



Student Resource Guide

2. The California Developmental Disabilities Service System



The California Developmental Disabilities Service System

OUTCOMES

When you finish this session you will be able to:

- ▶ Identify agencies and people involved in the California service system.
- ▶ Describe the functions of the regional centers.
- ▶ Identify legal requirements that directly relate to DSP responsibilities.
- ▶ Demonstrate understanding of the purpose of the Individual Program Plan (IPP).
- ▶ Identify the members of the individual's planning team.
- ▶ Identify rights of individuals with developmental disabilities and understand the DSP's responsibilities in supporting those rights.

KEY WORDS

Community Care Facilities: Homes operated by people or agencies who are granted a license by the State of California to provide residential care.

Confidentiality: Not sharing information about an individual without permission to do so.

Denial of Rights: Process where a right may be denied for a limited period of time, under a very narrow set of circumstances, and only under certain conditions which are documented and approved by the regional center.

Goal: Accomplishments that are important to the individual, reflecting the individual's needs and preferences.

Individual Program Plan (IPP): A written agreement, required by the Lanterman Act, between the individual and the regional center and developed by the planning team that lists the individual's goals and the services and supports needed to reach those goals.

Individual's Rights: Specific rights, granted by the Lanterman Act to individuals who are developmentally disabled to ensure that they are treated like everyone else; for example, the right to dignity and humane care.

Legally Authorized Representative: parent(s) or legally appointed guardian of a minor child, or legally appointed conservator of an adult.

Person-Centered: The concept that the individual with the developmental disability is the most important person in both planning for and provision of services.

Planning Team: A group of people that must include the individual, the legally authorized representative (parent of a minor, guardian of a minor, or conservator of an adult) if applicable, and the regional center service coordinator who come together to plan for and support the needs and preferences of the individual.

Preferences: Choices that the individual makes.

Regional Center: A group of 21 centers throughout California, created by the Lanterman Act, that helps individuals with developmental disabilities and their families find and access services.

Service Coordinator: An individual who works with individuals and families to find and coordinate needed services and supports.

Services and Supports: Assistance and help needed for the individual to lead the most independent and productive life possible, based on the individual's wants, needs, and desires.

Title 17: A set of regulations that establishes requirements for regional centers and regional center vendors including vendored community care facilities.

Title 22: A set of regulations that establishes requirements for licensed community care facilities.

California Developmental Disabilities Services System

In the last session we talked about the values for the developmental services system that have been established in the Lanterman Act. In this session, you will learn about the system of services for coordinating and planning services and supports for individuals with developmental disabilities and their families.

The California State Legislature passed the Lanterman Act to create a network of agencies responsible for planning and coordinating services and supports for individuals with developmental disabilities and their families.

The developmental disabilities service system includes the following agencies and organizations:

- ▶ Department of Developmental Services
- ▶ Regional centers
- ▶ Regional center vendors
- ▶ State Council on Developmental Disabilities
- ▶ Area boards
- ▶ Protection and advocacy

The Department of Developmental Services (DDS) provides leadership, oversight, coordination, and funding for regional centers. The Department of Developmental Services writes regulations or rules for regional centers and regional center vendors. These regulations are typically referred to as **Title 17**. You need to be familiar with Title 17 because it has requirements for how you do your job. [Information about how to get a copy of Title 17 is included in Appendix 2-B.]

There are 21 regional centers located throughout the state. **Regional centers** establish eligibility and provide a variety of services to eligible individuals and their families including assessment, advocacy, planning, purchase of services from ven-

dored (contracted) service providers, and service coordination. A **service coordinator** coordinates the activities necessary to develop and implement an **Individual Program Plan (IPP)** for each person served by the regional center.

The Individual Program Plan is developed by the individual and his or her planning team. The IPP states the goals that a person is trying to achieve and plans for achieving those goals. The regional center may assist the individual to access generic services (services that are used by everyone in the community) or may directly purchase a service.

Regional centers may purchase many different types of services to meet individual needs. Among these services are:

- ▶ Early Intervention services—Infant development programs, and pre-schools.
- ▶ Health-related services—Assessment and consultation from doctors and other health care professionals as needed.
- ▶ In-home support services—Respite and family support.
- ▶ Day and vocational services—Day program services, independent living services, habilitation services, supported employment, and work activity programs.
- ▶ Residential services—Supported living services, adult family home services, and community care facilities

Many different agencies and individuals are vendored (or contracted) with regional centers to provide these services. The community care facility in which you work is one of about 4,500 licensed community care facilities vendored with the regional centers to provide residential services.

