

# ADVOCACY REPORT

## OFFICE OF CLIENTS' RIGHTS ADVOCACY

---

**Spring 2010**

---

### **BENEFITS**

#### **In-Home Support Services from County Departments of Social Service (IHSS); Protective Supervision.**

##### **OCRA Assists K.H. to Obtain Retroactive IHSS Benefits.**

K.H. is a 21-year-old woman who is diagnosed with mental retardation and engages in self-injurious behavior. On June 4, 2009, the County Department of Social Services (County) notified K.H. that effective June 1, 2009, she had been found ineligible for protective supervision (protective supervision) benefits and that her IHSS would remain at 22.3 hours per month.

On August 31, 2009, OCRA assisted K.H. with filing a hearing to challenge the County's denial of protective supervision. At hearing, the County worker argued that K.H. did not engage in self-injurious behavior and that K.H.'s tendency to scratch herself would not be ameliorated by granting protective supervision.

OCRA provided documentation from K.H.'s physician indicating that K.H. has deficits in memory and severe deficits in orientation and judgment. The physician also confirmed that K.H. has self-injurious behaviors. The County argued that this information was unpersuasive because protective supervision is not available for medical conditions.

K.H.'s mother, who is monolingual-Spanish speaking, testified that she watches her daughter constantly when she is at home because K.H. has a tendency to leave the apartment and sit outside where she talks to strangers. K.H.'s mother also reported that K.H. scratches herself regularly.

The Administrative Law Judge (ALJ) concluded that the weight of the evidence supported the conclusion that K.H. qualifies for protective supervision by virtue of her mental impairments, lack of self-direction, propensity to place herself in possible danger by attempting to leave the home and her tendency to injure herself. The ALJ ruled that K.H. was entitled to receive 217.3 hours of protective supervision and other hours effective June 1, 2009, given the August 31, 2009, filing date. The parent recently notified OCRA that she received retroactive benefits in the amount of \$17,510. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

**County Ordered to Reinstate Protective Supervision Hours.**

C.H. has multiple disabilities and requires significant personal support services that include feeding, bathing, and all other personal care needs. In addition, due to C.H.'s significant self-injurious behaviors, including pulling out his g-tube, C.H. requires protective supervision. IHSS reduced C.H.'s hours by terminating all protective supervision hours, claiming that medical documentation and C.H.'s current condition did not warrant this level of help.

C.H.'s family and IHSS care providers speak Hmong. They were not adequately informed and therefore did not know what documentation was required by IHSS to support continuation of C.H.'s protective supervision.

OCRA requested updated records from doctors and the regional center to support C.H.'s need for protective supervision. OCRA prepared a position statement and evidence packet for use by C.H.'s parent at the hearing. All of C.H.'s protective supervision hours were reinstated at hearing. Leinani Walter, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

**C.S. Receives IHSS Retroactive to March, 2009.**

C.S. is a young man with mental retardation and autism who lives with his parents and siblings. He finished school in January of 2009,

and was approved for 49 hours a month of IHSS. He was not awarded protective supervision.

C.S. could not be left alone for any period of time due to his wandering behavior and lack of safety awareness. C.S.'s mother requested a hearing to get protective supervision after receiving OCRA's training materials.

OCRA reviewed documents, obtained reports and assisted C.S.'s doctor with completing the IHSS forms. OCRA then represented the family in negotiations with the County. OCRA agreed to a conditional withdrawal for reassessment in the matter. OCRA attended the reassessment, supplied all supporting information, and advocated for protective supervision. C.S. was awarded 244.1 hours of IHSS, the maximum allowed for protective supervision. This is an increase of 195 hours per month, with retroactive payments over \$20,000. Katie Hornberger, CRA, Harbor Regional Center.

### **V.T. Gets Protective Supervision.**

V.T. is a young boy with autism, attention deficit hyperactivity disorder, speech delays, mild mental retardation, a sleep disorder, and behavioral problems. After V.T.'s mother applied for IHSS, the County social worker did an in-home assessment of V.T. and concluded that he appeared to be "an average 8-year old." The County then denied V.T.'s application for IHSS, saying that he did not meet the criteria for protective supervision.

