

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Fall 2009

BENEFITS

F.C. Receives \$4,000 Retroactive IHSS Payment.

F.C. moved from a board and care setting to an apartment with a roommate on June 1, 2009. F.C. was assisted by her supported living services (SLS) agency to apply for In-Home Support Services (IHSS) on June 3, 2009. An in-home needs assessment was conducted by a County IHSS worker on July 27, 2009. F.C. received a verbal denial from the County on August 5, 2009, stating she was ineligible for IHSS because its computer records showed F.C. was living in a nonmedical out-of-home arrangement. F.C. contacted OCRA for help.

OCRA staff contacted the County and confirmed the accuracy of the information provided to F.C. OCRA discussed with the County that F.C. receives Supplemental Security Income (SSI) and that the regional center was F.C.'s representative payee. The County agreed to withhold the written Notice of Action (NOA) denying IHSS to allow OCRA staff time to have the necessary corrections made by the regional center to the Social Security Administration (SSA) regarding F.C.'s living arrangement.

OCRA contacted the regional center fiscal department representative to make the necessary correction to F.C.'s living arrangement and submit the change to the SSA. F.C. received a NOA approving 122 hours per month of IHSS and a retroactive payment (approximately \$4,896) back to the date of her application. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

County Agrees to Reinstate L. M.'s Zero Share of Cost Medi-Cal.

OCRA was contacted by L.M.'s mother who reported that her daughter recently received a notice of action (NOA) from Medi-Cal stating that effective March 1, 2009, L.M. would be assessed a \$803 monthly share of cost due to alleged excess income. Upon further investigation, OCRA determined that the Medi-Cal determination was incorrect because L.M. was eligible for zero share of cost Medi-Cal as a Disabled Adult Child (DAC) beneficiary.

After unsuccessfully trying to resolve the issue by agreeing to a conditional withdrawal, OCRA agreed to represent L.M. at hearing. OCRA offered evidence establishing that L.M. was receiving SSI until December 20, 2003, at which time L.M.'s SSI was terminated because she became entitled to DAC benefits under her father's Social Security account. OCRA argued that because L.M. lost SSI because of her DAC benefits, she was eligible for Medi-Cal without a share of cost under the DAC program. Prior to hearing, the County stipulated that L.M. was eligible for zero share of cost Medi-Cal. In order to ensure that the county complied with its stipulation, OCRA proceeded to hearing and secured a stipulated judgment that L.M. was entitled to Medi-Cal without a share of cost. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

Related and Personal IHSS Hours Authorized for Minor.

J.S.' IHSS failed to provide enough hours to meet his needs. J.S. was totally dependent on others to provide many services. J.S.' mother had repeatedly been told by the IHSS social worker that J.S. would not be authorized for related or personal services because J.S. was a minor. OCRA agreed to assist J.S.' mother to appeal. J.S.' mother used the Disability Rights California Self-assessment Packet and the IHSS Nuts and Bolts publications to assist in preparing for hearing. The County agreed to re-assess J.S. and authorized 60 additional hours per month of related and personal services that J.S. required to remain at home. In addition, the County increased J.S.' paramedical services based upon J.S.' new medical documentation.

Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

Persistence Pays Off.

S.M.'s mother had concerns that S.M. was not receiving the appropriate monthly SSI amount. S.M.'s mother on numerous occasions had provided the SSA with information to support an increase of S.M.'s monthly benefits but was not successful. S.M.'s mother contacted OCRA requesting assistance. OCRA reviewed S.M.'s parental income and determined that S.M.'s monthly SSI benefit amount was too low. S.M.'s mother used the information provided by OCRA and again returned to the SSA office. As a result, S.M.'s SSI benefits were increased from \$534 a month to \$739 a month. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

Twins Found Eligible for SSI.

A.S. and E.S are 5-year-old twin girls diagnosed with autism. After applying for SSI, the girls were denied due to being over the family resource limit. The family owned three vehicles, one of which was in very poor condition. The Assistant CRA agreed to evaluate the case and upon review concluded that the vehicle in poor condition was overvalued by the SSA. The Assistant CRA filed a Request for Reconsideration, which included estimates on the current market value of the vehicle in its present condition. The reconsideration was denied. The Assistant CRA filed for hearing and included more supporting evidence on the true value of the vehicle by using the SSA's vehicle estimates website. Because the Assistant CRA had requested an informal meeting on the Request for Reconsideration, and SSA never afforded the opportunity, the Assistant CRA contacted the local SSA office supervisor. The Assistant CRA advocated on the right to an informal meeting, and the supervisor agreed to re-open the Request for Reconsideration. Upon SSA's review of the additional information, it agreed to rescind its original determination and find the twins eligible for SSI benefits. Together, the twins received approximately \$19,000 in retroactive payments. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

OCRA Assists with Waiver Request.

