
Regional Office Reports on Disability Rights California's Current Advocacy: Cases and Projects

WINTER 2008 – Work as of September 30, 2008 – Issue 54

This report represents a summary of the work Disability Rights California staff has reported from August 1, 2008 to September 30, 2008. Many thanks to those who provided the material to make this report possible.

ABUSE AND NEGLECT

Investigations Unit Trains Key Stakeholders about Crimes against People With Disabilities

The Investigations Unit (IU) gave a presentation to prosecutors, law enforcement personnel, victims' advocates, public guardians, and ombudspersons at the Criminal Justice Institute's Symposium on Elder and Dependent Adult Abuse. Although many of the symposium's participants are actively involved in addressing elder abuse, they are relatively uninformed about the particular obstacles to prosecution of crimes against people with disabilities.

As part of its training, the IU detailed the prevalence of crimes against people with disabilities. The IU then discussed gaps in the abuse reporting system, and how it contributes to the under reporting of crimes against people with disabilities. We also explained the various publicly funded service systems (particularly Regional Center and county Mental Health Departments) and advocacy resources available to people with disabilities. Finally, the IU suggested areas for collaboration between law enforcement personnel, prosecutors, ombudspersons, adult protective services staff,

and public guardians, and shared strategies and techniques to increase reporting and prosecution of crimes against people with disabilities.

Abuse and Neglect Goal 4, Objective B

Disability Rights California Staff: Pamela Lew, Ricardo Jauregui

Grant/Funding Source(s): PADD, PAIMI, PAIR

Investigations Unit Continues to Focus on Reporting of Abuse and Neglect in Skilled Nursing Facilities

See previous DOL Report, Summer 2008.

Based on substantiated reports of abuse by the Department of Public Health, the IU is continuing to investigate incidents of abuse of residents of skilled nursing facilities to determine whether they were reported under the Elder Abuse and Dependent Adult Civil Protection Act (Mandated Reporter Act) and to obtain the outcome of any such reports.

Investigations thus far have uncovered deficiencies in the abuse reporting process, including improper and untimely reporting of abuse, lack of investigation by the Long Term Care Ombudsman (LTCO), and the lack of criminal prosecutions by the District Attorney (DA).

Under the Mandated Reporter Act, the witnessing staff members (caregivers and others) are required to report directly to either the long term care ombudsman (LTCO) or law enforcement incidents of suspected or reported abuse and neglect. WIC § 15600 *et seq.* Yet in all of the cases under investigation by the IU, the witnessing staff member did not report the abuse themselves but rather told facility administrators who, in most but not all cases, eventually notified the LTCO. Mandated reporters are required to report the incident themselves to ensure timely and accurate reporting and to prevent facility administrators from under reporting abuse and neglect or preventing incidents from being investigated by outside entities. The failure of the mandated reporter to notify the appropriate investigating agency directly creates an unnecessary delay that jeopardizes a thorough and timely investigation and potentially exposes residents to subsequent harm from the alleged perpetrators.

In all but one case, the LTCO has refused to disclose its investigative records to the IU. The LTCO even refused to disclose whether an

investigation was even conducted and the outcomes of any completed investigations. Facility records conclude that no investigations were conducted by the LTCO and no recommendations were made by the LTCO to facilities for corrective action. This is even more troubling as LTCO offices reduce staff following the Governor's decision to eliminate funding for these programs in the final state budget.

The IU will be meeting with the State LTCO to obtain more information about the role of the local LTCO in abuse investigations, the standards for investigation, and the number of verified abuse and neglect complaints referred to law enforcement or the DA. The IU will also explore how LTCO offices anticipate responding to reports of abuse and neglect under the new state budget.

In terms of law enforcement's role, the IU concluded that several of the most egregious cases were investigated, but found that the local DA declined to file charges. The IU is investigating the reasons for the DA's decision and is exploring the role of the Bureau of Medi-Cal Fraud & Elder Abuse in prosecuting elder abuse.

The IU continues to open new cases to gain a deeper perspective of the issues surrounding compliance with and deficits of the abuse reporting system. For example, the IU recently opened two cases involving abuse of nursing home residents. One case involves a resident who was bloodied after being punched on the mouth by a staff member. Another involves the alleged rape of a resident by a staff member who was permitted to continue working with residents while the facility conducted its own internal investigation.

Abuse and Neglect Goal 1, Objective A

Disability Rights California Staff: Jung Pham, Pamila Lew, Ricardo Jauregui

Grant/Funding Source(s): PAIR

BENEFITS

Final Settlement Approval in Laguna Honda Class Action

Mark Chambers et. al. v. City and County of San Francisco

Case No.: C06-06346 WHA, Federal District Court, Northern District of California, Judge William H. Alsup (filed October 11, 2006).

See previous DOL Reports, Issues 47, 48, 52. See *also*, previous DOL Reports for *Davis v. CHHSA*, Issues 20, 25, 27, 29, 32, 35, 36, 42, 45, 48.

On September 18, 2008, Judge William Alsup granted final approval of the settlement agreement in *Chambers et al. v. City and County of San Francisco*. In granting final approval, Judge Alsup congratulated the parties and said that this settlement is one of the better ones he has seen in terms of outcomes.

The action was originally filed on October 11, 2006, by six residents of Laguna Honda Hospital (LHH) and the Independent Living Resource Center in San Francisco (ILRCSF) alleging discrimination in the form of unnecessary institutionalization under the Americans with Disabilities Act. These residents prefer, and have been determined to be capable of, living in their own homes and in the community. The purpose of the Settlement Agreement is to enhance community-based living options through the provision of services and housing to class members.

The Class, certified by the Court in July 2007 consists of Medi-Cal recipients who meet one of the following conditions: 1) reside at LHH, 2) are on the waitlist for LHH, 3) are within two years post discharge from LHH, or 4) are patients at San Francisco General Hospital (SFGH) and are eligible for discharge to LHH.

Summary of Settlement Agreement

The Settlement provides for expanded community-based living options for seniors and people with disabilities in San Francisco. The results will be improved coordination of care, greatly increased housing options, and other services.

Included in the agreement are:

- Provisions for community-based services for all named class members;

- Commitment from San Francisco to provide access to independent housing and ensure the availability of non-profit agencies to provide Medi-Cal Nursing Facility A/B Waiver services to eligible individuals;
- The creation of a Diversion and Community Integration Program (DCIP) to provide an integrated approach for individuals referred for admission to, and diversion and discharge from, LHH. The goal of the DCIP is to place those individuals in the most integrated setting that is appropriate to a qualified individuals' needs and preferences;
- Provision of, or referral for, Case Management and Wrap-Around Services;
- Provision of access to affordable, accessible community housing, including development of an LHH Rental Subsidy Program that will subsidize scattered site, accessible, independent housing for approximately 500 class members who are eligible for community-based services;
- Enhancement of Mental Health/Substance Abuse Services;
- Reduction in the size of LHH with the goal that the facility refocus on short-term, rehabilitative treatment;
- Provision of grievance procedures for class members;
- Provision for data collection and reporting to Disability Rights California and co-counsel on a regular basis;
- Quality assurance measures provided by the Defendant;
- Monitoring of implementation of the settlement by Disability Rights California.

Benefits Goal 5, Objective A

Discrimination Goal 1, Objective A

Disability Rights California Staff: Elissa Gershon, Kim Swain, Elizabeth Zirker

Other Counsel: Disability Rights Education and Defense Fund (DREDF), AARP Foundation Litigation, the Bazelon Center for Mental Health Law, and the law firm of Howrey LLP (pro-bono).

Grant/Funding Source(s): PAIR, PAIMI, PAAT

Assistive Technology (AT) Training—Collaboration between Disability Rights California, Independent Living Resource Center San Francisco (ILRCSF), and the AT Network on AT and the Laguna Honda Class Action Settlement

On September 16, 2008, a staff attorney from the Oakland office participated in an interactive webinar entitled “AT, Olmstead & Experiences at Laguna Honda Hospital.” The panel examined and discussed the role that assistive technology can play in the implementation of the Laguna Honda Class Action Settlement, *Chambers et al. v. City and County of San Francisco*. The panel discussed how AT advocates can be part of, and are in fact an integral aspect of, *Olmstead* implementation. AT advocates from across the state participated in the online training, including from ILRCSF.

Benefits Goal 5, Objective A

Disability Rights California Staff: Elizabeth Zirker

Grant/Funding Source(s): PAAT

Disability Rights California Staff Assist Client in Getting His Scooter Fixed

J.F., a person with a disability, lives in a rural area and needs a scooter to get around in his community, including going to doctors appointments. Medi-Cal declined to purchase the scooter because it believed it was not medically necessary. Disability Rights California assisted the durable medical equipment vendor to resubmit a Treatment Authorization Request (TAR) with information clarifying why the scooter was a medical necessity. Subsequently, Medi-Cal approved the TAR.

J.F. contacted Disability Rights California again because he was having problems with the scooter. The vendor who had sold him the scooter initially went to his home to see if the scooter could be fixed, but thereafter, ignored J.F.’s calls for assistance. Under certain circumstances, Medi-Cal will pay for repairs, but only for equipment it approves for purchase. Disability Rights California placed calls to the vendor and also wrote a letter to the vendor to point out how it could be reimbursed. Disability Rights California later discovered that the vendor had gone out of business. Disability Rights California was able to put J.F. in contact with another vendor in his area who is helping J.F. get his scooter fixed.

Benefits Goal 2, Objective B

Disability Rights California Staff: Aleyda Toruno

Grant/Funding Source(s): PAAT

Disability Rights California Assists Client with a Social Security Administration PASS Issue

M.B. has a Plan for Achieving Self Support (PASS), which allows a person to set aside income (other than SSI) and/or resources in an account, to be used toward a feasible occupational goal. The items purchased through a PASS are pre-approved by a PASS Cadre (A Social Security Administration representative who specializes in PASS plans).

