

## **Semi-Annual Advocacy Report** **July 2014 – December 2014**

### **ADA**

#### **OCRA Assists T.G. to Obtain Radiation Therapy.**

The regional center contacted OCRA after T.G.'s medical providers denied him radiation therapy for a tumor. OCRA agreed to investigate and learned that the treatments were being denied because T.G. has a developmental disability. T.G. asked OCRA for help to get the treatment he needs. OCRA teamed with staff from Disability Rights California's regional office to negotiate with T.G.'s medical providers. While communicating with the hospital about T.G.'s case, his medical providers quickly changed their minds. T.G. is now receiving the necessary treatment. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, William Leiner, Supervising CRA, North Bay Regional Center and Sujatha Branch, Sacramento Regional Office.

#### **T.C. Is Allowed to Continue Participating in Special Olympics.**

T.C. has enjoyed being a Special Olympics athlete for years. After she had a "pseudo-seizure" on the team bus traveling to a Special Olympics event, the director of Special Olympics informed her that she could not continue to participate in out-of-town events. T.C. was told that she could only participate if she arranged for an adult to accompany her because it would be too much of a burden on the Special Olympics staff members or volunteers to accompany T.C. to a hospital and stay with her. OCRA contacted the Special Olympics' counsel on behalf of T.C. and explained that T.C. should not be required to find an adult to accompany her, as she felt capable of handling such a situation on her own. With T.C.'s guidance, OCRA drafted a one-page protocol for the best way to handle a pseudo-seizure if T.C. had one at a future Special Olympics event. The protocol instructed staff and volunteers to have just one person attend to T.C. during the pseudo-seizure, transport her to a hospital if necessary, and then leave the hospital once a family member had been notified. With all those involved understanding T.C.'s needs and preferences, she was allowed to continue her full participation in a variety of Special Olympics sports. Lynne Page, CRA, Timothy Poe, Supervising CRA, Redwood Coast Regional Center.

### **M.D. Keeps ADA Paratransit Services.**

M.D.'s father contacted OCRA after the paratransit agency abruptly terminated M.D. from transportation services following an alleged assault on a fellow passenger. OCRA reviewed records and concluded that the alleged behaviors were not serious and M.D. could be easily redirected when he was riding in the paratransit van. OCRA assisted M.D. in filing an appeal letter to the paratransit agency requesting services be reinstated and that the paratransit agency provide M.D. with the reasonable accommodation of a behavioral plan. The plan would prescribe the redirection of M.D.'s problem behaviors while riding in the van. After reviewing the appeal letter, the paratransit agency reinstated M.D.'s services. Hannah Liddell, CRA, Ada Hamer, Associate CRA, Timothy Poe, Supervising CRA, Frank D. Lanterman Regional Center.

## **BENEFITS**

### **IN-HOME SUPPORTIVE SERVICES (IHSS)**

#### **C.T. is Granted IHSS Protective Supervision.**

An administrative law judge determined in early 2014 that C.T. was eligible for 109.22 IHSS hours as a Deferred Action for Childhood Arrivals or "DACA" resident of California. C.T. then asked for a reassessment to determine if he qualified for additional Protective Supervision hours. C.T. received an IHSS notice of action denying him protective supervision hours. The IHSS social worker had wrongly presumed that since C.T. uses a wheelchair and has cerebral palsy, he could not possibly put himself at risk, and therefore did not need protective supervision. OCRA gathered the necessary medical documentation and supporting declarations, drafted the appeal hearing position statement, and prepared C.T.'s mother for her testimony at the hearing. At hearing the administrative law judge took into account the many examples of C.T.'s behaviors which put him at risk of harm. The documents also showed he does not learn from his injuries or mistakes because of his impairments. The judge found that C.T.'s judgment, memory, and orientation are severely impaired and he is strong enough, active enough, and curious enough to move around and put himself at risk of harm on a daily basis. The judge awarded 263 hours of protective supervision services per month so he can continue to live in his home safely, with his family, and not in an institution. Eva Casas-

Sarmiento, CRA, Cynthia Patricia Salomon, Assistant CRA, Katherine Mottarella, Supervising CRA, Harbor Regional Center.

**Judge Rules that D.H. Can Get IHSS in Both Parental Homes.**

D.H. is a four-year-old child who needs significant support to remain safely at home. His parents are separated, but they agreed that he would live with his father for part of the day and his mother for part of the day. When D.H.'s father applied for IHSS on his behalf, the county representative told him that unless he can produce a formal custody order from a court, D.H. can only get IHSS in his mother's home. The county also stated that D.H. did not qualify for hours because his parents are able and available to care for his needs. D.H.'s father appealed the county's decision and contacted OCRA for help. OCRA agreed to represent D.H. at an administrative hearing and argued that D.H.'s mother's disability prevented her from providing the needed care and D.H.'s father had to leave full-time employment to care for D.H. OCRA also argued that the county cannot require a formal custody agreement before it can grant IHSS hours in more than one home. The judge agreed with OCRA on all counts, ordering the county to conduct a full assessment of D.H.'s needs for IHSS in both of his parents' homes and to provide all future notices regarding this matter in Spanish, the family's native language. Katie Spielman, CRA, Christine Tarrant, Assistant CRA, William Leiner, Supervising CRA, Golden Gate Regional Center.

