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

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**Issue 59 — Work as of January 15, 2010**

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This report represents a summary of the work Disability Rights California staff has reported from October 1, 2009 to January 15, 2010. Many thanks to those who provided the material to make this report possible.

## **ABUSE AND NEGLECT**

### **Investigation of Abuse of Nursing Home Residents Reveals no Accountability for Perpetrators**

Over the past two years, the Investigations Unit (IU) investigated twelve cases involving criminal physical and sexual abuse against nursing home residents by care staff and traced the handling of these crimes through the abuse response and criminal justice systems. For each case, the IU reviewed numerous records, interviewed witnesses (including victims, facility staff and administrators) and consulted with a medical and legal prosecution expert to determine whether the incidents were handled appropriately through the criminal justice system. IU staff also interviewed individuals involved in the abuse response and criminal justice system, including long term care ombudsmen, representatives from the Bureau of Medi-Cal Fraud, a law enforcement official, and a retired judge who heard cases in an Elder Abuse Court.

All of the cases involved facts indicative of criminal abuse. Yet, only two of the cases were reported directly to law enforcement. Ten cases were reported to the ombudsmen but reporting often lagged for several days. Federal confidentiality restrictions prevent the ombudsman from cross reporting criminal abuse to law enforcement or the local District Attorney

*unless* the victim provides consent, an infrequent occurrence. Law enforcement was eventually notified in fewer than half of the cases. In all 12 cases, the facility administrator, not the witnessing mandated reporter, reported the incident, in direct contravention of the law. In 11 cases, the staff were terminated or suspended.

Half of the cases involved multiple victims in the same facility and/or multiple incidents of abuse involving the same victim by the same alleged assailants. This evidence supports the research that there is gross underreporting of abuse and that the few cases that are reported represent the tip of the iceberg.

In only three cases were criminal charges filed, and the prosecution pursued only minimal misdemeanor offences. Disability Rights California's prosecution expert indicated that the crimes should have been charged as felonies. The IU is preparing to release a public report regarding its findings and recommendations to prompt systemic reform.

Abuse & Neglect Goal 1, Obj. A

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

**Grant/Funding Source(s):** PAIMI/ PAIR/Trust Fund

### **Disability Rights California Obtains Access to Records and Residents of Nursing Facility Pursuant to Abuse Investigation**

*Disability Rights California v. SunBridge Braswell Enterprises, Inc. dba Sierra Vista Rehabilitation Center*

Case No. CV-09-3664 VBF (FFMx), Federal District Court, Central District of Calif., Judge Valerie Baker Fairbank

See Previous Regional Office Report, Issue No. 57

In October 2008, Disability Rights California began receiving reports of excessive force in the use of physical restraint at Sierra Vista Rehabilitation Center, which is a nursing facility in San Bernardino that serves individuals with psychiatric and developmental disabilities.

Disability Rights California requested statistics on the number of restraint incidents at the facility in 2008 and other information and records relevant

to our abuse investigation. The facility denied our request to many of the requested records, citing peer review and quality assurance privileges as well as contesting our probable cause determination concerning all individuals at the facility.

In addition, in response to our request to meet with individuals at the facility on an informal basis, provide information to such persons, and monitor health and safety conditions, defendant denied our access to the facility and imposed onerous terms and conditions on such physical access.

After filing suit and a motion for preliminary injunction, we were able to reach a confidential settlement of our physical access concerns. We have dismissed the rest of the case without prejudice and continue to work with the facility on restraint reduction issues.

Abuse and Neglect Goal 3, Obj. C

Mental Health Goal 1, Obj. A

**Disability Rights California Staff:** Dara Schur, Michael Stortz, Kevin Bayley, Rachel Scherer, Maria Iriarte, and Debbie Dorfman

**Grant/Funding Source(s):** PAIMI PADD

## **BENEFITS**

### **Disability Rights California Seeks Another Preliminary Injunction to Stop Another Cut in Adult Day Health Care Services**

*Brantley, et. al. v. Maxwell-Jolly, et al.*

Case No. C-09-03798 SBA, Federal District Court, Northern District of Calif., Judge Sandra Brown Armstrong

See Previous Regional Office Report, Issue 28 On January 19, 2010, Disability Rights California, along with co-counsel AARP Foundation Litigation, National Senior Citizens Law Center, the National Health Law Program, and Howrey LLP, filed a motion for a preliminary injunction to stop devastating cuts to Adult Day Health Care (ADHC) services. ADHC is a Medi-Cal funded community-based program for low income seniors and younger adults with disabilities that provides a variety of services, including therapeutic, social, and skilled nursing services designed to maintain

individuals in their own homes and avoid institutionalization. Approximately 37,000 Californians across the state participate in the program.

ABx4 5, one of a number of bills enacted in response to California's budget crisis, cut the maximum number of days an individual could receive ADHC services from five to three per week regardless of their need for the services. On September 10, 2009, in a major victory for Plaintiffs, Judge Sandra Brown Armstrong granted Plaintiffs' motion for a preliminary injunction, and stopped the implementation of the reduction in days of the program.

The motion filed on January 19 challenges new restrictions limiting eligibility for ADHC services that are targeted to go into effect on March 1. The new eligibility restrictions will terminate ADHC services for approximately 15,000 current participants, all of whom have been determined to need ADHC to avoid hospitalization or other institutionalization without ADHC. The hearing on this motion is scheduled for February 23, 2010.

Plaintiffs' legal claims as to both the reduction in days and the new restrictions on eligibility included violations of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act; the Medicaid Act; and the U.S. Constitution.

Discrimination Goal 1 Obj. A  
Benefits Goal 2, Obj. A; Goal 3, Obj. A.

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

**Co-Counsel:** AARP Foundation Litigation, National Senior Citizens Law Center, National Health Law Program, Howrey LLP.

