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*California's protection and advocacy system*

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## MEMORANDUM

**TO:** Interested Persons  
**FROM:** Barbara Dickey, Senior Attorney  
William Leiner, Staff Attorney  
**RE:** *CPF et al. v. DDS et al.* – Settlement Summary  
**DATE:** April 27, 2009

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On April 24, 2009, Judge Robert Freedman granted final approval of the class action settlement agreement in *Capitol People First, et al. v. Department of Developmental Services, et al.* The settlement agreement will greatly increase the opportunities for Californians with developmental disabilities to receive supports and services in the most integrated setting appropriate to their needs.

The lawsuit was brought in Alameda County Superior Court by 16 individual plaintiffs who resided in, or were at risk of placement in, developmental centers or other institutions, three organizational plaintiffs (Capitol People First, California Alliance for Inclusive Communities, and The Arc of California), and two taxpayer plaintiffs who asserted that the State is spending tax dollars unlawfully by continuing to institutionalize individuals who could live successfully in community homes.

### **Settlement Summary:**

In the Settlement Agreement the defendants have agreed to do the following:

- Subject to Legislative approval, the Department of Developmental Services (DDS) will provide additional funds to each Regional Center to assist the Regional Centers in arranging for a case worker to

attend Individual Program Plan (IPP) meetings of persons residing in state-run institutions called Developmental Centers (DCs). In addition, DDS shall schedule IPP meetings to permit the attendance of DC residents at their IPP meetings. If a resident chooses not to attend the annual IPP, the Regional Center service coordinator shall diligently seek to obtain information from the resident about his/her needs and preferences to share with the IPP team.

- Regional Centers will provide information to persons living in certain large private facilities about possible living arrangements in smaller, community-based settings.
- DDS will provide training to all DC staff who attend IPP meetings about community living options, community transition services, and consumer choices.
- Disability Rights California will prepare a poster about community living options, Class Member rights, and information about how to contact an advocate for assistance in accessing these services, which DDS will display at the DCs and which the Regional Centers will send to other institutions for display.
- DDS' contract with the Office of Clients' Rights at Disability Rights California, and its contract with the State Council on Developmental Disabilities, will include a requirement that all Clients' Rights Advocates (CRAs) provide information and training to class members about community living options. DDS will provide training to the DC and Regional Center CRAs about these options.
- DDS, in consultation with the Department of Mental Health, will identify best practice models, develop materials and provide training and ongoing technical assistance to enhance the effectiveness of the Regional Center and county mental health service systems to better identify and support consumers who are dually diagnosed with a developmental disability and a mental illness.
- Regional Centers and DDS will continue to use the Community Placement Plan (CPP) process to help class members move from the DCs to community settings, and DDS will continue to fund such efforts, subject to Legislative Approval. The CPP is a process by

which Regional Centers identify individuals to be assessed and placed in the community each year, and funds are allocated based on the Regional Center's approved CPP.

- Regional Centers and DDS will develop new community programs and housing options, and will to consider class members for such programs and housing.
- Subject to Legislative approval, DDS will continue to provide funds to Regional Centers to use to help large, private facilities, which serve persons with developmental disabilities, to downsize to smaller community homes.

The lawsuit was settled against all existing defendants, including the State of California; the Departments of Developmental Services (DDS), Health Care Services (DHCS), Mental Health (DMH); and the 21 local non-profit Regional Centers (which contract with DDS). In addition, the Intervenors, California Association of State Hospital Parent Councils for the Retarded (CASH/PCR), California Association for the Retarded (CAR), and several individual developmental center residents, by way of their family members, also support and have signed the Settlement Agreement.

The terms of the settlement will remain in effect for three years. During this period, Disability Rights California will receive reports which will allow it to monitor the defendants' performance under the settlement agreement

### **Background of the Case:**

The CPF class action lawsuit was filed in January 2002, seeking to ensure that Californians with developmental disabilities had access to the services they need to live in and participate in their communities, and avoid unnecessary institutionalization. The class includes the approximately 2,300 regional center consumers who live in developmental centers and the 4,500 consumers who live in other large congregate institutions housing 16 or more including skilled nursing facilities and large private Intermediate Care Facilities and Community Care Facilities.

For more information, please go to [www.disabilityrightsca.org](http://www.disabilityrightsca.org).