage in the form of United States postal stamps.

(8) To refuse electroconvulsive therapy ("ECT").

(9) To refuse behavior modification techniques which cause pain or trauma.

(10) To refuse psychosurgery. Psychosurgery means those operations currently referred to as lobotomy, psychiatric surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for any of the following purposes:

(A) Modification or control of thoughts, feelings, actions, or behavior rather than treatment of a known and diagnosed physical disease of the brain.

(B) Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, actions, or behavior.

(C) Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions, or behavior when the abnormality is not an established cause for those thought, feelings, actions, or behavior.

(11) Other rights as specified by administrative regulations of any federal, state, or local agency.

(c) Rights of State Hospital Residents. In addition to all of the other rights provided for in this subchapter, each person with a developmental disability who resides in a state hospital shall be accorded the following rights:

(1) If involuntarily detained, to have access to a current and up-to-date copy of the California Welfare and Institutions Code. This right includes the right to have assistance from the Clients' Rights Advocate in the reading and understanding of the Code.

(2) To give or withhold consent for treatments and procedures, in the absence of a judicial order or other provision of law which provides for the exercise of this right to devolve to another party.

(3) To be provided with the amount of funds specified in Welfare and Institutions Code Section 4473 for personal and incidental use if, following the initial thirty (30) days of state hospital residency, the person is not receiving an amount of income for such use which is equal to or greater than the amount authorized by Section 4473.

Note

Authority cited: Section 11152, Government Code. Reference: Sections 4423, 4473, 4503 and 4504, Welfare and Institutions Code.

Relevant Court Decisions

Freedom of Religion:

"Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance." *Everson v. Board. of Education*, 330 U.S. 1, 15-16 (1947)

Comment: An adult conservatee has the right not to attend church services.

Freedom of choice:

"[I]t is clear that among the decisions that an individual may make without unjustified government interference are personal decisions relating to marriage, procreation, contraception, *family relationships*, and child rearing and education." Carey v. Population Services International, 431 U.S. 678, 684-85 (1977) (Emphasis added)

Comment: An adult conservatee has the freedom of choice to determine the nature and extent of his or her family relationships.

Freedom of association:

"Freedom of association . . . plainly presupposes a freedom not to associate." Justice Brennan, writing for the majority, in: Roberts v. United States Jaycees 468 U.S. 609, 622 (1984)

Comment: An adult conservatee has the right not to associate with a parent or anyone else.

Right Not to Associate:

"Even though developmentally disabled, as an adult Leon has a right not to have contact with appellant if he so chooses. fn. 5 (Welf. & Inst. Code, §§ 4501, 4502.)" (Conservatorship of Sides (1989) 211 Cal.App.3d 1086, 1092-1093.)

Comment: In this case, the appellant was the mother of Leon. Leon is a person with a developmental disability. The Court of Appeal opinion cites the Statement of Rights in the Lanterman Act as its authority that the conservatee has the right to refuse contact with a parent. The right to refuse visitation is part of the normal rights afforded to any adult.

Thomas F. Coleman

From: Pal, Trisha@DDS <Trisha.Pal@dds.ca.gov>
Sent: Friday, February 20, 2015 9:22 AM
To: tomcoleman@earthlink.net
Subject: RE: PRA Request
Attachments: IRC Contract Fiscal Year 2014-2015.pdf; Regional Center Conservatees.pdf

Good morning,

Please find attached the document prepared by our IT department in response to inquiry #2 ("Regional Center Conservatees"). I have also attached a copy of the most recent Inland Regional Center contract, but as I initially advised, there is no mention of conservatorship proceedings in any aspect.

We have no responsive documents to inquiry number 10 and are continuing to search for documents responsive to inquiry number 9.