OCRA provided technical assistance to V.T.'s mother to prepare for her hearing. OCRA reviewed documents, helped prepare an evidence packet for the family, and assisted with witness preparation. V.T.'s mother presented the information at the hearing. The ALJ found that V.T. needs protective supervision. The testimony of the child care worker, the only "non-party, non-family member" witness was key to the ALJ. Even though V.T. had been making progress at school, the ALJ found that V.T.'s need for supervision is due to his developmental disability and is not consistent with typical children of the same age. The ALJ further noted that the County was incorrect to suggest that modifications to the environment were necessary prior to the award of protective supervision. V.T. is now receiving

protective supervision. Jim Stoepler, CRA, Redwood Coast Regional Center.

**283 Hours of IHSS Awarded with Retroactive Benefits.**

B.H. is a 6-year old with significant delays. B.H. is fully dependent on his parents for his care. B.H.'s mother requested IHSS protective supervision for B.H. due to his need for 24-hour care. Despite the fact that the IHSS social worker was provided with regional center documents, school district documents, and three doctors forms, which all documented B.H.'s need for protective supervision, IHSS continued to deny the request.

IHSS awarded B.H. 54.3 hours in the first Notice of Action and 120.2 hours in the third Notice of Action. No protective supervision was granted. OCRA agreed to represent at hearing.

OCRA argued all of the points summarized in its position statement. B.H. received a favorable hearing decision of 283 hours, all retroactive to March 3, 2009, and prospectively. Jackie S. Chiang, CRA, Guadalupe Marquez, Assistant CRA, Frank D. Lanterman Regional Center.

**Child Receives 195 Hours of Protective Supervision.**

M.V. was denied IHSS due to his age. M.V. has autism. His behaviors include eloping and trying to climb tall items. On one occasion, M.V.'s mother found M.V. trying to climb out of a second-story window. OCRA helped M.V.'s mother complete the IHSS self-assessment packet including documenting the need for protective supervision and provided a sample position statement to help the mother pursue an administrative hearing against the County. After M.V.'s mother filed for hearing, the County requested an opportunity to assess M.V.

OCRA helped M.V.'s mother prepare for the assessment and attended to ensure a proper assessment was completed. M.V.'s mother received a notice of action stating that M.V. was entitled to 195 hours of protective supervision. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

### **M.N. Receives Maximum IHSS Hours.**

M.N. is a 13-year-old boy diagnosed with severe mental retardation, infantile cerebral palsy, and vision impairment. After applying for IHSS in 2008, M.N. was awarded 93.1 hours per month but was denied protective supervision. The County social worker felt that M.N. did not need protective supervision because he could not walk as a result of his visual impairment and, therefore, could not get hurt. M.N.'s mother did not agree with the decision and appealed. M.N.'s mother contacted OCRA for assistance and OCRA agreed to represent at hearing. OCRA argued that the County misinterpreted and misapplied the legal standards for protective supervision and was incorrect in its denial.

The ALJ concluded that M.N. is severely impaired and in need of protective supervision retroactive to the initial application date. As ordered by the ALJ, the County assessed but only awarded 195 hours per month, the maximum for non-severely impaired recipients. OCRA contacted the County social worker's supervisor and made him aware of the ALJ's decision. The County supervisor required the social worker to award 283 hours of IHSS services retroactive to September 2, 2008. M.N.'s mother is owed approximately \$35,036 in retroactive payments. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

### **Social Security Administration (SSA)**

#### **Social Security Overpayment Waived.**

A.K. is a youngster with significant developmental disabilities. He was sent to a residential placement out-of-state which was paid for by the regional center and the school district. A.K.'s parents had applied for Supplemental Social Security (SSI) on the advice of the regional center in order to offset the cost of the placement. A.K.'s mother was informed by the Social Security Administration (SSA) that A.K. would receive both the state and federal grant since his residence remained with his parents while he was temporarily at school.

Several years later, SSA notified A.K.'s parents that A.K. should not have received the state portion of the grant and that he had a \$5,500 overpayment. When A.K. returned home, his mother notified SSI. SSI continued to send checks. A.K.'s mother repeatedly sent letters and made phone calls and returned the money to SSI. SSI then applied that money to the first overpayment and continued charging for the remainder of that overpayment and the new overpayment. The total sum equaled over \$8,000.