M.B. received a notice from the Social Security Administration (SSA) that her PASS was being suspended because she could not account for all of her PASS expenditures and that she had an overpayment of \$1,448.49 as a result. Although M.B. submitted receipts to show how she spent some of the money in her PASS, she was unable to account for all of the money spent. One of her biggest expenses in her PASS is gas to travel to and from school. M.B. asked an advocate at Disability Rights California for help.

After reviewing M.B.'s PASS, the advocate determined that the Cadre had not used the correct mileage reimbursement rate for 2008. The Cadre agreed to adjust the mileage allowance. As a result of the increase in mileage allowance, the overpayment was reduced to \$649.09, which M.B. agreed to pay back.

The advocate also counseled M.B. on how the mileage reimbursement is calculated. She has been using her debit card (connected to her PASS) to pay for gas every time she filled up her gas tank. However, the PASS plan only allows for mileage reimbursement for miles to and from school. M.B. now understands that any money spent on gas not related to going to and from school will not be considered a PASS expenditure and will be prepared to avoid future overpayments.

Benefits Goal 1, Objective A

Disability Rights California Staff: Aleyda Toruno

Grant/Funding Source(s): PABSS

Social Security Administration Agrees that Client Continues to Qualify for Benefits Despite Subsidized Income

R.M. is a regional center client with autism and cerebral palsy who works for a local national retail store. He has an independent living skills (ILS) worker who assists him at home and for a few hours a month at work as a job coach.

The ILS worker contacted Disability Rights California because SSA sent R.M. a letter indicating that, due to his earnings above substantial gainful activity (\$940 in 2008); he no longer qualified for Social Security Disability Insurance (SSDI) benefits.

When SSA decides whether a person's earnings show that a person has done substantial gainful activity, SSA does not consider any income that is not directly related to a person's productivity. When a person's earnings exceed the reasonable value of the work a person performs, SSA considers the work to be subsidized and will only look at the portion of earnings the person actually earned.

A Disability Rights California advocate contacted R.M.'s immediate supervisor to find out what assistance R.M. is receiving on the job. The supervisor explained that R.M. requires supervision 100% of the time to stay on task and can do only one task at a time with guidance and demonstration. R.M.'s supervisor prepared a letter to SSA explaining that 45-50% of R.M.'s job is subsidized. In other words, the true value of R.M.'s work is 45%-50% less than what he is actually paid. This calculation put R.M.'s countable earnings below substantial gainful activity.

With the assistance from his ILS worker, R.M. filed an appeal. Thereafter, SSA determined that R.M.'s earnings should not be considered substantial gainful activity due to his employer's subsidy and that he should continue to receive SSDI.

Benefits Goal 1, Objective

Disability Rights California Staff: Aleyda Toruno

Grant/Funding Source(s): PABSS

Disability Rights California Staff Succeeds in Restoring IHSS Hours and Asserts Coverage for Service Animal

N.B. qualified for 283 hours per month of IHSS services under the Medi-Cal personal care services program based on quadriplegia, stage 4 pressure sores, night sweats, and hypoglycemia. When she was reassessed, her hours were reduced to 118 hours per month. Some of the time authorized was increased by stipulation with the county. At hearing, the Administrative Law Judge (ALJ) ruled for the county in other areas of dispute.

N.B. has an assistance dog and requested IHSS time compensated for the care of her assistance dog such as for brushing her teeth and coat, cleaning her ears weekly, filling her food container, cutting her nails every two weeks, bathing her once a month, washing her service animal vest, and administering heartworm and flea medications. After the hearing, the record was left open for briefing on why time should be authorized for caring for the assistance dog. Disability Rights California responded by asserting that: (1) the care needs of N. B.'s service animal should be covered at least to the extent that services provided by the assistance dog would be covered under the IHSS program, and (2) the care needs are coverable under the service category for "[c]are and assistance with prosthetic devices," (3) the time for taking the service animal outside for toileting is coverable under domestic services because of the health consequences of feces and urine in the home, and (4) covering assistance needed with durable medical equipment and prosthetic devices but not covering care of an assistance animal violates federal regulations and is tantamount to a denial of a Medicaid service "to an otherwise eligible recipient solely because of the diagnosis, type of illness, or condition."

The ALJ failed to consider or address any of the arguments presented and denied time for care of the assistance dog concluding that "no authority exists in IHSS regulations to authorize time for dog care." Disability Right California is considering litigation to challenge the denial of services for the care of a medically necessary service animal in N.B.'s case and systemically.

Benefits Goal 3, Objective A

Disability Rights California Staff: Terry Lindsay, Marilyn Holle

Grant/Funding Source(s): PAIR

Regional Center Toddler Under Age 3 Qualifies for DD Waiver & Institutional Deeming

The Health Consumer Action Center (HCAC), a project of the Legal Aid Society of Orange County, represented a child with severe autism who needed Medi-Cal through institutional deeming because the child's private health care coverage was ending.

The Regional Center initially took the position that a child could not qualify for the Developmental Disabilities waiver (DD waiver) and institutional deeming until age 3 except in cases where there was "a clearly defined genetic syndrome or another disorder that will unquestionably result in mental retardation and will continue indefinitely". Disability Rights California provided a copy of the waiver itself, arguments about why the waiver and statute had no age limitation for purposes of eligibility or any basis for imposing a more stringent eligibility standard prior to age 3, and Department of Developmental Services (DDS) waiver contacts for help to advocate on the client's behalf with the Regional Center.

Although the Regional Center agreed that there was no categorical bar, HCAC proceeded to a Lanterman hearing because the Regional Center was still not willing to agree that the child met the definition of Developmentally Disabled in Welf. & Inst. Code 4512(a). The case settled prior to hearing with the child qualifying for Regional Center and waiver services based on support from Children's Hospital of Orange County among other things.

Benefits Goal 3, Objective A

Lanterman Goal 3, Objective A

Disability Rights California Staff: Marilyn Holle

Other Counsel: Primary counsel and advocates were from HCAC including Nancy Rimsha, Jami Teagle, Rosalee McEntyre. Disability Rights California provided only technical assistance to the child through HCAC counsel.

Grant/Funding Source(s): PADD

DISCRIMINATION

Disability Rights California Assists Client to Keep Her Two-Bedroom Section 8 Voucher

A Housing Authority (HA) had a policy of requiring people with disabilities to re-request any needed reasonable accommodations every year. Disability Rights California represented a client at a hearing who has a two-bedroom voucher because of medical equipment. Her claim was denied because Kaiser would not sign the non-HIPAA compliant form. Then, the HA wanted to measure her equipment to see if the equipment would fit in a bigger one-bedroom unit against the client's wishes.

When the Executive Director of the HA was notified that Disability Rights California was representing the client, she asked the Board to amend the Administrative Plan to allow a physician to verify that an accommodation is of a permanent lifetime duration, not requiring the accommodation to be requested annually. At the hearing, the HA agreed not to measure the client's equipment at the on-site inspection and the Hearing Officer reversed the denial. The HA also approved a lifetime accommodation for the client.

Discrimination Goal 2, Objective A

Disability Rights California Staff: Fred Nisen

Grant/Funding Source(s): PAIR

Disability Rights California Assists Client to Obtain Reasonable Accommodation from a City to Access a City Council Meeting

Disability Rights California's client is a woman with a physical disability that limits her ability to stand, walk, and sit in an upright position. The client wanted to address her local City Council regarding noise from a construction project across the street from her home. However, because of her disability she was unable to attend the City Council meeting in person. She submitted a request to address the City Council via telephone. This request was denied and the client contacted Disability Rights California for help.

Disability Rights California wrote the City Attorney explaining that the client is a qualified individual with a disability and that, under Title II of the

Americans with Disabilities Act, individuals with disabilities must be afforded an equally effective opportunity to participate in, or benefit from, services, programs and activities. After receiving Disability Rights California's letter, the City Council reversed its decision and allowed the client to testify via telephone.

Discrimination Goal 3, Objective A

Disability Rights California Staff: Ann Coller

Grant/Funding Source(s): PAIR

Disability Rights California Invited by the State to Provide Consumer Input on Mental Health Electronic Medical Records

Disability Rights California was contacted by the California Health & Human Services Agency's Office of Health Information Integrity and was invited to participate in beginning discussions about a new way of storing an individual's health records online. The new system would store an individual's health records on a centralized computer database allowing access by multiple physicians, such as a primary care physician and an emergency room physician. Disability Rights California now participates in regular meetings and ongoing discussion regarding how this new database will impact mental health records, privacy rights, and concerns by mental health consumers.

Discrimination Goal 3, Objective B

Mental Health Goal 5

Disability Rights California Staff: Sean Rashkis, Stuart Seaborn

Grant/Funding Source(s): PAIMI

Disability Rights California Comments on Accessibility to Assisted Living Facilities in the Assisted Living Waiver Pilot Project

Disability Rights California attended a stakeholder meeting on the Assisted Living Waiver Pilot Project (ALWPP). ALWPP is operated by the California Department of Health Care Services Long-Term Care Division. ALWPP provides waiver slots for individuals who reside in nursing homes, or are at risk of being placed in a nursing home, and instead provides them an opportunity to reside in the community with necessary personal care and nursing services. At the stakeholder meeting, Disability Rights California asked whether facilities applying for ALWPP slots will be screened to

determine if there is physical accessibility to the facility for individuals with mobility disabilities. The Long-Term Care Division representatives assured the stakeholders that all facilities receiving ALWPP waiver slots will be accessible to individuals with mobility disabilities. Disability Rights California will continue to be a stakeholder in future meetings and discussions.