**Over 160 IHSS Personal Care Hours Restored after OCRA Advocated at a Meeting with the County.**

T.D., a 5-year-old with very high care needs, received notice that following a reassessment, his IHSS hours were reduced from 283 (the maximum) to 122 per month. T.D.'s family requested a hearing and contacted OCRA. OCRA reviewed records and met with the family in their home to observe T.D.'s needs firsthand. OCRA notified the county that it erred when it cited T.D.'s receipt of nursing hours as a reason to cut IHSS hours. That action was in violation of Department of Social Services policy, as set forth in an All-County Letter. OCRA also requested a pre-hearing meeting to further discuss the restoration of personal care hours. The client, his family and OCRA met with a county supervisor and the hearing representative from the county for several hours. At the conclusion of OCRA's advocacy, the county not only agreed to reinstate all of the hours, but it concluded that

T.D. was entitled to more hours than the maximum and therefore documented that additional unmet need. Kimberlee Candela, CRA, Lorie Atamian, Associate CRA, Katie Hornberger, Director, Far Northern Regional Center.

**IHSS Restores Hours To Siblings in the Same Home.**

B.M. and S.M. are minors with autism who live with their parents and had each been receiving 195 hours of IHSS protective supervision. Over a two month period, the county sent several inconsistent IHSS notices about increases and decreases in their hours, and timesheets which reflected decreases for which there were not legally adequate notices. B.M. and S.M.'s mother was the care provider for both of them and was very confused by these notices and timesheets. She contacted IHSS and asked for clarification and proper notice, but her requests were ignored. She learned that a new supervisor had changed their long-time IHSS social worker and reduced B.M. and S.M.'s hours. She felt that they were being singled out because of their high needs in the same household. She filed for hearing and contacted OCRA for assistance.

OCRA advised her to make a written request for the files and provided her with supporting All-County Letters. OCRA also held a conference call with B.M.'s and S.M.'s mother, the IHSS supervisor and the county hearing representative. The county admitted it had not provided proper notice. The county restored all of the IHSS hours and the case was resolved. Several months later, the county sent new notices reducing the hours again. B.M.'s and S.M.'s mother again filed for hearing and requested all the recent needs assessments. OCRA held another conference call with the IHSS supervisor, who agreed to rescind the notice reducing the hours, and add additional hours during the winter break. B.M.'s and S.M.'s mother received new adequate notices for the additional hours. Margaret Oppel, CRA, Kay Spencer, Assistant CRA, Marisol Galarza, Temporary Assistant CRA, Katherine Mottarella, Supervising CRA, Central Valley Regional Center.

**L.M. Receives IHSS Hours and a \$7,400.00 Retroactive Payment.**

L.M. is a 4-year-old whose parents contacted OCRA for assistance in applying for IHSS including hours for Protective Supervision (PS). OCRA assisted L.M.'s parents to apply for IHSS, helped them prepare for the IHSS assessment, and attended the assessment at L.M.'s home. L.M.'s

parents, with OCRA's help, obtained supporting documentation such as school, medical and regional center records. OCRA also reviewed the IHSS self-assessment forms, prepared an IHSS self-assessment chart, provided the mandatory physician certification forms and helped organize all of the records. During the assessment, the parents submitted copies of all documentation supporting L.M.'s need for IHSS including PS. Following the assessment, L.M. was granted 195 hours per month of IHSS and a \$7,400.00 retroactive payment. Mary Melendrez, CRA, Christine Armand, Associate CRA, Katherine Mottarella, Supervising CRA, South Central Los Angeles Regional Center.

## **MEDI-CAL**

### **M.E. Receives Increase in Waiver Personal Care Services Hours.**

M.E. requires around the clock care. When his IHSS was reduced, OCRA successfully represented M.E. at a hearing to maintain his hours. Despite this win, M.E. needed additional care hours to remain safely in his home. M.E. was also receiving 190 hours of Waiver Personal Care Services (WPCS) under his Medi-Cal Nursing Facility Waiver, which is administered by In-Home Operations. OCRA wrote a demand letter to In-Home Operations requesting a reassessment of M.E.'s level of care in order to have his WPCS hours increased. OCRA detailed in the letter how M.E.'s WPCS were being provided by M.E.'s care providers to supplement the IHSS hours and ensure M.E. receives around-the-clock care. In-Home Operations contacted M.E.'s care provider to schedule a new home assessment. Following the new assessment, In-Home Operations agreed to increase M.E.'s WPCS hours from 190 to 203 per month. This seemingly small increase in hours, combined with being able to keep all of his IHSS hours, made a huge difference in M.E.'s life. Mario Espinoza, CRA, Timothy Poe, Supervising CRA, Kern Regional Center.