M.M. received an overpayment from the SSA for a period of time that he was not employed. The overpayment incorrectly calculated his benefits on the basis of his previous earnings. M.M.'s mother and representative payee had submitted all necessary documents and changes in circumstances to the SSA.

OCRA assisted in writing a waiver request and a Request for Reconsideration. OCRA received notification that the overpayment has been waived. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Medi-Cal Is Ordered to Fund A.Z.'s Orthodontia.

A.Z., a 17-year-old with Down's syndrome, applied for orthodontia braces through the Medi-Cal EPSDT program. Individuals with Down's syndrome often have teeth space issues in their mouths and need braces to correct the problem. These problems can lead to speech impairments and tooth damage. A.Z. had crowding of her top teeth which caused damage to her cusp teeth, but Medi-Cal refused to fund her braces. A.Z.'s mother filed for hearing.

At the first hearing, the Administrative Law Judge (ALJ) found that A.Z. met the Medi-Cal criteria for braces and proposed an order that Medi-Cal fund A.Z.'s braces. The Director of Medi-Cal overturned this decision. A.Z.'s mother called OCRA, which agreed to represent at the re-hearing stage.

For the re-hearing, OCRA secured a declaration from A.Z.'s orthodontist regarding the medical necessity of braces under the Medi-Cal criteria and under the supplemental services criteria. The ALJ found in favor of A.Z. again, and this time the Director approved the decision. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Protective Supervision Awarded Following Negotiations.

J.H. is on oxygen and requires constant supervision. J.H. was denied protective supervision despite the existence of significantly impaired memory, judgment, and orientation. J.H. was frequently found trying to pull out the oxygen tubing and crawl out of his bed with the tubing attached.

OCRA contacted the County and negotiated on behalf of J.H. with the County hearing specialist. Following informal negotiations, the County agreed to provide J.H. with 281 hours of protective supervision. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

Benefits Reinstated and Overpayment Waived with OCRA Assistance!

R.S. is a young woman who has lived in supported living for many years. Her SLS worker changed and there was a period when R.S.'s bank account was not properly monitored. SSI sent a Notice of Overpayment and terminated benefits.

OCRA worked with R.S. and the SLS agency. OCRA obtained a letter from the agency stating that it was its fault that the overpayment occurred. OCRA got copies of R.S.'s bank statements and assisted her in writing a waiver request.

OCRA went to a meeting with R.S. at SSA and presented the information. The waiver was granted and the benefits reinstated at the meeting. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Direct Representation in SSI Hearing Makes a Difference.

N.A. received notice that her SSI benefits would be discontinued. She was initially found eligible for SSI using the childhood criteria for disability. Upon turning 18, a review was required to determine if N.A. met adult criteria. An appeal was filed from the initial

determination that N.A. did not meet the standards used to evaluate disability in adult claims.

OCRA provided additional evidence and direct representation at N.A.'s SSI hearing. Less than a week after the hearing, OCRA was notified of a fully favorable decision. Based on all the evidence, it was determined that N.A. met listing requirements. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

County Ordered to Pay Increased Rate and Retroactive Payments in Dual-Agency Case.

G.C. was denied the foster care rate by the County. G.C. was entitled to the dual agency rate since she was both a regional center client and in foster care. OCRA provided direct representation at a due process hearing. OCRA prevailed and the County was ordered to pay the foster care rate of \$2006 a month, retroactive to July 1, 2007. Katie Hornberger, CRA, Harbor Regional Center, Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

Consumer Receives Fully Favorable Decision in SSI Case.

A.O. was denied SSI. A.O. filed an appeal and OCRA provided direct representation at the hearing. The issue in the case was whether or not A.O. was able to engage in any substantial gainful activity by reason of any impairment or combination of impairments.

Evidence was admitted and testimony was taken during the hearing. After careful review of the record, the ALJ determined that A.O. was disabled as of August 31, 2007, the date the application for SSI was filed and that A.O.'s disability continued through the date of the decision. The ALJ issued a fully favorable decision. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

Foster Children Receive Supplemental AFDC-FC Benefits.

J.M. and M.M. are twins who are living with their foster parents. Because J.M. and M.M. are both mentally retarded and require a high level of care, they are entitled to supplemental Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits of up to \$1,000 per month in addition to the regular AFDC-FC of \$2,006. Their foster parents felt as if they should be receiving the additional money, but did not know what to do.