California Developmental Disabilities Services System (continued)

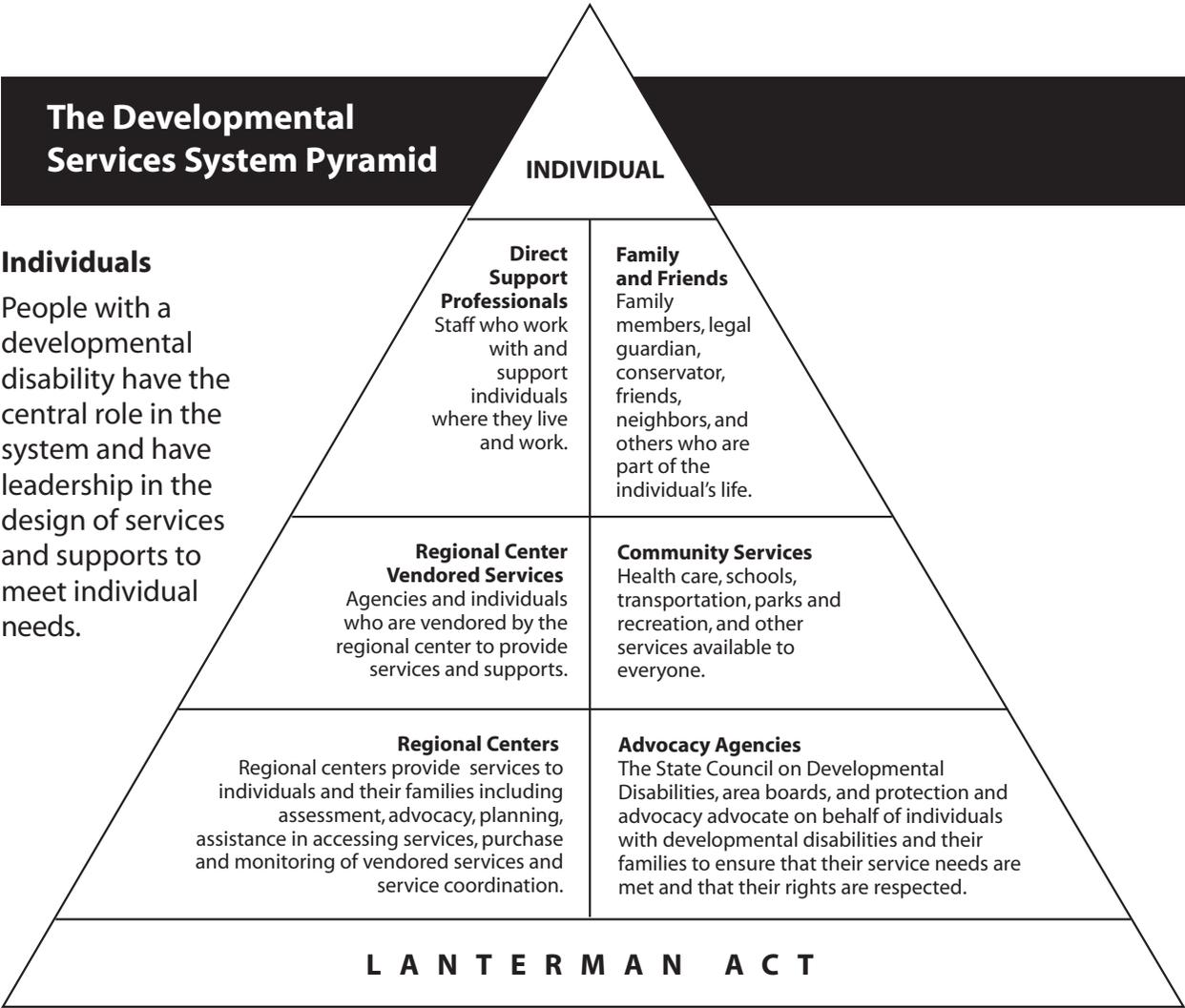
Regional centers have a responsibility to ensure the quality of services provided by vendors to individuals. The Lanterman Act requires regional centers to make at least two unannounced visits a year to vendored **community care facilities**—the places where you work—and to regularly monitor services to ensure they are of good quality and that individuals and their families are satisfied.

The Lanterman Act also provides for advocacy through the State Council on Developmental Disabilities, area boards and protection and advocacy. All have a responsibility to advocate on behalf of individuals with developmental disabilities and their families to ensure that their

service needs are being met, that services are of good quality and that rights are being respected.

There is a whole network of people and agencies that are working to support individuals and their families in addition to DSPs. These agencies and individuals make up the developmental disabilities service system in California, and all have a common goal of ensuring quality services to support individuals to have healthy, safe, and fulfilling lives.