## **SOCIAL SECURITY**

### **SOCIAL SECURITY DISABILITY INSURANCE (SSDI)**

#### **R.H. Gets His SSDI Benefits Back, His Overpayment Cleared, and a Backpayment!**

R.H. worked at a grocery store for many years but then lost his job. He received SSDI benefits. The Social Security Administration (SSA) sent him a notice stating that his disability ended many years ago, his benefits will stop, and he owes SSA \$91,418.60. OCRA spoke to his representative payee, his job coach, and the regional center. OCRA filed a request for expedited reinstatement of his benefits, and asked that the overpayment be cleared. In support of this request, OCRA gathered and provided SSA with documents and information about R.H.'s disability and his work. R.H. did not perform substantial gainful activity while working at the grocery store because he received extra support and supervision from his employer and did not perform all of the required job tasks but was paid the same amount as others in the same job. SSA reinstated R.H.'s monthly SSDI benefits and he does not have to pay \$91,418.60 back to SSA. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katherine Mottarella, Supervising CRA, Westside Regional Center.

### **SUPPLEMENTAL SECURITY INCOME (SSI)**

#### **I.B. is Found Eligible for SSI Benefits and 237.56 IHSS Hours.**

I.B.'s mother contacted OCRA seeking assistance with SSI and IHSS eligibility. OCRA reviewed both cases and agreed to directly represent I.B. in both matters. OCRA attended an informal conference at the Social Security office and provided income and resource information needed to determine SSI eligibility. As a result, I.B. was found eligible for SSI benefits including retroactive payments totaling \$12,847.31. OCRA also provided advocacy assistance to I.B. on the IHSS matter. As a result of an IHSS hearing, an administrative law judge decided that I.B. needed IHSS hours to remain safely in his home and ordered the county to reassess I.B. OCRA represented I.B. at the reassessment. After the reassessment, the county found I.B. eligible for 237.56 IHSS hours including protective supervision. I.B.'s hours were retroactive to January 2014, so he received

a back-payment of \$17,972.80. Veronica Cervantes, CRA, Jazmin Romero, Assistant CRA, Katie Meyer, Supervising CRA, Inland Regional Center.

**C.B. Does Not Have to Pay \$20,000 to the Social Security Administration!**

C.B. is an adult who receives Supplemental Security Income (SSI) benefits, his mother is his representative payee. He incurred an SSI overpayment when he was a minor and receiving SSI benefits. C.B., his two siblings, and his father all have developmental disabilities. C.B.'s mother provides In-Home Supportive Services (IHSS) to C.B. and his siblings. C.B.'s mother would turn in her IHSS check stubs to the Social Security Administration (SSA) as required to determine parental income for minor recipients. Sometimes SSA would lose the check stubs. One day, the SSA representative who had worked with the family for about 20 years, told her not to turn them in anymore. One year later, the SSA told C.B.'s mother that she never turned them in, but should have. She was able to show that she had turned in some stubs, since her copies were stamped "received." However, for many months she had not turned in stubs, relying on the SSA representative's instruction to not turn them in anymore. C.B. received a letter stating he was paid too much in SSI benefits and owed the SSA approximately \$20,000.

C.B.'s mother filed a request for wavier of overpayment recovery. SSA denied the request without giving her the required personal conference. OCRA contacted a supervisor at SSA and asked them to schedule the personal conference. OCRA represented C.B. at the SSA informal conference and argued that the overpayment was not C.B.'s fault, nor was it his mother's fault, since she relied on the SSA representative's instruction and had previously always reported information timely. At the meeting, the SSA representative agreed it was SSA's fault, as he found some erroneous information in their computer system on C.B.'s SSI account. The SSA asked for additional information and OCRA assisted C.B. and his mother in obtaining it and providing it. The SSA waived the entire overpayment amount. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katherine Mottarella, Supervising CRA, Westside Regional Center.

## **EMPLOYMENT**

### **M.K.'s Job is Reinstated after She was Placed on Administrative Leave from Her Job of Eight Years Due to Her Disability.**

M.K. has an intellectual disability and has successfully worked for her employer for eight years under six different managers. M.K.'s new manager placed her on mandatory administrative leave while the manager investigated M.K.'s disability. OCRA advised M.K. to request that her employer immediately reinstate her employment and referred M.K. to the Department of Fair Employment and Housing to file complaint. Two days after being placed on leave, M.K.'s employer took her off administrative leave and reinstated her job. Rita Defilippis, CRA, Filomena Alomar, Assistant CRA, Irma Wagster, Supervising CRA, San Andreas Regional Center.

### **K.M Gets a Job Coach to Continue His Success at Work.**

K.M. has worked at the same company for 23 years as an order puller in a warehouse. K.M. received the support of a job coach for the majority of these years. In July 2013, human resources staff informed K.M. that his job coach was no longer allowed in the facility because it was against company policy and there were liability issues. The company suggested that K.M. could make arrangements to meet with his job coach outside or during his lunch break while "off the clock." This would not work for K.M. because his job coach would not be able to review his work and assist him as needed while working. The agency employing the job coach even provided proof of worker's compensation insurance to ease their liability concerns, but the company still refused to allow the job coach to return. K.M. never received a written notification of this change. K.M. contacted OCRA because he wanted the support of a job coach again. OCRA made a written request to the company to allow the job coach as a reasonable accommodation. OCRA then attended a meeting to negotiate with human resources staff. As a result, K.M. now has the necessary support of a job coach for 10 hours per month so that he may continue his success at work. Veronica Cervantes, CRA, Jazmin Romero, Assistant CRA, Katie Meyer, Supervising CRA, Inland Regional Center.