**Grant(s)/Funding Source(s):** PAIR/PAIMI

### **ALJ Awarded A.W. a Substantial Increase in Her IHSS Hours**

*A.W. v. San Diego County In-Home Supportive Services*

A.W., a 55 year-old Native American woman, applied for IHSS services in early June 2009 and waited for her assessment for nearly two months. By law, applicants should receive their assessment and Notice of Action within 30 days of applying. A.W. contacted Disability Rights California, and after

several calls to the Program Manager in San Diego County and a change in social worker, Disability Rights California was able to get her assessment completed.

At the time of the assessment, the social worker was verbally aggressive toward A.W., who was lying in bed too weak to even appropriately respond to questions. Not only was the social worker inappropriately questioning A.W., but she awarded only 45 hours per month in IHSS services, despite the obvious need for more hours. For example, A.W. received time for meal preparation and clean-up only 4 days per week notwithstanding the fact that A.W. was unable to even make her own protein shakes (because she could not stand for that long and she could not use her hands to hold a spoon and stir) or pour her own water. At the time of the assessment, A.W.'s apartment had not been properly cleaned in several years and she was extremely frail and unable to speak or eat on her own. With so few hours, and no family or other help, A.W. was barely surviving, as the social worker noted in her narrative.

A.W. requested a hearing on August 27, 2009. Eight weeks later, she still had not received a hearing date. After several requests for postponements on behalf of the County, on November 23, 2009, A.W. finally had her hearing.

Nearly six months after applying for IHSS, on November 30, 2009, the ALJ issued a decision awarding 140.6 hours per month and remanding the matter to the County to re-determine transportation and additional ambulation hours. Despite knowing that A.W. was represented by counsel, when Disability Rights California staff contacted the supervising social worker to discuss the re-assessment, no mention was made of the planned meeting with A.W. two days later. To the social worker and supervising social worker's surprise, Disability Rights California staff showed up at the meeting to advocate for A.W.

IHSS County staff also withheld provider lists from A.W. for more than 6 months, and A.W. was unable to find an appropriate provider during this time. After Disability Rights California staff intervention, A.W. was able to secure the list and hire an excellent provider. Disability Rights California staff sent a letter to DSS advising it of the County's transgressions regarding A.W.'s case.

On December 24, 2009, the County's Notice of Action awarded A.W. 169.9 IHSS hours per month, and A.W. received all retroactive benefits back to the date of application.

Benefits Goal 3, Obj. A.

**Disability Rights California Staff:** Debra Marley, Maria Iriarte  
**Grant/Funding Source(s):** PAIR

### **K.D. Obtains a Medi-Cal-Funded Electric Wheelchair**

K.D sought to obtain a new electric wheelchair from Medi-Cal because his wheelchair was worn out and in disrepair. K.D. went to a local Medi-Cal durable medical equipment (DME) vendor and was fitted for a new wheelchair. The vendor submitted a treatment authorization request (TAR) to Medi-Cal for approval. After several weeks without a response, K.D. contacted Disability Rights California because he was unable to get around his home or travel in his community with his current wheelchair.

Disability Rights California staff contacted Medi-Cal on K.D.'s behalf and determined that Medi-Cal had received the TAR, but had not processed it, despite having had it for over 30 days. California law requires that TARs be deemed approved if they are not processed within 30 days of submission. Disability Rights California staff prepared a letter informing Medi-Cal that by operation of law the TAR was deemed approved and that it needed to notify the vendor of the approval. K.D. received his wheelchair within two weeks from the time Disability Rights California sent the letter to Medi-Cal.

Benefits Goal 2, Obj. A

**Disability Rights California staff:** Todd Higgins  
**Grant:** PAAT

### **Medi-Cal Approves Toddler for Pediatric Day Health Care Services Under EPSDT**

D.H, who is a 2 year-old with epilepsy, cerebral palsy, eye ptosis and global developmental delay, was denied Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT) services for a Pediatric Day Health Care Program in an ALJ decision finding that the services were not medically necessary. However, the records regarding the severity of D.H.'s

condition were not up-to-date at the time of hearing, which the ALJ noted. In fact, D.H. was having more frequent and severe seizures than the record showed, including a major epileptic occurrence that resulted in a month-long hospitalization and deterioration of his condition.

After D.H.'s hospital discharge, Disability Rights California worked with day care staff to obtain medical documentation of the worsening of D.H.'s condition to show changed circumstances and medical necessity under state law. D.H.'s worsening medical condition necessitated reconsideration by Medi-Cal's In-Home Operations unit, notwithstanding the prior ALJ decision denying such services. Another TAR that was submitted to Medi-Cal in late November 2009 was approved. D.H. started attending the day health program in January of 2010.

Benefits Goal 3, Obj. A.

**Disability Rights California Staff:** Debra Marley

**Grant/Funding Source(s):** PADD

### **D.C. is Successful in Getting Back on the Medi-Cal 250% Working Disabled Program**

D.C. is a person with muscular dystrophy who became eligible for the Medi-Cal 250% Working Disabled Program (a Medi-Cal program available to certain individuals who work) in 2004. However, Medi-Cal issued a notice indicating that he was no longer eligible for the program. He filed an appeal and contacted Disability Rights California. An advocate contacted the county representative on his behalf who indicated that D.C. had not returned a Medi-Cal renewal packet. D.C. stated that he never received it. D.C. agreed to a conditional withdrawal of his appeal and the county agreed to send him the renewal packet. After getting the information it needed, D.C.'s Medi-Cal was reinstated.

Benefits Goal 2 Obj. A

**Disability Rights California staff :** Aleyda Toruno

**Grant/Funding Source(s):** PABSS

### **Client's SSI Benefits get Reinstated Pending his Appeal**

A.M. is a 67 year-old monolingual Spanish speaker who has kidney disease and attends dialysis treatment three times a week. A.M. is on SSI

benefits and lives with his sister because he cannot afford an apartment. He attended a meeting at his local SSA office where he was asked to sign a statement he did not understand because it was in English. A.M. then received a Spanish language notice from SSA stating that his benefits were being terminated because he had been living outside of the United States.