It is helpful to think about this system of services as a pyramid with the Lanterman Act as the foundation and various levels of support for the individual building upon that foundation.



Department of Social Services, Community Care Licensing

As a DSP working in a community care facility, you also need to know about Community Care Licensing (CCL). The Department of Social Services is a state agency that licenses homes for children, adults, and the elderly through its Community Care Licensing Division. The Department of Social Services writes regulations or rules for community care licensed facilities. These regulations are typically referred to as **Title 22**. Community Care Licensing has a responsibility to monitor homes to ensure that they follow

the licensing regulations. You need to be familiar with Title 22 because it explains how you do your job. (Information about how to get a copy of Title 22 is included in Appendix 2-B.)

Community Care Licensing has a responsibility to ensure that community care facilities are following the requirements contained in Title 22. Community Care Licensing facility evaluators visit homes on at least a yearly basis to make sure that services are being provided as required in Title 22.

The Individual Program Plan

The Lanterman Act says that each eligible individual must have an **Individual Program Plan (IPP)**. The IPP is a written agreement between the individual and the regional center that lists the individual's goals and the services and supports needed to reach those goals. The IPP is developed by the planning team based upon the individual's needs and preferences.

Once the IPP is developed, the service coordinator works with individuals and the planning team to locate and coordinate needed services and supports.

The IPP is developed through a process of **person-centered planning**. This means that the individual with the developmental disability is the most important person on the **planning team** and that his or her needs, preferences, and choices are the focus of the planning effort.

The IPP contains goals, objectives, and plans. **Goals** describe things that the individual wants in his or her future. Objectives set a time frame for achieving the goals. Plans are the steps to achieve the goal. Plans say who will do what and by when. As a DSP, you are often respon-

sible for providing services and supports to assist the individual to achieve his or her IPP goals.

IPPs also contain a review date, an agreed-upon time (but no less than yearly) when goals, objectives, and plans will be looked at by the planning team for what is working and what is not working for the individual and to determine progress towards goals.

At least once every three months, the service coordinator will visit the individual, usually at his or her home, to talk to the individual and to monitor the implementation of the IPP.

The regional center must provide information that supports individuals as they make choices about the services and supports they need and, once needed services and supports are agreed upon, help find the services the individual needs.

The DSP's role is to make sure these services are provided to the individual and to follow the directions in the IPP about how to support the individual to meet his or her daily needs.

You may also assist the individual to get ready for his or her IPP meeting. You can do this by talking to the individual about what he wants in his life, his hopes

and dreams, and by encouraging him to share his thoughts with the planning team.

ACTIVITY

The IPP

Directions: Think about an individual you work with. With a partner, take turns asking each other the following questions about him or her. If there are questions you couldn't answer, go back to the home where you work, read the individual's IPP and try to find the answers.

1. Where is the individual's IPP located?
2. What does that IPP require you and other staff in the home do for the individual?
3. How do you know, or learn about, his/her likes and dislikes?
4. Name some of his/her likes or dislikes.
5. How do you make sure that the services you provide meet his/her needs and preferences?
6. How do you know when the needs or preferences of the individual change?
7. What do you do when you observe such a change?
8. What kinds of input are you asked to give when it is time to develop or amend the individual's IPP?

Individual Rights

The Lanterman Act says that individuals with developmental disabilities have the same **rights** as everyone else. The Lanterman Act says that individuals have:

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A right to services and supports to help them live the most independent productive life possible.

DSPs and others must support individuals to meet their goals in the following areas:

- ▶ Where to live.
- ▶ Where to go to school.
- ▶ Where to work.
- ▶ How to become involved in community activities.
- ▶ Who to live and have relationships with.
- ▶ What services and supports the individual wants and needs.

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A right to dignity and humane care.

The DSP must treat individuals with kindness and respect and as valuable and important. The DSP must work to ensure that the individual has a safe and comfortable place to live, healthy and appealing food to eat, and a caring environment with a right to privacy. The DSP must respect the individual’s privacy in all areas including:

- ▶ Personal care.
- ▶ Mail and telephone conversations.
- ▶ Time to be with family or friends.
- ▶ Personal (alone) time.
- ▶ Personal space (in the individual’s room).
- ▶ Personal possessions.
- ▶ Sexual expression.

In addition, the DSP must not share personal information about an individual except as required as a part of your job. Information about the individual is confidential. **Confidential** means that you:

- ▶ *Do not* discuss information about individuals with your friends.
- ▶ *Do not* take individuals’ records out of the home.
- ▶ *Do not* give information to persons who might ask for it without a signed consent from the individual or legally authorized representative.
- ▶ *Do not* discuss confidential information with another individual living in the facility.