OCRA presented a training to Spanish speaking families. At the training, the foster parents asked OCRA for help in getting additional AFDC-FC. OCRA assisted the family in requesting the supplement from the County and in completing the Supplement to the Rate Questionnaire (SOC 837). J.M. and M.M. were found to need extraordinary care and supervision that cannot be met by the \$2,006 rate. The family was awarded an additional \$750 per month for each child. The family was also found entitled to benefits retroactive to 2007. Jackie Coleman, CRA, Elizabeth Kennedy, temporary Assistant CRA, Alta Regional Center.

G.C. Gets SSI and Medi-Cal Reinstated and Overpayment Cleared.

G.C. is a 27-year-old man who receives SSI. His mother is his representative payee, and his father helps him, also. His parents are both monolingual Spanish-speaking. G.C. was arrested one day last year and released. He missed one court date, but with his family's assistance, he attended every court date since the one he missed. After 8 months, the SSA sent him a letter cutting off his SSI and charging him with a large overpayment. The SSA said he had an outstanding warrant and was not entitled to any benefits for the period of the outstanding warrant. G.C. had cleared up his warrant the month after it was issued by attending his court dates.

G.C. also lost his Medi-Cal because the County improperly determined him to be medically needy and not disabled after he lost his SSI-linked Medi-Cal. OCRA intervened on both issues. OCRA filed for a Medi-Cal hearing and negotiated with the local office. The County placed him in a disability-linked bridge program pending a

redetermination of the outcome of the SSI problem. As for his SSI, the SSA told his father that it could not reinstate him until G.C. finished his court-ordered Alcoholics Anonymous meetings and counseling. This was incorrect since his warrant had been cleared and he was not fleeing to avoid prosecution.

OCRA spoke to an SSA representative who promised he would look into G.C.'s case. OCRA advised the father to get a printout of the minute order from the court. It showed that the warrant had been recalled and G.C. had appeared in court every month. G.C. and parents brought this proof to SSA and the representative immediately reinstated G.C.'s SSI. G.C. will also receive a back payment of \$7,958. G.C. was able to withdraw the Medi-Cal hearing, as he was reinstated into SSI-linked Medi-Cal. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

Toddler Gets Her Nursing Hours Reinstated.

S.B. is two and has been in the hospital more of her life than she has been at home. However, S.B.'s health has been improving. Unfortunately, S.B.'s nursing hours were unexpectedly terminated. S.B.'s tracheostomy tube had fallen out in transport to the hospital and her doctor decided to not replace it. The doctor left the opening in case the tube has to be replaced. Medi-Cal In-Home Operations (IHO) responded by terminating funding for all nursing services with no notice. The nursing agency abruptly stopped coming under direction from IHO, as IHO indicated the agency would not be paid for any additional services.

S.B. went from 20 hours per day to zero hours of nursing. The family finally obtained a NOA and immediately appealed, thinking it would get aid paid pending. But IHO refused to provide the aid paid pending asserting that because S.B.'s medical needs had changed, she was no longer entitled to nursing services.

OCRA filed an expedited motion for the aid paid pending and participated in a telephone hearing on the two due process issues (lack of NOA and aid paid pending). The ALJ reinstated the services pending the hearing. S.B. began receiving 20 hours per day of IHO nursing again.

OCRA further resolved the case by working with the local IHO office and the nursing services department for the regional center. S.B. is now receiving the appropriate level of service and has withdrawn the hearing request. Katie Meyer, CRA, Westside Regional Center, Marilyn Holle, Senior Attorney, Los Angeles Regional Office.

SSI Benefits Reinstated.

J.G.'s mother received a Notice of Overpayment from the SSA terminating J.G.'s benefits and requesting reimbursement for an alleged overpayment of benefits. J.G.'s mother was told by a SSA worker that because the mother had a bank account in her name that had more than \$2,000 in it, J.G. was not eligible for SSI.

The mother requested assistance from OCRA in getting SSI reinstated. OCRA assisted the mother in filing a Request for Reconsideration and a Request for Waiver of Overpayment with Social Security. The mother co-owned the bank account with two other people. OCRA assisted in obtaining declarations from the two co-owners stating that the money that was in the bank account was actually owned by them. The co-owners also produced records showing that they had deposited and withdrawn the money in the account. Based on this information, SSI was reinstated and it was determined that there was no overpayment. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta Regional Center.

County to Submit a Treatment Authorization Request for Room and Board.