OCRA was retained to provide assistance. OCRA represented A.K. at hearing. In a fully favorable decision, the ALJ stated that A.K.'s parents were without fault in regard to the overpayment and that repayment would be against equity and good conscience. The entire overpayment was waived. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

#### **OCRA Intervenes in Social Security Matter.**

OCRA was contacted because Y.O. was only receiving \$157 a month in Social Security due to an alleged overpayment. OCRA contacted the local SSA Office and provided representation at a meeting. As a result, the SSA acknowledged that it was mistaken about the overpayment. In fact, Y.O. had been underpaid \$9,788. As required by the SSA regulations, a dedicated account, which may be used for the child's needs only, was opened for Y.O. and her monthly payment increased from \$157 to \$737 a month. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

#### **D.T. Found Eligible for SSI.**

D.T. is 19 and diagnosed with mental retardation and a mental health condition. D.T. was part of the foster care system as a minor and recently moved into her current regional center area without a complete file history or family support system. As a result, relevant medical and clinical records were not provided to SSA during the application process.

OCRA researched D.T.'s medical, clinical, and educational history to support D.T.'s application for SSI. New evidence was submitted to

SSA. After reviewing the new records, SSA determined that D.T. qualified and was eligible for SSI. Leinani Walter, CRA, Valley Mountain Regional Center.

**SSA Waives All Past Overpayments.**

OCRA has assisted M.M. over a period of many years regarding multiple SSI overpayments. Because M.M.'s work is sporadic and his hours vary, he continuously receives overpayment notices. Each time, OCRA has filed both a waiver request and a request for reconsideration.

Despite repeated calls and letters to the SSA, OCRA did not receive any response. OCRA was finally able to contact someone at the SSA who searched the record thoroughly. OCRA was informed that all waiver requests had been granted—a total of four. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

**SSA Reconsiders In-Kind Support and Restores SSI Rate.**

D.S.'s representative payee received a Notice of Action stating that D.S.'s SSI monthly check would be reduced by over \$200. SSA had incorrectly calculated the amount of in-kind support that D.S. received based on insufficient annual financial information regarding household expenses submitted by D.S.'s father.

OCRA requested that SSA reconsider its decision. OCRA provided documentation that D.S. pays his fair share of expenses each month. It was established that D.S. does not receive in-kind income from his family. SSA reinstated all of D.S.'s monthly SSI monies. Leinani Walter, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

**C.A. Obtains the Correct Amount of SSI.**

C.A. is an adult who receives SSI and lives with his mother, who speaks Spanish. C.A. started working and earns a small amount each month. The SSA had reduced C.A.'s monthly amount, claiming that he was, "living in the household of another," and sent notice to

his mother/payee in English only. C.A.'s mother thought that C.A.'s SSI was reduced because he was working.

The reason C.A.'s SSI was reduced was that he was subject to a one-third reduction in the benefit since SSA determined that he was living in the household of another and was being provided living expenses by his mother. OCRA filed a request for reconsideration, providing proof that C.A. pays his pro-rata share of living expenses and therefore should not be subject to the one-third reduction. OCRA attended the informal conference at SSA with C.A. and his mother. OCRA presented a letter from C.A.'s landlord regarding rent, a breakdown of expenses, and copies of utility bills. The reconsideration was granted and C.A. is now receiving the full SSI benefit, including reimbursement for the months in error. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

### **DAC Benefits Reinstated.**

K.B. is a 35-year-old man with Down Syndrome. In the 1980's, K.B.'s mother became disabled and K.B. began to receive Disabled Adult Child benefits from the SSA. He also receives SSI, which made him a dual-eligible beneficiary. In 1987, K.B. met the mayor of his city at the Special Olympics, where K.B. was an athlete participant. The mayor created a special position for K.B. with the city, so he could have gainful employment. In 1987, K.B. began to earn too much to qualify for Disabled Adult Child. However, SSA continued to pay him for 15 more years. Even when his Disabled Adult Child was discontinued, K.B.'s SSI was raised so K.B. did not notice that the Disabled Adult Child had ceased. K.B. and his mother did notice when K.B.'s Medicare finally ceased.