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A right to participate in an appropriate program of public education.

Public schools must provide an education to individuals younger than 22 years of age. For children of school age, DSPs must work with local schools to support each child’s educational program.

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A right to prompt medical care and treatment.

Staying as healthy as possible is important for everyone. People should have access to care to achieve the best possible health. The DSP’s role is to help individuals get medical, mental health, and dental care and treatment. This means knowing about each person’s health care needs, helping to find a good doctor, preparing for a doctor’s visit, getting to the doctor, maintaining medical insurance and getting emergency medical help when necessary.

Individual Rights

A right to religious freedom and practice.

Many individuals belong to religious communities, be that a church, temple, mosque, or other meeting place, to be with people who believe the same things and worship the same way. The DSP's role is to support the individual by helping them with transportation or whatever else may be necessary to enable the individual to practice his or her beliefs. Individuals who are developmentally disabled have the right to believe what they want about religion or faith. The DSP cannot:

- ▶ Tell the individual what to believe.
- ▶ Punish the individual for what he or she believes.
- ▶ Stop the individual from becoming a member of or practicing a religion of his or her choice.

A right to social interaction and participation in community activities.

Everyone likes to have friends and to do fun things with their friends. The DSP's role is to support individuals to:

- ▶ Choose the people they spend time with.
- ▶ Spend time with people they like and who like them.
- ▶ Choose where they want to go in their free time.
- ▶ Go to places where they can work, take care of personal business, buy things, help other people, learn things, and meet and be with other people.

A right to physical exercise and recreation.

Exercise helps individuals keep their bodies strong and healthy. Walking, biking, running, swimming, and going to the gym are types of physical exercise. Recreational activities help individuals relax and have fun. They may include such activities as playing music, biking, swim-

ming, and dancing. The DSP's role is to assist the individual to get exercise and to do things for fun or relaxation.

A right to be free from harm.

Individuals cannot be secluded or restrained in any way. Individuals should have a chance to learn how to keep themselves safe, or have services and supports that provide safety.

It is wrong to refuse to help individuals who need help to eat, go to the bathroom, or stay clean and well-groomed.

No one is allowed to:

- ▶ Hit, push, or hurt an individual in any way.
- ▶ Scare an individual.
- ▶ Stop an individual from talking or going somewhere important to him or her.
- ▶ Give an individual medicine when he or she does not need or want it.
- ▶ In any way abuse an individual or neglect his or her care.

If the DSP sees that an individual is abused or neglected, the DSP is mandated to report it. [Mandated reporting will be covered in detail in the next session.]

A right to be free from hazardous procedures.

Doctors and other professionals sometimes do things to figure out why an individual is having problems so they can help them. These "things" are called "procedures." Some procedures may hurt, but they are necessary. Procedures that hurt an individual unnecessarily or harm other parts of his or her body or mind are called "hazardous" procedures. An example of a hazardous procedure is using electric shock to change the individual's behavior.

Individual Rights

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A right to get services and supports in the “least restrictive environment.”

“Least restrictive environment” means places close to the individual’s home community, including places where people without disabilities get services and supports, if that is appropriate. This also means services should be near the individual’s home and with people from his or her community.

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A right to make choices about:

- ▶ Where and with whom they live.
- ▶ Relationships with others.
- ▶ How they spend their time.
- ▶ Goals for the future.
- ▶ Services and supports they want and need.

The DSP’s role is to support these choices, to ensure opportunities for making choices in the daily lives of individuals, and to respect and honor those choices.

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A right to have friends and intimate relationships, marry, be part of a family, and to be a parent if they choose.

The DSP’s support may be needed to help people start and keep relationships with friends and other community members. The DSP is also responsible to support individuals in obtaining accurate information about human sexuality to assist individuals in their life choices. Support may be needed to develop intimate relationships (like transportation, family counseling, or training in human development and sexuality). Individuals have a right to sexual expression and to information about—and to choose or refuse—birth control options.

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A right to be involved in their community in the same way as their neighbors, friends, and fellow community members.

DSPs must find ways to honor cultural preferences for foods, celebrations of holidays, involvement in organizations, and other activities the individual may choose. DSPs must also support individuals in participating as members of their communities and help to create supportive and welcoming communities.

