

would be appropriate for an IPP review to be initiated. “For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person’s achievement or changing needs.” (Welfare and Institutions Code Section 4636.5(b)) The filing of a conservatorship petition indicates such a need.

The statutory purpose of the IPP process coincides with the type of assessment needed for a conservatorship proceeding: “Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities.” (Welfare and Institutions Code Section 4646.5(a)(1))

Assessments pursuant to an IPP process “shall be conducted by qualified individuals.” (Welfare and Institutions Code Section 4646.5(a)(1))

In connection with conservatorship proceedings where the Director of DDS is nominated to act as the conservator, the Legislature has specified the qualifications necessary for the individuals who conduct the relevant assessments.

A regional center report must include a current diagnosis of the client’s physical condition “prepared under the direction of a licensed medical practitioner” and “a report of his current mental condition and social adjustment prepared by a licensed and qualified social worker or psychologist.” (Health and Safety Code Section 416.8)

There is no reason why lesser qualifications are permissible for regional center assessments when someone else is designated as conservator. An assessment is not done for the benefit of the conservator, but for the benefit of the proposed conservatee and the judge who will consider the assessment in making a ruling on the petition.

Once all of the records are reviewed, interviews conducted, assessments are done by qualified individuals, and the IPP review process is com-

plete, the report to the court can be written.

It is not appropriate to get deeper into the details now of how a proper and thorough conservatorship assessment and report should be done. Uniform policies and procedures should be created through a collaboration of regional centers (perhaps by ARCA) with DDS.

DDS Guidance and Monitoring

The department has a statutory responsibility to ensure that regional center services comply with state and federal laws. That is why funding from DDS to regional centers has strings attached.

There are relevant clauses in these contracts requiring regional centers to comply with state statutes, which necessarily includes statutes regulating conservatorship assessment services. Contractual provisions require annual performance objectives as well as specifying steps to be taken to ensure contract compliance.

The time has come for DDS to start fulfilling its obligations to provide guidance to and conducting monitoring of the conservatorship assessment and reporting services of all 21 regional centers.

If inadequate funding is one of the impediments to regional centers providing such services in compliance with applicable state and federal laws – including the ADA – then regional centers and ARCA should work with DDS to secure additional funding. In the meantime, DDS should develop guidelines and monitoring mechanisms in consultation with ARCA, self-advocates, parent-advocates, disability service organizations, and disability rights agencies and organizations. ◇◇◇

Thomas F. Coleman is the Legal Director of Spectrum Institute – a nonprofit organization promoting equal rights and justice for people with intellectual and developmental disabilities.

www.spectruminstitute.org
tomcoleman@spectruminstitute.org