OCRA investigated K.B.'s work for the city in the 1980's. OCRA found a secretary who remembered K.B. well, and described his duties which met the SSA criteria for subsidy and special circumstances. The secretary drafted a letter to the SSA regarding K.B.'s work. OCRA asked for a re-opening of the 1988 decision that K.B. was earning substantial gainful activity and was not entitled to Disabled Adult Child benefits. After several months of fact investigation by OCRA and the "special disability case" SSA



representative assigned, SSA found that K.B.'s work was not substantial during the 1980's and afterward.

K.B.'s Disabled Adult Child was reinstated, his overpayments were cleared, and he received a check for \$6,815 in back-payments (minus underpayments). His Medicare was also reinstated and he received his new card in the mail. K.B. now has Disabled Adult Child, SSI, Medi-Cal and Medicare. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

### **Medi-Cal.**

#### **E.M. Receives Zero-Share of Cost Medi-Cal.**

E.M. is a teenager with autism and severe disabilities. He lives with a guardian because his parents are deceased. E.M. was receiving Medi-Cal because he was on the waiver for people with developmental disabilities. His Disabled Adult Child benefits are \$1,029 a month. E.M. was told that he was not eligible for Medi-Cal except through the waiver because of the income and resources of his guardian. E.M. was assessed a monthly share of cost of \$429 which was based on his countable income over \$600.

Under the Medi-Cal program, only the income and resources of a parent with whom a child lives is counted. The income and resources of a stepparent, guardian, or other relative with whom a person lives is not counted. Because E.M. does not live with a parent, only his own income and resources are counted.

Also, E.M. does not need the institutional deeming feature of the DD Waiver. E.M. qualifies for zero-share of cost Medi-Cal under the Aged & Disabled Federal Poverty Level (A&D FPL) Program, provided he meets the SSI disability standard.

OCRA assisted the guardians in contacting their Medi-Cal Social Worker and asked that E.M. be screened for eligibility under the A&D FPL program. E.M. was found eligible with zero share of cost. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

### **M.H.'s Benefits Are Restored.**

M.H. has cerebral palsy and lives in her own apartment. M.H. is vendorized with the regional center to provide supported living services. M.H. receives Social Security Disabled Adult Child benefits on the earnings record of her deceased father. M.H. contacted OCRA because her Medi-Cal benefits and IHSS were terminated. Without IHSS, M.H. was unable to pay her attendants and was worried that if she could not resolve the situation quickly, she would not be able to live safely in her own home.

OCRA filed for a state hearing on M.H.'s behalf. The hearing request explained that as a Disabled Adult Child recipient, M.H. is entitled to continue receiving zero-share of cost Medi-Cal despite the fact that her income is over the earnings limit. The CRA worked directly with the County appeals worker and was able to ensure that M.H.'s benefits were restored. After the benefits were restored, the CRA worked with the County IHSS payroll department and M.H.'s social worker to ensure that M.H. promptly received her retroactive payment. Anna Leach-Proffer, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

### **Other Public Benefits.**

#### **Woman Wins Paratransit Eligibility after Reduction.**

E.F. is a woman with multiple disabilities who had been eligible for unrestricted Access Paratransit since Access began in the 1990's. In 2006, she was terminated from Access. OCRA assisted her in getting doctor's notes and helped her draft an appeal letter. OCRA attended the medical evaluation with E.F., which she won and was made fully eligible.

Upon redetermination in 2010, Access found she was only eligible for restricted Access, that is, she could only ride at night. OCRA immediately drafted an appeal letter and sent it to Access, along with Access's own 2006 decision, and more letters of support from E.F.'s doctors. Access sent her to the same doctor again, who reviewed all the documentation and examined her. She was made fully eligible for Access, unrestricted. Katie Meyer, CRA, Westside Regional Center.

## **DISCRIMINATION**

### **Swim Club Membership Restored.**

S.D. is a young man who loves swimming at his fitness center. He has always been accompanied into the pool by his mother. Last summer, S.D. wanted to interact with a young girl and to play with her doll. The girl's mother became very upset and starting yelling. After this incident, S.D.'s mother was told that S.D. could not use the pool without a male aide and that S.D. could only attend at certain times. As a result of this, S.D. did not go swimming for several months.