A.M. went immediately to the SSA office to appeal and was asked to sign documents written in English, including an appeal form. A.M. did not understand what he was signing and his benefits were terminated.

Although A.M. had family in Baja California, he lived in San Diego in an apartment that he shared with his son. When his son moved, out he was no longer able to afford the apartment and he moved into his sister's home. A.M. gave SSA this information each time he met with a representative at his local SSA office and never stated that he lived in Baja California. .

The summary of the appeal form that A.M. signed in English indicated that A.M. did not want his benefits pending the appeal. However, he explained to a Disability Rights California advocate that he never would have agreed to waiving benefits pending an appeal because he had no other means of supporting himself while receiving dialysis treatment.

The advocate contacted SSA to get A.M.'s benefits reinstated pending his appeal. After several phone calls and resistance from the local SSA office, A.M.'s benefits were reinstated. SSA investigators later visited A.M.'s home to confirm that he resides with his sister and Disability Rights California anticipates that his benefits will be permanently reinstated.

Benefits: Goal 1 Obj. A

**Disability Rights California staff:** Aleyda Toruno

**Grant/Funding Source(s):** PAIR

### **R.C.'s Subsidy and Benefits Are Reinstated**

R.C., a person with a developmental disability who is a regional center client, has worked with job supports throughout his adult life. He was most recently working with Goodwill Industries through a supported employment program when SSA notified him that he was no longer eligible for benefits due to working above the Substantial Gainful Activity (SGA) threshold. He

was notified in October 2008, that his benefits should have been terminated in 2006, creating an overpayment of \$55,270.00.

SSA can consider special conditions and subsidies when making SGA determinations. In R.C.'s case, SSA had been considering a 50% subsidy since 2004 when R.C. began to earn above the SGA threshold. When he was notified of his termination, no explanation was given why the subsidy was no longer being considered. His job duties and the job supports he received had not changed.

A Disability Rights California advocate intervened on R.C.'s behalf and provided the SSA with R.C.'s most recent work activity report. As a result, SSA reinstated R.C.'s benefits and removed the overpayment from his record.

Benefits Goal 1 Obj. A

**Disability Rights California Staff:** Aleyda Toruno

**Grant/Funding Source(s):** PADD

### **Advocate Helps Client get \$7,000 Overpayment Waived**

V.H., a person with mental health disabilities, received advice from SSA and DOR about the impact of work on her benefits. V.H. went to work understanding that her benefits would not be affected for the first nine months of her work activity. Unfortunately, the information provided by DOR and SSA was incorrect, causing her to incur a \$7,000 overpayment. V.H. filed for a waiver of the overpayment and was scheduled for a personal conference when she contacted an advocate at Disability Rights California.

The advocate helped V.H. prepare for her personal conference. As a result, V.H. was able to successfully represent herself and get her overpayment waived.

Benefits Goal 1 Obj. A

**Disability Rights California staff:** Aleyda Toruno

**Grant/Funding Source(s):** PAIMI

## DISCRIMINATION

### Disability Rights California Obtains Settlement to Allow Service Dogs in Hospital

*Michalek v. Kaiser Foundation Health Plan et al.*

U.S. District Court, Southern District, case # 09CV-0488 W POR, Judge Luisa S. Porter, Judge Thomas J. Whelan

See Previous Regional Office Report, Issue 58

Disability Rights California filed a complaint in the U.S. District Court in San Diego in March 2009 under Title III of the ADA in response to an incident in which plaintiff's service dog was ejected from Kaiser's San Diego hospital. On November 12, 2009, at a settlement conference before Magistrate Judge Porter, the parties reached a settlement resolving the issues in the litigation.

The settlement consists of the following main points:

- (1) Kaiser will adopt on a statewide basis a new service dog policy that protects the rights of people with disabilities who use service dogs to have access to the hospital. Service dogs will be permitted to accompany the individual with a disability to all areas of the facility where members and patients are normally allowed to go, except where the animal could pose a direct threat to the health or safety of others. The existence of a direct threat must be determined on a case-by-case basis.
- (2) The policy will be posted and publicized to Kaiser members statewide through its website and in the Member Guidebook;
- (3) Kaiser employees will be trained in the policy;
- (4) Kaiser will pay \$7500 in damages to plaintiff;
- (5) Kaiser will pay \$42,500 to Disability Rights California for plaintiff's attorneys' fees and costs;
- (6) The Court will retain jurisdiction for a period of five years to enforce the terms of the Settlement Agreement.

Discrimination Goal 3, Obj. A

**Disability Rights California Staff:** Ann Menasche, Bernadette Bautista and Maria Iriarte  
**Grant(s)/Funding Source(s):** PAIMI

**National Day Care Facility Agrees to Accommodate Students with Epilepsy**

*C.R. v. Tutor Time*

Case No. EDCV 07-00189-SGL (OPx), Central District Court of California (Eastern Division), Judge Stephen G. Larson

C.R. was an eight year-old child with epilepsy who experienced seizures in excess of five minutes, during which he could severely injure himself or even die. C.R.'s doctor prescribed a medication called Diastat, a liquid form of Valium that immediately halts a seizure, which for C.R. needs to be administered if a seizure lasts longer than five minutes. Diastat was manufactured to be administered by non-medical personnel, including parents, and is easily administered rectally without dangerous side effects. This medication made it possible for C.R. to safely attend programs and events in a variety of areas without worrying about the proximity of health care professionals who would be called if he experienced a seizure beyond five minutes.