## **HOUSING**

### **OCRA's Advocacy Results in Return of Full Security Deposit to E.G.**

E.G. had lived in her rental home for 14 years and had paid a security deposit of \$787 at move-in. E.G. contacted OCRA when, over three weeks after she moved out, the landlord had not returned any portion of her security deposit or her phone calls. OCRA advised her of her right to receive either her deposit back in full or a partial refund accompanied by an itemized statement of the costs associated with cleaning and repairing the vacated apartment within 21 days of moving out. Further complicating matters, the owner of the rental unit sold the unit during E.G.'s tenancy. OCRA's attempts to contact the landlord by phone were also unsuccessful, so OCRA wrote a demand letter to the landlord. The landlord responded by promptly returning the entire security deposit to E.G. Lorie Atamian, Associate CRA, Kimberlee Candela, CRA, Katie Hornberger, Director, Far Northern Regional Center.

### **OCRA Helps K.G. Remain Living in the Apartment of Her Choice.**

K.G. contacted OCRA from the manager's office at her apartment complex. She told OCRA that her SLS staff were pressuring her to give 30-day notice to vacate her apartment. K.G. explained that her old roommate was moving out and her SLS staff was having trouble helping her find a new roommate. The only option staff gave K.G. was to move out of her apartment to another city, 60 miles from her current home. OCRA advised K.G. not to sign anything that she did not agree with or understand. K.G. decided not to give notice at her apartment. OCRA requested an IPP meeting with the regional center and consulted with a local agency that assists regional center consumers with find housing and roommates. OCRA represented K.G. at her IPP meeting and advocated for her to remain living in her apartment. The regional center assisted K.G. in finding a new roommate. K.G. continues to live in the apartment and city of her choice. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, William Leiner, Supervising CRA, North Bay Regional Center.

**E.G. Given More Time to Move to a New Home with No Eviction on Her Record.**

E.G. had been a renter in public housing for 18 years when she received a 30-day notice to vacate “for cause,” alleging a criminal act. Although she no longer wanted to stay in that housing complex, she knew she could not find another place to live in 30 days. E.G. was also worried that not complying with the 30-day move could result in her being excluded from public housing for years to come. OCRA requested that the Housing Authority approve a reasonable disability accommodation withdrawing the notice to vacate and allowing E.G. an additional two months to move. OCRA made this request both in-person at an informal meeting with the Housing Authority and in writing. However, it was not until OCRA made a second written request that the Housing Authority granted the reasonable accommodation. As a result, E.G. retained her good record as a renter of public housing and was given adequate time to find a new apartment. Lynne Page, CRA, Timothy Poe, Supervising CRA, Redwood Coast Regional Center.

**PERSONAL AUTONOMY**

**J.S. Keeps Consent Rights.**

J.S. is a 19-year-old who was residing in an Institute for Mental Diseases. The regional center filed a petition to commit J.S. to the acute crisis unit at Fairview Developmental Center. The petition was granted. At a preadmission meeting that OCRA attended, the team realized it was unclear who had the legal authority to consent to J.S.’s treatment. J.S. is an adult regional center consumer without a conservator, but is under the jurisdiction of the Department of Children and Family Services (DCFS). Both DCFS and the regional center claimed they had no legal authority to consent to J.S.’s medical treatment. The developmental center suggested that a conservator might be necessary to make decisions for J.S. and consent to treatment. J.S.’s admittance to the developmental center was on hold pending the resolution of who had the legal authority to consent for J.S. OCRA conducted legal research and wrote a letter to the preadmission team. OCRA explained that J.S. retained the mental capacity to consent to treatment. J.S. consented and was then admitted to the developmental center without delay. J.S. is currently awaiting receipt of supported living services so that he can move back into the community.

Jennifer Alfaro, CRA, Timothy Poe, Supervising CRA, Community Integration/DCs.

**Abuse Report Results in Adult Protective Services Funding Legal Advocacy for Temporary Restraining Order.**

C.G. had suffered from emotional and physical abuse by her uncle for many years. C.G. reported this abuse to law enforcement, adult protective services, care providers and regional center staff, all of which took no action to keep her safe. C.G. then contacted OCRA for help. OCRA met with C.G. and with her consent, filed a report with Adult Protective Services (APS). OCRA asked APS to complete a referral to the Senior Law Center to assist C.G. with filing a temporary restraining order against her uncle. APS reopened C.G.'s case and worked with Senior Law Center to file the restraining order. OCRA also assisted C.G. to draft an IPP objective whereby her service provider would screen C.G.'s visitors and C.G. could reject the visit without having to personally confront the visitor. C.G. now enjoys greater safety and security in her life. Leinani Walter, CRA, Christine Hager, Assistant CRA, William Leiner, Supervising CRA, Valley Mountain Regional Center.

