



California's protection & advocacy system

Lawsuit about Access to Communication for Deaf Individuals with Intellectual and Developmental Disabilities: What Should I Know?

April 30, 2020

What is this lawsuit about?

On April 30, 2020, Disability Rights California and Disability Rights Advocates filed a federal class action lawsuit called *McCullough v. California Department of Developmental Services*. We filed this lawsuit because thousands of deaf Californians with intellectual and developmental disabilities (I/DD) who depend on state I/DD services do not have access to communication supports like interpreters, staff fluent in American Sign Language (ASL), or communication devices. Without access to these supports, deaf individuals with I/DD are forced to live in isolation in their homes and communities.

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 defendant in this case is the California Department of Developmental Services (DDS). DDS oversees a system of services for people with I/DD. DDS contracts with a system of 21 agencies called regional centers to deliver programs and services.

The plaintiffs in this case are Lugene McCullough, Josonia Bishara, and Gina Lamberton. They are all deaf and qualify to receive DDS’s services because they have I/DD. However, they are not receiving the communication supports they need to access those services in the same

way that hearing individuals do. There are thousands of other individuals just like them who also are not receiving communication supports. This group of individuals is known as a “class”.

DDS is responsible for overseeing the regional centers and ensuring that they comply with federal and state law. The lawsuit alleges that DDS has failed to make sure that the I/DD services it funds and oversees are accessible to individuals who are deaf.

What Programs and Services are Deaf Individuals with I/DD Unable to Access?

The purpose of California’s I/DD program is to give individuals with I/DD the services and supports they need to live like individuals without intellectual and developmental disabilities. Through an individualized planning process, DDS’s regional center contractors work with individuals with I/DD to identify their goals and the services that will fulfill those goals. Communication is important to this process because individuals with I/DD have a legal right to make choices in their own lives about where and with whom they live, their relationships with people in the community, and how they spend their time.

What is the lawsuit trying to achieve?

Plaintiffs are not seeking money. They want DDS to do more to help deaf individuals with I/DD. For example, they want DDS to make sure that each deaf individual with I/DD gets a communication assessment to determine the best way to communicate with them and has access to communication supports like interpreters, staff fluent in American Sign Language (ASL), or communication devices.

How long with the lawsuit take?

We do not know. Some lawsuits take a long time. Others end very quickly.

I am deaf and receive services from DDS’s service delivery systems for people with intellectual and developmental disabilities. Am I part of this lawsuit?

Not yet. If you are deaf, have an intellectual or developmental disability, and receive services through California’s I/DD program from a regional center, you may be considered a “class member” of the lawsuit. This

means that you may benefit if DRC wins this case. However, before you can be considered a “class member”, a judge will first have to allow the case to proceed as a class action by “certifying” the class. This has not happened yet. If it happens, you may receive a notice about this lawsuit that explains your rights as a class member.

DRC will keep its website updated with information about the case at: www.disabilityrightsca.org.

Information about the case can also be found on DRA’s website at www.drlegal.org.

Can DRC help me with other legal issues?

For other legal assistance call 800-776-5746 or complete the request for assistance form found at <https://goo.gl/fssd0G>. For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).