Regards,
Trisha

Trisha Pal
Staff Counsel
Department of Developmental Services
Office of Legal Affairs
1600 Ninth Street, Room 240, MS 2-14
Sacramento, CA 95814
Telephone: (916) 653-0123
Fax: (916) 654-1716

REPRESENTING DDS WITH INTEGRITY AND EXCELLENCE

From: Pal, Trisha@DDS
Sent: Tuesday, December 23, 2014 4:15 PM
To: 'tomcoleman@earthlink.net'
Subject: PRA Request

Good afternoon,

Per our telephone conversation earlier today, DDS is in the process of gathering documents responsive to your PRA request received December 1, 2014. The status of each individual request is in red as follows:

1. The number of adult clients served by each regional center – You can find quarterly consumer characteristics reports on our website here: http://www.dds.ca.gov/FactsStats/QuarterlyReports.cfm.
2. The number of adult clients served by each regional center who are conservatees – We are working with our IT department to extract this data.

3. The page or pages in the contract with Inland Regional Center that pertain to services or duties of that regional center in connection with any aspect of conservatorship proceedings – I do not believe there is any conservatorship language in the regional center contracts, but I have requested a copy of the most recent Inland Regional Center contract, which should also be available on their website.
4. Regulations of DDS that pertain to or mention conservatorship proceedings – The only regulation in Title 17 that mentions conservatorship proceedings is section 50510(D) (the right to contest a guardianship or conservatorship).
5. The total amount of money allocated in 2013 to all regional centers for services connected with conservatorship proceedings – We do not have anything responsive to this request.
6. Education or training materials or videos that pertain in any way to conservatorship proceedings – We do not have anything responsive to this request.
7. The names and positions of any employees of DDS who performed any function or activities in 2013 and 2014 pertaining to conservatorship proceedings – When a regional center nominates the Director of DDS to petition to become the limited conservator of the person and/or estate, the nomination and supporting materials are sent to the Chief Counsel at the Office of Legal Affairs, Hiren Patel.
8. Correspondence sent from or received by the Director of DDS in 2013 and 2014 pertaining to or mentioning conservatorship proceedings – When a regional center nominates the Director of DDS to petition to become the limited conservator of the person and/or estate, the nomination and supporting materials are sent to the Chief Counsel at the Office of Legal Affairs, Hiren Patel. The information contained in those nominations are confidential pursuant to Welfare and Institutions Code section 4514 and may not be released pursuant to a PRA request.
9. Correspondence sent from or received by the Deputy Director of the Community Services Division of DDS in 2013 and 2014 pertaining to or mentioning conservatorship proceedings – We are in the process of searching files for any correspondence responsive to this request.
10. Correspondence sent from or received by the Manager of the Quality Management and Development Branch of the Community Services Division of DDS in 2013 and 2014 pertaining to or mentioning conservatorship proceedings – We are in the process of searching files for any correspondence responsive to this request.

I anticipate being able to provide any responsive documents within 60 days.

Regards,
Trisha

Trisha Pal
Staff Counsel
Department of Developmental Services
Office of Legal Affairs
1600 Ninth Street, Room 240, MS 2-14
Sacramento, CA 95814
Telephone: (916) 653-0123
Fax: (916) 654-1716

REPRESENTING DDS WITH INTEGRITY AND EXCELLENCE

Response of DDS to Public Records Request by Spectrum Institute

Total adults served by DDS 145,414
Those who are not adult conservatees (Status 5 and Status N) . . . 104,404
Total adults with I/DD who are conservatees 41,010

Los Angeles County DDS clients who are conservatees 12,688 (30.9%)
(ELARC + FDLRC + HRC + NLACRC + SCLARC + SGPRC + WRC)

Adult Regional Center Consumers (Age 18 and Up)
Client Master File Data as of December 1, 2014

Request 1: The number of adult clients served by each regional center.
Request 2: The number of adult clients served by each regional center who are conservatees.

See table below and corresponding key on the following page.