OCRA contacted the director at the fitness center. A meeting was arranged with OCRA, the center's director, and S.D.'s parents. At the meeting, everyone had a chance to express their concerns and feelings about the situation. It was agreed that S.D. would be allowed back into the fitness center as a full member with no restrictions on his use of the facilities, including the pool. The center's director also requested that OCRA do training on disability rights for the staff. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

## **CONSUMER FINANCE**

### **Purchase of Diapers Results in Overdraft.**

M.C. is a young woman with developmental disabilities. She has a young child. As a result of budget cuts, she was no longer receiving diapers for her baby. M.C. went to the bank and took out money that was not sufficiently covered. She thought it was a "loan" and that she could pay it back when she had the money. She did this several times over a few months. She then began receiving notices from the bank, with fines added. Her account was frozen. M.C.'s regional center social worker had been working with the bank but had not been able to resolve the issue.

OCRA went to the bank with M.C. and the social worker and spoke with the bank manager, documenting that M.C. was a regional center consumer. M.C. agreed to allow her Independent Living skills worker to go over her finances and bank statements with her. The bank

agreed to forgive the debt and not to take any legal action against M.C. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

### **County Files Civil Complaint against J.Z.**

The County filed a complaint in Superior Court against J.Z. for money due for hospital, medical, and attendant care rendered at County General Hospital. J.Z. had been hospitalized in the Intensive Care Unit as a result of serious medical conditions including asthma, pneumonia, and respiratory failure. The County demanded that J.Z. pay \$28,586 for this hospital care plus interest on the sum at the rate of 10% per annum.

OCRA intervened, speaking directly with a Deputy County Counsel and the Office of Revenue and Recovery. OCRA filed an Answer on J.Z.'s behalf. Following this intervention, OCRA was advised that no further action will be taken against J.Z. Leinani Walter, CRA, Filomena Alomar, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

## **EARLY INTERVENTION**

### **Early Intervention Services Continue.**

V.A. is a 4-year-old client with mental retardation who lives with his grandmother, who is also his legal guardian. OCRA received a call from V.A.'s grandmother requesting assistance to prepare for a fair hearing because she received a notice of action stating that the regional center was discontinuing funding for the National Academy of Child Development Early Intervention Program (NACD). The regional center also indicated that it was terminating transportation services for V.A.'s doctor visits. OCRA provided technical assistance. OCRA informed V.A.'s grandmother about the exemption requirements for suspension of services.

OCRA advised V.A.'s grandmother to contact V.A.'s primary doctor and neurologist to request letters specifically addressing the benefits and needs being met by NACD as evidence to present at the hearing. OCRA also advised V.A.'s grandmother to take witnesses to the

hearing who could verify V.A.'s improvement since he started the program and present any other records at the hearing that support this improvement.

V.A.'s grandmother was also advised to point out that local schools in the very remote area where they live could not provide V.A. with the necessary early intervention strategies V.A. needs. After the hearing, the grandmother called OCRA and informed it that the ALJ ruled in V.A.'s favor at the hearing. She received 9 months of continued NACD in her home and the regional center agreed to pay for an attorney to represent her at a due process hearing against the school district. In addition, the ALJ decided that the funding for transportation services to the medical visits should continue. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

## **HOUSING**

### **Section 8 Benefits Restored and New Informal Dispute Resolution Process Established.**

B.S. was living in privately owned subsidized housing through the federal Section 8 Voucher program. The owner of the apartment complex where B.S. lived gave a cause to evict notice due to relatives of B.S. who were living there without permission, and due to alleged improper or illegal conduct of other family members living with B.S.

B.S. was referred to OCRA after the Housing Authority had already held an administrative hearing to determine if the participating landlord had cause to evict, and to determine if the Section 8 Voucher assistance should also be terminated. The Housing Authority had concluded there was cause to evict, but had not yet ruled on discontinuing the Section 8 Voucher assistance.

OCRA intervened at this point, and convinced the Housing Authority to hold a comprehensive informal meeting with B.S., the CRA, the regional center service coordinator, an ILS program representative, B.S.' ILS worker, and supportive family members. It was established that the problematic family members who had moved in did so

against B.S.'s will, and were taking advantage of him. Accordingly, B.S. should not be held responsible for them or their misconduct. In order to resolve the problems posed by the unwanted family members, B. S. agreed to move, and was given additional time to do so. His Section 8 Voucher assistance was to continue.