**A.A. Stops Group Home Owner from Using P&I Money to Fund Medical Treatment for A.A. and Other Residents.**

A.A. had been living in a group home for several years when the group home owner told A.A.'s parent/conservator that they would be using A.A.'s Personal and Incidental (P & I) money to pay for medical treatment. The owner tried to use A.A.'s money to pay retroactively for treatment by the group home doctor every month for the past two years, totaling several hundred dollars. The owner also planned an ongoing deduction from A.A.'s P & I money to pay for monthly doctor visits, which would be a hardship for A.A. A.A.'s parent contacted OCRA to find out if it was appropriate for the group home owner to make Medi-Cal beneficiaries pay for medical treatment with P & I money. OCRA conducted legal research and with client consent, contacted the regional center Risk Manager and Quality Assurance Manager to request an investigation. A resulting investigation revealed that the group home owner was implementing this policy with all of the residents at 15 or more group homes even if the resident had Medi-Cal or private insurance. The group home owner was notified by the regional center that psychiatric and medical services are not an acceptable

use of a consumer's P & I money, and the owner must cease doing this immediately. Community Care Licensing and the regional center will be reviewing each consumer's ledgers to ensure the owner was being compliant. A.A. now gets to spend his P & I money on things he wants and needs. Jacqueline Miller, CRA, Patricia Martin, Assistant CRA, Irma Wagster, Supervising CRA, Regional Center of Orange County.

## **REGIONAL CENTER**

### **COMMUNITY PLACEMENT**

#### **J.M. Returns to Her Community after Living in a Locked Facility.**

J.M. contacted OCRA in 2012 after being placed in a locked facility. She told OCRA that she had no opportunities to make friends or go on community outings. Her goal was to move back to Sacramento, close to her friends and circle of support, but she did not know if anyone was working on a plan to help her move out. OCRA contacted the regional center and requested behavioral and whole-person assessments to help identify the services and supports J.M. would need to return to her community. The regional center agreed to fund these assessments. OCRA attended many planning meetings to help make sure the regional center and facility implemented the recommendations from the assessments.

With OCRA's help, J.M. finally moved into her new home in the community. OCRA attended J.M.'s first IPP meeting. At this meeting, J.M. shared that she has been reconnecting with her former community including her pastor and she now attends her former church every Sunday. J.M. also plans to reconnect with People First, a self-advocacy organization with a local chapter close to her home. Asa Marie Standfeldt, CRA, Ramona Landeros, Assistant CRA, William Leiner, Supervising CRA, Alta California Regional Center.

#### **OCRA Challenges J.T.'s Return to Sonoma Developmental Center.**

J.T. was institutionalized at Sonoma Developmental Center for many years. With OCRA's help, J.T. moved to a home in the community. After seven months, the home decided it could no longer meet J.T.'s needs and said he had to leave. The regional center did not work with the home to support J.T.'s needs or identify alternative placements. Instead, the regional center

went to court and asked a judge to order J.T. to return to Sonoma Developmental Center. The regional center argued that because J.T. was “provisionally placed” in the community, the law gives him an automatic one-year “right to return” to Sonoma Developmental Center. J.T. did not want to go back, so the judge ordered a hearing and told the regional center to return to court in three days.

J.T. asked OCRA for help. OCRA immediately wrote a letter to the judge and appeared in court to explain that the automatic one-year “right to return” is J.T.’s right, and this right does not belong to the regional center or anyone else. OCRA further argued that the law says only Fairview Developmental Center – not Sonoma – can accept new admissions, but only if the State first does an assessment to determine that J.T. is in “acute crisis” and no community options can currently meet his needs.

The judge agreed with the regional center that J.T. should return to Sonoma Developmental Center because she felt there was no other option. At OCRA’s request, the judge also said that: 1) the regional center and developmental center must hold an IPP meeting to come up with a plan to return J.T. to the community; 2) the regional center needs to do additional assessments to figure out what J.T. needs to return to the community, including paying for an assessment from a supported living provider; and 3) all the parties need to return to court so she can monitor J.T.’s transition to the community. OCRA plans to attend the IPP meeting, review the assessments, and continue to appear in court to support J.T.’s goal to return to his community. Arthur Lipscomb CRA, Celeste Palmer, Associate CRA, William Leiner, Supervising CRA, Regional Center of the East Bay.

### **A.L. Will Remain in Her Home in the Community.**

A.L. is a 19-year-old woman committed to a psychiatric hospital under a 72-hour hold after allegedly assaulting a law enforcement officer and running into a busy street. OCRA was notified that the regional center was seeking a Welfare & Institutions Code Section 6500 commitment order (6500) and making a referral for placement at Fairview Developmental Center (FDC) in order for her to receive acute stabilization services.

After reviewing the case, OCRA advocated that with additional services and supports, A.L. did not require placement at FDC. The South Coast Regional Project subsequently assessed A.L. and determined that

placement at the developmental center was not necessary. OCRA represented A.L. at an IPP meeting with the regional center. At the IPP meeting, A.L. volunteered to accept the services and supports written in her IPP document. A.L.'s problem behaviors then quickly improved. OCRA asked the public defender to oppose the 6500 petition because A.L.'s behaviors had improved. The public defender convinced the court to grant the 6500 petition but limit it to six months rather than the typical one year. A.L.'s behaviors continue to improve as she remains in her community placement. James Stoepler, CRA, Timothy Poe, Supervising CRA, Redwood Coast Regional Center.

### **H.U.'s Plan to Transition Back to the Community is Successful.**

H.U. had been living in a locked facility for more than eight years. He wanted to move back into the community. OCRA assisted in developing a plan for H.U. to leave the locked facility to attend a day program. Participating in the day program turned out to be the best motivation for H.U., as he made tremendous progress and had no incidents. After learning of this progress, the regional center found a placement in the community for H.U., and he moved out of the locked facility. H.U. is receiving appropriate services to support him in his new living arrangement. He has been working closely with his support team to make his transition back into the community a success. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, Irma Wagster, Supervising CRA, San Gabriel/Pomona Regional Center.