R.G. is a teenager with mild mental retardation and bi-polar disorder. For the past few years, R.G. has had numerous hospitalizations for psychiatric treatment. Upon release from her most recent psychiatric hospitalization, the psychiatrist recommended temporary placement at a psychiatric residential treatment facility (PRTF). R.G.'s parents receive Aide to Adoptions Program (AAP) funding and continuously asked how the PRTF placement would be funded. All agencies involved, including Children's Welfare Services (CWS), County Mental Health (CMH), regional center and Fred Finch Youth Center (FFYC) informed the parents that they must use their AAP to fund the

residential portion of the placement. The parents were reluctant to place R.G. because they could not afford the cost. Although the parents continued to ask about other funding, they were told, “the money follows the child.”

In October, 2008, R.G.’s parents were told by CWS that if R.G. was not placed at FFYC, CWS would go to court and take custody away from the parents. The parents placed R.G. at FFYC and then called OCRA for help. OCRA represented at hearing and the ALJ limited the issue as to whether the County failed to perform its duty when it failed to submit a Medi-Cal treatment authorization request (TAR) on behalf of R.G. for the residential portion of FFYC.

The ALJ agreed that a TAR should have been submitted. He also agreed that FFYC meets the definition of a PRTF, thus making Medi-Cal responsible to fund the residential portion of FFYC. But, as the ALJ had limited the hearing to one issue, he only ordered that the County and FFYC work together to submit a TAR on R.G.’s behalf. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

J.H. Is Awarded 283 IHSS Hours Retroactive to the Date of Reassessment.

J.H. is a regional center consumer who has been diagnosed with autism and several other related disabilities. J.H. is non-verbal and communicates using printed cards, ASL, communication boards, vocalizations and two augmentative communication devices. Despite his mother’s request for additional IHSS hours for J.H., IHSS continued to deny her request and awarded only 56.5 hours with no protective supervision. J.H. needed protective supervision because he lets strangers into his home at night, he cannot dial 911, he leaves his home without informing any family members, he cannot ask a community member for assistance, and he cannot self-monitor the amount of medication he takes.

J.H.’s mother came to OCRA requesting assistance with appealing the IHSS denial of protective supervision and award of only 56.5 hours. OCRA assisted J.H.’s mother with preparing for the hearing.

J.H.'s mother was initially denied copies of J.H.'s records so OCRA provided the mother with the Manual of Policies and Procedures citations detailing the claimant's right to his own records. J.H.'s mother finally obtained a copy of the records. OCRA reviewed the records, prepared the hearing position statement and helped J.H.'s mother prepare for the IHSS hearing. J.H. was awarded 283 hours of IHSS including protective supervision retroactive to the date of the reassessment on February 11, 2009. Jackie S. Chiang, CRA, Guadalupe Marquez, Assistant CRA, Lanterman Regional Center.

County Agrees to Provide 195 IHSS Hours Including Protective Supervision.

At age 17, J.C. was denied IHSS. After turning 18, J.C. resubmitted her IHSS application and was awarded minimal hours with no protective supervision. J.C. was told that she should apply for the SSI out-of-home care rate rather than receive IHSS. J.C.'s mother filed for hearing although no NOA was sent. J.C.'s mother contacted OCRA, which agreed to represent J.C. A conditional withdrawal was filed with the agreement that the County would reassess. The County did not reassess but sent a new NOA with the same number of hours. As a result of the County's failure to reassess, J.C.'s mother again filed for hearing. OCRA obtained reports and medical documentation to support the need for protective supervision. At the hearing, the ALJ ordered the parties to meet and confer. After OCRA again provided J.C.'s reports and medical documentation, the County agreed to settle and found J.C. eligible for 195 hours of protective supervision. The County also agreed to reassess to determine J.C.'s eligibility for 283 hours as a person with a severe disability. Margaret Oppel, Volunteer CRA, Kendra McWright, Temporary CRA, Katherine Mottarella, CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

R.W. Gets His Social Security Benefits Reinstated.

OCRA was initially contacted by R.W.'s service coordinator who reported that in 2006, R.W. lost his Social Security benefits because he allegedly engaged in substantial gainful activity (SGA). Upon investigation, OCRA discovered that R.W. was working in a sheltered workshop. According to SSA regulations, earnings do not indicate

SGA when the subsidy provided by the employer and/or by the supported employment program is deducted from an individual's earnings. Accordingly, OCRA worked with R.W.'s employer to provide information about his earnings dating back to 2005, and the amount of subsidy provided by the employer. After reviewing all the information provided, the SSA determined that R.W. was entitled to monthly disability benefits beginning in March, 1998. The SSA determined that beginning in September, 2009, R.W. will begin to receive \$941 each month. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

CRIMINAL LAW

Judge Dismisses Young Man's Vehicle Code Violation.