Tutor Time Learning Center, a large, national chain of day care centers, operated a child care center near C.R.'s home and his parents enrolled him at Tutor Time as an afterschool day care option. His parents completed the appropriate enrollment forms, informed Tutor Time about C.R.'s disability and medication, paid a deposit, and C.R. was accepted without question. C.R. attended the program for two days successfully. At that point, his parents were notified by a Tutor Time manager that Tutor Time would not administer C.R.'s anti-seizure medication in case of a seizure. Instead, it would call 911. Because there was no guarantee that emergency services could reach C.R. in time to prevent long-term injury or death, calling 911 was not an inappropriate alternative to Tutor Time staff administering the medication. As a result, C.R.'s parents requested that Tutor Time agree to administer C.R.'s medication as a reasonable accommodation. Tutor Time refused, indicating that its policy did not permit it to administer any medication to children at the center. As a result, C.R.'s parents determined that it was not safe for C.R. to attend Tutor Time and withdrew him from the program.

Disability Rights California assumed the litigation responsibilities of this case in April, 2007 and added the Epilepsy Foundation of America as an organizational plaintiff to ensure that any resolution or judgment in this case would impact all students or potential students of Tutor Time who have epilepsy.

After proceeding with litigation, the parties met for mediation and Disability Rights California sought not only an individual accommodation for C.R., but also a guarantee that Tutor Time centers nationwide would agree to administer medication for children who have disabilities. Tutor Time ultimately agreed to guarantee this accommodation for all corporate owned Tutor Time centers in the United States, so long as administering the medication did not interfere with state licensing laws. Tutor Time guaranteed that this settlement will cover at least 80% of all Tutor Time centers in the nation.

Discrimination Goal 3, Obj. A

**Disability Rights California Staff:** Andrew Mudryk, Lauren Giardina (and former staff Kimberley Baker and Sage Reeves.)

**Grant/Funding Source(s):** PADD

**Disability Rights California Convinces Federal Student Aid (FSA) to Discharge Client's Student Loan Based on Total and Permanent Disability (TPD).**

P.A., who undergoes dialysis treatment four times a week for up to four hours at each session and has a visual and orthopedic disability, contacted Disability Rights California after he had submitted a Student Loan Discharge application to the Department of Education's Federal Student Aid office (FSA) back in 2002 since he has been unable to work because of his disability. Although P.A. had submitted everything necessary to process his discharge application, FSA continued to send him notices stating that he was no longer eligible for a discharge since he had not provided his annual income to FSA.

Disability Rights California staff contacted FSA on P.A.'s behalf and learned that P.A. had not provided his last pay stub from his previous employer to FSA. After doing so, FSA discharged the total amount of P.A.'s student loan.

Discrimination Goal 3 Obj. A

**Disability Rights California Staff:** Ivan Guillen  
**Funding Source(s)/Grant(s):** PAIR

**Disability Rights California Successfully Objects to Class Action Settlement in Florida Regarding Disney's Ban on Segway in its Parks that Would Have Affected the Rights of Californians With Disabilities.**

*Ault, et al. v. Walt Disney World Co.*

Case No. 6:07-cv-1785-Orl-31KRS in the United States District Court for the Middle District of Florida.

Disability Rights California filed an objection to a proposed class action settlement agreement. The named plaintiffs in this case use Segways (motorized devices with platforms that people can stand on while driving) as mobility devices. Both Disney World in Orlando, Florida and Disneyland in Anaheim, California ban the use of Segways in the parks. All of the named plaintiffs visited Disney World and were not allowed to use their Segways.

The proposed settlement agreement called for Disney World and Disneyland to develop their own Segway-like devices that people with disabilities could rent. The proposed settlement agreement would have waived the rights of all Disney World and Disneyland visitors with disabilities who use Segways to make any federal and state law claims.

Some people with disabilities require the use of a Segway as an assistive device to allow them to access Disneyland and should not be required to rent an alternative assistive device to access Disneyland that may or may not meet their needs. In addition, the required renting would constitute a surcharge based on disability, which would be prohibited by Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12181, *et seq.* and state law.

The proposed settlement agreement would have significantly compromised the legal rights of people with disabilities in California under the ADA and state law. The proposed settlement agreement purports to bind all individuals covered by the ADA from asserting rights under the ADA, as well as to settle and release all claims under the laws of a number of states, including California law, and various local laws, rules, regulations,

orders or ordinances, without those claims ever being litigated or providing class members any substantive benefit under the heightened protections of these laws.

Along with Disability Rights California, several disability organizations filed objections to the proposed settlement agreement. Persuaded by the objections, the judge rejected the agreement and made the parties restart negotiations.

Discrimination Goal 3 Obj. B

**Disability Rights California Staff:** Fred Nisen

**Funding Source(s)/Grant(s):** PAAT/PAIR

**The Ninth Circuit Holds That Paratransit Providers Are Not Required to Provide Reasonable Modifications Under the ADA**

*Booze v. Tri-Met*

Case # 08-3578, U.S. Ninth Circuit Court of Appeals

As previously reported, Disability Rights California appeared as an amicus curiae (“friend of the court”) in a Ninth Circuit case involving a paratransit provider’s refusal to provide reasonable modifications under the Americans with Disabilities Act (ADA). This case arose out of a request of a person with a disability, Barbara Boose, for transportation in a sedan or taxi, rather than a bus, from her local paratransit service provider. She made this request for a reasonable modification of the available paratransit options because her disability is exacerbated by riding buses. That provider, Tri-County Metropolitan Transportation District of Oregon (“Tri-Met”), refused the request, concluding that it was required to provide nothing more than bus service through its paratransit service, the LIFT Paratransit Program (“LIFT”), even though LIFT indisputably has the capacity to provide the requested supplemental sedan and taxi service.

Ms. Boose filed a complaint in the United States District Court in Oregon. The District Judge granted Tri-Met’s motion for summary judgment, holding that paratransit providers are not required to provide reasonable modifications because paratransit providers are only required to comply with the Department of Transportation (DOT) regulations implementing Part B of Title II of the ADA, and not the Department of Justice (DOJ)

regulations implementing Part A. The Court also indicated that the existence of a paratransit system alone is a reasonable modification. Ms. Boose appealed the decision to the Ninth Circuit Court of Appeals.