Discrimination Goal 3, Objective B

Disability Rights California Staff: Sean Rashkis, Stuart Seaborn, Deborah Doctor

Grant/Funding Source(s): PAIR

EDUCATION FOR CHILDREN & YOUTH

Former Juvenile Hall Youth Re-Enrolls in School and Receives Compensatory Education Services

R.C. v. B.P.U.S.D.; OAH N2008030776

Office of Administrative Hearings, Mediator: Judge Richard Breen

R.C., a 19 year old student, retained Disability Rights California after he had been released from Juvenile Hall and was excluded from re-entry into Baldwin Park Unified School District. At the time he had left Baldwin Park, R.C. had been exhibiting severe behavioral issues at school, resulting in over 17 suspensions in one year and a change of placement to a continuation school. Despite the obvious need for positive behavior intervention, R.C. did not have proper assessments, including a Functional Analysis Assessment (FAA), an updated psycho-educational report, or a Behavior Support Plan. The School District failed to provide adequate behavior supports and educational services after release from Juvenile Hall, a violation of California Education Code and Hughes Bill. He was performing at a 3rd grade level in reading and math at the time Disability Rights California filed a Due Process complaint.

On June 9, 2008, a mediation agreement resolved that R.C. would remain in his current school placement where he would be evaluated by an independent assessor for an FAA. R.C. was also to receive as compensatory education services Non Public Agency academic tutoring,

with a concentration on academics as well as behavior intervention strategies. The tutoring will help R.C. to meet his goal of graduating high school and passing the CAHSEE exam.

Education for Children & Youth Goal 1, Objective A; Goal 2, Objective A
Disability Rights California Staff: Jennifer Williams, Keith Sakimura, Connie Huang
Grant/Funding Source(s): SPLC

Student Wrongfully Excluded from School after Individual Education Program (IEP) Team Determines Problem Behavior is Related to Disability

C.M. v. A.U.S.D.; OAH N2008060050

Office of Administrative Hearings, Mediator ALJ Ralph Venturino

An 11 year-old student, C.M., retained Disability Rights California after the school district held a manifestation determination. The IEP team recommended a change in placement to a non-public school despite the team's agreement that C.M.'s behavior was related to his disability. During his educational career, C.M. had exhibited serious behavior issues and the District had failed to conduct appropriate behavioral assessments and ascertain what services were needed. The primary legal issue in C.M.'s case was the failure of the school district to provide adequate behavior supports and failure to provide educational services to C.M. This resulted in the IEP team recommending that C.M. have a more restrictive placement in violation of the Hughes Bill which requires school districts to provide a Functional Analysis Assessment (FAA) and related behavior services and supports. Following two mediation conferences and continued negotiations, the parties reached a settlement agreement on Sept. 29, 2008. The agreement provided for placement in a Special Day Class and for an independent FAA and independent psycho-educational report.

Education for Children & Youth Goal 1, Objective A; Goal 2, Objective A
Disability Rights California Staff: Jennifer Williams, Candis Watson Bowles, Keith Sakimura
Grant/Funding Source(s): SPLC, PAIMI, EA

Hayward School District, Students Reach Agreement on Disability Access to All Schools, Special Education Program Review

X.C. & R.B. v. Hayward U.S.D.

At a September 2008 meeting in executive session, the Hayward board of education approved the signing of a settlement by its Superintendent, reaching a landmark agreement with parents to make all of its schools accessible to students with disabilities. The agreement is styled as a settlement agreement, although no lawsuit was ever filed. The “structured negotiations” between the students and district lawyers followed the filing of a non-compliance complaint with the state Department of Education in April 2006 on behalf of Hayward secondary school students X.C. and R.B. The complaint alleged that Hayward U.S.D. had failed to provide students in the “Severely Handicapped” Transition Class with minimally adequate teachers, facilities, appropriate instruction, and services in the least restrictive environment. These students had been subjected to lengthy periods without a teacher or with interim, unqualified substitute teachers; denial of access to basic school facilities, such as restrooms, hallways, and gymnasium; and segregation from non-disabled students. The lack of access to a vocational program for the transition students also prevented Hayward from delivering adequate transition services in the least restrictive environment. Without an appropriate teacher, transition-related goals in IEPs cannot be met.

Under the settlement, the District commits to removing architectural barriers and to take other steps to provide program access for students with mobility, vision, and/or hearing disabilities at its more than 30 schools and other district facilities.

The key provision for barrier removal is a ten-year commitment by the School District to spend a portion of its maintenance and operation budget annually to remove barriers at schools. The District is also maintaining a “quick fix” fund to make changes necessary for individual students pending overall building rehabilitation. This annual commitment is complemented by an ambitious plan for reconstruction and modernization of schools in Hayward, to be financed by a series of bonds over a twelve-year period. The first bond measure was supported by disability advocacy organizations and approved by Hayward voters in June, the first time such a measure was on the ballot in over forty years.

The architectural work and implementation of special education recommendations will be monitored by third-party neutrals during the multi-year settlement period through a series of reports and meetings, with the first meeting scheduled for November 21st. The agreement also calls for the mediation or arbitration of any disputes between the parties that may occur in the implementation phase.

The settlement also addresses concerns that Hayward had failed to appropriately meet the needs of students in special education, such as providing students with minimally adequate special education and appropriate instruction and services in the least restrictive environment. To address these concerns, the District hired a team of consultants who will evaluate, among other things, the IEP process; students' participation in the least restrictive environment, transition planning, and services; recruitment, retention, and support of special education teachers; and paraprofessional training and make recommendations to improve Hayward's special education policies and procedures. The District will then work together with lawyers at Disability Rights California and Disability Rights Advocates to develop a plan to implement improvements based on the recommendations. Stakeholders of administrators, parents, teachers, and other instructional staff will be consulted in the recommendation process.

Education for Children & Youth Goal 1, Objective A; Goal 3, Objective A
Disability Rights California Staff: Stephen Rosenbaum
Other Counsel: Melissa Kasnitz & Kasey Corbit (Disability Rights Advocates)
Grant/Funding Source(s): PADD

LANTERMAN

Disability Rights California Succeeds In Assisting Man to Move Closer to His Family with Supported Living Services

W.D. is a 60 year-old man with significant intellectual disabilities. He is non-verbal, but enjoys interacting with his family through walks, dinners, church attendance, hand-holding, and physical games. With less than 24 hours notice, W.D.'s regional center moved him from a congregate facility close to

his family to a congregate facility more than an hour away from the family. W.D.'s family members who are his limited conservators and authorized representatives, had purchased a three bedroom, two bathroom house closer to them and where they had requested that W.D. be able to live with Supported Living Services (SLS). The regional center refused the family's request for SLS, and attempted to use it as an example of irrational decision making, amounting to abuse by the family members. The regional center filed in probate court to have the family's limited conservatorship removed and a more restrictive public guardian's conservatorship order put in place.

On behalf of W.D., Disability Rights California wrote a fair hearing request and represented at Office of Administrative Hearings mediation in January 2008, resulting in successfully having W.D.'s written IPP changed to reflect his interest in SLS, and obtaining a regional center funded SLS assessment conducted by a mutually agreed upon assessor. Disability Rights California also obtained the support of the original regional center, which worked with W.D. and the family and to get SLS services in place, and to put pressure on the second regional center to transfer the case.

After a full year of difficult advocacy, W.D. was finally able to move into his own home, close to his family, with SLS in July 2008. Upon W.D.'s transfer to his home county, Disability Rights California then assisted him in having the probate legal petition seeking to remove his family's limited conservatorship dismissed, and the case transferred as an ordinary, limited conservatorship to the jurisdiction of his home county.

Lanterman Goal 1, Objective A

Disability Rights California Staff: Anna Levine

Grant/Funding Source(s): PADD

Disability Rights California Succeeds in Obtaining Interlocutory Judgment and Settlement Reinstating Young Man Improperly Terminated from Day Program

J.G. is a 23 year old young man with complex, multiple, developmental disabilities, who spent years in institutions before successfully transitioning into the community several years ago. J.G. has attended an adult day program, with 1:1 support funded by a regional center, since June 2006. In June 2007, a new director took over the day program. Although reports

from the day program over the previous year had been overwhelmingly positive, showing dramatic benefit to J.G. and complete control of previously existing behaviors, under the new administration the day program terminated J.G., stating that his need for 1:1 support, and his behavioral “profile” made him ineligible for the program. Through negotiation by Disability Rights California in July 2007, the day program extended its termination date 60 days, which J.G.’s mother and regional center spent looking for a program that would not discriminate against him.

At the end of September, the day program indicated it would not revoke or provide further extensions of its termination. Fearing damage to J.G. caused by being left without a day program because of its discrimination, Disability Rights California filed an action in federal court in September 2007, claiming violation of federal and state anti-discrimination laws, and seeking a preliminary injunction compelling the day program to reinstate J.G.

In a strongly worded judgment and order granting preliminary injunction dated October 22, 2007, the Court indicated that J.G. was likely to succeed on his discrimination claims, and would suffer irreparable harm if excluded from his day program. Through alternative dispute resolution funded by defendants in April and September 2008, Disability Rights California was able to obtain a favorable settlement for J.G., revoking his termination, defining a collaborative approach to provision of his services and accommodations in his day program, and awarding damages and fees. The matter remains open for filing of a stipulated dismissal in federal court with retention of jurisdiction over the settlement agreement for one year.

