2012 Board of Directors


Board members reach out to media about violence and mental health

Board members Eduardo Vega, Leslie Napper, and Izetta Jackson are active in informing the public that people with mental health disabilities are much more likely to be victims of violence than perpetrators. One example of media coverage is an op-ed written by Jackson and Napper titled “Another view: forced mental care drives patients away,” (January 27, 2013, Sacramento Bee – www.sacbee.com/201310.27.5141873.forced-mental-care-drives-patients.html). PBS interviewed Vega on December 26, 2012 on a “California law that aspires to improve mental health raises coercion concerns.” (www.pbs.org/newshour/bb/health/july-dec12/lauraslaw_12-26.html)

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Cover illustrations: illustrated by Hizuru Cruz, based on photos by Beverly Familar and Ricardo Jauregui
Reframing the big picture
by Catherine Blakemore, Executive Director

Since 2009, we have held off deep cuts to home care services that help preserve the independence of nearly half a million Californians. We just reached a settlement to keep future In-Home Supportive Services reductions small and make sure recipients can obtain reassessments when their needs for services change (See below). We have also made headway in ensuring that the thousands of seniors and people with disabilities who qualify for the new Community Based Adult Services receive this critical benefit and that young adults receive the in-home nursing care they need to remain in their family home (See pages 4 and 5).

Now that deep budget cuts are no longer a threat to the disability community, we must turn to creative and proactive ways to eliminate the stigma and discrimination which foster barriers and divisiveness. Our new 5 year advocacy plan [http://www.disabilityrightsc.ca.org/connect/AdvocacyPlan/Advocacy_Plan_2013-2017.html] envisions how a just and inclusive society benefits all Californians.

We know that eliminating architectural barriers and creating housing opportunities makes stronger, more vibrant communities for everyone. Yet, some work to exempt businesses from the costs associated with accessibility of their sites or services. Others explore ways to restrict shared housing, and to limit housing opportunities for all who depend on subsidized housing to live in the community [See page 7]. We must lead the way towards an inclusive society that values the participation of all of its members.

We know that people with mental health disabilities are more often victims rather than perpetrators of crimes. Yet, recent violent events are reintroducing the myth that people with mental health conditions are more dangerous than others and, therefore, involuntary treatment is justified. In a just society, we would eliminate the stigma associated with mental health disabilities and expand the array of proven voluntary services.

We doubled our efforts this year to prevent abuse of people with disabilities, including work on multiple bills to make sure abuse is treated as a serious crime [See page 4].

We need your help in reframing the big picture of California’s future—one that proudly includes equal rights and opportunity, dignity, choice and independence, as well as freedom from abuse, neglect and discrimination.

Breaking news: Settlement reached to keep IHSS cuts small

Since 2009, when we filed a class action lawsuit (Oster et al v. Lightbourne), court orders have prevented the threatened devastating cuts of 20% to recipients of In-Home Supportive Services. Working in coalition, we have managed to hold the across-the-board cuts to 3.6%. The settlement:

- replaces the 20% cuts with an additional 4.4% cut in IHSS hours in July 2013 (taken together with the already implemented 3.6% cut, totals 8% cut);
- reduces the total cut to 7% in July 2014;
- restores hours lost from the 7% cut as early as spring 2015 if state obtains federal approval of a provider fee that could bring additional revenue to California.
21 year old Pablo wins case: life at home can continue with nursing care

When he turned 21, Pablo Carranza, who has muscular dystrophy, got an unwelcome birthday present: notice that his home-based nursing hours would be reduced. In 2012, we sued the Department of Health Care Services because it was withdrawing home-based nursing hours from this young man simply because he had become an adult. We helped Pablo fight this policy because it could force him into a hospital or nursing home to receive enough nursing hours to survive.

Following an administrative hearing that awarded Pablo eligibility for a waiver, in April 2013 we settled the case. Pablo and his family are delighted that he can continue receiving critical nursing care at home. DRC is working to defeat this arbitrary policy statewide, since it bothpunishes youths for reaching adulthood, and threatens thousands with a permanent loss of independence. A policy that forces people into nursing homes to receive services violates the Americans with Disabilities Act.

Because of his disability, Pablo cannot breathe or swallow on his own. One-to-one care has been provided since he was 14 and includes monitoring his ventilator and feeding tube, and clearing fluid from his lungs and tracheotomy tube.