Unfortunately, the Ninth Circuit upheld the District Court's decision, holding that paratransit providers are not required to provide reasonable modifications under the ADA.

Discrimination Goal 3, Obj. A & B

**Disability Rights California Staff:** Fred Nisen

**Co-Counsel:** Disability Rights Legal Center and Munger, Tolles and Olson, LLP

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

## EDUCATION

### **Lawsuit Filed Against Inland Regional Center on Behalf of 2 Year Old**

*K.K. v. Regional Center*

Case No. ED-CV-10-00010, Federal District Court, Central District of Calif., Judge Virginia Phillips.

K.K. is a two year-old with both developmental and physical disabilities, including Down Syndrome who has been receiving early intervention services from the regional center since birth. In July 2009, the regional center unilaterally reduced his occupational therapy (OT) services from weekly one hour sessions (5 sessions per month) to one one-hour session per month without prior written notice. The regional center did not hold an Individualized Family Service Plan (IFSP) meeting before reducing the services and never discussed its plan to do so with the family.

K.K. still has significant deficits in the areas of fine and visual motor skills. An independent occupational therapist and K.K.'s pediatrician both believe that he needs one hour per week of OT to address his needs.

K.K.'s mother appealed the reduction of OT and speech therapy services by filing a due process complaint on her own. Although she timely filed the appeal, the regional center failed to provide "stay put" services (keeping services at the same level) pending the hearing.

In a hearing decision in October 2009, the judge upheld the reduction of the OT services and also found that although K.K. was entitled to "stay put" and did not get it, he would not order any compensatory services to make up for the denial because he found that the services were not warranted.

Disability Rights California filed a complaint Central District Court on January 5, 2010 to appeal the portion of the decision pertaining to OT, as well as the judge's decision not to award compensatory OT services.

Education Goal 1 Objective A

**Disability Rights California Staff:** Connie Huang, Debbie Dorfman

**Grant/Funding Source(s):** PADD

### **Due Process Complaint Filed Against Regional Center on Behalf of 2 Year-Old**

*K.K. v. Regional Center*

On behalf of the same client discussed above, we filed a motion requesting leave to file an amended due process complaint on the issues remaining in the case and the Office of Administrative Hearings (OAH) granted our motion on January 4. OAH continued the hearing to March 16, 2010 to allow the parties additional time to prepare.

In our due process request we alleged that the regional center violated K.K.'s due process rights under the Individuals with Disabilities in Education Act (IDEA), the California Early Intervention Services Act (CEISA) and its implementing regulations, the Fourteenth Amendment to the United States Constitution and the California Constitution; failed to meet its service coordination responsibilities under the implementing regulations to IDEA; failed to ensure the "timely provision of services" pursuant to the implementing regulations of IDEA; and failed to follow the procedures for developing an IFSP as set forth in the implementing regulations of the IDEA.

Education Goal 1 Objective A

**Disability Rights California Staff:** Debbie Dorfman, Connie Huang, Brigitte Ammons

**Grant/Funding Source(s):** PADD

## LANTERMAN

### Monitoring of Settlement Implementation Underway

*Capitol People First et al. v. Department of Developmental Services et al.*

Case No. 2002-038715, Alameda County Superior Court, Judge Robert B. Freedman, filed January 2002.

See Previous Regional Office Report, Issue 56

*Capitol People First* was filed as a class action seeking community living arrangements for more than 7,000 Californians with developmental disabilities who are residents of the state developmental centers or other large private congregate facilities and people at risk of placement in such facilities.

On April 24, 2009 Judge Robert Freedman granted final approval of a settlement agreement that affirms the right of Californians with developmental disabilities residing in large institutions to have information and choice about community living options. Plaintiffs in this case are hopeful that the settlement will provide the class increased opportunities to live as a part of rather than apart from the community.

To date, defendants have complied with settlement agreement, which includes continued funding to help people living in institutions move into the community, funding for regional center case workers to attend IPP meetings of people who live in developmental centers, and training to state employees about community living options. The current phase of this case allows for certain monitoring activities, including dispute resolution and enforcement mechanisms, to ensure that defendants continue to meet their obligations under the terms of the settlement.

Background on the case, including legal documents and press coverage 2002-2009, can be found at <http://www.disabilityrightscalifornia.org/advocacy/>

Lanterman Act Goal 1 Obj. A

**Counsel for Disability Rights California:** Barbara Dickey, Sujatha Jagadeesh Branch, Jonathan Elson, Elissa Gershon, Ellen Goldblatt, William Leiner, Maggie Roberts, Dara Schur, Kim Swain

**Outside Co-counsel:** William Bates, Chris O'Connor, Jeanne Sheahan, Bingham McCutchen; Michael Schwartz, Richard Mulloy, Nikki Wyll, Aaron Wainscott, DLA Piper

**Grant/Funding Source(s):** PADD/ PATT/ Equal Access/ IOLTA

**Opening Brief Filed in Appeal of Denial for Regional Center Eligibility in Court of Appeal**

*B.S. v. Regional Center*

See Previous Regional Office Report, Issue 58

B.S. is a 30-year-old adult client with a diagnosis of high-functioning Autism. The regional center denied eligibility due to client's past diagnosis of Asperger's Syndrome. B.S. subsequently appealed the denial at administrative hearing and then in superior court. The superior court affirmed the administrative judge's finding that only a diagnosis of Autistic Disorder qualified as meeting the legal criteria for Autism.

Disability Rights California agreed to co-counsel the case with private counsel before the Court of Appeal. Co-counsel filed an opening brief in September in which it was argued that the regional center improperly imposed overly restrictive criteria for Autism in requiring that only a diagnosis of Autistic Disorder qualified for eligibility and that the superior court failed to review the record independently.

Disability Rights California and co-counsel will be filing the reply brief this month and anticipate oral arguments this spring.