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The Lanterman Act also states that individuals who live in licensed residential facilities have these additional rights:

- ▶ To wear their own clothes.
- ▶ To keep and use their own personal possessions, including toiletries or other personal care items.
- ▶ To keep and be allowed to spend a reasonable sum of their own money.
- ▶ To have access to individual storage space for private use.
- ▶ To see visitors each day.
- ▶ To have reasonable access to telephones, and to make and receive confidential calls.
- ▶ To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.
- ▶ To refuse electroconvulsive therapy.
- ▶ To refuse behavior modification techniques that cause pain or trauma.
- ▶ To refuse psychosurgery.
- ▶ To make choices in areas including, but not limited to, daily living routines, companions, leisure and social activities, and program planning and implementation.
- ▶ To have information needed to make an informed choice.

Legally Authorized Representatives

Parents, Guardians, and Conservators

As a DSP, you need to have a basic understanding of the rights and responsibilities of parents and other **legally authorized representatives**. A parent or guardian of a minor (child under the age of 18) or, under certain circumstances, the conservator of an adult (18 years or older) may make decisions for the individual. Some of those decisions may affect the individual's rights.

Competence

Competence (or incompetence) refers to an individual's ability to make decisions. Children (in California, a child is anyone under age 18) are presumed to be incompetent, that is, not able to manage alone to come to reasoned decisions about certain important matters. Upon reaching adulthood (in California, anyone 18 or older), even if the person has a significant intellectual impairment, he or she is presumed to be competent and able to make decisions on his or her own.

Parents

Parents are considered natural guardians of their biological or adopted children (under 18 years of age) and have certain rights and responsibilities in making decisions on behalf of their children.

Some parents incorrectly presume that as parents, their legal responsibilities continue for their adult child with a developmental disability. This is not true unless there has been court action to declare an adult "incompetent."

Guardianship

Some children (under 18) need a court-appointed guardian if parents have died, abandoned a child, or had their parental rights removed by a court of law. The issues surrounding guardianship are few, precisely because the law presumes incompetence. Since 1981, guardianships have only been available for minors.

Conservatorship

A conservatorship is a legal arrangement in which a competent adult oversees the personal care or financial matters of another adult considered incapable of managing alone. There are two kinds of conservatorship:

General Conservatorship

This is the conventional kind of conservatorship for incapacitated adults unable to meet their own needs or manage their own affairs.

Limited Conservatorship

The purpose of limited conservatorship is to protect adults with developmental disabilities from harm or exploitation while allowing for the development of maximum self-reliance. If granted by the court, the limited conservator can have decision making authority (or be denied authority) in as many as seven areas:

- ▶ To fix the person's place of residence.
- ▶ To access to confidential records and papers.
- ▶ To consent or withhold consent to marriage.
- ▶ The right to contract.
- ▶ The power to give or withhold medical consent.
- ▶ Decisions regarding social and sexual contacts and relations.
- ▶ Decisions concerning education or training.

Short of a special court order, the limited conservator may not, however, provide substitute consent in the areas of:

- ▶ Experimental drug treatment.
- ▶ Electroshock therapy.
- ▶ Placement in a locked facility.
- ▶ Sterilization.

Legally Authorized Representatives (continued)

The limited conservator should have:

- ▶ Personal knowledge of the conserved individual.
- ▶ Knowledge of what constitutes the “best interest” of the conserved individual.
- ▶ A commitment to providing that which is in the person’s “best interest.”
- ▶ Financial management skills (as appropriate).
- ▶ A knowledge of programs and services and their availability and effect.
- ▶ Knowledge of appropriate methods of protection.
- ▶ Proximity to the conserved individual.
- ▶ Availability in terms of time and energy.

Denial of Rights

Most individual rights may not be denied for any reason. A few rights may be denied for a limited period of time under a very narrow set of circumstances called the **Denial of Rights Procedure**.

These rights may be denied only when certain conditions are documented, and the denial is approved by the regional center.

Prevention and Problem-Solving Rights “Issues”

The DSP must always be on the alert for possible violations of individual rights. By doing so, DSPs may see:

- ▶ Rights issues between individuals where one person’s rights infringe on another’s.
- ▶ Rights issues between individuals and staff.
- ▶ Rights issues between individuals and conservators.
- ▶ Rights issues between individuals and family members.



All issues that may come up are not necessarily rights issues, but may be perceived as such by the individual. You must:



- ▶ Carefully evaluate each situation, talk to those involved, think about what you have observed.



- ▶ Talk to other staff to find out what they have seen and heard.
- ▶ Talk to your administrator. You may also want to talk to the service coordinator for the individual.

Ultimately, you will have to decide if a rights violation has occurred. Rights violations are “reportable incidents” which will be discussed in the next session.