Additional collateral benefit was that the Housing Authority decided to implement or offer an informal but comprehensive problem solving meeting in tenancies with tenants with disabilities, if they asked for it. Further, with tenant agreement, copies of any notices would routinely be sent to the representative of their choice (e.g. service coordinator), so that corrective action could be taken, and additional services provided, to help prevent minor issues from escalating into potential cause to evict or termination of benefits. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center.

## **PERSONAL AUTONOMY**

### **Petition for Limited Conservatorship Denied.**

F.W. is 45 and has developmental delays. F.W. is independent, physically mobile, and is a strong self-advocate. F.W. has developed and maintained several positive relationships in her home, day program, and in the community.

F.W.'s. sister lives in Texas. She filed a petition for limited conservatorship because the sister wanted to be appointed conservator. F.W. objected to this petition. She said that her sister had tried to control her life for years. F.W. said she did not need or want a conservator.

OCRA provided technical assistance and met with the IPP team to prepare documentation to oppose the conservatorship. OCRA provided consultation and contacted the probate court investigator to advocate for F.W. Consistent with F.W.'s wishes, OCRA asserted that the conservatorship was not necessary. As a result of F.W.'s self-advocacy and the support of OCRA, the court investigator recommended that the conservatorship petition be denied. The judge

advised that the court would not be granting the conservatorship. Leinani A. Neves, CRA, Valley Mountain Regional Center.

**K.F. Challenges Parent's Conservatorship Petition.**

K.F., an adult consumer, had been residing with her mother for her entire life but had very little opportunity to live her own life since her mother was controlling and verbally abusive. One day, K.F.'s mother became physically aggressive with K.F. A neighbor heard what was going on and called the police. K.F.'s mother was arrested for battery and K.F. was asked whether she wanted to wait for her mother at home or if she wanted to go to a group home. K.F. relocated to a group home in a confidential location.

When K.F.'s mother was released by the police, the mother immediately filed a petition with the court to conserve K.F. K.F.'s service coordinator contacted OCRA. OCRA met with K.F. and reviewed the petition and the accompanying documents. OCRA asked K.F. whether she wanted to be conserved and if she did, did she want her mother to be her conservator. K.F. emphatically stated that she did not want to be conserved. OCRA advised K.F. of the next step in the hearing process and advised K.F. to be vocal about her feelings at the hearing, specifically with the judge.

OCRA also contacted the probate attorney assigned to K.F.'s case and, with K.F.'s permission, revealed that K.F. did not want to be conserved. The attorney stated that K.F. had made her desires to not be conserved very clear and had no doubt that based on K.F.'s testimony the judge would deny the petition. The judge did deny the petition for conservatorship. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

**REGIONAL CENTER**

**Placement Occurs outside IPP Process.**

K.Y. was removed from the only home he ever knew and placed in a new facility without an IPP meeting and against K.Y.'s wishes. The regional center refused to honor K.Y.'s choice as to where he wanted

to live. OCRA provided direct representation at meetings with the regional center. The regional center agreed to transfer K.Y. so he could continue to be with his family. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

**Regional Center to Help E.H. Pursue an SSI Appeal.**

E.H. was terminated from SSI benefits and received a Notice of Overpayment. The SSA notice of action stated that E.H. was no longer eligible for SSI based on his disability. OCRA recommended that E.H.'s mother ask the regional center to complete a new protective supervision psychological and medical evaluation to assist E.H. in appealing the SSI termination. The regional center agreed. E.H. can now pursue his SSI appeal. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

**Regional Center Agrees to Move Client Back to Her Community of Choice.**

Following a series of unfortunate events, B.P. was being held on a temporary hold in a locked facility outside of her home community under the WIC § 6500 statutes. She clearly did not meet the criteria for the 6500 and was being held pending appropriate placement in the community. The regional center felt that B.P. would best be served by moving to Arizona to be with family members. Once B.P. was told of the plans to move her to Arizona, she decompensated further, required hospitalization and subsequently the locked unit at a psychiatric hospital. OCRA was contacted by B.P.'s public defender to assist with the placement process. OCRA met with B.P. and agreed to represent her in the regional center I.P.P. meetings. B.P. wanted to move back to her home community of 30 years to be near her husband. Several I.P.P. meetings were held, a transition plan was developed for services and supports, and the regional center agreed to move B.P. back to her home community just a few minutes away from her husband. The 6500 petition was subsequently dismissed. Kendra McWright, Temporary CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.