Lanternman Goal 3 Objective A

**Disability Rights California Staff:** Melinda Bird, Debbie Dorfman, Timothy Poe

**Other Counsel:** Louise Katz

**Grant/Funding Source(s):** PADD

### **Disability Rights California Successfully Negotiates Resolution on behalf of Terminally Ill child with a Developmental Disability in Need of Continuous Nursing Services**

The father of a ten-year old terminally ill boy who also has a developmental disability contacted Disability Rights California for advocacy assistance after he was told by the child's regional center that it was going to immediately cut all of his nursing services without proper notice. The child's medical condition is such that he requires one-on-one nursing services twenty four hours per day seven days a week. The regional center justified the termination of these services because it alleged that the mother was paid to be the child's IHSS worker. Disability Rights California immediately and successfully advocated on behalf of the child and got the regional center to agree not to cut the child's nursing services. The child's full compliment of nursing services remains in place.

Lanterman Goal 3, Obj. A

**Disability Rights California Staff:** Debbie Dorfman, Aleyda Toruno, Jacqueline Miller

**Grant/Funding Source(s):** PADD

### **Disability Rights California Provides Technical Assistance to Attorney Representing Client with Asperger's in an appeal before the California Court of Appeal**

Disability Rights California received a request from a father who is an attorney and conservator of young man with Asperger's for assistance appealing the denial of his eligibility for regional center services. The case is currently before Division 2 of the California Court of Appeal and involves issues of whether the client's functional level precludes him from regional center eligibility and whether a diagnosis of Asperger's automatically precludes a finding of regional center eligibility. This case raises issues very similar to the B.S. case, discussed above. In providing technical assistance in this case, we are coordinating our arguments in B.S. to ensure that they are consistent with the arguments in this case.

Lanterman Goal 3, Obj. A

**Disability Rights California Staff:** Debbie Dorfman

**Grant/Funding Source(s):** PADD

## **Disability Rights California Provides Technical Assistance in Case against Regional Center for Termination Services to Children with Autism**

Disability Rights California was contacted by Public Counsel and Gibson and Dunn for technical assistance in preparing litigation against a regional center for the termination of Developmental, Individual-Difference, Relationship-Based (DIR)/Floortime services (an effective form of play therapy) to children with Autism. Disability Rights California provided referrals to experts in Autism and extensive legal technical assistance regarding the development of claims for the complaint, arguments for the motion for preliminary injunction and fact witness declarations. The lawsuit was filed in Los Angeles Superior Court on January 14, 2010.

Lanterman: Goal 3, Obj. A

**Disability Rights California Staff:** Debbie Dorfman, Brigitte Ammons and Marilyn Holle

**Grant/Funding Source(s):** PADD

## **Update on Disability Right California's Advocacy Challenging Regional Center Due Process Violations**

See previous Regional Office Report, Issue 58

### **Part One: Regional Center Eligibility Terminations**

In August 2009, Disability Rights California sent a demand letter to two regional centers on behalf of ten named individuals and others similarly situated, who were served constitutionally and statutorily deficient notices of action (NOA) terminating their regional center eligibility. The problems with the NOAs included: 1) failing to provide the consumer with reasons for the decision to terminate his or her regional center eligibility, 2) failing to provide the notice to monolingual non-English speakers in their primary language; and 3) failing to advise consumers that they have a right to appeal their eligibility termination and if they file the request within 10-days of receiving the NOA, they have the right to receive continuing services pending the outcome of their appeal ("aid paid pending").

Disability Rights California demanded that the regional centers withdraw the NOAs and that eligibility for regional center services be restored for the named individuals as well as others similarly situated who received the

defective notices. We also demanded that the regional centers cease sending out any more eligibility termination NOAs until a new NOA could be developed and that they pay for compensatory services during the period of time that any consumer did not receive services as a result of receiving a defective NOA.

As a result of our advocacy, one of the regional centers agreed to withdraw the NOAs and restore regional center eligibility to all of the individuals who had received the defective eligibility termination NOAs for the preceding six months. The regional center also agreed to work with Disability Rights California to adopt a mutually agreed upon eligibility termination NOA. Finally, the regional center agreed to provide compensation to any individuals who had documented out-of-pocket expenses resulting from the termination of their eligibility due to the defective NOAs. The settlement in this case has been implemented.

The other regional center finally agreed to withdraw the NOAs and reinstate regional center eligibility to all individuals who received the defective eligibility termination NOAs for the period April 2009 to the present (72 people). The regional center also agreed to work with Disability Rights California to adopt a mutually agreed upon eligibility termination NOA. The settlement in this case is being finalized.

## **Part 2: Respite and Suspended Services**

As a result of recent California budget cuts, regional center respite, social recreation and other similar services have been reduced or suspended. Consequently, regional center clients receiving these services received notices of terminations and reductions. In September of 2009, Disability Rights California received numerous complaints that one regional center sent inadequate notices to its consumers about the terminations and reductions. Among the complaints were that the notices did not: 1) state the reasons for the termination or reduction of services or what exact services were being reduced or terminated; 2) did not provide consumers with information regarding their right to appeal the terminations and reductions or how to do so; 3) did not advise the consumers of their right to receive aid paid pending; 4) did not advise the consumers of the exemptions to the termination and reduction of respite and suspended services; and 5) were only in English.

As a result of these complaints, Disability Rights California sent a demand letter to the regional center demanding that it withdraw its NOAs to all of the affected consumers and reinstate the respite and suspended services to them. Disability Rights California also demanded that the regional center work with Disability Rights California to adopt a mutually agreed upon notice that comports with due process and statutory requirements and that all consumers receiving the notice who timely appeal receive aid-paid pending until the conclusion of their appeal.

On September 25, 2009, the parties met for settlement negotiations and reached a partial settlement under which the regional center agreed to work with Disability Rights California to modify its notice to ensure that it met constitutional and statutory requirements. It also agreed to ensure that individuals who had timely appealed received aid paid pending. As a result of further negotiations, the regional center has agreed to make all of changes that Disability Rights California requested to the NOAs to ensure that they correctly reflect the law. It has also agreed to allow those individuals who received defective notices additional time to file requests for fair hearing and aid-paid pending.