F.E. is an adult with mental retardation who was cited for causing a hazard to cars by crossing outside of a crosswalk. He faced a fine of \$706.00 because of the original citation, a failure to appear fine, and court fees. He asked for OCRA's assistance to represent him in court since his monthly income is only SSI. OCRA obtained signed declarations from F.E.'s service coordinator and Independent Living Skills instructor that F.E. did not always understand rules in the community but that the regional center will continue to fund and work with F.E. on mobility and street crossing.

OCRA represented F.E. in court. The judge stated she did not want to hear arguments or stories from anyone. The CRA asked to approach the bench for privacy and the judge allowed her to ask for the case to be dismissed. The CRA offered copies of a psychological evaluation and the declarations. The judge accepted the argument and dismissed the case, "in the interest of justice." Katie Meyer, CRA, Westside Regional Center.

HOUSING

Housing Authority Agrees to Move J.M. to Downstairs Apartment.

J.M. was denied his request for a reasonable accommodation to move from his upstairs apartment into an accessible downstairs apartment. J.M.'s upstairs apartment was a safety hazard for the following reasons: (1) due to a lip on the threshold he was unable to enter unassisted; (2) the hallway that runs in front of his apartment is treated with a resin-like substance that makes it difficult for J.M. to walk when he uses his crutch; and (3) the elevator is periodically inoperative due to malfunction or maintenance. For over a year, the Area Housing Authority failed to respond to J.M.'s requests and physician's letters stating that J.M. needed a downstairs apartment. OCRA was contacted by J.M.'s service coordinator. OCRA agreed to represent J.M. by making a written request for a downstairs apartment as a reasonable accommodation. The housing authority agreed to place J.M. on the waiting list for an accessible downstairs apartment. Kendra McWright, Temporary CRA, Katherine Mottarella, CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

Credit Bureau Releases \$200,000 Recorded Lien.

V.S. owns her own mobile home, and the property upon which it is situated. She has lived there for approximately twenty years. In the late 1980's, V.S. got married. Due to domestic violence issues, the marriage only lasted a few years. However, during the marriage, V.S. put her husband on the title to the property. The husband did not tell V.S. that he had a recorded judgment previously entered against him and his prior wife. Through the divorce action, the husband was taken off the deed and title, but the lien recorded against him attached to V.S.'s property while he and V.S. were married, and the lien remained attached.

By the time V.S. came to OCRA, due to accrued interest and costs, the lien amount was in excess of \$238,000. The property and mobile home were appraised at \$65,000 to \$70,000. V.S. was extremely concerned about losing her home, and that she would not be able to leave it to her son.

OCRA intervened with the credit bureau and its attorney, and negotiated a settlement on hardship and equitable grounds that in exchange for \$2,000 payment to cover out-of-pocket costs incurred, the credit bureau would release the lien. Payment was made on V.S.'s behalf by her mother, and the credit bureau provided full release of lien as to V.S. and her property. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center.

Eviction Averted with OCRA Intervention.

J.D.-H. and G.W. were roommates receiving SLS. They both had problems with using the bathroom and their landlord was threatening them with an eviction. OCRA spoke with the SLS vendor, the regional center, and the attorney for the management corporation.

The regional center increased the level of support the consumers were receiving. The SLS vendor came up with a plan to keep the apartment clean and odor free. OCRA negotiated with the attorney and drafted a document regarding the agreement between the parties. The management company agreed to allow the consumers to remain in their apartment. Katy Lussion, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Settlement Reached with Housing Authority.

D.S. is a 40-year-old consumer with a severe and uncontrolled seizure disorder. He lives in public housing. The Housing Authority (HA) claimed that D.S. unhooked the fire detector and that they had to pay to have it reinstalled. They sent D.S. a bill for the labor involved.

D.S. uses a wheelchair and claimed that he could not have reached the fire detector and that it was not properly hooked up in the first place. He claimed that it went off several times and that he had to call 911. The fire department came and unhooked the fire detector because it was not properly installed.

OCRA went to an informal hearing with D.S. and his mother. OCRA pointed out that there were inconsistencies in the work orders, dates,

times, and reports. Despite this and the fact that the Housing Authority had no actual evidence to support its claim, the representative from the HA reached a decision that D.S. was still liable for the full amount of the labor.

Without paying the demanded amount, the matter settled prior to formal hearing. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Representative Payee Pays Back Rent in Housing Case.