Lanterman Goal 3, Objective A

Discrimination Goal 2, Objective A

Disability Rights California Staff: Anna Levine

Grant/Funding Source(s): PADD

Disability Rights California Assists Woman with Inactive Regional Center Case in Obtaining Services to Stay in Home after Her Mother's Death

D.R. is a 46 year old woman with Down Syndrome who was brought to Disability Rights California’s attention by a hospice social worker. Her mother had made no legal or service provisions for D.R. No one knew

what, if any, regional center was involved. Senior services homecare providers who had cared for D.R.'s mother while she was still at home were continuing, out of a sense of obligation, to provide support to D.R. while her mother was in the hospital, but had stopped receiving any payment for their services after D.R.'s mother's death. They had called adult protective services, who had proposed putting D.R. under a Lanterman Petris Short (LPS) conservatorship and removing her. D.R. badly wanted not to leave the home where she had spent most of her life.

Disability Rights California assisted D.R. in explaining her legal rights to Adult Protective Services and by contacting a regional center for emergency crisis intervention. D.R. was fortunate in that she was apparently already in the regional center's system, although her case had been inactivated years before by her mother, who was unhappy with the regional center. The regional center immediately agreed to provide services to support her in her home, contracted with an attorney to handle the probate implications of the property, issued retroactive and temporary emergency payments to the homecare providers, and contracted for an SLS assessment in order to provide more appropriate, ongoing support.

Lanterman Goal 1, Objective A

Disability Rights California Staff: Anna Levine
Grant/Funding Source(s): PADD

Disability Rights California Assists Regional Center Consumer in Seeking Services

J.D. is a sixteen year old diagnosed with mental retardation, orthopedic impairments, and legal blindness and is completely dependent on his caregiver. J.D. has been a regional center client since before the age of three and has received little to no regional services or supports. Disability Rights California directly represented J.D. at his Individual Program Plan (IPP) and advocated for an assistive technology assessment, additional respite hours, case management services to assist in obtaining Medi-Cal services, a social/recreation program, and a summer camp program when he is out of school. Disability Rights California will continue to represent J.D. to ensure that he is provided with the regional services he is entitled to under the Lanterman Act.

Lanterman Goal 1, Objective A

Disability Rights California Staff: Carmen Varela
Grant/Funding Source: PADD

Disability Rights California Helps Client Avoid Being Sent Out of State

G.F., a 19 year-old who has mild mental retardation, was convicted of a felony at the age of 12 and spent years in and out of the state hospital as well as other treatment centers. G.F. was under the jurisdiction of the Juvenile Court as a dependant minor and his case was supervised by the Department of Children and Family Services.

G.F. was at risk of being sent to a residential facility in Texas before becoming a regional center client. Disability Rights California funded an independent assessment that was provided to the regional center and as a result, G.F. was found eligible for services. Disability Rights California advocated for the regional center to find an appropriate placement in the community in lieu of an out-of-state residential placement. Disability Rights California ensured that G.F. was not emancipated until the regional center had funded a specialized group home located near his family and provided him with a 1:1 aide, Independent Living Services, and a behavioral day program. G.F. now visits with his family on a frequent basis and is an active member of his community.

Lanterman Goal 1, Objective A

Disability Rights California Staff: Carmen Varela
Grant/Funding Source(s): PADD

Disability Rights California Helps 19 Year Old Stay Near Family

F.P. is a 19-year old with mild mental retardation who had been in foster care for many years along with his twin brothers and was a client of both the Department of Children and Family Services (DCFS) and the regional center system. He and his brothers were sent to different foster family homes. F. P. lost his brothers after they were allegedly killed while under the care of DCFS.

Disability Rights California represented F.P. in ensuring that the regional center was providing him with appropriate supports and services in the community before his emancipation. Disability Rights California advocated for regional center to fund an adult group home near his family and provide

F.P. with independent living skills training, supported employment, socialization activities, coordination with vocational rehabilitation, and funding for transportation. F.P. found employment at a local supermarket and eventually moved into his own apartment where he is currently living independently and working to support himself. F.P. also has been able to reestablish a relationship with his family members.

Lanterman Goal 1, Objective A

Disability Rights California Staff: Carmen Varela

Grant/Funding Source(s): PADD

Disability Rights California Helps Client Get community Placement and Supports

M.W. is a 19 year-old female who is a regional center client with mild mental retardation and a psychiatric disability. M.W. was a client of both the regional center system and Department of Children and Family Services (DCFS). M.W. was placed at Patton State Hospital while she was incarcerated in County Jail and has felony and civil charges pending.

Disability Rights California represented M.W. and advocated for the regional center to hold an Individual Program Plan (IPP) meeting at Patton State Hospital to discuss her need for supports and services through the regional center that included an appropriate placement outside of jail and the state hospital. Disability Rights California appeared at the Los Angeles County Superior Court Mental Health Special Division as well as in Juvenile Dependency Court on M.W.'s behalf, informing the court of her inappropriate placement at Patton and in the county jail. Disability Rights California requested that the regional center evaluate her, given that she was at risk of being returned to jail or to a developmental center.

Disability Rights California successfully advocated for the regional center to provide an appropriate placement in the community with services and supports such as sexuality training, behavior services, counseling, day work program, and socialization activities. M.W. was placed in a specialized group home where she is now part of the community and is able to have contact with her siblings and other family members.

Lanterman Goal 1, Objective A

Disability Rights California Staff: Carmen Varela

Grant/Funding Source(s): PADD

MENTAL HEALTH

Katie A. Ruling Moves California Foster Children Closer to Needed Home-Based Mental Health Services

US Dist. Court, Central Dist. Case Number: CV 02-5662 AHM (SHx)

Katie A. is a class action on behalf of tens of thousands of California's foster care children and children at imminent risk of foster care placement. In January 2008, Plaintiffs renewed their preliminary injunction motion to compel the state to provide intensive home-based wraparound services and therapeutic foster care to children for medically necessary services. In September, U.S. District Court Judge Matz ordered the parties to report by October 29 how wraparound services can be covered and billed under Medi-Cal. He observed that wraparound services consisting of the following nine components are Medi-Cal covered: Engagement of the Child and Family; Immediate Crisis Stabilization; Strengths and Needs Assessment; Team Formation; Service Plan development; Service Plan implementation; Ongoing Crisis and Safety Planning; Tracking and Adapting the Service Plan; and Transition.

The judge took the issue of therapeutic foster care under submission.

In a separate development, the LA County Board of Supervisors' voted in October to approve \$62 million toward implementation of the Katie A entered settlement five years ago. The goal is to provide mental health screening and services to enable children to remain at home and avoid placement in restrictive foster care settings.

On October 30, 2008, the State Department of Mental Health (DMH) issued All County Letter 08-07 (ACM 08-07), "Clarification on Medi-Cal Billing for Specialty Mental Health Services under the EPSDT Program for Children in the Foster Care and Child Welfare System." While a step forward, Plaintiffs' counsel seek further steps to ensure that all medically necessary wraparound services are available and provided to children in need. Further briefing was due on November 17.

Mental Health Goal 3, Objective A

Disability Rights California Staff: Michael Stortz, Andrew Mudryk

Other Counsel: Western Center on Law and Poverty, Bazelon Center for Mental Health Law, the American Civil Liberties Union of Southern California, the National Center for Youth Law, along with the law firm of Heller Ehrman LLP

Grant/Funding Source(s): PAIMI

Emily Q Court Requires Continued Expert Oversight of California's Therapeutic Behavioral Services (TBS) for Children

US Dist. Court, Central Dist. Case Number: CV 98-4181 AHM (AJWx)

The Emily Q. class action was filed in 1998 to get home and community-based one-to-one behavioral aides for children in mental institutions and group homes who could appropriately live in more integrated settings.

In 2001, the U.S. district court granted judgment in favor of plaintiffs and ordered the state to provide a new Medi-Cal service called "Therapeutic Behavioral Services (TBS)."

Judge Howard Matz has found that the state and counties have not complied with their responsibilities, and appointed a special master to oversee compliance. Special Master Richard Saletta submitted his Second Quarterly Report around September 25, 2008. State defendants have consented to the extension of the Special Master's involvement to December 31, 2010. Focused review of accountability and utilization rates will take place in ten California counties.

Mental Health Goal 3, Objective A

Disability Rights California Staff: Michael Stortz, Maggie Roberts

Other Counsel: Western Center on Law and Poverty, the American Civil Liberties Union of Southern California, Mental Health Advocacy Services of Los Angeles, and the Bazelon Center for Mental Health law.

Grant/Funding Source(s): PAIMI

Disability Rights California Assists Woman Facing Eviction to Get Services and Submit Reasonable Accommodation Request

S.M. received a Sixty Day Notice of Termination of Tenancy on September 11, 2008. She called the San Diego Regional Office for assistance in challenging the eviction, based in part on police response and subsequent 5150 detention in a psychiatric hospital. Disability Rights California spoke with S.M.'s mental health case worker, who has a limited role due to her caseload, about eligibility and advocacy for intensive case management services. The county agreed to provide intensive case management services to S.M. Disability Rights California assisted S.M., her former case worker, and her new intensive case manager to draft a reasonable accommodation request that the property manager handle any future concerns by first notifying S.M.'s intensive case management services, which agreed to assist in resolving any concerns. Disability Rights California submitted the reasonable accommodation request with a cover letter outlining federal and state fair housing law. The property manager agreed to accept S.M.'s accommodation request and withdraw the Sixty Day Notice.