Regional Center	Legal Status 2	Legal Status 3	Legal Status 4	Legal Status 5	Legal Status 7	Legal Status 9	Legal Status N	Legal Status R	Other	Grand Total
ACRC	125	769	54	43	3	42	7,392	2,295	67	10,790
CVRC	59	739	18	24	2	8	7,216	837	40	8,943
ELARC	39	425	8	15	21	15	2,752	1,506	24	4,805
FDLRC	3	246	15	14	49	4	2,309	1,163	8	3,811
FNRC	39	733	6	8	1	1	2,959	460	29	4,236
GGRC	40	602	10	15	-	7	3,846	535	35	5,090
HRC	24	473	42	25	1	19	3,788	1,322	16	5,710
IRC	59	224	21	53	49	15	11,445	3,272	44	15,182
KRC	4	329	27	9	9	4	3,447	251	37	4,117
NBRC	21	590	13	22	1	19	3,789	306	17	4,778
NLACRC	11	837	23	33	2	8	7,090	1,262	35	9,301
RCEB	53	452	27	45	7	19	6,127	2,899	74	9,703
RCOC	8	1,359	34	21	-	-	8,056	6	2	9,486
RCRC	62	195	-	3	2	15	1,479	245	15	2,016
SARC	51	974	25	15	4	79	4,575	1,898	25	7,646
SCLARC	81	414	45	60	2	28	4,599	910	40	6,179
SDRC	18	1,639	62	29	-	36	7,893	1,787	10	11,474
SGPRC	27	701	37	43	5	-	4,699	986	22	6,520
TCRC	47	449	25	6	1	8	4,150	1,312	37	6,035
VMRC	33	249	13	18	-	9	4,292	1,012	177	5,803
WRC	54	182	15	26	17	17	1,974	1,487	17	3,789
Grand Total	**858**	**12,581**	**520**	**527**	**176**	**353**	**103,877**	**25,751**	**771**	**145,414**

Legal Status Key

'Legal Status' answers the question: "Does the consumer have a judicially appointed guardian or conservator?"

Legal Status	Description	Definition
2	Public Guardian	The public guardian for the county of residence of the consumer is the consumer's conservator. (Probate Code sections 2920, 2921)
3	Has Conservator – Not DDS	The consumer has a conservator who is not the director of the Department of Developmental Services (DDS).
4	Director of DDS	The director of DDS is appointed as either guardian or conservator of the consumer and/or estate of a consumer. (Health and Safety Code sections 416, 416.5, 416.9)
5	Court (dependent child)	A minor consumer who is adjudged by the court to be a dependent of the court because of parental issues or the child's criminal conduct. (Welfare and Institutions Code section 300 or 601)
7	Regional Center Director	The director of a regional center that is the actual probate conservator or guardian of a consumer, as contrasted with being delegated the responsibility of performing conservatorship duties by DDS when DDS is the actual conservator. (Health and Safety Code section 416.19, Probate Code sections 1500, 1514, 1801, 2351.5)
9	Unknown	
N	No Guardian/Conservator	The consumer does not have a judicially appointed guardian or conservator.
R	Consumer's Parent or Relative	A family member of the consumer has been appointed probate conservator (for an adult) or guardian (for a minor). (Probate Code sections 1500, 1514, 1801, 2351.5)
Other		The consumer has a guardian or conservator other than the possibilities above, such as a private conservator.

Adult Regional Center Consumers (Age 18 and Up)
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Request 1: The number of adult clients served by each regional center.
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See table below and corresponding key on the following page.