Lanterman Goal 3 Obj. A

**Disability Rights California Staff:** Debbie Dorfman and Tim Poe, Connie Huang

**Grant/Funding Source(s):** PADD

**Disability Rights California Successfully Negotiates with Regional Center to Withdraw Notice of Action to Reduce Respite Services for Two Clients**

Disability Rights California received a request for representation from the family of two women with significant medical needs and developmental disabilities to challenge their regional center's notice of action significantly reducing their respite services. The regional center sought to terminate the respite on the basis that it believed that IHSS could replace the service. Disability Rights California wrote two demand letters insisting that the regional center withdraw the notice and the regional center ultimately agreed.

Lanterman Goal 3, Obj. A

**Disability Rights California Staff:** Debbie Dorfman, Tim Poe and Marilyn

Holle

**Grant/Funding Source(s):** PADD

## **MENTAL HEALTH**

### **Disability Rights California Assists Client with Multiple Disabilities Receive Reasonable Discharge Plan**

E.P. is a 22 year-old woman who is hard of hearing in addition to having mental health and developmental disabilities. She has been living for over a year in large skilled nursing home for individual with mental health disabilities. The nursing home lost several pairs of E.P.'s hearing aids over the past year and refused to properly clean the hearing aids or replace their batteries. E.P.'s mother replaced the hearing aids and requested that the nursing home reimburse her for their cost. The nursing home responded by providing the client with a notice stating that she would be discharged from the nursing home in one week because they were unable to meet her medical needs.

Disability Rights California sent the nursing home administrators a letter objecting to the discharge notice as being in violation of the nursing home's responsibilities in the areas of discharge planning and in providing reasonable accommodations to E.P. regarding her hearing impairment. The nursing home rescinded its discharge notice and agreed to maintain the E.P.'s placement until the nursing home and the client's regional center could locate a community placement for E.P. that addressed her multiple disabilities.

Mental Health Workgroup Goal 3, Obj. A

**Disability Rights California Staff:** Maggie Roberts

**Funding Source:** PAIMI

### **Disability Rights California Assists Individual in Contesting Conservatorship**

Disability Rights California, Morton Cohen, professor of law at Golden Gate University, and the Marin County Public Defender's Office are representing *Jacqueline B.* in an appeal of an order of the Marin County Superior Court establishing a conservatorship on the basis of mental disorder, and

disabling her of her rights, including the right to consent to psychiatric treatment and other medical treatment. Immediately after the hearing finding Jacqueline B. to be gravely disabled, the court imposed the “regular” disabilities, which meant that the court took away all rights except the right to vote.

Disability Rights California and co-counsel filed an appeal on her behalf. Following oral argument, the Court of Appeal dismissed the appeal on the grounds that it is moot because the conservatorship was renewed several weeks prior to oral argument in the Court of Appeal. However, the court noted that failure of the trial court to make findings regarding the imposition of special disabilities separately from the finding of grave disability would be a violation of due process.

Following the dismissal of the appeal a petition for review was filed with the California Supreme Court. The Supreme Court, in a unanimous decision, granted the petition and transferred the case back to the Court of Appeal with directions to vacate the order dismissing the appeal, to reinstate the appeal, and to consider the cause on the merits. Following remand, the Court of Appeal issued a new opinion vacating the conservatorship order, which had already expired and was therefore moot, and again dismissed the remainder of the case as moot.

Again, a petition was filed with the California Supreme Court challenging the failure of the Court of Appeal to decide the issue as to whether the Superior Court had to hold a hearing at the time of the establishment of the temporary conservatorship disabling her of her rights, including the right to consent to psychiatric treatment and other medical treatment. Unfortunately, the Supreme Court denied the petition.

Mental Health Workgroup Goal 2, Obj. A

**Disability Rights California Staff:** Daniel Brzovic

**Other Counsel:** Morton P. Cohen, Professor, Golden Gate University School of Law, Marin County Public Defender’s Office

**Grant/Funding Source(s):** PAIMI

**Disability Rights California Files Appeal Challenging the Governor’s Elimination of Integrated Services for Homeless Adults program**

Mental Health Association of California et al. v. Schwarzenegger et al.

See previous Regional Office Report, Issue 56

Disability Rights California and other community organizations and attorneys filed suit challenging the Governor's veto of \$55 million in funding for the Integrated Services for Homeless Adults (ISHA) program. This cut represented virtually all of the funding for the program and resulted in elimination of the program.

The plaintiffs include three community-based organizations, The California Network of Mental Health Clients, NAMI California, and the Mental Health Association in California, and four individuals at risk of losing services. Also representing the plaintiffs, in addition to Disability Rights California, are Steven L. Mayer of Howard Rice Nemerovski Canady Falk & Rabkin (organizational plaintiffs only), Kimberly Lewis of Western Center on Law and Poverty, James Preis of Mental Health Advocacy Services, and Patrick Gardner of National Center for Youth Law.

Plaintiffs challenged the Governor's veto of the funding on the grounds that the elimination of the program violated the maintenance of effort provisions of the Mental Health Services Act (MHSA). The purpose of the MHSA was to expand mental health services. The MHSA specifically requires that the state "continue to provide financial support for mental health programs with not less than the same . . . amounts of allocations from the General Fund . . . as provided in the last fiscal year which ended prior to the effective date of this act."

A hearing was held in March 2009, before Judge Frank Roesch, Alameda County Superior Court, who ruled in favor of the Governor on all issues. We and other counsel filed an appeal on behalf of the plaintiffs. Our opening brief was filed with the Court of Appeal in December 2009. The Governor's opposition brief is due to be filed in March 2010.