Mental Health Goal 1, Objective A

Disability Rights California Staff: Michael Stortz

Grant/Funding Source(s): PAIMI

DMH Issues Citation against Institute for Mental Diseases (IMD) based on Complaint filed by Disability Rights California

In response to a licensing complaint filed by Disability Rights California against Alpine Special Treatment Center, DMH took the following steps: (1) issued the IMD a citation for failure to follow facility policy since a psychiatric evaluation was not completed within 72 hours; (2) made recommendation that the facility modify its policy regarding visitors bringing food to allow exceptions to policy where food could be consumed under supervision of staff; and (3) issued a citation for inappropriate denial of visiting rights.

Mental Health Goal 1, Objective A

Disability Rights California Staff: Ann Menasche

Grant/Funding Source(s): PAIMI

Disability Rights California is engaging in Structured Negotiations with a Treatment Facility regarding its Use of Restraint and Seclusion

R.L. is an 11 year old boy who was subject to repeated instances of restraint and seclusion over a four year period in a mental health treatment program which was funded by a nonpublic agency. Disability Rights California reviewed relevant records, including the extensive incidents reports, and determined that the use of restraint and seclusion on R.L. violated a number of laws and regulations. Disability Rights California contacted the provider on behalf of R.L.'s mother, who wanted the providers to make changes to the day treatment program's policies and practices regarding the use of restraint, seclusion, and systemic behavior planning. The day treatment provider has agreed to enter into structured negotiations with Disability Rights California. A stated goal of the structured negotiations is to reach consensus on a method for a review of the facility's use of restraint and seclusion, as well as its behavior assessment and planning practices by an independent expert.

Mental Health Goal 1, Objective A; Goal 3, Objective A.

Disability Rights California Staff: Maggie Roberts

Grant/Funding Source(s): PAIMI

Disability Rights California Provides Input on State's Mental Health Electronic Medical Records System Proposal

See DISCRIMINATION SECTION, *infra*

Disability Rights California works with other agencies through a Coalition to Ensure that Individuals from Ethnically and Culturally Diverse Backgrounds Have Access to Services Under the Mental Health Services Act (MHSA)

Disability Rights California has joined the Racial and Ethnic Mental Health Disparities Coalition (REMHDCO) in working with other statewide and community based service agencies to advocate for the inclusion of stakeholders and other representation during the continued planning processes of the MHSA. Coalition members seek to ensure that effective mental health services will be available to underserved ethnically and

culturally diverse individuals with mental health needs. Activities of REMHDCO include drafting and sending letters to the Oversight Commission of the MHSA, facilitating panel discussions and participating in DMH statewide meetings to discuss Mental Health services for these populations.

Mental Health Goal 3, Objective A

Disability Rights California Staff: Suzanna Gee

Grant/Funding Source(s): PAIMI

VOTING

Disability Rights California Partners With the Asian Pacific American Legal Center to Increase Poll Site Physical and Language Access for Voters with Disabilities

The Asian Pacific American Legal Center (APALC) located in Los Angeles has run a Los Angeles County wide poll site monitoring project for the past several election cycles. APALC is a long-standing voting rights partner with Disability Rights California in the California Voter Empowerment Circle coalition.

To increase poll site access to voters with disabilities for the November 2008 General Election and in the future, Disability Rights California partnered with APALC for our mutual poll monitoring projects. Disability Rights California provided APALC with information about frequent voting rights issues experienced by voters with disabilities including poll site access and communication barriers. APALC shared with Disability Rights California its materials on language access barriers. In addition, APALC and Disability Rights California agreed to share information after the election from our respective poll-monitoring projects. In doing so, we will greatly increase the number of accessible polling sites in Los Angeles County.

Discrimination Goal 4, Objective B

Disability Rights California Staff: Hillary Sklar, Kevin Bayley, Andrew Berk

Grant/Funding Source(s): PAVA

Disability Rights California Provides Multiple Trainings to Individuals with Developmental Disabilities at a Day Program

On August 7th and August 8th, 2008, Disability Rights California staff provided trainings to two separate groups of consumers in Tuolumne County day programs. The trainings covered information about the importance of voting and the right to vote. Disability Rights California also provided voter registration materials. The interactive training kept audience members engaged and enthusiastic about their ability and right to vote.

Discrimination Goal 5, Objective B

Disability Rights California Staff: Daniel Meadows, Tho Vinh Banh
Grant/Funding Source(s): PAVA

Disability Rights California Continued Its Partnership With Election Protection To Provide Assistance For Issues Facing Voters With Disabilities

See previous Reports, Summer 2008, Issue 52; and Fall 2008, Issue 53

In preparation for the November 4, 2008 General Election, the Los Angeles office of Disability Rights California continued its year-long partnership with the national division of Election Protection and its California branch. Among other voting rights advocacy services, Election Protection provides a national hotline for all voters, including voters with disabilities, based in Washington, D.C. In addition, Election Protection houses call centers in various states such as California. Disability Rights California continued its partnership with Election Protection by providing ongoing technical assistance about disability etiquette and the voting rights of individuals with disabilities.

Disability Rights California staff met on an ongoing basis with Election Protection leadership in conjunction with the National Disability Rights Network and protection & advocacy systems in other states in order to create an effective educational base and response system, which included meeting with Election Protection's California affiliates as well as reviewing and providing a technical assistance chapter for Election Protection's California training materials and hotline manual with respect to voters with disabilities.

By partnering with Election Protection, Disability Rights California hopes to increase the number of voters with disabilities, assist with voting rights issues such as inaccessible poll sites, as well as privacy and independence barriers with respect to paper and electronic voting systems. For the November General Election, Disability Rights will staff Election Protection's California call centers located in Los Angeles and San Francisco in addition to providing our statewide Election Day hotline for voters with disabilities.

Discrimination Goal 4, Objective B

Disability Rights California Staff: Hillary Sklar, Kevin Bayley, Andrew Berk

Grant/Funding Source(s): PAVA

Disability Rights California Provides Voting Rights Information to Individuals with Disabilities Who are Homeless

On August 27, 2008, Disability Rights California conducted an outreach at Sacramento's Loaves and Fishes, a private sector, charitable organization dedicated to meal and shelter programs for people who are homeless. During the outreach, Disability Rights California staff provided information about the right to vote to approximately 10-15 individuals with different types of disabilities and from different racial and ethnic backgrounds.

In addition, Disability Rights California also individually advised an attendee with a psychiatric disability that although he had a felony conviction, he is eligible to register to vote because he had completed his parole. Staff also advised another individual with a disability to re-register to vote because she had moved.

As is Disability Rights California practice at outreaches and trainings, all of the participants were provided with voter registration materials. Disability Rights California Election Day Hotline flyers containing our toll-free telephone number were also distributed. Loaves and Fishes staff members also posted information about Disability Rights California's election hotline.

Discrimination Goal 5, Objective B

Disability Rights California Staff: Tho Vinh Banh

Grant/Funding Source(s): PAVA

Disability Rights California Hosts Election Day Voter Hotline for its Fourth Year

Disability Rights California sponsored a toll-free hotline for voters with disabilities who have difficulty accessing polling places or casting ballots or have general questions about the voting process. This is the fourth year that Disability Rights California has operated the hotline.

The purpose of the hotline is to fix problems on Election Day that are causing disenfranchisement of individuals with disabilities. There are many barriers affecting a person's ability to vote such as limited access to registration materials; wrong information from providers, conservators, relatives, and facility staff about the person's right to vote; judges who take away a person's right to vote when they should not; transportation problems getting to and from the polls; poll access problems for people living in nursing homes and other facilities; poll access barriers such as very limited or non-accessible parking or curb ramps; doorways and aisles that are too narrow; voting equipment placed on inaccessible tables or stages; poor disability access trainings for poll workers; and poll sites said to be "accessible" when they are not.

Disability Rights California distributed a press release and flyers regarding the hotline and staff in the Bay Area, Sacramento, Los Angeles and San Diego Regional Offices staffed the hotline.

Discrimination Goal 4, Objective B

Disability Rights California Staff: Fred Nisen, Hillary Sklar

Grant/Funding Source(s): PAVA

"Get Out the Vote" Trainings Provided to Clients and Staff of Four Central and Southern California Independent Living Centers

In anticipation of the November 2008 General Election, Disability Rights California trained clients and staff of the Independent Living Centers located in Bakersfield, San Bernardino, Long Beach, and Garden Grove about voting rights and the importance of civic participation. Materials included voter registration forms as well as information about federal and state laws applicable to voters with disabilities, the history of voting rights

laws in the United States, and ways to become involved in the community at all levels – city, county, state, and nationally.

Discrimination Goal 5, Objective B

Disability Rights California Staff: Hillary Sklar

Grant/Funding Source(s): PAVA

Disability Rights California Assists Client to Vote at Accessible Polling Place

The client contacted Disability Rights California on June 3. In both the February and June elections, his polling place was an elementary school. The sample ballot said that the accessible entrance was on Lincoln Street. Like in February, that door was locked. But, at least this time, there were signs directing people with disabilities to enter on Virginia Street. The polls were in the kitchen right by the main entrance. As the client approached the kitchen, he reached a makeshift barricade (2 or 3 chairs with yellow tape) in the corridor. The client had to yell to get a poll worker to come out and move the barricade. When he asked about the barricade, he was told that the school did not want adults walking around the school.

Initially, the poll worker asked the client if he wanted assistance filling out the paper ballot. He asked to use the touch screen machine. It was an AVC-Edge machine. However, the poll workers did not know how to operate the machine to get the card. Ultimately, the machine did not work properly as it only responded infrequently to the client's touch. The client asked for assistance from the poll worker who had the same difficulty. In the end, the client ended up voting but was worried about similar troubles in future elections.

Disability Rights California assisted the client to file complaints with the Alameda County Registrar of Voters and the Secretary of State. As a result of the complaints, the client was assigned to a polling place in November which he believes to be accessible.