There are actions that the DSP can and must take to prevent rights violations. When an individual moves to a home, he or she must be given understandable information about his or her rights. A

copy of the Lanterman Act rights must be posted in an area where everyone can see it. Regional centers have videos, posters, and other materials that may be helpful. Individuals must also be informed of both internal and external grievance and complaint procedures and be provided with names and phone numbers of advocacy agencies and the Consumer Rights Advocate.

Community Care Licensing requires agreed-upon house rules that reflect the concerns and preferences of the individual living in the home. For example, if staff or an individual living in a home smokes, this should be discussed and rules for smoking agreed upon.

The purpose of house rules is to create an environment where people can live together in harmony and not infringe on each other’s rights. Everyone—staff and individuals living in the home—should know what the house rules are and have a written copy.

It is a good idea to have regular meetings that include both staff and individuals living in the home, during which individuals discuss and resolve issues, make decisions regarding household issues (for example, recreational activities, group outings, menus, changes in house rules, and so forth), and discuss rights.

DSPs must be knowledgeable of individual rights, house rules, and both internal and external consumer grievance and complaint procedures and be prepared to support individuals in following these procedures.

Locating and Using Advocacy

A key role of the DSP is to advocate on behalf of individuals and their families to ensure that their service needs are being met, that services are of good quality and that rights are being respected. The Lanterman Act provides for advocacy services for persons with developmental disabilities through the following agencies:

- ▶ State Council on Developmental Disabilities and area boards: In California, 13 area boards provide individual advocacy. A DSP may contact them to obtain information on behalf of an individual or assist the individual to advocate for him or herself.

- ▶ Protection and Advocacy, Inc. (PAI): PAI is responsible for protecting the rights of individuals. Services include legal counseling and representation for individuals. PAI has Consumer Rights Advocates specially assigned to provide individual advocacy services.

In California, a resource for self-advocacy is People First of California, Inc. People First has chapters throughout California and publishes a newsletter with information about self-advocacy, *People First Star*. People First chapters help individuals learn about their rights and to speak up for themselves.

Advocacy is	Advocacy is not
<ul style="list-style-type: none"> Helping individuals help themselves. Building self-confidence. Supporting independence. Telling individuals their rights. Telling individuals their options. Providing assistance and training. Helping locate services. Asking individuals what they want. Treating adults like adults. 	<ul style="list-style-type: none"> Taking over an individual's life. Making an individual dependent. Doing everything for an individual. Not informing an individual of his/her rights. Making decisions for individuals. Controlling individuals. Making adults feel like children. Limiting options. Knowing what is best because you are a professional. Not respecting choices.

A C T I V I T Y

After reading the scenario, list the possible rights issues. You can refer back to the sections on individual rights. Then write down what the DSP can do to advocate for the individual or support the individual in advocating for him or herself.

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SCENARIO #1: CHARLES

Charles is 42 years old and has both developmental and physical disabilities (cerebral palsy, epilepsy). It is difficult to understand him when he talks. He hasn't seen his family in a long time, and it is unknown if he even has family still living. He has a history of wandering away when not watched closely and tends to "borrow" tape recorders and clothing from other individuals living in the home. Charles often has what appears to be a poor appetite, plays with food on his plate, and occasionally throws food. He doesn't like getting up in the morning and has to be repeatedly asked to get out of bed. The DSP in the home makes Charles get up early on weekends because he won't get up on weekdays. He loves to sit outside on weekends and listen to his radio. It is repeatedly taken away for bad behavior and not getting up in the mornings.

When other residents have family or visitors, Charles gets very excited and wants to go with them if they leave the home. Charles often sneaks out of the home right after visitors leave and gets very angry when he is brought back. He is only allowed to leave the facility once a month when the group goes on an outing. He doesn't initiate activities often and only participates with other residents when made to do so. He tends to hang out in the kitchen when meals are being prepared but gets in the way, and the DSP often makes him leave the room until the meal is ready.

Possible rights issues:

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What could the DSP do to advocate for the individual and/or support the individual in advocating for him or herself?

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ACTIVITY

SCENARIO #2: MICHAEL

Michael is 18 years old. He uses a wheelchair and is totally dependent on others for his daily care. He often yells very loudly and is locked in his room and left there as punishment. He has use of his arms and hands, but not enough strength to transfer himself from his wheelchair. He is able to manage his manual wheelchair. He is usually uncooperative with DSPs in daily grooming and bathing. DSPs sometimes comb his hair but forget the other grooming tasks when he is especially uncooperative.

Michael has a very involved family who visits him in his home and takes him to their home on a monthly basis. He says he doesn't want to go, and he is unhappy and grumpy for several days afterward. Michael gets along well with one of the other young men living in the home and often spends hours in his company. He likes to share his personal possessions and often gives them away. He likes to talk on the telephone and spends hours talking to friends. As a result, he often loses his telephone privileges for long periods of time until he promises not to talk so long.