### **J.S. Finally Gets a Court Hearing after Numerous Delays.**

J.S. was living in a locked facility in Southern California but wanted to move into the community into his own apartment. J.S. will need Supportive Living Services (SLS) to live on his own. A vendor was found for him and they developed a plan that included community outings, to get to know him and his needs. The regional center filed a petition to commit J.S. to live in a developmental center where he could go on community outings.

J.S.'s court hearing was scheduled for September 2014, but the regional center improperly filed the court documents. The committing court located in Northern California only schedules these types of commitment hearings one day per month, so J.S.'s hearing was postponed to October 2014. By October 2014, J.S.'s case was still not on the court calendar. Despite the

efforts of the regional center's legal consultant to contact the district attorney's office, the hearing was rescheduled for November 2014.

The regional center's director of client services sought legal advice on obtaining a prompt hearing for J.S. OCRA attended the regional center's legal group meeting and asked that the regional center request moving J.S.'s case to a local court, which was permitted under the law in order prevent any further delay. The local court agreed to hear the matter and granted the hearing within a week. The commitment petition was granted. J.S. has moved to the developmental center and is working with his SLS provider to move back into the community. Jennifer Alfaro, CRA, Timothy Poe, Supervising CRA, Community Integration/DCs.

**R.G. Leaves Fairview Developmental Center and Successfully Moves to a Group Home.**

R.G. was admitted to Fairview Developmental Center (FDC) in January 2014 for acute crisis stabilization services related to R.G.'s aggressive behavior toward others and severe self-injurious behaviors. The CRA collaborated with the FDC staff and other members of R.G.'s planning team to develop a detailed plan outlining the specific services and supports R.G. would require to successfully transition back into the community. Ten months later, R.G. moved to a group home where R.G. has his own room and is supervised by specially trained staff. R.G. is adjusting well to his new life in the community. Ibrahim Saab, CRA, Carlos Mora, Assistant CRA, Timothy Poe, Supervising CRA, North Los Angeles County Regional Center.

**After Three Years in an IMD, J.B. Moves into an Apartment.**

J.B., who was placed in an Institute for Mental Disease (IMD) three years ago, requested assistance to move from the IMD to a community placement. J.B. expressed a desire to live independently, to learn how to cook, and to go shopping. OCRA worked with the regional center to get a one to one aide in the IMD to assist J.B. in preparing to move back into the community. The aide helped J.B. to become more independent with daily living skills and to learn appropriate ways to express needs. With the aide, J.B.'s self-help skills and behaviors significantly improved. J.B. was placed on a HUD housing project list and with community donations, J.B. secured furniture for a one bedroom apartment. J.B. was so excited to move into an

apartment and have the supportive living that he needed to be successful in the community. Jacqueline Miller, CRA, Patricia Martin, Assistant CRA, Irma Wagster, Supervising CRA, Regional Center of Orange County.

**I.C. Moves to His Own Home.**

I.C. had been living at an Institute for Mental Disease (IMD) for over a year. He told to his mother and his service coordinator that he wanted to move out. OCRA attended a series of IPP meetings at the IMD to advocate for I.C. to move to a less restrictive placement with appropriate supports. I.C.'s IPP team discussed options and determined that his own apartment with supported living services and behavioral services would be the least restrictive placement. I.C.'s service coordinator assisted with arranging and funding these services. In December 2014, I.C. moved from the IMD to his own apartment located close to his family with 2:1 supported living services staff and a behavioral consultant. I.C. celebrated the holidays at home with his family. Jackie Dai, CRA, David Weafer, Temporary CRA, Lucy Garcia, Assistant CRA, Irma Wagster, Supervising CRA, Eastern Los Angeles Regional Center.

**G.C. Moves into her Own Apartment.**

G.C. had been in a locked facility for over eight months because of severe behaviors related to mental health issues. OCRA became involved after G.C.'s regional center notified OCRA of G.C.'s admission to the facility. OCRA met with G.C. and agreed to represent G.C. at quarterly meetings with G.C., supported living staff, regional center staff, and facility staff. OCRA assisted in developing a plan for G.C. to move back into the community. Last month, G.C. moved into an apartment with supported living staff funded by the regional center. Hannah Liddell, CRA, Ada Hamer, Associate CRA, Timothy Poe, Supervising CRA, Frank D. Lanterman Regional Center.

**ELIGIBILITY**

**M.A. is Eligible for Regional Center Services.**

M.A.'s neurologist, educational team, family and friends recommended that his mother approach the regional center to obtain eligibility for him under the qualifying diagnosis of autism. The records show that M.A. had early



brain trauma and displayed many of the characteristics of a child with autism. The regional center briefly evaluated M.A. and denied eligibility for services. OCRA agreed to help M.A. by reviewing records, providing M.A.'s mother with legal arguments and assisting her in developing the eligibility evidence needed. OCRA staff also spoke with M.A.'s independent psychologist and neurologist to educate them about the criteria for regional center services. OCRA met with M.A.'s mother to explain all eligibility criteria and recommend that the fifth category be considered when negotiating with the regional center in the informal meeting and mediation. Regional center soon found M.A. to be eligible for services under the fifth category. Kendra McWright, CRA, Gina Gheno, Assistant CRA, Katherine Mottarella, Supervising CRA, Tri-Counties Regional Center.

