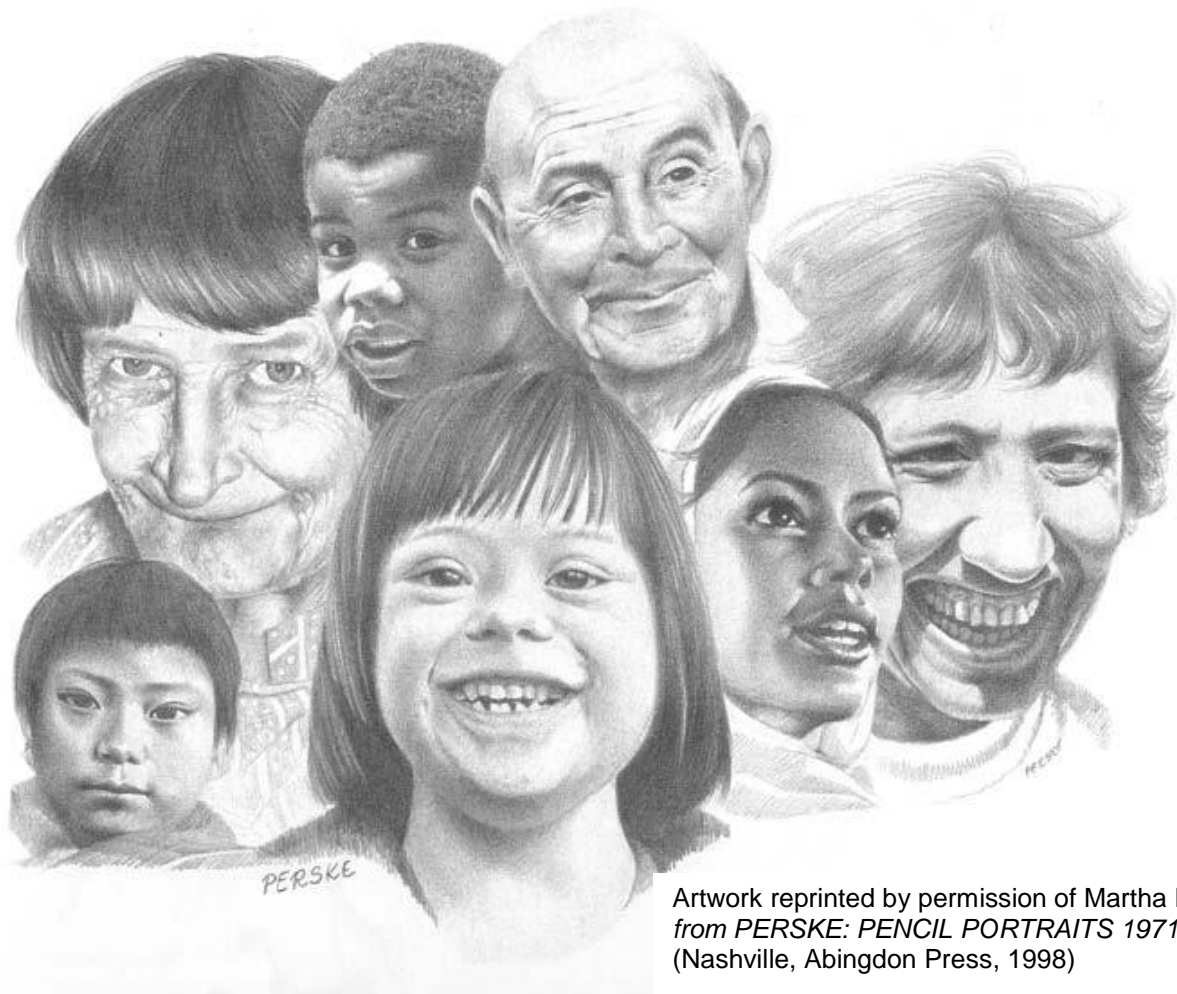


RIGHTS UNDER THE LANTERMAN ACT: Regional Center Services for People with Developmental Disabilities



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(Nashville, Abingdon Press, 1998)

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These materials are based on the Lanterman Act and court decisions in effect at the time of publication. The law can change at any time. If there is any question about the continued legal authority of any information in the handbook, contact Disability Rights California or OCRA or a legal resource in your community.

Disability Rights California is a nonprofit agency that works with people with disabilities. Disability Rights California provides a variety of advocacy services, including information and referral, technical assistance, and direct representation. For information or assistance with an immediate problem, call:

Disability Rights California

Toll Free: (800) 776-5746

www.disabilityrightsca.org

Central Office

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OCRA

Toll Free: (800) 390-7032

The Office of Clients' Rights Advocacy (OCRA) is a statewide office run by Protection & Advocacy, Inc., through a contract with the California Department of Developmental Services. OCRA employs a Clients' Rights Advocate (CRA) at each regional center. The CRA is a person trained to help protect the rights of people with developmental disabilities. Appendix Z lists the Clients' Rights Advocate for each regional center along with their contact information.