Pablo doesn’t let his disability limit his accomplishments. He says, “I can only move my eyeballs, tongue and left thumb. Despite this, I graduated from high school and began community college.” Nor is he willing to limit his opportunities by being forced to move into an institution. He says, “I understand that my disability is progressive and will eventually prove fatal and that is why the time I spend with my family is so precious to me. I do not want to suddenly die because my nurse isn’t there to help me. When I heard that I would lose hours when I turned 21, this made me so afraid and depressed that I no longer wanted to have that birthday. But I couldn’t stop it. To live ... in an institution would be no different from spending the rest of my life in prison.”

Abuse exposed at Sonoma Developmental Center: we increase investigations and work with legislators on urgent bills

In July 2012 a federal review found that conditions at the Sonoma Developmental Center placed hundreds of its residents with developmental disabilities in danger of death or injury.

In response, we are doubling our efforts at the Sonoma Center by: conducting unannounced visits, inspecting areas for safety hazards, interviewing residents and holding training sessions for clinical staff about how to investigate incidences of abuse and neglect. We opened new abuse investigations, including one case of 12 men repeatedly stunned by a taser used by a staff member.

Additionally, we testified at Senate informational hearings about improvements needed at Sonoma. DRC’s director of
We are in the fifth year of an effort to preserve access to cherished community based care centers that many thousands of Californians depend on to maintain their health.

In spite of our agreed settlement, vital Community Based Adult Services (CBAS) are not being provided to people who are clearly eligible. Rezvan’s story is illustrative of our work in this area.

Rezvan Givi is an 84 year old immigrant from Iran, who has arthritis, vertigo and worsening dementia. She cannot independently manage her medication or do her laundry, shopping or meal preparation. Rezvan lives with her daughter and, sometimes her son. After she was denied CBAS services, we helped her win a fair hearing. Rezvan medically can’t be left alone and qualifies for CBAS services during the day while her family works.

In 2011 although more than 35,000 Californians relied on these services to maintain their health, the governor decided to cut the benefit. Disability Rights California immediately filed a class action lawsuit to challenge its elimination. We worked out a settlement requiring the state to offer a similar service to people meeting certain eligibility criteria.

Over the last year, DRC and its pro bono partners represented several hundred people with disabilities in their quest to qualify for CBAS so they can continue to live at home and receive community based services to maintain their health. In these cases where we represented clients or provided technical assistance to attorneys or care providers, about 90% were then found eligible.

Victory on appeal for 84 year old Rezvan: like 90% of our cases, court agrees with us on eligibility for Community Based Adult Services

Based on photograph of Iranian immigrants
Supporting Heidi, young woman from Modesto, in her 8 year fight to get free from a conservator and live her own life

“I’m free, I’m really finally free,” Heidi Smyers, 25, said, celebrating with Leinani Walters, her Clients’ Rights Advocate, as they walked out of the court house in January 2012. The judge had just terminated Heidi’s conservatorship, agreeing with the letters of support from her employer, teachers, regional center staff and counselor that DRC’s Office of Clients’ Rights Advocacy (OCRA) had assembled.

As Heidi explained, she can provide for her personal needs and manage her finances, and had no need for anyone to make decisions for her. The court decision ended a long struggle for Heidi to remove her conservator, an adoptive parent, who had prevented her from living an independent life like other young adults.

In 2004, at age 17, Heidi, a client of the Valley Mountain regional center, began meeting with OCRA for support in being allowed to make friends independently. Leinani remembers Heidi in those days as very shy, yet determined to let people know that she could be trusted to make her own decisions about her life. Leinani said, “One teacher told me Heidi could be doing a lot more on her own. That made me want to investigate her situation.” Next, Leinani helped Heidi in regional center meetings to write a new Individual Program Plan (IPP), spelling out a path to independence.

For the next several years, OCRA advised Heidi on her legal rights to: mobility training and job training that led to her gainful employment; services supporting her financial independence; counseling to support her confidence in pursuing independence; and community care placement supporting her transition to her own apartment.

In October 2012, DRC’s Board presented Heidi with a Client Recognition Award in honor of her hard fought achievements.

DRC Director of Litigation named “Advocate of the Year”

In October, Dara Schur, DRC Director of Litigation was named “Advocate of the Year” by the Western Center on Law and Poverty. Dara was specifically recognized for her leadership resulting in accessible, affordable housing for people with disabilities.
Community Care Ordinance threatens shared housing in Los Angeles: DRC joins coalition to oppose it

We attended community meetings about the ordinance and educated the public about the issues. In January 2013, the ordinance was returned to a city council committee for further study.

Few community or political leaders will admit to prejudice or fears about adding shared housing in their neighborhoods. So, proposed restrictions are often misleadingly worded like this one called “Community Care.”

For now, the crisis has been averted and the proposed ordinance has been sent to a sub-committee for further study.