### **J.D. Gets Help from Regional Center and her School District.**

J.D. is a child who needed services from the regional center, but she had been found ineligible in the past. J.D. has family members with autism and her mother believed that J.D. also had autism. OCRA reviewed J.D.'s records and found that while there were indications that she might have autism, a thorough assessment for autism had never been done. J.D. had been found eligible for special education as a child with a speech and language disorder and specific learning disability, but her school district had never adequately assessed J.D. for autism. OCRA wrote a letter to the school district requesting assessment in all areas related to J.D.'s suspected disabilities. The school district conducted a new assessment and found her eligible for special education as a student with "autistic-like behaviors." OCRA then submitted the new documentation of J.D.'s disability to the regional center, with a cover letter requesting that the regional center reconsider her eligibility. The regional center found her eligible for services. Now J.D. is able to get the services she needs from the regional center and her school district better understands her needs. Megan Chambers, CRA, Susan Alvarado, Assistant CRA, Irma Wagster, Supervising CRA, San Diego Regional Center.

## **SERVICES**

### **C.T. Approved for New Tricycle.**

C.T. is a 16-year-old girl who has outgrown her tricycle that she's had for 10 years. C.T.'s mother contacted OCRA requesting assistance with gathering information on how to obtain a new tricycle. OCRA provided direct representation at C.T.'s annual IPP meeting to request funding for a new tricycle. The regional center agreed to fund a physical/occupational therapy evaluation to determine C.T.'s needs. The assessor found that C.T. would benefit from having the tricycle and that it was medically necessary given her disability. Regional center funded the new tricycle and C.T. is active again. Scott Barron, Peer Advocate, Eva Casas-Sarmiento, CRA, Cynthia Salomon, Assistant CRA, Katherine Mottarella, Supervising CRA, Harbor Regional Center.

### **V.C. Gets SLS-Like Services in Her Family's Home.**

V.C. lives with her family and requires 24-hour care. Since 2002, she had asked the regional center for Supported Living Services (SLS) in order to live as independently as possible in her family home. Even though the regional center agreed that living with her family is ideal, they denied her request on the basis that SLS is not available to people who live with their families. They also said that her family is required to be an unpaid natural support. V.C. recently requested SLS again because of her aging father's inability to continue to provide the care she needs. V.C. and her father contacted OCRA for help. OCRA with staff from the local Disability Rights California regional office agreed to represent V.C. at an administrative hearing to help her get SLS-like services in the home and to challenge the regional center's policy requiring families to provide natural supports. Prior to hearing the regional center offered to increase V.C.'s nursing hours by an additional 60.8 hours per month in lieu of SLS in order to meet her needs. V.C. now has the support she needs to remain in the home of her choice. Arthur Lipscomb CRA, Celeste Palmer, Associate CRA, William Leiner, Supervising CRA, Regional Center of the East Bay and Barbara Dickey, Oakland Regional Office.

### **S.K. Obtains Sign Language Interpreting Services.**

S.K. is a medically fragile child who communicates through sign language. OCRA became involved when S.K.'s nursing agency tried to discharge her rather than find nurses skilled in sign language. OCRA sent a demand letter and the nursing agency retracted their discharge letter.

OCRA then requested that the regional center fund additional interpreting services in case any of S.K.'s sign language providers were not available during the nursing shifts. The regional center eventually agreed to contract with an interpreting agency to provide a fixed number of interpreting hours to be used as necessary. Hannah Liddell, CRA, Ada Hamer, Associate CRA, Timothy Poe, Supervising CRA, Frank D. Lanterman Regional Center.

## **SPECIAL EDUCATION**

### **N.B. Becomes Eligible for Special Education and Receives Mental Health Counseling and Social Skills Group.**

N.D. is an elementary school student with autism. N.D. is academically gifted but has behavior challenges related to his autism. He also has difficulty making and keeping friends and was bullied at school. His inability to tolerate making mistakes and his difficulty making and keeping friends resulted in his inability to access his educational services. Before OCRA's involvement, N.D. had only a 504 Plan which allowed for accommodations to reduce school demands. OCRA requested a psychological assessment, a behavior assessment, and a mental health assessment to evaluate his suspected disabilities. The IEP team came together to review the assessments, found N.D. eligible for special education under autism and approved special education services, including weekly mental health therapy and social skills training. Rita Defilippis, CRA, Filomena Alomar, Assistant CRA, Irma Wagster, Supervising CRA, San Andreas Regional Center.

### **E.P. Remains in Her Home School and Receives Additional School Services.**

E.P. is a 15-year-old whose rights involving educational decision-making were assigned to E.P.'s regional center service coordinator by the court.