Mental Health Workgroup Goal 3, Obj. A

**Disability Rights California Staff:** Daniel Brzovic

**Other Counsel:** Steven L. Mayer of Howard Rice Nemerovski Canady Falk & Rabkin (organizational plaintiffs only), Kimberly Lewis of Western Center on Law and Poverty, James Preis of Mental Health Advocacy Services, and Patrick Gardner of National Center for Youth Law

**Grant/Funding Source(s):** PAIMI

## **Disability Rights California Comments on Emergency Regulation Proposal by Department of Mental Health**

The California Department of Mental Health (DMH) proposed several regulations governing operations of the state hospitals. The proposal covered many areas, ranging from requirements to involuntarily medicate hospital residents to allowable mail size. DMH argued that due to the nature of the proposed regulations they needed to be approved on an emergency basis and bypass the usual procedure for promulgation of regulations.

Disability Rights California staff wrote a letter to the Office of Administrative Law (OAL), copying DMH, arguing that the basis which DMH had cited to justify emergency promulgation did not sufficiently make the case that the regulations were necessary to avoid serious harm to the public peace, health, safety or general welfare, as required by law. The letter further argued that some of the proposed regulations did not adequately track other sources of state law.

Subsequently, OAL approved one of the proposed regulations, concerning state hospital resident possession of electronic devices which may send or receive communications. DMH withdrew the other proposed regulations. Disability Rights California will continue to monitor the situation in case the regulations are resubmitted.

Mental Health Workgroup Goal 1, Obj. B

**Disability Rights California Staff:** Sean Rashkis, Kevin Bayley  
**Grant/Funding Source(s):** RAD-TF

## **Disability Rights California Joins with Other Disability and Elder Advocates to Oppose Proposed State Bar Rule on Clients with Diminished Capacity**

Disability Rights California spearheaded an effort to submit comments to the Commission for the Revision of the Rules of Professional Responsibility, State Bar of California, on its proposed Rule 1.14 (clients with diminished capacity). The proposed Rule adopts ABA Model Rule 1.14 and, if promulgated, would allow an attorney to “notify an individual or organization that has the ability to take action to protect the client” when the client has “significantly diminished capacity such that the client is unable to

make adequately considered decisions in connection with a representation,” is “at risk of substantial physical or financial harm,” and “cannot adequately act in his or her own interest.” We presented comments to the commission outlining how the proposed rule is too vague and broad and would allow attorneys to inappropriately compromise clients’ personal autonomy and confidentiality in situations in which doing so would not warranted. Based on information that we have received, the commission has not adopted most of our proposed changes. The proposed rule would require statutory changes to existing attorney-client privilege under the California Business and Professions Code, and thus further coordinated advocacy could be pursued through that process.

Mental Health Workgroup Goal 2, Obj. B

**Disability Rights California Staff:** Dara Schur, Michael Stortz, Stephen Rosenbaum, and Jeanne Molineaux

**Other Counsel:** Disability Rights Education and Defense Fund, Disability Rights Legal Center, Law Foundation of Silicon Valley, Mental Health Advocacy Services, and the National Senior Citizen Law Center

**Grant/Funding Source(s):** RAD-TF

### **Disability Rights California Obtains Access to Records and Residents of Nursing Facility Pursuant to Abuse Investigation**

See Abuse and Neglect.

## **VOTING**

### **Disability Rights California Works with Los Angeles County Registrar-Recorder/County Clerk’s Office**

Disability Rights California has begun meeting with the Los Angeles County Registrar-Recorder/County Clerk’s office (RR/CC) as part of efforts to make sure that every individual with a disability is able to vote. In addition to continuing participation on the RR/CC’s Community Voter Outreach Committee (CVOC) and its sub-committees, Disability Rights California has initiated meetings with the office’s departments in charge of poll site selection, poll site setup and poll worker training. This quarter, Disability Rights California staff met with the Assistant Registrar for the Elections Division and the RR/CC staff responsible for selecting and setting up poll

sites including ramps, doorbells, and other the items that would make an otherwise inaccessible poll site accessible. During the meeting, PAVA staff had the opportunity to interact with the accessible equipment and provided comments to the RR/CC about the effectiveness of these items. Staff also answered RR/CC staff questions about best practices for interacting with voters with different types of disabilities.

Through ongoing poll monitoring efforts and voter calls, Disability Rights California has identified areas in which voters with disabilities often encounter barriers to voting. To remedy these barriers, we are working with the LA County RR/CC to try to ensure that to the maximum extent possible poll sites are placed in accessible locations, that they are set up so that barriers are reduced and if possible eliminated and that poll workers are knowledgeable about the spectrum of types of disabilities and ways in which all voters can exercise their right to cast a ballot. Disability Rights California will continue to work with the LA County RR/CC to further these goals.

Voting (Discrimination) Goal 4, Obj. B

**Disability Rights California Staff:** Hillary Sklar, Scott Barron, Kevin Bayley

**Grant/Funding Source(s):** PAVA

## **GLOSSARY OF SELECTED TERMS**

(Updated November 19, 2009)

### **“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 provide referrals to County Mental Health Services for children with special education needs beyond what schools can offer. These services are considered special education services, and they include behavioral assessments, individual or group therapy, occupational and physical therapy, and mental health services. (Also known as “AB 3632,” or “Chapter 26.5” or Gov. Code §§ 7570 – 7588)

### **“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.

### **“ADR” or ALTERNATIVE DISPUTE RESOLUTION**

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 *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**

Plans 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.

### **“CASA” or COURT APPOINTED SPECIAL ADVOCATES**

Court appointed special advocates 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 CA 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.

### **“FMR” or FAIR MARKET RENT**

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

## **“FAA” or FUNCTIONAL ANALYSIS ASSESSMENT**

An FAA is a mental health behavior analysis to review an individual’s behavior in order to come up with a behavioral intervention plan to address problem behaviors.

## **“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 ADVOCACY**

## **“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 Regional Centers 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 that 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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