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INTRODUCTION

This Manual has one purpose: to help you understand some of your rights as a person with developmental disabilities in California. The Manual focuses on your rights to supports and services under the Lanterman Act -- your rights with the regional center and service providers. It will not answer every question you may have. But, it is a place to start.

You also have rights under other laws and service programs such as the Individuals with Disabilities Education Act (IDEA) and In Home Support Services. Disability Rights California has a number of publications available that will help you understand your rights and how to be a better advocate. Call us for a list at (800) 776-5746. You can also download most of our publications from our web site at www.disabilityrightsca.org/issues/index.htm.

Why You Need To Know Your Rights

You only have rights if you know what they are. If you do not exercise them, they are of no value to you.

In years past, people with developmental disabilities were hidden away and not permitted to live in the community with their non-disabled peers. They were treated as outcasts and as people who were "sick." Some people even thought that being with people with developmental disabilities was dangerous. Today we know that mental retardation, autism, seizure disorders and cerebral palsy are not "sicknesses." People with disabilities may need help to overcome barriers or learn skills. Often the barrier is simply ignorance or prejudice. Having a disability does not mean being cut off from life. People with disabilities can and do live full, happy and productive lives.

One of the purposes of this Manual is to help you advocate for yourself or for someone else. This Manual aims to give you the knowledge and confidence to speak for yourself or to help others. You will find that you are the person who knows best what you need and that you can advocate for yourself if you speak up and make your needs and choices known.

How To Use This Manual

We have tried to arrange this Manual so that it is easy to find the answers to your questions. The table of contents for each chapter lists all of the questions and can be used as a shortcut to finding answers to your questions.

Throughout most of this Manual we have used the term "you" to refer to people with developmental disabilities who are consumers of regional centers. In the

chapters that concern services to families, “you” may refer to the parent or care giver. If you are a family member, friend or advocate for a person with a developmental disability, the information here will be useful to you in your efforts to obtain needed services for that person.

What The Chapters Talk About

- Chapter One will give you an overview of the organization of the Lanterman Act, and the system and the rights of people with developmental disabilities.
- Chapter Two describes various developmental disabilities, how they are diagnosed, and how regional centers determine eligibility for services and supports.
- Chapter Three goes through the steps for becoming enrolled with a regional center, and the duties of the regional center to find and provide services for people with developmental disabilities.
- Chapter Four takes you through the process of setting up your Individual Program Plan (IPP), and how to get the services and supports you choose and need. As the IPP is the key to how you get services under the Lanterman Act, it is good to know that both Disability Rights California and the Department of Developmental Services Consumer Advisory Committee have put out materials that are easy to understand to assist people to participate in their own IPP meetings. Many of these materials use pictures, some are on audiotape and some are in Spanish and other languages.
- Chapter Five is about advocacy, where you can look for help and how you can get involved in the system.
- Chapter Six is devoted to services available to families who have adults or children with developmental disabilities at home.
- Chapter Seven talks about finding the best living arrangements for you.
- Chapter Eight sets out your options for community participation, work, day activities, leisure and much more.
- Chapter Nine is about your right to community integration and how to get out and stay out of institutions.
- Chapter Ten describes services available to people with both developmental and mental disabilities – referred to as dual diagnosis.
- Chapter Eleven is about the recently created Self-Directed Services Program (note: the SDS Program is not currently available statewide).

- Chapter Twelve goes through the process of resolving disputes between you and the regional center and/or other service providers.

We have included useful information and resources in the Supplements.

How We Refer To The Law

The Lanterman Act is part of the California Welfare and Institutions Code, and is the law that controls regional centers. When we talk about a particular part of the law, we put the section number right after the statement so you can look it up if you want. The “§” symbol means the “section” of the law. For the California Code of Regulations we have used the abbreviation “CCR.” Most of the references to the CCR are to Title 17, but there are regulations in other parts of the CCR that may affect you as well. You can find the full text of the Lanterman Act and related regulations on the Department of Developmental Services website at www.dds.ca.gov.

The difference between a statute and a regulation is that statutes set out the basic framework of the law and are made by the Legislature. Regulations or rules guide us in how to use the statute in more detail. Regulations are made by state agencies such as the Department of Developmental Services (DDS). If there is a conflict between what the statute says and what the regulations say, the statute is our guide and the regulations must be made to agree with the statute.

There are a number of topics and programs that are not included in this Manual, but are important to anyone with a developmental (or any other) disability. These include special education, Social Security, In-Home Supportive Services (IHSS), and housing among others. Disability Rights California has a number of guides and pamphlets on those subjects. You can get a list of current materials by calling any of Disability Rights California’s offices at 1-800-776-5746 or by looking on the Disability Rights California web site at www.disabilityrightsca.org.

There may be information in this Manual which you feel is not clear. We depend upon you to let us know what we can change to make it better. Feel free to call Disability Rights California or OCRA if you have any questions or want to make suggestions for changes in this Manual. From time to time, especially when there are changes in the law, we will revise and update this Manual.

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