Regional Center	Legal Status 2	Legal Status 3	Legal Status 4	Legal Status 5	Legal Status 7	Legal Status 9	Legal Status N	Legal Status R	Other	Grand Total
ACRC	112	1,006	61	34	4	37	7,939	1,947	64	11,204
CVRC	55	773	17	19	1	6	7,553	691	34	9,149
ELARC	37	502	8	15	21	13	2,839	1,575	27	5,037
FDLRC	6	347	14	11	57	7	2,486	1,044	25	3,997
FNRC	43	735	4	4	3	0	3,010	499	25	4,323
GGRC	42	634	9	12	0	10	3,900	554	37	5,198
HRC	20	736	39	19	0	17	4,052	1,009	17	5,909
IRC	56	257	22	64	39	12	11,955	3,468	46	15,919
KRC	3	347	28	8	8	1	3,479	295	38	4,207
NBRC	23	651	13	19	1	12	3,938	222	13	4,892
NLACRC	12	913	24	43	1	14	7,219	1,475	35	9,736
RCEB	49	527	26	37	6	12	6,419	2,862	69	10,007
RCOC	6	1,478	35	22	0	0	8,363	3	1	9,908
RCRC	56	196	0	3	1	14	1,521	263	14	2,068
SARC	49	999	22	16	4	86	4,697	2,058	26	7,957
SCLARC	64	667	43	58	2	24	5,151	393	56	6,458
SDRC	15	1,794	61	26	0	34	8,245	1,732	13	11,920
SGPRC	24	763	41	39	7	0	4,716	999	23	6,612
TCRC	48	463	22	7	1	8	4,211	1,374	38	6,172
VMRC	30	259	13	15	0	5	4,563	957	149	5,991
WRC	48	190	15	24	17	19	2,036	1,563	21	3,933
Grand Total	798	14,237	517	495	173	331	108,292	24,983	771	150,597

Adult Regional Center Consumers (Age 18 and Up)
Client Master File Data as of December 1, 2016

Request 1: The number of adult clients served by each regional center.
Request 2: The number of adult clients served by each regional center who are conservatees.

See table below and corresponding key on the following page.

Regional Center	Legal Status 2	Legal Status 3	Legal Status 4	Legal Status 5	Legal Status 7	Legal Status 9	Legal Status N	Legal Status R	Other	Grand Total
ACRC	101	1,209	59	31	3	26	8,347	1,756	71	11,603
CVRC	52	824	15	22	1	8	7,767	661	39	9,389
ELARC	31	570	8	8	20	14	2,907	1,641	29	5,228
FDLRC	6	472	13	9	55	6	2,699	817	47	4,124
FNRC	42	731	5	6	3	1	3,035	552	23	4,398
GGRC	41	659	6	8	0	5	4,014	536	29	5,298
HRC	29	846	39	18	0	15	4,134	972	18	6,071
IRC	63	304	25	65	42	13	12,322	3,671	47	16,552
KRC	5	359	26	9	4	0	3,532	387	31	4,353
NBRC	22	735	14	12	1	10	3,990	217	11	5,012
NLACRC	10	1,005	23	38	1	13	7,524	1,632	32	10,278
RCEB	46	590	25	29	6	11	6,554	2,944	69	10,274
RCOC	4	1,658	33	19	0	0	8,625	5	2	10,346
RCRC	56	196	0	4	1	14	1,568	268	14	2,121
SARC	45	1,085	19	11	3	78	4,812	2,244	25	8,322
SCLARC	55	836	41	52	3	24	5,413	147	77	6,648
SDRC	19	2,014	59	25	0	26	8,602	1,626	13	12,384
SGPRC	22	853	39	37	9	0	4,799	996	26	6,781
TCRC	46	471	21	9	1	10	4,311	1,477	40	6,386
VMRC	27	264	15	12	0	4	4,939	738	124	6,123
WRC	45	217	15	15	16	13	2,106	1,645	17	4,089
Grand Total	767	15,898	500	439	169	291	112,000	24,932	784	155,780

California's Double-Edged Sword:

Exploring Regional Centers, Limited Conservatorship Policies, and Implications for Adults with Intellectual or Developmental Disabilities

Barbara Imle

Fall 2016

California State University San Marcos

Committee:
Dr. Richelle Swan, Chair
Dr. Kristin Bates
Dr. Mary Robertson

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