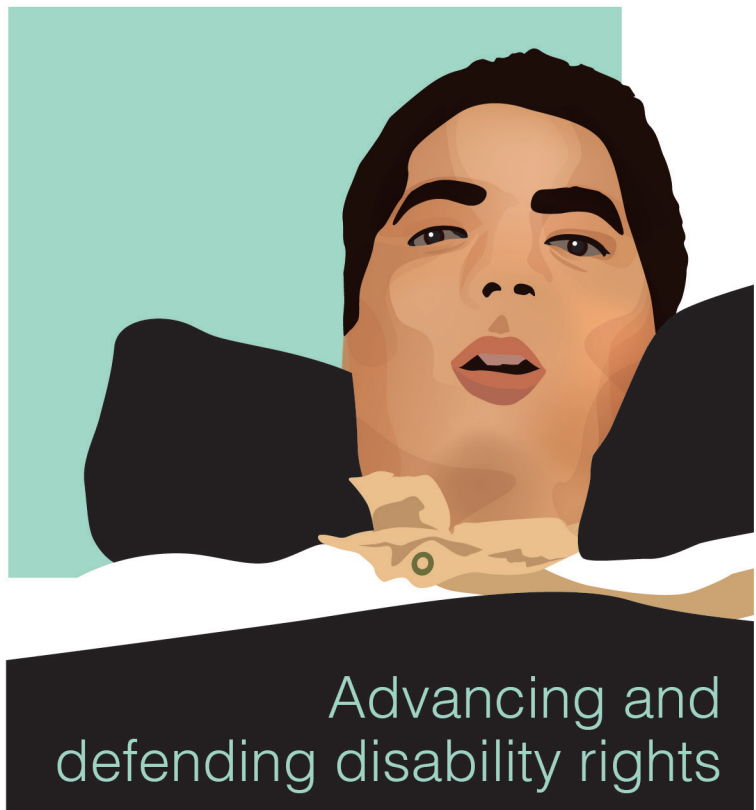




# Disability Rights California

California's protection & advocacy system



## 2012 Board of Directors



2013 Board Meeting, Sacramento: Left to right are Herb Anderson, Diana Honig, Judy Mark, Izetta Jackson, Diana Nelson, Angela Van Ostran, Amy Kalivas, Jane Zirbi, Leslie Napper and Eduardo Vega. (Photo by Cara Armstrong)

**2012 BOARD MEMBERS:** Allison Brightman–President, Amy Kalivas–Chair, Izetta C.R. Jackson–Secretary, Diana Nelson–Chief Financial Officer, Herb Anderson, José Flores, Billy Hall, Diana Honig, Judy Mark, Leslie Napper, Manjit Singh, Angela Van Ostran, Eduardo Vega, Jane Zerbi. **PUBLIC MEMBERS:** PAIMI Council–Terri Bercasio, Lisle Boomer, Debbie Cosby-McFarland, Joseph Hall; OCRA Advisory Committee–Lakeisha Burke, Jean Townsend; Diversity and Program Committee–Sabrina Gwen; Legislation Committee–Toni Jensen, David Oster, Brendan Peacock.

### 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/2013/10/27/5141873/forced-mental-care-drives-patients.html](http://www.sacbee.com/2013/10/27/5141873/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](http://www.pbs.org/newshour/bb/health/july-dec12/lauraslaw_12-26.html))

### Table of Contents

3 Reframing the big picture   IHSS case settled	9 David’s rights defended   Employment support for homeless job hunter
4 Pablo’s big win   Reducing abuse	10 Financial summary & Donate info
5 Benefit denials reversed	11 Probono partners   Work in progress: anti-discrimination poster
6 Heidi’s fight for her freedom	12 Fast Facts
7 Threat to shared housing	
8 Helping mother confront landlord   Lilia’s self-advocacy	

## 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).



Photo by Beverly Familiar

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.disabilityrightsca.org/connect/AdvocacyPlan/Advocacy\\_Plan\\_2013-2017.html](http://www.disabilityrightsca.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.

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### Breaking news: Settlement reached to keep IHSS cuts small



David Oster, named plaintiff for the suit, was relieved to hear he no longer had to worry about going into a nursing home

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



Pablo Carranza (Photo by Ricardo Jauregui)

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 both punishes 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."

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## 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



Senator Carol Liu  
(Photo by Beverly Familiar)



## Supporting Heidi, young woman from Modesto, in her 8 year fight to get free from a conservator and live her own life



From left to right, Heidi's boyfriend, Heidi and advocate, Leinani Walters

"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.



Dara Schur (Photo by Dan Brzovic)

### 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



Protest Photo (Photo by LA CAN)

DRC joined with over 100 advocacy groups working for fair housing to oppose an LA City Council proposed ordinance. The Community Care Ordinance proposes to reclassify shared living arrangements as “boarding houses,” which are often banned in residential neighborhoods. It is estimated that 43,000 families share housing in single-family homes in Los Angeles. Small group homes, one of the affected housing categories, is one way that affordable housing can be provided for people with disabilities.

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.”

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## 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."