D.P. is a young woman who lives in public housing. When D.P. began a relationship with a man, she asked the regional center to stop being her representative payee. She wanted a relative of the man to be her payee. At some point the relationship ended and the new representative payee stopped paying D.S.'s rent and bills. The regional center again took over the responsibility as representative payee. The regional center was attempting to have the late rent payments paid by the relative-payee. The relative kept telling D.P. and the regional center that she did not owe the money and that she had worked everything out with the HA.

OCRA contacted the relative-payee and the HA. We explained to the relative-payee that we were going to assist D.P. in filing a police report and a case in Small Claims Court. Before OCRA had a chance to proceed, D.P. was informed that the back rent had been paid by the relative-payee to the HA. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

PERSONAL AUTONOMY

OCRA and Regional Center Collaborate to Support Consumer's Choices.

V.P. is a 36-year-old consumer living at an adult residential facility (ARF). V.P. lived with her mother most of her life until her mother was hospitalized for a stroke. V.P. was placed at an ARF for safety reasons. V.P. made friends at the ARF and decided that she wanted to continue

to live at the ARF even after her mother was released from the hospital. The regional center supported V.P.'s decision but her mother did not.

V.P.'s mother called OCRA for help, but was informed that V.P. was our client and that we would support her choices. Subsequently, an IPP meeting was held. OCRA worked as a mediator between the regional center and V.P.'s mother while advocating on V.P.'s behalf. V.P. told her mother at the IPP meeting that she wanted to continue to live at the ARF. The mother agreed to V.P.'s choices. Although the mother's agreement was not necessary, it was beneficial for a resolution to this matter. V.P. will stay where she lives and will visit her mother every other weekend. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Consumer Opposes Conservatorship.

K.B. is an unconserved adult who has lived on her own for ten years with the assistance of a supported living agency. Her mother and family friend, a former SLS worker, filed a petition to conserve K.B. who called OCRA to report that she did not want to be conserved.

OCRA contacted the regional center. The regional center had no knowledge of the proposed conservatorship and opposed it. OCRA attended K.B.'s initial hearing to provide technical assistance and request court-appointed counsel for K.B. The public defender (PD) was assigned to represent K.B. The outcome of the challenged conservatorship is pending. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

OCRA Advocates for Independent Evaluation and Access to Court System.

I.Z. is on a limited conservatorship. She does not want to be conserved. She believes that the conservator is exceeding the scope of her authority. I.Z. contacted OCRA for assistance in terminating the conservatorship.

OCRA spoke to the deputy PD assigned to I.Z.'s conservatorship case and offered technical assistance. OCRA assisted the PD in getting an affordable independent psychological evaluation to

challenge the need for the conservatorship. The PD's office funded an evaluation to determine if I.Z. needed to be conserved.

Following the completion of the evaluation, which supported termination of the conservatorship, I.Z. requested a hearing. The deputy PD did not respond to I.Z.'s request for a hearing. OCRA assisted I.Z. in writing a letter to formally request a hearing. I.Z. now has a hearing date to determine if the conservatorship should be terminated. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Adoption of Consumers' Baby Declared Unlawful.

OCRA was contacted after a consumer and his girlfriend had their child put up for adoption by the girlfriend's parents. OCRA met with the consumers and provided technical assistance. The consumer went to court to fight for his right to retain custody of his child. The Presiding Judge determined that the adoption was illegal and ordered the return of the baby to the consumers. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

REGIONAL CENTER

F.C. Gets to Keep Her SLS Provider of Choice.

F.C. was sent a NOA by the regional center indicating its intent to discontinue funding F.C.'s current SLS and switch her to a new provider that could also provide SLS and Personal Attendant care services (PA). F.C. did not want to change her SLS provider because she was satisfied with the level of care and it had only been working with her one month. F.C. was advised that her current SLS provider was approved by other regional centers to provide PA services. F.C. filed for fair hearing and contacted OCRA. OCRA represented F.C. at two informal meetings with the regional center.

OCRA on behalf of F.C. reached an informal agreement with the regional center in which it agreed to: 1) maintain SLS services with her current provider; 2) begin the PA vendor process for her current

SLS provider; 3) during the PA vendor process, increase SLS hours by 160; and 4) fund an assessment with F.C.'s current SLS provider for both SLS and PA hours. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

Client Kept Out of Porterville Developmental Center.

It was decided by the regional center that A.P. should return to Porterville Developmental Center due to his behaviors and severe medical conditions. A.P.'s group home no longer felt that it could take appropriate care of A.P. A.P. very much enjoys his life and did not want to return to the development center.

OCRA became involved and persuaded the regional center to provide A.P. with a 1:1 aide and give him another chance. A.P. is working hard to remain in the community. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

J.G. Attends the Day Program of His Choice.