### **Consumer Gets Floor Time Therapy.**

A.C.'s mother noticed that A.C., a young boy with Down Syndrome, was not socializing well with his younger sister and other children. A.C. would either completely ignore other children or he would be aggressive. A.C.'s mother contacted the regional center for assistance, which paid for a social skills assessment. The social skills assessment recommended an assessment for Floor Time therapy (FT); however, the regional center refused to provide the assessment, stating it was unnecessary. A.C.'s mother contacted a private psychologist to assess and determine whether A.C. needed FT. The psychologist supported the conclusion that A.C. should be assessed for FT and furthermore, A.C. would benefit from FT.

A.C.'s mother gave the regional center the psychologist's report and asked again for the FT assessment. The regional center issued a notice of action stating that since A.C. did not have autism, he was not appropriate to be assessed for FT since it was only for children with autism. A.C.'s mother appealed and eventually the regional center agreed to perform the FT assessment.

The regional center selected an agency to assess for FT and a behaviorist met with A.C. and his mother for the assessment. The completed FT assessment indicated that A.C. would benefit from FT and recommended FT for 6 hours a week for 6 months. A.C.'s mother contacted the regional center to ask when the FT would start but was told that the request was denied. Soon after, the regional center issued a notice stating that FT was not needed because A.C. was receiving FT at school.

A.C.'s mother contacted OCRA for assistance. OCRA accepted A.C.'s case for direct representation and filed for fair hearing. OCRA attended an informal meeting and began preparation of the witnesses; A.C.'s mother, the private psychologist and the behaviorist who conducted the assessment. OCRA represented A.C. at hearing. Several weeks later, the ALJ issued a decision ordering that the regional center fund the recommended FT program. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

## **SPECIAL EDUCATION**

### **School District Agrees to Fund Functional Analysis Assessment.**

S.B. is 7 years old. He has autism and significant behavioral challenges. Despite these serious behaviors, the school district recommended a large reduction in ABA behavior intervention services.

OCRA assisted S.B.'s parents to request an independent functional analysis assessment (FAA) due to her disagreement with the district's recommendation to reduce ABA services. After the district refused to honor the parent's request for a specific qualified evaluator, OCRA contacted the district. Shortly thereafter, the district agreed to fund the evaluation as requested by the parents. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

### **Kindergarten Student Remains in Appropriate Placement.**

J.B.'s placement had recently been changed from a special day class (SDC) to a general education kindergarten class. He had only been in the class for about a month and J.B.'s mother believed it had been positive except for a few toileting accidents. Unfortunately, at J.B.'s 30-day Individual Education Plan (IEP), the local education agency informed J.B.'s mother that J.B. should be returned to his prior SDC. J.B.'s mother informed the IEP team that she did not agree and contacted OCRA for technical assistance. J.B.'s mother was provided technical assistance to request a 1:1 aide and add a toileting goal to J.B.'s IEP. At the next IEP meeting, the local education agency agreed to all J.B.'s mother's requests. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

### **Student Able to Remain in After-School Program with Aide.**

A.S. had been attending an after-school program daily for a month but had a few behavioral incidents while attending the program. A.S.'s mother was informed she needed to remove A.S. from the program because of his behaviors. A.S.'s mother contacted OCRA for technical assistance. A.S.'s mother was given assistance to write

a letter to the director of the after-school program asking for an aide for A.S. while attending the program. After receiving the letter, the director of the program informed the mother that an aide would be provided for A.S. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

**J.P. is Provided a 1:1 Bus Aide to Keep Him Safe.**

J.P. was in restraints on the school bus to keep J.P. in the seat and to prevent J.P. from aggressive behavior on the way to school. J.P. required an aide on the bus to train J.P. to remain safely in the seat and prevent maladaptive behaviors during the bus ride. OCRA attended several IEP meetings and advocated for an aide to assist J.P. with learning to be safe and independent on the bus. After several IEP meetings and a change in placement, the school district agreed to provide J.P. an aide on the bus. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

**School District Agrees to Fund Independent Educational Evaluation.**

J.A. is a student with autism and impaired communication skills. He received intensive speech and occupational therapy (O.T.) services through Early Start. Upon beginning special education, the school district reduced J.A.'s speech services to 15 minutes a week. The district did not offer O.T. services and never evaluated the O.T. needs of J.A.