Possible rights issues:

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What could the DSP do to advocate for the individual and/or support the individual in advocating for him or herself?

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ACTIVITY

SCENARIO #3: MARY

Mary is a 34 year old with a history of depression and outbursts (yelling, screaming, cursing, self-abuse, and threats of physical aggression). She also threatens peers at home and in the community. Mary is often kept in her room as punishment for her behavior. She is not allowed to go on outings with the group if she has been threatening peers. It is easier to leave her at home. Mary also has a history of crying and screaming for several hours at night, which keeps staff and other individuals awake. When the DSPs reach their "wit's end," they ignore her and let her cry and scream until she wears herself out and finally goes to sleep.

Mary says she wants to help handicapped children, feel loved, and not be so lonely. She says she is not a baby and feels bad when she is treated like one. She wants to go to church, sing in the church choir, learn how to take care of herself, cook, and do her own laundry. The DSP will not let Mary do any special things because she has such bad behavior. The DSP tells her that when she has better behavior, he will help her learn to do some of the things she wants to do.

Possible rights issues:

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What could the DSP do to advocate for the individual and/or support the individual in advocating for him or herself?

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A C T I V I T Y

SCENARIO #4: CHARLENE

Charlene is 35 years old. She is very verbal, healthy, and active at home, at work, and in the community. She loves to shop for clothing and go to movies, dancing, and parties, and to help with chores at home. She also likes to collect brochures, newspapers, magazines, and small pieces of paper, which she puts in her dresser drawers. DSPs go into her room periodically and remove her collection, throwing it in the trash because there isn't enough room in her drawers for her clothes anymore.

Charlene knows all the merchants in her neighborhood. She tends to purchase lots of "junk" items, so the DSP keeps her money and makes Charlene wait until she can go with her to the store. Charlene has a male friend, Sam, and wants to have him visit her once in awhile. The administrator of the home has told Charlene that she is not allowed to have male visitors. She has also been told that she cannot go out on a date with Sam or any other male friend.

Possible rights issues:

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What could the DSP do to advocate for the individual and/or support the individual in advocating for him or herself?

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P R A C T I C E A N D S H A R E

When you are next in the home where you work, look for a copy of the Lanterman Act Rights. Where is it posted? Ask an individual you work with if she knows about her rights. What rights does she know about? Do you think that she needs more information? If so, do you have some ideas about how to help the individual learn more about her rights? Be ready to share at the beginning of the next session.

The California Developmental Disabilities Service System

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- The organizations known as Protection and Advocacy, the State Council on Developmental Disabilities, and the Department of Developmental Services:**

 - Together make up the leadership and staff of each regional center.
 - Operate along with the regional centers to help make sure individuals get the services they are entitled to under the Lanterman Act.
 - Each send a representative to participate on each individual's person-centered planning team during the development of the IPP.
 - Fund all generic services for individuals with developmental disabilities.
- One function of the Department of Developmental Services is to:**

 - Change the Lanterman Act when necessary.
 - Make up an IPP for each individual receiving services.
 - Write and revise the Title 17 regulations as needed.
 - All of the above.
- Which of the following is a job the regional center does?**

 - Makes up and updates the Title 17 regulations as needed.
 - Pays for the services received by individuals.
 - Provides Protection and Advocacy services to vendors.
 - Licenses and operates the Community Care Facilities in its area.
- The "IPP" process and document is created:**

 - By the individual and his or her planning team.
 - By the regional center in cooperation with the Department of Developmental Services.
 - By the individual and his or her service provider or residential facility.
 - In order to make it possible for the individual to use "generic" services.
- By law, the IPP planning team includes:**

 - The individual for whom the planning is being undertaken.
 - A representative of the licensed home.
 - The director of the Department of Developmental Services.
 - A field representative of the local state senator or state assembly member.
- An IPP that is developed through the person-centered planning process:**

 - Contains the goals the DSP decides are best for the individual.
 - Must include at least one highly experienced DSP on the planning team.
 - Reflects the needs and preferences of the individual.
 - Must be sent to the Department of Social Services for approval before it can go into effect.