Discrimination Goal 4, Objective A

Disability Rights California Staff: Fred Nisen

Grant/Funding Source(s): PAVA

Disability Rights California Provides Comments on the California Secretary of State's Revised Help America Vote Act State Plan

The California Secretary of State, Debra Bowen, asked Disability Rights California to once again participate on the Help America Vote Act (HAVA) State Plan Advisory Committee. Secretary Bowen distributed a draft of her State Plan to members of the committee and has asked for comments and suggestions.

Disability Rights California is currently working with our voting rights coalition partners California Association of Voting Advocates (CAVA) and the California Voter Empowerment Circle (CalVEC) to review the plan and develop comprehensive comments and suggestions.

Disability Rights California's comments are being designed to elevate accessibility to the same level of importance as accuracy and security, as well as to hold the Secretary accountable to the guidelines and promises of previous State Plans. Disability Rights California will recommend, among other things, the inclusion of accessibility standards and procedures throughout all aspects of the plan, including poll worker training, voting machine testing, polling place observation, and complaint resolution procedures.

Discrimination Goal 4, Objective B

Disability Rights California Staff: Margaret Johnson, Hillary Sklar, Brandon Tartaglia

Grant/Funding Source(s): PAVA

GLOSSARY OF SELECTED TERMS

“A&D FPL PROGRAM” or AGED & DISABLED FEDERAL POVERTY LEVEL PROGRAM (Also referred to as the Medi-Cal 133% Program)

Individuals or married couples whose income is more than SSI levels, but who are still considered low income, may be eligible to receive Medi-Cal with no share of cost under this program. Under this program an individual who needs assistance with personal care and/or housekeeping tasks so they can remain safely in their homes can also receive these services with no share of cost.

AB 2726/3632

Assembly Bills 2726 and 3632 provides referrals to County Mental Health Services for children with special education needs beyond what schools can offer. These services are considered special education services.

“ADHD” or ATTENTION DEFICIT-HYPERACTIVITY DISORDER

Attention deficit-hyperactivity disorder (ADHD) is a neurobehavioral disorder that affects 3-5 percent of all American children. It interferes with a person's ability to stay on a task and to exercise age-appropriate inhibition (cognitive alone or both cognitive and behavioral). Some of the warning signs of ADHD include failure to listen to instructions, inability to organize oneself and school work, fidgeting with hands and feet, talking too much, leaving projects, chores and homework unfinished, and having trouble paying attention to and responding to details. There are several types of ADHD: a predominantly inattentive subtype, a predominantly hyperactive-impulsive subtype, and a combined subtype. ADHD is usually diagnosed in childhood, although the condition can continue into the adult years.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Methods of resolving disputes without official court proceedings. These methods include MEDIATION and ARBITRATION.

AMICUS CURIAE

Disability Rights California is often asked to appear as an organizational “*amicus curiae*,” or “*friend of the court*” in court cases raising important issues for people with disabilities. Appearing as an “*amicus*” means that DISABILITY RIGHTS CALIFORNIA submits a brief to the court raising issues as an organization, rather than on behalf of individual clients, because the issues are important to us as an advocacy organization or

important to people with disabilities. When DISABILITY RIGHTS CALIFORNIA appears as an *amicus curiae*, DRC Staff usually assists with drafting and revising the brief, and co-signs the brief with other interested parties.

ARBITRATION

When a person that isn't involved in the case looks at the evidence, hears the arguments, and makes a decision.

BEHAVIOR INTERVENTION PLAN

Plan made by a local educational agency (LEA) as part of an individualized education program (IEP), to change the behavior of students who harm themselves, assault others, or are destructive.

“BPAO” or BENEFITS, PLANNING, ASSISTANCE, AND OUTREACH

The Social Security Administration (SSA), as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999, awarded cooperative agreements to a variety of community organizations called Benefits Planning, Assistance, and Outreach (BPAO) projects. These BPAO projects provide all SSA beneficiaries with disabilities (including transition-to-work aged youth) access to benefits planning and assistance services. The goal of the Benefits Planning, Assistance, and Outreach (BPAO) Program is to better enable SSA's beneficiaries with disabilities to make informed choices about work. Each BPAO Project has Benefits Specialists who will:

- Provide work incentives planning and assistance to SSA's beneficiaries with disabilities
- Conduct outreach efforts to those beneficiaries (and their families), who are potentially eligible to participate in Federal or State work incentives programs; and
- Work in cooperation with Federal, State, and private agencies and nonprofit organizations that serve beneficiaries with disabilities.

“BWE” or BLIND WORK EXPENSES

If the Social Security Administration (SSA) considers you statutorily blind, you can have your actual benefit amount increased by up to 100% of all your work expenses, whether or not those expenses are related to your disability. You can claim transportation expenses, the cost of lunch at work, and even the taxes you pay because of earnings. If your SSA Claims Representative agrees that your claimed work expenses can be included in

a BWE, you may be able to recover up to 100% of those expenses by increasing your SSI check up to its maximum. Exactly how much your SSI benefit may increase depends on your living situation, your earned and unearned income, and the amount of your BWE.

CALWORKs

CalWORKs is California's welfare program for people who have children under 19 years old. CalWORKs provides money for children and the relatives caring for them. Work and training is required of most parents. Adults can only get CalWORKs cash aid for five years in a lifetime. If you qualify under the rules, you are entitled to cash aid from the county.

“CDR” or CONTINUING DISABILITY REVIEW

Social Security Administration (SSA) reviews disability cases periodically to see if the person with a disability still meets SSA disability rules. SSA performs two types of reviews, a medical Continuing Disability Review and a work Continuing Disability Review. Under a work review, SSA looks at earnings to determine if an individual is eligible for monthly benefits. A medical review determines if an individual is meeting the medical requirements to collect disability. If the person does not meet the medical requirements, SSA may stop the disability benefits.

“CI” or COUNTABLE INCOME

Countable Income is the amount of your income that is included in calculations to determine your eligibility for Supplemental Security Income (SSI) benefits.

CLASS ACTION

A lawsuit brought by one or more persons on behalf of a larger group where certain individuals (called “class representatives” or “named plaintiffs”) act on behalf of a larger group of people who have similar issues. The court has to determine whether a case can proceed as a class action. If so, certain specific procedures apply relating to how the members of the larger group can get notice of the lawsuit and participate in it.

CONSERVATOR, CONSERVATEE and CONSERVATORSHIP

Conservatorship is a legal proceeding in which an individual or agency (to be known as the “conservator”) is appointed by a court to be responsible for a person who needs assistance in activities of daily living (the “conservatee”). A Conservator of the person must ensure that the

conservatee is properly fed, clothed, and housed. A Conservator of the estate is responsible for managing the conservatee's money and other property. One individual may serve as either conservator of the person or conservator of the estate or both. Conservatorship applies to an adult, i.e., a person eighteen (18) years of age or older.

COURT APPOINTED SPECIAL ADVOCATES (CASA)

These are specially trained volunteers who are appointed by a juvenile court to provide advocacy to children in the foster care system. CASA responsibilities include gathering information regarding the child; advocating for the child in IEP meetings and other forums; and making recommendations to the juvenile court about the child's best interests.

“CYA” or CALIFORNIA YOUTH AUTHORITY

The California Youth Authority (CYA), a California State agency of facilities for youths who have committed serious offenses.

DAMAGES

Money that the losing side must pay to the winning side to make up for losses or injuries. There are three kinds of damages: (1) "compensatory," meaning money to pay for the actual cost of an injury or loss; (2) "punitive" or "exemplary," meaning an amount of money that's more than the actual damages. Acts as punishment or deterrence for willful or malicious acts; and (3) statutory damages, which are specific amounts in the law awarded for specific legal violations.

DECLARATION

A statement that a person writes and files with the court. It tells the judge why the person should win the case. Sometimes, a person signs this under penalty of perjury.

DECLARATORY JUDGMENT

A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

DEMURRER

A “demurrer” is a specific kind of request filed with the Court in response to a lawsuit. A demurrer alleges that even if the facts are true, there is no legal violation. The court decides on the demurrer at a hearing after both parties present memos and argument to the court.

DEPOSITION

Written or oral testimony given under oath in front of an authorized third person like a court reporter. Depositions take place outside of the court. They allow the parties to get a record of a person's testimony, or to get testimony from a witness that lives far away. They can help the lawyers prepare their court papers called "pleadings." (See also DISCOVERY.)

“DDS” or CA DEPARTMENT OF DEVELOPMENTAL SERVICES

The California Department of Developmental Services (DDS), which funds and oversees services to people with developmental disabilities in California.

“DFEH” or DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

The California Department of Fair Employment and Housing is the state agency that investigates employment and housing discrimination claims and is responsible for enforcing state fair housing and fair employment laws, including disability rights laws in the housing and employment context.

“DHS” or CA DEPARTMENT OF HEALTH SERVICES

The California Department of Health Services (DHS), which funds and oversees health services in California, including nursing home care and home care.

DISCOVERY

The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, such as through depositions, interrogatories, or requests for admissions. It can also be done through independent investigation or by talking with the other side's lawyer.

DISMISSAL WITH PREJUDICE

When a court dismisses a case and will not allow any other suit to be filed on the same claim in the future.

DISMISSAL WITHOUT PREJUDICE

When a court dismisses a case, but will allow other suits to be filed on the same claim.

“DMH” or CA DEPARTMENT OF MENTAL HEALTH

The California Department of Mental Health (DMH), which funds and oversees mental health services in California.

“DOE” or DEPARTMENT OF EDUCATION

“DSS” or CA DEPARTMENT OF SOCIAL SERVICES

The California Department of Social Services (DSS) funds and oversees public assistance programs in California, including CalWorks (family assistance) and case management for personal care services.

