



**WESTERN CENTER**  
ON LAW & POVERTY



## Discrimination Lawsuit Against Harbor Regional Center and the Department of Developmental Services: What Should I Know?

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November 8, 2021

### **What is this lawsuit about?**

On November 8, 2021, an advocacy group for Latinx families with disabled children filed a lawsuit against Harbor Regional Center and the California Department of Developmental Services. The lawsuit is called *Padres Buscando el Cambio v. Harbor Developmental Disabilities Foundation, Inc.*

This lawsuit is about the failure of Harbor Regional Center and the Department of Developmental Services to provide Latinx families with full and equal access to state-funded services, known as Lanterman Act services. The Lanterman Act is a state law that gives intellectually and developmentally disabled Californians the right to lifelong services to support their independence at home and in the community.

### **Who is part of the lawsuit?**

In a lawsuit, the person suing the other party is called a “plaintiff,” and the person being sued is the “defendant.”

The defendants in this case are Nancy Bargmann, the Director of the California Department of Developmental Services (DDS) and Harbor Developmental Disabilities Foundation, Inc., also known as Harbor Regional Center.

DDS funds and oversees California’s intellectual and developmental disabilities service delivery system, which consists of 21 agencies called regional centers. The purpose of regional centers is to coordinate or secure services and supports for people who need them to live independently in the community. Harbor Regional Center is one of these regional centers.

The plaintiff in this case is *Padres Buscando el Cambio*. *Padres Buscando el Cambio* is an advocacy group that promotes education, full inclusion, and the empowerment of Latinx intellectually and developmentally disabled individuals and their families. Its members are parents of children who receive services from Harbor Regional Center.

### **Why did *Padres Buscando el Cambio* file this lawsuit?**

For over a year before filing this lawsuit, *Padres Buscando el Cambio* met with Harbor Regional Center and DDS and repeatedly presented evidence of discrimination against Latinx families. However, Harbor Regional Center and DDS refused to change their policies and practices in response to the problems that *Padres Buscando el Cambio* identified, which included:

- *Unequal Funding for Services*: Harbor Regional Center authorizes 37 cents in services for Latinx people for every dollar it authorizes on people who are white.
- *Policies and Practices that Reduce Services for Latinx Families*: Harbor Regional Center’s policies about in-home family supports contributes to this unequal funding. For example:
  - Harbor Regional Center counts family members other than parents who live with the disabled child – like aunts, grandparents, and adult siblings – as unpaid “forced” supports, even if the family member can’t help. Latinx children are more likely to live with family members in multi-generational households, so they receive fewer services from the regional center because of this practice.
  - Before Harbor Regional Center funds in-home family supports, it forces families to apply to programs that they cannot access or for which they are not eligible due to their immigration status. As a result, families are left without these critical supports.
- *Discriminatory Actions from Harbor Regional Center Staff*: When Latinx parents requested needed services, they were told that their families were too large and that “It was your decision to have so many kids” or “It is a parent’s responsibility to care for her own child.” Families were then left to fend for themselves, including paying for the things the regional center should have paid for.

- *DDS’s Failure to Monitor Harbor Regional Center to Prevent Illegal Conduct:* DDS has a legal duty to monitor how Harbor Regional Center operates. This includes preventing Harbor Regional Center from engaging in discriminatory conduct or using policies or guidelines that violate state or federal law. However, DDS has failed to comply with its most basic legal duty to collect and review Harbor Regional Center’s policies, guidelines, instructions, and training materials to make sure they do not discriminate against Latinx families.

### **What is the lawsuit trying to achieve?**

Padres Buscando el Cambio is not seeking money. They only want to end the discrimination that families face when seeking help for their children. They also want to work with Harbor Regional Center and DDS to remove the barriers that Latinx families face when they ask for help. They hope this lawsuit will help other families too.

### **The Department of Developmental Services is Spending Money on “Service Access and Equity” Grants. Why is this lawsuit necessary?**

Every year, DDS spends millions of dollars on grants to community-based organizations to increase service access and equity. For example, DDS funds “community navigator programs” to help guide families through complex service delivery systems like regional centers. These approaches, while valuable, have not meaningfully closed the spending gap in services for Latinx individuals and their families.

Spending money to help people better understand how to overcome barriers about getting services is also not enough. DDS and Harbor Regional Center have a separate obligation to *remove* those barriers when they lead to unequal treatment based on a person’s race or ethnicity, or any other protected characteristic.

### **How can I get more information about this lawsuit?**

For up-to-date information about this lawsuit, please visit our case page at <https://www.disabilityrightsca.org/cases/pbc-v-hrc>. If you require legal assistance, please contact Disability Rights California at 800-776-5746.