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## Lilia Valentin learns to advocate for herself and others



Lilia Valentin  
(Photo by Beverly Familiar)

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.



From left: David's Parents, David Ramirez, & Ricardo Jauregui  
(Photo by Beverly Familiar)

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."

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## 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.

## California State Bar gives DRC Director of Litigation lifetime achievement award



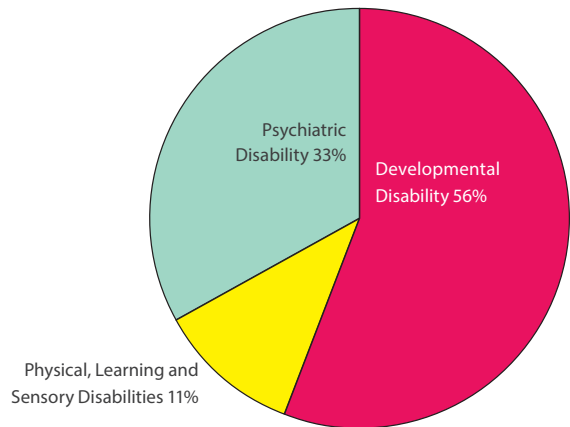
Photo reprinted from California Bar Journal, October 2012

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.

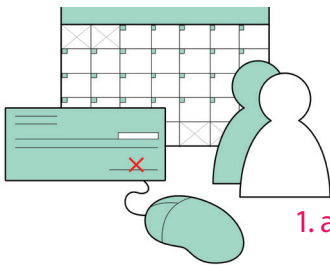
## Disability Rights California Statement of Activities FY2012

<b>Revenue and Support</b>			
U.S. Federal Grants	\$		9,023,539
State of California DDS/DSH	\$		6,594,077
The California State Bar	\$		2,812,561
Program Income/Attorney Fees	\$		1,188,786
Misc. / Contracts/Interest Income	\$		971,361
Donations	\$		264,976
<b>Total Revenues</b>	<b>\$</b>		<b>20,855,300</b>
<b>Expenses</b>			
Program Services	\$		17,163,803
General and Administrative	\$		2,418,448
<b>Total Expenses</b>	<b>\$</b>		<b>19,582,251</b>

### Major Programs Expenditures by Primary Disability



## Ways to make tax-deductible donations to DRC



1. a monthly giving plan
2. employer matching
3. online at [disabilityrightscalifornia.org/about/donate.htm](http://disabilityrightscalifornia.org/about/donate.htm)
4. by check

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  
 ACLU of Southern California  
 Arnold & Porter LLP  
 The Bazelon Center  
 for Mental Health Law  
 Brancart & Brancart  
 Loyola Law School Center  
 for Juvenile Law and Policy  
 Consumer Attorneys  
 of California  
 Cooley LLP  
 Davis Wright Tremaine LLP  
 Disability Rights Advocates  
 Disability Rights Washington

DLA Piper LLP  
 Downey Brand Attorneys LLP  
 Hanson Bridgett LLP  
 Landau Gottfried & Berger LLP  
 Law Office of Charles Wolfinger  
 Law Offices of Amy Vandeveld  
 Legal Advocates  
 for Children and Youth  
 Morrison & Foerster LLP  
 Munger, Tolles & Olson LLP  
 Northwest Health  
 Law Advocates  
 Pillsbury Winthrop  
 Shaw Pittman LLP

Relman, Dane & Colfax PLLC  
 Rimon, P.C.  
 Schneider Wallace  
 Cottrell Konecky LLP  
 Shook, Hardy & Bacon LLP  
 Skadden, Arps, Slate,  
 Meagher & Flom LLP  
 Stanford Law School Youth  
 and Education Law Project  
 UC Hastings  
 College of the Law  
 WilmerHale  
 Winston & Strawn LLP  
 Young Minds Advocacy Project  
 National Center for Youth Law

### Volunteer Attorneys

Rachel Bertin  
 Kathleen Ebert

Joanne Kim  
 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.

<p>START GAME Reduce Stigma and Discrimination</p>		<p>Stigma is not in your family genes</p> 	<p>People with disabilities face a greater risk of bullying</p> 		
		<p>Support Positive Media Images</p> 			
<p>Use people first language</p> 	<p>Live life to your fullest</p> 	<p>Tell your story</p> 	<p>Healthy Relationships</p> 	<p>Be a part of your community</p>	<p>Accessible Transportation Leads to Community Access</p> 
<p>Be an ally to others</p> 					
<p>Respect</p> 	<p>Celebrate being you</p> 	<p>Notice the person not the label</p> 	<p>Build a strong circle of support</p> 		



# Disability Rights California: 2012 Fast Facts

**1,063**  
outreach and training  
events impacted over  
**54,000**  
people

our class action litigation  
impacted more than  
**584,500**  
people with disabilities

we helped resolve  
**23,907**  
issues related to disability  
rights and services

## 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.

We provide free legal and advocacy services to the disability community

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.

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 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.

## 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)

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.

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

Call us toll-free at 1-800-776-5746

[www.disabilityrightscalifornia.org](http://www.disabilityrightscalifornia.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.