7. **One responsibility the DSP has in helping individuals exercise their rights is to make sure the individual:**
 - A) Gets to vote in every election.
 - B) Has opportunities for privacy and time alone.
 - C) Has an HIV-free partner for sex during their free time.
 - D) Attends church or has other religious activities.
8. **A DSP has a responsibility to make sure each individual:**
 - A) Has a special activity to keep them busy during their free time.
 - B) Can choose their own friends.
 - C) Is punished in a loving, supportive manner when they do not behave correctly.
 - D) Has a copy of the Lanterman Act and the Title 17 regulations.
9. **If the DSP sees that an individual is being abused or neglected, the DSP must:**
 - A) Immediately do whatever is necessary to stop the abuse or neglect.
 - B) Check to make sure the IPP specifically allows the abuse or neglect to occur.
 - C) Report the abuse or neglect to the proper authorities.
 - D) Make sure the abuse does not include use of electric shock.
10. **California People First is a resource for:**
 - A) Individual services and supports that are vendored by the regional center.
 - B) Individual self-advocacy to help people learn about their rights and to speak up for themselves.
 - C) Legal counseling and representation.
 - D) Person centered planning and service coordination.



Appendices



Appendix 2-A

Agencies Supporting Individuals with Developmental Disabilities

A number of agencies and organizations support individuals with developmental disabilities, such as:

- ▶ **Health and Human Services Agency:** The umbrella agency for the Departments of Social Services, Health Services, Developmental Services, Mental Health, and Rehabilitation.
- ▶ **Department of Social Services (DSS):** Licenses homes for children and adults with developmental disabilities through its Community Care Licensing Division.
- ▶ **Department of Health Services (DHS):** Administers the Medi-Cal program that pays for health care. Also licenses and monitors homes for people with developmental disabilities and significant health needs.
- ▶ **Department of Developmental Services (DDS):** Contracts with 21 regional centers to provide services to children and adults with developmental disabilities. DDS is also responsible for managing the state developmental centers.
- ▶ **Department of Mental Health (DMH):** Oversees county mental health services.
- ▶ **Department of Rehabilitation (DR):** Provides funding for Work Activity Programs (WAPs), which include work support services in sheltered and community-based employment settings.
- ▶ **Department of Education (DOE):** Manages education programs in the public school system, including special education services.
- ▶ **Special Education Local Plan Area (SELPA):** Local educational service areas throughout the State of California that manage regional educational programs for students with disabilities ages birth through 22 years of age.
- ▶ **Local School Districts:** Provide educational services to children with disabilities ages birth through 22 years of age.
- ▶ **State Council on Developmental Disabilities (SCDD):** Develops a state plan, which looks at the future of services for individuals with developmental disabilities; reviews and comments on budgets and state agency regulations that provide services to people with developmental disabilities; and funds area boards.
- ▶ **Protection and Advocacy, Inc. (PAI):** Protects the civil and service rights of Californians with developmental disabilities through legal advocacy.
- ▶ **Area Boards:** Protect the rights of Californians with developmental disabilities through public information and education and by monitoring policies and practices of agencies that are publicly funded.

Laws and Regulations

- ▶ **Rehabilitation Act of 1973:** This Act is known as the first federal civil rights law protecting the rights of individuals with disabilities. It prohibits discrimination based on disability in the following areas: (1) education; (2) vocational education; (3) college programs; (4) employment; (5) health, social service programs, welfare; and (6) federally funded programs.
- ▶ **The Americans with Disabilities Act (ADA):** Congress passed this law in July of 1990. It is a landmark civil rights bill that protects against discrimination to people with disabilities. It requires modifications, accessibility, and reasonable accommodations; covers state and local governments; and addresses four main areas of potential discrimination: (1) employment; (2) public facilities; (3) transportation; and (4) communication.
- ▶ **Individuals with Disabilities Education Act (IDEA):** Guarantees six important rights: (1) free and appropriate public education for all children with disabilities; (2) education in the least restrictive environment; (3) an individualized education program (IEP); (4) provision of necessary related services in order to benefit from special education; (5) fair assessment procedures; and (6) due process and complaint procedures.
- ▶ **IDEA, Part C:** Early education opportunities available to infants and toddlers less than 3 years of age who have a low incidence disability or a developmental delay or are at risk of such a delay.
- ▶ **Title 17:** Copies of Title 17 may be obtained at a local regional center; by contacting Barclays Law Publishers, 400 Oyster Point Blvd., P.O. Box 3066, South San Francisco, CA 94080 (415) 244-6611; or at the Department of Developmental Services Web site, www.dds.ca.gov.
- ▶ **Title 22:** Copies of Title 22 may be obtained at a local licensing office or by contacting Barclays Law Publishers, 400 Oyster Point Blvd., P.O. Box 3066, South San Francisco, CA 94080 (415) 244-6611 or at the Department of Social Services website, www.dss.ca.gov
- ▶ **The Lanterman Act:** A copy of the Lanterman Act may be obtained at the Department of Developmental Services website, www.dds.ca.gov.