DYSAUTONOMIA

(Familial) Dysautonomia affects the autonomic nervous system, which controls involuntary actions such as digestion, breathing, tearing, and the regulation of blood pressure and body temperature. This condition also affects the sensory nervous system, which controls activities related to the senses, such as taste and the perception of pain, heat, and cold.

“EA” or EQUAL ACCESS

Disability Rights California receives grants from the state Equal Access to Justice Program to serve indigent people with disabilities on specified projects.

ELLIS ACT

The Ellis Act (California Government Code §§ 7600 et seq.) is a California law that bars local governments from enacting regulations, such as condominium conversion ordinances, that would prevent some landlords from leaving the rental housing market.

EN BANC

Court sessions where all the judges of a court participate, instead of the usual number. For example, the U.S. circuit courts of appeals usually use panels of three judges, but all the judges in the court may decide certain matters together. When that happens, they are sitting *"en banc"* (sometimes spelled "in banc"). It comes from the French language and means "on the bench."

“EPSDT” or EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

The Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT) provides health care diagnostic and treatment services to individuals under age 21. Under federal law, California must give people under age 21 specified diagnostic services. They also must provide treatment services to correct or ameliorate defects and physical and mental illnesses and conditions discovered as a result of the diagnostic services.

EXCEPTION PAYMENT

“Exception Payment” is a subsidy above the amount usually allowed.

“EXR” or EXPEDITED REINSTATEMENT

This term is used under The Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs to allow benefits for a person with a disability to be reinstated quickly if they are no longer working. It provides for temporary benefits during a period of evaluation, rather than requiring a new application for benefits.

“EPE” or EXTENDED PERIOD OF ELIGIBILITY

This term is used under the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs to provide additional protections to people whose disabilities may only allow periodic employment. Under these programs, if you stop working you may automatically have your benefits restored without having to reapply.

FAIR HEARING

A hearing in front of an agency or administrative law judge to review an agency decision. People have certain rights in fair hearings such as the right to present evidence, to cross examine and to have findings supported by evidence.

FAIR MARKET RENT (FMR)

The Fair Market Rent (FMR) is the amount that the Housing and Urban Development (HUD) sets for rent. Tenants have to pay extra if rents exceed the FMR, as they usually do because the FMR's are unrealistically low.

“FIFTH CATEGORY” REGIONAL CENTER ELIGIBILITY

A person is eligible for the "fifth category" if he or she has a condition that is similar to mental retardation and/or has treatment needs that are similar to a person with mental retardation.

FORENSIC

A term used by both DDS and DMH and intended to indicate individuals who have had some involvement with the criminal justice system, though sometimes used too broadly for people with aggressive behavioral challenges. The intersection between the mental health system and the criminal justice system is often called “forensic mental health.” In California, there are 6

different commitment categories for people who are involved with the mental health system because of their contact with the criminal justice system.

“G-TUBE” or GASTROSTOMY TUBE

A Gastrostomy Tube (G-Tube) is a tube that is placed on the stomach to vent for air or drainage, and/or is an alternate way for feeding.

GUARDIAN AD LITEM

An adult appointed by a court who represents a minor child an individual who has difficulties in acting on his or her own behalf. Comes from Latin meaning for the "purposes of the lawsuit."

GUARDIANSHIP

A guardianship applies only to minors, i.e., person under the age of eighteen (18) years. The principal purpose of guardianship is to provide protection for a child who has no parent.

HABEAS CORPUS

A “writ of *habeas corpus*” is a judicial mandate to someone who has custody of a person ordering that the person be brought to the court so it can be determined whether or not that person is lawfully confined and whether or not the person should be released from custody. A habeas corpus petition is a petition filed with a court by a person who objects to the person’s own or another’s confinement, or to the conditions of confinement. The term comes from Latin.

“HHS” or HEALTH & HUMAN SERVICES

HHS is the federal agency overseeing health and human services.

“HIPAA” or HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The new federal Health Insurance Portability and Accountability Act (HIPAA) protects the privacy of medical records and other confidential health information, and restricts access to records except under specified circumstances.

“HOUSING CHOICE VOICHER” OR “SECTION 8”

Housing Choice Vouchers, often referred to as Section 8 Vouchers, help subsidize rents for lower income tenants, including tenants with disabilities.

The local Public Housing Authority (PHA) pays part of the tenant's rent when the tenant rents from a private landlord.

“HUD” or U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The U.S. Department of Housing and Urban Development (HUD) funds and regulates many housing and community development programs for lower income people and people with disabilities, including Section 8.

“ICF-DD-N” or INTERMEDIATE CARE FACILITY DEVELOPMENTALLY DISABLED-NURSING

Intermediate Care Facility-Developmentally Disabled-Nursing (ICF-DD-N) are a category of community facilities licensed by the California Department of Health Services (DHS), which generally house 6 residents.

“IDEA” or INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The Individuals with Disabilities Education Act (IDEA) is the federal statute that requires school districts receiving federal funds to provide all students who have a categorically defined disability with a free appropriate public education (FAPE) in the least restrictive environment. FAPE includes specialized instruction and related services that meet the state educational standards and are implemented as called for in a student's individualized education program (IEP).

“IEP” or INDIVIDUALIZED EDUCATION PROGRAM

An Individualized Education Program (IEP) describes the educational program that has been designed to meet the unique needs of a child with disabilities. Each child who receives special education and related services must have an IEP, which is an individualized document developed in consultation with the parents, school, advocates, students (as appropriate), and health professionals.

“IHSS” or IN-HOME SUPPORTIVE SERVICES PROGRAM

The In-Home Supportive Services Program (IHSS) helps pay for services to eligible people to enable them to stay in their own homes. To be eligible you must be blind or have a disability or be over 65 and need these services so you can remain safely in your home. IHSS is an alternative to out-of-home care such as nursing homes or board and care facilities.

“IMD” or INSTITUTION FOR MENTAL DISEASE

An IMD is defined in the Code of Federal Regulations at 42 CFR 435.1009 as a facility of more than 16 beds that is primarily engaged in providing treatment services for individuals diagnosed with mental illness.

IMPLIED WARRANTY OF HABITABILITY

The right to get an apartment in good condition.

IN-HOME OPERATIONS HOME AND COMMUNITY-BASED SERVICES (IHO-HCBS WAIVER)

The new IHO HCBS waiver combines several existing waivers, including the NF/AB waiver, to expand the number of slots and services that waiver recipients who would otherwise be institutionalized in a nursing facility, sub acute facility or acute hospital can receive in the community.

INDIAN CHILD WELFARE ACT (ICWA)

This is a federal law to protect the integrity of American Indian families. It acknowledges and implements the tribe's right to intervene in state child custody proceedings.

INJUNCTION

An injunction or permanent restraining order is a court order requiring someone to take specific actions or ordering them to stop certain behaviors, based on legal obligations. It is issued after both sides have been heard by the court in a hearing or trial. The court order specifies the specific actions, people and time for compliance.

IN FORMA PAUPERIS (IFP)

A court says a person does not have to pay a filing fee because the person can't afford it. In Latin, it means "in the manner of a pauper."

IN PROPIA PERSONA (IN PRO PER)

In Propia is when a person represents himself or herself without a lawyer. This comes from the Latin for "in one's own proper person." (See also PRO PER AND PRO SE.)

INTERROGATORIES

Written questions asked by one party in a lawsuit, which the opposing party must answer in writing.

INTERVENOR

A person who voluntarily participates in a lawsuit or other proceeding brought by other people. The court must approve the participation of the intervener.

“IOLTA” or INTEREST ON LAWYERS TRUST ACCOUNTS

This is a method of funding for legal services to low income people and people with disabilities. It is also referred to as “Trust Fund”. It is administered by the State Bar Association. Disability Rights California receives IOLTA funding.

“IPP” or INDIVIDUAL PROGRAM PLAN

California’s Lanterman Act provides that persons with developmental disabilities are entitled to “IPPs,” or Individual Program Plans that identifies the person’s goals and the services and supports they will get to help them meet their goals. This action plan helps provide community supports to prevent institutionalization of people with developmental disabilities.

“IRWE” or IMPAIRMENT RELATED WORK EXPENSES

This term is used under The Social Security Disability Insurance (SSDI) AND Supplemental Security Income (SSI) programs to refer to out-of-pocket expenses that are needed in order to be able to work. These expenses are deducted from earnings before certain benefit calculations are made.

JUDGMENT (JUDGEMENT)

The judge's final decision in a case.

LANTERMAN ACT

The California law which grants people with developmental disabilities an entitlement to services and supports.

LEVEL 14 GROUP HOME PLACEMENTS

Level 14 refers to a rate classification that reflects the staffing needs of an individual in Community Care Licensing Facilities. 14 is the highest rate available.

“LPS” or LANTERMAN-PETRIS-SHORT ACT

The Lanterman-Petris-Short Act is one of the main California laws governing services to and treatment of people with mental illness. It covers certain

conservatorship proceedings as well as establishes that persons are statutorily entitled to individualized treatment that is least restrictive of their personal liberties.

MANIFESTATION DETERMINATION

The manifestation determination meeting is a meeting of the relevant members of the IEP team to determine whether a child with a disability may be expelled or have his placement changed for more than 10 consecutive school days. At the meeting, the IEP team reviews the relevant information from the student's file, including the IEP and any information from teachers and the parents and then decides two things: 1) was the behavior caused by, or did it have a direct and substantial relationship to, the child's disability, and 2) was the behavior the direct result of the school's failure to implement the IEP? If the team answers yes to either question, the child cannot be expelled and a placement change would require the consent of the parent or a hearing officer's order. If the IEP team members representing the school district believe the answer to both questions is "no" and the parent disagrees, the parent can appeal to a special education hearing.