J.G. graduated from the Cypress College Independent Living Skills program and was ready to move to a day program. His current teachers recommended a program for him. J.G. and his parents went to visit the program and really liked it. However, the regional center decided not to fund it as it was out of their catchment area. J.G. and his family then went to visit all of the programs offered by the regional center. None of the offered programs met his needs.

The family filed for hearing. OCRA prepared the family for the informal meeting and upcoming hearing by developing the evidence packets, witness list, opening statement, questions for witnesses, parent's testimony, and an opening brief

Following the informal meeting, the regional center offered the program that J.G. wanted. Katie Hornberger, CRA, Harbor Regional Center.

SPECIAL EDUCATION

CDE Orders School to Change Its Translation Process for IEP's.

M.M. is a high school student in a severely handicapped special day class. M.M. is non-verbal and has limited communication skills. M.M.'s mother called OCRA last year to help advocate for sign language goals. OCRA successfully secured two sign language goals in M.M.'s IEP. The team agreed to provide the mother with a copy of the IEP and the sign language words M.M. would be using in Spanish, so she could work on them at home.

M.M.'s mother called OCRA because she never received the sign language words in Spanish or a copy of the IEP. OCRA filed a compliance complaint with the California Department of Education (CDE) on M.M.'s behalf for: (1) the lack of translation of the IEP when requested; and, (2) the lack of implementation of the sign language goals. CDE found in favor of M.M. on the first issue but not the second. The school was ordered to circulate a memo regarding the laws on translation of IEP's and was required to change its translation process.

OCRA filed a reconsideration on the second issue. The CDE approved the reconsideration and the case has been assigned to a new investigator for review. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Compliance Complaint Gets Results.

J. H. is a 7-year-old student who is fully-included. J.H. was having vision and fine motor skills difficulties at school. The school district conducted occupational therapy and vision assessments to determine his educational needs. J.H.'s parents disagreed with both assessments. J.H.'s parents requested Independent Education Evaluations (IEE's) but the district failed to respond by either agreeing to the IEE's or filing a request for hearing to defend its assessments.

J.H.'s parents asked OCRA for assistance. OCRA drafted a CDE Compliance Complaint. The district then agreed to fund independent

vision therapy and occupational therapy assessments to be administered by providers of the parents' choice. OCRA attended a follow up IEP meeting. Matthew M. Pope, CRA, Lucy Garcia, Assistant CRA, Lily Susanto, Intern, Eastern Los Angeles Regional Center.

T.H. Gets School of Choice and Compensatory Speech Services.

T.H. had been attending pre-school at his home elementary school. His parents were excited for the transition to a general education kindergarten as T.H. was doing very well academically and getting bored in his preschool class. Although T.H. has Down's syndrome, he has strong academic skills and can read. However, T.H. has great difficulty with speech and, at times, is difficult to understand. At the annual IEP, the school district recommended a special day class at his home school. His parents refused and requested a general education classroom with typical peers. They also requested to visit a variety of classroom types and the logs of their son's speech services provider.

After multiple meetings with the school principal, T.H.'s parent requested an alternate school for kindergarten. The IEP team refused this request although it did offer a general education classroom with supports and related services. The family filed for hearing and contacted OCRA.

OCRA represented the family at the Informal Dispute Resolution (IDR) session with the school district. At that meeting, it was agreed that the school would try to find another kindergarten class with an opening and would review the speech logs to determine if T.H. was entitled to any compensatory services. Before the case could be resolved informally, the mediation date was held. OCRA represented the family at the mediation and obtained the school of choice, 10 hours of compensatory speech, and postponed the triennial evaluation. T.H. would start on the first day of school in a new classroom just like his non-disabled peers. Katie Hornberger, CRA, Harbor Regional Center.

Mediation Is Effective.

L.W. was scheduled to begin a resource specialist program (RSP) in a second grade classroom in September, 2009. In December of the previous school year, L.W. was placed in a first grade RSP program where he began to make friends. L.W.'s mother was concerned that L.W. did not benefit from a full year of RSP and requested that the district retain L.W. in first grade. L.W.'s mother also requested lunchtime support for social purposes, an inclusion specialist assessment, an increase in personal aide time beyond the three hours listed in the IEP, a behavioral assessment, and a Lindamood Bell assessment. At the IEP meeting, the district denied these requests. The regional center education specialist referred L.W.'s mother to OCRA for assistance.