School district staff told the service coordinator they planned to change E.P.'s educational placement to home study because of E.P.'s behavior problems at school. E.P. wanted to remain at her public school. E.P.'s service coordinator contacted OCRA to request advocacy assistance at an IEP meeting. OCRA agreed to represent E.P. at the IEP meeting to advocate that she stay at the current school placement. OCRA also advocated at the IEP meeting for additional services to address E.P.'s behaviors so that she could realize more educational benefit. The school district agreed to continue E.P.'s educational placement at the public school. The IEP team members also agreed to do a functional behavior assessment in order to determine what changes to make to E.P.'s behavior plan. In addition, the IEP team agreed to assess E.P. in other areas like academic performance, adaptive skills, social and emotional status, health development, vision and hearing. Finally, the IEP team agreed to provide E.P. with counseling to help with her behaviors. Mario Espinoza, CRA, Timothy Poe, Supervising CRA, Kern Regional Center.

### **OCRA Helps I.S. Stay in California to Get the Supports He Needs.**

I.S.'s family contacted OCRA after he was suspended from his school and the district proposed an out-of-state educational placement. OCRA agreed to represent I.S. at upcoming IEP meeting. At the IEP meeting, OCRA pointed out that I.S.'s multiple classroom changes, lack of consistent positive behavior intervention, lack of appropriate behavioral support and poor school staff training led to the behavioral incidents and subsequent suspensions. The district quickly backed away from its proposal for I.S. to be placed out-of-state. Instead, it agreed to fund a comprehensive behavioral assessment and develop a comprehensive program to meet his educational needs at home which included over 5 hours per day of a 1:1 aide, consultation from a credentialed teacher, a speech therapist, and occupational therapist. The district also agreed to fund 84 hours of compensatory education for time I.S. missed while suspended. Leinani Walter, CRA, Christine Hager, Assistant CRA, William Leiner, Supervising CRA, Valley Mountain Regional Center.

### **S.N. Gets Needed Behavioral Support.**

S.N.'s mother and regional center caseworker contacted OCRA for help after S.N.'s school district terminated services in his IEP, including speech and occupational therapy, because the district determined he was non-

compliant during his therapy sessions. The district also denied his mother's request for a behavioral assessment to address the reasons for the noncompliance.

OCRA called the assistant principal on S.N.'s behalf and explained the school's obligation to provide the services in S.N.'s IEP. OCRA also reminded the assistant principal that prior written notice must be sent to S.N.'s mother if the school district denies her request for a behavioral assessment. The assistant principal agreed to conduct a behavioral assessment and implement a behavioral support plan that would allow S.N. to keep the services he needs to benefit from his education. Katie Spielman, CRA, Christine Tarrant, Assistant CRA, William Leiner, Supervising CRA, Golden Gate Regional Center.

### **B.Z. Receives School Transportation.**

B.Z.'s mother contacted OCRA for help after B.Z.'s school refused to provide transportation to him. OCRA advised B.Z.'s parent that B.Z. had a right to have transportation to and from school and that the transportation service must be written in B.Z.'s Individualized Education Program (IEP). OCRA assisted the parent in writing a demand letter to the school. The letter stated that OCRA would get involved if the school continued to deny the transportation. The school then agreed to provide B.Z. with transportation and confirmed the transportation funding by writing it in B.Z.'s IEP. Hannah Liddell, CRA, Ada Hamer, Associate CRA, Timothy Poe, Supervising CRA, Frank D. Lanterman Regional Center.

## **OUTREACH AND TRAINING**

### **OCRA Staff Provides IHSS Training to Staff and Family Members.**

OCRA collaborated with Choices in Rancho Cordova to deliver an IHSS training which provided attendees with an overview of the program, what's new for 2015, and a discussion of the advocacy strategies clients can use to obtain the IHSS hours they need. Choices provides a day program, Independent Living Services, and Supported Living Services to consumers of Alta California Regional Center. Most of the attendees had some experience with the IHSS program; some were providers and others had family members who receive IHSS. Thorough the use of hypotheticals and case studies, OCRA provided information about IHSS eligibility, how to

assist clients with applying for IHSS, preparing for assessments, preparing for hearing, and information about the new overtime rules.

Although the new overtime rules were difficult to understand, attendees provided positive feedback. Attendees noted that the training provided great information about IHSS, answered a lot of their questions, and met their needs because it provided more in-depth information on IHSS changes. Asa Marie Standfeldt, CRA, Ramona Landeros, Assistant CRA, William Leiner, Supervising CRA, Alta California Regional Center.

**OCRA Provides IEP Development: Know Your Rights Training to an Underserved Community.**

OCRA has been reaching out to the Latino/a community to help families and consumers better understand their special education rights. In December 2014, OCRA visited the Spanish-language parent support group at Support for Families in San Francisco's Mission District and presented an overview of negotiating and developing a student's Individualized Education Program. At the outreach, parents expressed concern that the school districts did not want to listen to them. OCRA explained that the law says that parents have a right to meaningfully participate in the IEP process, and that if their children are not receiving services necessary to benefit from their education, there are steps parents and students can take. OCRA answered parents' questions about appeal rights and evaluations, as well as how to advocate for their children in the best way possible. Parents jumped into the discussion and shared stories of successes and setbacks when working with their local districts. After the presentation, OCRA distributed publications about special education laws. Katie Spielman, CRA, Christine Tarrant, Assistant Clients' Rights Advocate, William Leiner, Supervising CRA, Golden Gate Regional Center.