MEDI-CAL (See Medicare)

Medi-Cal is California's program to pay for medical care for many low income people, especially families, children, people with disabilities, and the elderly. Medi-Cal is funded by the state and federal government. There are many Medi-Cal programs with different rules. Depending on which program you qualify for and how much money you make, Medi-Cal may pay for all your medical expenses or only part of them.

MEDICARE (See Medi-Cal)

Medicare is a federal health insurance program which provides benefits for eligible people. There are two parts to the program: "Part A" is hospital insurance and "Part B" is medical insurance. Medicare does not cover everything, and is not free for most people.

MOTION

An oral or written request made by a party to an lawsuit before, during, or after a trial asking the judge to issue a ruling or order in that party's favor.

“MSSP” or MULTIPURPOSE SENIOR SERVICES PROGRAM

The Multipurpose Senior Services Program (MSSP), operated by the California Department of Aging, provides case management and a range of services to assist seniors with disabilities to live independently.

NURSING FACILITY WAIVER

The Nursing Facility Waiver allows someone who is otherwise eligible for nursing facility services to instead receive services in the community. It is called a "Waiver" because it waives certain federal Medicaid rules in order to provide different or more services than the State offers to other Medicaid (Medi-Cal) eligible people.

“OCRA” or OFFICE OF CLIENT’S RIGHTS

“ODD” or OPPOSITIONAL DEFIANT DISORDER

Oppositional Defiant Disorder (ODD) is a type of disruptive behavior disorder characterized by a recurrent pattern of defiant, hostile, disobedient, and negativistic behavior directed toward those in authority, including such actions as defying the requests or rules of adults, deliberately annoying others, arguing, spitefulness, and vindictiveness that occur much more frequently than would be expected on the basis of age and developmental stage.

OPINION

A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment. A *PER CURIAM* OPINION is an unsigned opinion “of the court.”

“OPR” or OFFICE OF PATIENT’S RIGHTS

ORDER TO SHOW CAUSE

A court order that makes someone go to court to explain to the judge why he or she did not follow the rules.

“PAAT” or PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY

Beginning in 1998, DISABILITY RIGHTS CALIFORNIA received limited funds under the Protection and Advocacy for Assistive Technology (PAAT) Act to increase access to assistive devices and equipment.

“PABBS” or PROTECTION & ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY

Under the Protection and Advocacy for Beneficiaries of Social Security (PABSS) Act, DISABILITY RIGHTS CALIFORNIA provides advocacy assistance to Beneficiaries of Social Security Disability or Supplemental Security Income (SSI), and to people who are working and are beneficiaries of Medicare, Medi-Cal or In-Home Supportive Services (IHSS) about securing or requiring employment.

“PADD” or PROTECTION & ADVOCACY FOR DEVELOPMENTAL DISABILITIES

In 1978, DISABILITY RIGHTS CALIFORNIA became the agency in California responsible for protecting and advocating for the rights of people with developmental disabilities under the federal Developmentally Disabled Assistance and Bill of Rights Act of 1978.

“PAIMI” or PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

The Protection and Advocacy for Individuals with Mental Illness Act of 1986 (PAIMI) extended Disability Rights California’s mandate to people with psychiatric disabilities.

“PAIR” or PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS

The Protection and Advocacy of Individual Rights Act of 1992 (PAIR) extended Disability Rights California’s mandate to people with physical, learning and sensory disabilities.

“PASRR” or PREADMISSIONS SCREENING AND RESIDENT REVIEW

This is a federally mandated psychosocial, psychiatric and physical evaluation of persons admitted to nursing facilities or at risk of being placed in nursing facilities, funded by the Department of Mental Health and administered by independent contractors. It helps identify the need for specialized services and helps identify appropriate community placements rather than institutionalization.

“PATBI” or PROTECTION & ADVOCACY FOR TRAUMATIC BRAIN INJURY

Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) assures that people with traumatic brain injury receive appropriate services

and supports within their own communities. Disability Rights California promotes the rights of people with Traumatic Brain Injury (TBI) through advocacy assistance, education, and outreach to build TBI community awareness and support for inclusion. This program was established by federal grants from the Department of Health and Human Services.

“PAVA” or PROTECTION & ADVOCACY FOR VOTING ACCESS

Part of the Help America Vote Act of 2002 (HAVA) was the Protection and Advocacy for Voting Access (PAVA) program. PAVA expanded Disability Rights California’s ability to work for full participation in the electoral process for people with disabilities, including registering to vote, casting a vote and accessing polling places.

PRO BONO

Legal work done for free. From the Latin meaning "for the public good." Private firms often work with DISABILITY RIGHTS CALIFORNIA “*pro bono*” – without charge to clients.

PRO PER

People who present their own cases in court without lawyers (See also *IN PROPIA PERSONA* and *PRO SE*.)

PRO SE

People who present their own cases in court without lawyers (See also *PRO PER* and *PRO SE*.)

PROTECTIVE SUPERVISION

Protective supervision is supervision for individuals who, because of cognitive or mental impairments, need continuous supervision in order to prevent self-inflicted harm while living at home.

PURCHASE OF SERVICES (POS)

Purchase of Services (POS) dollars is money used by people served under the Lanterman Act. It allows the person with a developmental disability to directly pay service providers.

RIESE HEARING

A hearing to determine an individual’s capacity to refuse administration of psychotropic medication.

REGIONAL CENTERS

Non-profit corporations which, under the provisions of the Lanterman Act, contract with the Department of Developmental Services to provide service coordination to individuals with developmental disabilities and assist people to obtain the supports they need. There are 21 RCs in California, each serving a different geographical area.

SECTION 8

Section 8 is a federally funded housing assistance program that provides to low income families. The vouchers allow the family to rent any apartment or house where the landlord will accept them, and pay a limited amount of money, generally 30% of the family's income. Section 8 is operated by local housing authorities and usually has a long waiting list.

SELF-DIRECTED SERVICES

"Self-Directed Services" is a new model for providing services to people with developmental disabilities that allows them to manage their own budgets and gives them more control over providers.

"SELPA" OR SPECIAL EDUCATION LOCAL PLAN AREA

The Special Education Local Plan Area (SELPA) is an administrative unit under California law that joins together one or more local school districts in a geographic area. This allows districts to share in the coordination, funding, personnel or other administration of services for special education students. School districts with large populations usually stand alone as a single-district SELPA.

"SGA" or SUBSTANTIAL GAINFUL ACTIVITY

Substantial Gainful Activity is the term used by Social Security when evaluating earned income and "work activity" of individuals applying for or receiving disability benefits.

There are two criteria that determine SGA: (1) Substantial activity: work that involves doing significant physical or mental work, or a combination of both, that is productive and for profit. (2) Gainful work activity: work performed for pay or profit; work of a nature generally performed for pay or profit; or work intended for profit, whether or not a profit is realized.

This is a monthly amount that is specified by Social Security for individuals who are employed or self-employed. SGA may be determined by work done or hours worked in a month. Monthly SGA earnings limits are

adjusted annually based on fluctuations in the national average wage index.

“SRO” OR SINGLE ROOM OCCUPANCY

Single room occupancy hotels, or residency hotels, provide single room apartments with shared bathrooms for low income individuals. This is an important source of housing for people with disabilities who live on fixed incomes.

“SSI” OR SUPPLEMENTAL SECURITY INCOME

Supplemental Security Income (SSI) is a cash benefit program for low-income people 65 and over and for people of any age, including infants and children, who are blind or have disabilities. CAPI is a similar program for immigrants who do not qualify for SSI.

STATUTE

A law passed by the United States Congress or a state legislature.

STATUTE OF LIMITATIONS

A law that says how much time you have to file a lawsuit after something happens.

STAY

An order by a court that stops any further action in the case for a certain period of time.

SUMMARY JUDGMENT

When the judge decides a case without going to trial. The decision is based on the papers filed by both sides.

TEMPORARY RESTRAINING ORDER (TRO)

A Temporary Restraining Order (TRO) is a court order requiring immediate action. It is an emergency remedy of brief duration issued by a court only in exceptional circumstances, usually when immediate or irreparable damages or loss might result before the opposition could take action.

“TBS” or THERAPEUTIC BEHAVIORAL SERVICES

Therapeutic Behavioral Services (TBS) is a Medi-Cal mental health service. It provides short-term one-to-one assistance to children or youth under age 21 who have behaviors that are too hard for their families or foster placement to

handle, such as tantrums, assaultive behavior or destruction of property. TBS can be provided to children at home, in a group home, in the community, during evening and weekends, and at other times and places as needed. The county mental health plan develops a behavior intervention plan and assigns a trained behavior aide to a child/youth for as many hours per day as needed. The county may also authorize another mental health organization to develop the plan and assign the behavior aide.

TRANSCRIPT

A record of everything that is said in a deposition, hearing or trial. Transcripts may be prepared from tape recordings or may be done by certified court reporters who use special equipment to make a word-for-word record of the proceeding.

“TWP” or TRIAL WORK PERIOD

A “Trial Work Period” under Social Security Disability law allows people with disabilities to test their ability to work for at least 9 months without reducing their Social Security Disability Income. During the TWP, an individual will receive full SSDI benefits regardless of how high their earnings might be, so long as they have a disability.

UNRUH CIVIL RIGHTS ACT

This law provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, or sexual orientation.

WRIT

A court order that says certain action must be taken.

WRIT OF MANDATE

A court order to a government agency, including another court, or to a private entity requiring it to follow the law by correcting its prior actions, ceasing illegal acts, or taking certain actions.

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