OCRA agreed to represent at mediation. The district scheduled an informal dispute resolution meeting. Since this meeting typically excludes attorneys, OCRA helped to prepare the regional center education specialist and parent for the meeting. During the informal meeting, the district agreed to increase the aide from three to five hours per day, provide resources for a behavioral assessment, change the aide to one supervised by a behavioral-services non - public agency, incorporate strategies from the Lindamood Bell program, and conduct occupational therapy and adapted physical education assessments. L.W.'s mother signed the agreement. Matthew M. Pope, CRA, Eastern Los Angeles Regional Center.

Student Receives Appropriate Placement.

R.S. has autism. Based on his needs related to the developmental disability, he was not successful in his placement. Because his behavioral needs were not adequately addressed, R.S. was not able to access or benefit from his educational placement in an autism class. Essentially, R.S. had no educational program as required by federal and state law.

OCRA requested an independent educational evaluation to determine appropriate eligibility, placement, and related services. Pending evaluation results, J.S. has been placed in a grade appropriate non-categorical special day class with a 1:1 aide and a flexible schedule.

Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

OCRA Secures Diabetes Monitoring at School.

Over the summer, K.L. was diagnosed with diabetes. She needed additional monitoring at school. K.L.'s mother was spending the day at school to provide the monitoring for K.L.'s diabetes.

K.L.'s mother requested an IEP and was told that the school would not be able to schedule an IEP for six weeks. K.L.'s mother called OCRA. OCRA requested an emergency IEP and obtained additional documentation from the doctor.

OCRA represented K.L. at the IEP. The school district reviewed the additional documentation and agreed to implement all of the monitoring requirements at school as a related service. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

OCRA Advocates for IEE and Related Services.

C.B.'s parent contacted OCRA seeking assistance. C.B. needed assistance obtaining a proper assessment and disability related services. OCRA agreed to provide advocacy services.

OCRA provided direct representation at two IEP's. At the first IEP, the district agreed to fund an IEE to review C.B.'s need for a 1:1 aide who could sign. At the second IEP, the district agreed to place C.B. in a classroom where the staff will communicate to C.B. using sign throughout the day's instructional program. And, an ongoing sign training will be provided to staff and C.B.'s parent on a monthly basis of not less than 1 hour per month. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Temporary Assistant CRA, Central Valley Regional Center.

Parent Improperly Required to Provide Assistance in Classroom.

K.A. is now two and receiving Early Start services. K.A.'s mother contacted OCRA seeking assistance in regard to her son's

educational services. The district was requiring the mother to be present in the classroom in order for K.A. to receive services.

OCRA contacted the school district explaining that it is not lawful to require the mother to work in the classroom. Additionally, the mother was using her regional center respite hours for her other two children in order to work in the classroom. The school district agreed that the mother would not be mandated to be present in the classroom. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

OUTREACH/TRAINING

OCRA Pays Respects at Remembrance Ceremony in Stockton.

The California Memorial Project (CMP) held its annual Remembrance Ceremony at Stockton Rural Cemetery on Monday, September 21, 2009. Daniel Meadows, Disability Rights California, gave a warm welcome to everyone attending and offered some powerful words--sharing the value and importance of the California Memorial Project.

Whether participants were former residents of a developmental center, consumers, family members, friends, support persons, or advocates, everyone enjoyed the meaningful words spoken by Krisi Franzone. She is the wife of the late Donald Roberts who was a strong advocate of this project. Mr. Roberts was also a former resident of a developmental center.

Person Centered Services (PCS) choir provided participants with the melody of *Amazing Grace* accompanied by guitar. With meaningful songs and good spirits to guide us, we all remembered that all people, regardless of disability or living situation, should be afforded dignity, respect, and love as they are laid to rest. Leinani Neves, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

OCRA Continues Work with Early Start Program.

During September, 2009, OCRA returned to the Walton School Early Start Program to meet with parents and staff. Recent changes in the law had been enacted and all participants were concerned about the effect on the program and on individual children and families. Administrative staff were concerned because they had not yet received information about the new Prevention Program authorized by statute for children at risk for developmental disability.

OCRA staff provided training on the changes in the law, distributed resource information, and contact information for follow-up. Parents and staff had very good questions and are aware of the issues with which they are now challenged. Translation was provided to Spanish-speaking parents.

OCRA also provided a training on “Feeling Safe—Being Safe” to parents. The material for this training was developed by the Department of Developmental Services for implementation and distribution as a Self-Advocacy training by OCRA. Parents also played a Safety Bingo game developed by OCRA. It was a wonderful and productive training—enjoyed by everyone. Filomena Alomar, Assistant CRA, Valley Mountain Regional Center, Manuella Osborn, OCRA, Sacramento, Gail Gresham, Supervising CRA, Sacramento.