OCRA assisted J.A.'s parent to request an Independent Educational Evaluation (IEE) for speech and a district evaluation for O.T. The district agreed to fund a speech evaluation by the parent's chosen evaluator. The district also agreed to do an O.T. evaluation of J.A. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

**School District Agrees to Provide Autism Services to A.R.**

The school district refused to give special education services to A.R. under the eligibility criteria of autism. A.R. is a consumer of the regional center with a diagnosis of autism. The school district agreed

he was eligible for special education, however, refused to allow him entrance into its special preschool for children with autism. Instead, the district offered A.R. half an hour of speech and language services two times per week. A.R.'s mother contacted OCRA for help. The school district performed new assessments and an IEP meeting was scheduled. OCRA attended the IEP meeting and the school district agreed to extend eligibility to A.R. under the autism criteria and allowed him entrance into its autism pre-school class. Kendra McWright, Temporary CRA, Guadalupe Marquez, Assistant CRA, Lanterman Regional Center.

### **Student Receives Appropriate Services**

N.B. is in elementary school and was told he could no longer ride the school bus due to his behaviors putting him and the other students on the bus in danger. N.B. would not stay in his seat and had on several occasions opened the emergency door of the school bus. In addition, N.B.'s behaviors in the classroom such as undressing, throwing objects at others and eloping from the classroom were preventing him from benefiting from his education to the fullest extent possible and were placing him and others in danger. N.B. was only able to communicate in 2 to 3 word sentences. OCRA attended an IEP and advocated on N.B.'s behalf, which resulted in N.B. receiving a full-time 1:1 aide, as well as a rider to accompany him on the school bus. In addition, N.B. received 10 minutes per week of direct speech services and 40 minutes per month consultation by the speech therapist. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center.

### **Student Gets to Fully Participate in His Education.**

E.G. is a 14-year-old student with autism, who is in a special day class. The teacher did not want him in the class anymore and did not want E.G. to participate during the classroom outings due to his aggressive behavior. E.G. has a behavior therapist from a Non-Public Agency (NPA) with him for the entire school day. E.G.'s parents were frustrated because the teacher would call them to pick E.G. up from school each time he had an outburst.

OCRA represented E.G. at an emergency IEP meeting after reviewing his IEP, FAA, and other reports. It was clear that the school and NPA were not working together and they were not implementing the behavior plan as written in the IEP. OCRA requested a new FAA since there were new behaviors and a new location (the outings) and implementation of the current plan in the meantime. The team agreed to give E.G. additional transportation for outings and an O.T. evaluation to determine if sensory issues are affecting his behavior. The next meeting will include preparation for the transition to high school. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

## **OUTREACH TRAINING**

### **Consumers Learn Self-Advocacy Skills at OCRA Training.**

OCRA visited an Arc day program in Stockton for the first time to meet consumers and staff. The program provides assistance in helping consumers achieve life goals and objectives. It focuses on consumer empowerment in making daily decisions, community integration, and learning basic self-advocacy skills.

The goals of the consumers and the program were consistent with the purpose of the OCRA Self-Advocacy BINGO game. Thirteen people plus staff participated in the game using personal communication systems in a room full of good times and laughter. Each consumer won several prizes. Consumers enjoyed the training and agreed that self-advocacy is always a good thing. Filomena Alomar, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

### **Students in Transition—Planning for Life.**

On January 13, 2010, OCRA provided a training session at the Napa Transition Conference put on by Parents Can, a parent-child advocacy agency. The session included over 40 students who were transitioning out of high school. OCRA and community volunteers set up stations around the room to gather information from each student regarding their plans for their future.

The students had a variety of different plans, including plans to be chefs, hairstylists, mechanics, gardeners, as well as texting and hanging out with friends. OCRA organized all of the material so each student would have an individual document outlining his/her plan. The goal was for the student to have the document at the IEP meeting and to be able to participate more fully in advocating for themselves, as well as having fun. Yulahlia Hernandez, CRA, North Bay Regional Center.

F:\DOCS\JEANNE\ADVOCACY REPORT spring may 17 2010.doc