Autumn Elliott, Associate Managing Attorney of DRC’s Los Angeles office, was one of the leaders of the successful coalition. She co-wrote an article for the LA Times about the issue, which began as follows: “The proposed ordinance would threaten the well-being of thousands of people with disabilities, create a nightmare for property owners, cost tax payers more, violate principles of fair housing and jeopardize access to federal funds.”

DRC tackles voting snafus: veteran denied right to vote for not keeping his room clean and ballots go astray at a state hospital

In both the June Primary and the November Election we were alerted to problems and intervened in time so people with disabilities could vote. A veterans hospital social worker told a resident they weren’t letting him have a day pass to go vote in the June Primary Election because he didn’t keep his room clean. He called the DRC Voter Hotline and learned his right to vote could not be taken away as a punishment. After we spoke with hospital staff, he was given his pass and went off to vote in San Francisco.

Attorney Hillary Sklar, a DRC voting specialist reported: “Right before the election, our staff in the California Office of Patients’ Rights (COPR) alerted me that a huge batch of ballots meant for residents of a state hospital had gone astray. Working with the Registrar’s Office, hospital staff and COPR advocates, we replaced the ballots so that residents could vote on time.”
Helping a mother confront a landlord about housing discrimination

Carol Murphy and her teenage daughter arrived in California determined to live near the ocean they had been talking about for so long. In January 2011, she was awarded a voucher for Section 8 housing. They consulted with a few friends about neighborhoods close to beaches and made up a list of apartments to check out. The next day, Carol and one of her friends visited several rentals.

As a person with a psychiatric and other disabilities, Carol received benefits because she was presently unable to work. While speaking with the landlord of an apartment available for rent, Carol answered a few questions about her situation. She was alarmed to hear the landlord state that she preferred not to rent to people with emotional disabilities and then said their discussion was over. The Fair Employment and Housing Act clearly states that landlords cannot use disability as a reason to reject a tenant.

Carol asked DRC for help in dealing with what seemed like a case of discrimination. In April 2012, we helped Carol file suit, requiring the defendants to end their discriminatory policy and pay damages.

The landlord denied making the discriminatory statements that Carol and her friend reported hearing. In August, although the defendants admitted no guilt, the case was settled for a reasonable amount of damages and fees.

Carol and her daughter were able to find another apartment, not too far from the beach, where her voucher was accepted, “Carol’s experience...is unfortunately quite common,” said Ann Menasche, lead attorney in the case.”

Lilia Valentin learns to advocate for herself and others

Lilia Valentin (Photo by Beverly Familar)

DRC facilitates self-advocacy groups for people with mental health disabilities.

The El Progreso Self Advocacy Group has been meeting at a Los Angeles mental health clinic. For the first year that Lilia attended the self-advocacy group she arrived late, left early and did not participate. Gradually, she began to express her concern for others as stories were told. Senobia Pichardo, a Peer Self-Advocate trainee, worked closely with Lilia until she felt comfortable enough to talk about herself.

Finally, Lilia was able to tell the whole group about the disrespectful and hurtful way she had been treated by the clinic’s mental health staff when they placed her in a locked facility against her will.

Lilia learned that the clinic staff had been wrong to treat her this way, that she deserved to be treated with respect. This was the turning point in Lilia’s struggle to take charge of her own mental health treatment. Lilia began attending board meetings and helped to convince the mental health clinic to provide a translator at meetings so that Spanish speaking mental health consumers can participate fully. In honor of her successful journey in self-advocacy, Lilia Valentin received a recognition award from the DRC Board in 2012.
DRC supports courageous vocational center employee who is threatened with job loss for refusing to sign false statements

Through intervention and negotiation, Disability Rights California helped David Ramirez to be reinstated to his job. David was doing well at his vocational training program in the Imperial Valley. But everything changed when two supervisors began pressing him to sign false statements criticizing the conduct of his vocational trainer. He was harassed at work and received threatening phone calls at home from a supervisor. When he refused to cooperate, he was transferred to a less desirable worksite.

David contacted DRC for help and we investigated. He was told he would lose his job if he did not reveal to his supervisors his conversations with DRC. We were able to work with David and staff at the vocational center to resolve the situation: David was reinstated to his former job at the original worksite and the supervisor who called him at home is no longer employed by the program. The vocational facility agreed to change policies and provide training to staff.

As DRC investigator Ricardo Jauregui summarized in an award ceremony in December, “As a result of David’s courage, a culture of consumer empowerment and respect has been fostered in this workplace.”

We connect a homeless job hunter with employment services

In 2012 we expanded our Client Assistant Program (CAP) statewide for people needing help with resolving issues with the Department of Rehabilitation (DOR). Bryan Lang is one of the nearly 650 individuals we served last year.

Bryan, residing in a homeless shelter, wanted to complete a computer course and find employment and housing. He requested that DOR fund his schooling so he could pursue a computer programming career. His DOR counselor refused to approve funding for school, stating that Bryan’s scores on the required vocational assessment were too low.

In a meeting with Bryan, the counselor instead recommended that he take a free computer course offered by a nonprofit organization. Bryan became upset and the counselor closed his case, citing his behavior in the meeting.

Our CAP staff then advocated on Bryan’s behalf, resulting in a new employment plan spelling out Bryan’s goal of computer networking.
Melinda Bird, Director of Litigation for DRC, was recognized in 2012 by the California State Bar for her extraordinary skills in building and presenting cases clarifying the rights of people with disabilities to survive and thrive in the mainstream of society. She received its most prestigious honor, the Loren Miller award, named for the late African American judge who was best known for persuading the U.S. Supreme Court in 1948 that restrictive covenants were unconstitutional.

Last year, DRC’s litigation and advocacy efforts made legal rights a reality for hundreds of thousands of Californians with disabilities. Thanks to DRC donations, Pablo can now remain in his family home; Heidi now lives independently, without a conservator; Lilia is an effective self-advocate; and David has a secure job.

For details about different ways to donate, call us at 1-800-776-5746.
We thank our pro bono partners and volunteer attorneys

AARP Foundation Litigation  DLA Piper LLP  Relman, Dane & Colfax PLLC
ACLU of Southern California  Downey Brand Attorneys LLP  Rimon, PC.
Arnold & Porter LLP  Hanson Bridgett LLP  Schneider Wallace
The Bazelon Center  Landau Gottfried & Berger LLP  Cottrell Konecky LLP
for Mental Health Law  Law Office of Charles Wolinger  Shook, Hardy & Bacon LLP
Brancart & Brancart  Law Offices of Amy Vandeveld  Skadden, Arps, Slate,
Loyola Law School Center  Legal Advocates  Meagher & Flom LLP
for Juvenile Law and Policy  for Children and Youth  Stanford Law School Youth
Consumer Attorneys  Morrison & Foerster LLP  and Education Law Project
of California  Munger, Tolles & Olson LLP  UC Hastings
Cooley LLP  Northwest Health  College of the Law
Davis Wright Tremaine LLP  Law Advocates  WilmerHale
Disability Rights Advocates  Pillsbury Winthrop  Winston & Strawn LLP
Disability Rights Washington  Shaw Pittman LLP  Young Minds Advocacy Project
Volunteer Attorneys  Joanne Kim
Rachel Bertin
Kathleen Ebert
Amy Krakower

We are especially grateful to the Cooley and Morrison and Foerster firms for their generosity, allowing us to create a Disability Rights Legal Fellowship. We are also grateful to the individuals who contributed financially to DRC in 2012.

Discrimination poster

This poster is a work in progress by DRC staff members Scott Barron and Adam Borovkoff. Based on a board game format, the poster is being adapted for various projects.
Disability Rights California: 2012 Fast Facts

We serve people with all disabilities
As the California branch of the national protection and advocacy system, DRC receives grants and contracts to make sure specific groups receive services.

DRC is funded to provide services such as outreach to underserved ethnic or language groups; training and public education to improve voting access; and public education to reduce stigma around psychiatric disability.

Our mission is to advocate, educate, investigate and litigate to advance and protect the rights of Californians with disabilities

TOP 7 INDIVIDUAL ASSISTANCE AREAS
-
REGIONAL CENTER SERVICES (3,972)
EDUCATION (3,267)
PRIVACY & PERSONAL AUTONOMY (3,139)
HEALTH BENEFITS AND SERVICES (3,123)
INCOME MAINTENANCE (2,576)
ABUSE (1,720)
HOUSING (959)

Our legal, advocacy and support staff number over 200, and are based in our regional offices in Sacramento, Oakland, Fresno, Los Angeles and San Diego, at all 21 regional centers for people with developmental disabilities, and at the 5 state hospitals.

This year, we resolved
8,955 psychiatric disability issues
10,107 developmental disability issues

DRC legislative advocates work together with other rights based groups to work on bills affecting people with disabilities.

We provide free legal and advocacy services to the disability community
We helped resolve 23,907 issues related to disability rights and services
Our trainings in self-advocacy are augmented by hundreds of free publications on our website, written to help people learn how to obtain services and supports they need.

Call us toll-free at 1-800-776-5746
www.disabilityrightsca.org

DRC is the largest disability rights agency in the country. On our website, you can find hundreds of publications in multiple languages. Sign up for our weekly eNewsletter and follow us on Facebook and Twitter.