

## The Law Gives You Rights

This Supplement tells you which parts of the Lanterman Act give you the right to get the services and supports you need. These parts are called sections (or §), and these sections are from the Welfare & Institution Code. To learn more about which section affects you, read the summaries below.

Caution! This list is not complete. We cannot list all of the services you have the right to receive, but we list the most common ones below. For more information about your rights, please see the complete manual, Rights Under the Lanterman Act.

### **§ 4502(a)-(j) – Basic Rights and Integration**

If you have a developmental disability, you have the right to:

- Treatment, and services and supports to help you live the most independent, productive, and “normal” life possible.
- Services that protect your freedom in the least restrictive way.
- Dignity, privacy, and humane care.
- Treatment, services and supports in natural, community settings, as much as possible.
- Participate in an appropriate public education program, regardless of your disability.
- Prompt medical care and treatment.
- Freedom of religion, conscience, and freedom to practice your religion.
- Participate in community activities, and interact with peers.
- Physical exercise and recreation.
- Be free from harm, including unnecessary physical restraints, isolation, excessive medication, abuse or neglect.
- Say “no” to unsafe procedures.
- Make choices in your own life. This includes where you want to live, who you want to live with, your relationships, how you spend your free time, your education, and work, your personal goals, and making a plan that fits your needs, and wants.

## **§ 4502.1– Choices and Decision-making**

You have the right to:

- Have DDS, regional centers, service providers, and others give you information you can understand to help you make choices.
- Have DDS, regional centers, service providers, and others give you the chance to make decisions.
- Have DDS, regional centers, service providers, and others respect your choices.

## **§ 4503 – Rights in Developmental Centers and Community Care Facilities**

If you live in a developmental center or community care facility, you have the right to:

- Wear your own clothes.
- Have and use your own personal items without sharing them with other residents. For example, your own shampoo, toothpaste, deodorant.
- Have and spend your own personal money, including at the canteen.
- Have your own personal place to store your belongings.
- See visitors every day.
- Make or get calls without anyone listening in or hearing what you say.
- Have paper, envelopes, stamps or other things you need to write a letter.
- Send and receive mail without someone else reading what you write or opening or reading letters sent to you.
- Say no to “shock” treatment (electroconvulsive therapy or ECT treatment).
- Say no to psychosurgery. Psychosurgery means brain operations like lobotomy, psychiatric surgery, and behavioral surgery that affect how you think, feel or act.
- Say no to treatment that causes pain or trauma.
- Make choices in all of your daily routines (what time you get up or go to bed), about your friends, or about free time, and social activities.
- Make choices about what should be in your IPP.

## **§ 4648(b) and § 50510, Title 17, Calif. Code of Regulations Advocacy**

You have the right to:

- Receive advocacy services
- Go to court to enforce your rights. This includes saying no to a conservatorship.

### **§ 4620.1 - Relationships**

You have the right to have relationships with family members and others, and for your relationships to be respected and encouraged.

### **§ 4640.7(a) – Community Living**

Regional Centers must help clients, and their families get the services and supports that give them the most opportunities and choices for living, working, learning, and participating in leisure activities.

### **§ 4643(a) – Eligibility Assessments**

You have the right to:

- Have a regional center decide if you are eligible for services in fewer than 120 days.
- Have a regional center decide if you are eligible for services in fewer than 60 days if:
  - Waiting would put your health and safety at risk or lead to a greater delay in mental or physical development, or
  - There is an immediate risk that you will be placed in a more restrictive environment (for example, being placed in a developmental center).

### **§ 4643.5 (a-c) – Eligibility if you move**

You have these rights, even if you move to a new regional center:

- If one regional center decides you are eligible, you are eligible for services at all California regional centers.

- Your eligibility will not end unless the regional center proves that the original decision was clearly wrong.
- If you move to an area served by a different regional center, your old and new regional center must make sure your services and supports are transferred smoothly.
- You will have the same IPP until you agree to a new IPP.
- If services or supports that you had before you moved are not available at the new regional center, you must have an IPP meeting within 30 days.
- Until your IPP meeting, the new regional center has to give you alternative services and supports that best meet your IPP goals in the least restrictive setting possible.

### **§§ 4646, 4646.5, 4648(a)(1) – Preparing Your Individual Program Plan**

General IPP rights:

- After the regional center decides that you are eligible for services, they have 60 days to develop an IPP. §4646(c).
- Both your IPP and the services and supports you receive must be tailored to you and your family. Your IPP must take into account your needs and preferences (and those of your family, if appropriate).
- The IPP services and supports must help you integrate into the community and lead an independent, productive, and normal life in a healthy and stable environment.
- The services that you and your family receive must: reflect your preferences and choices, help meet the goals of your IPP, and be cost-effective. §4646(a).
- Your IPP must include your “goals, objectives, and services and supports” that the regional center pays for, or that you get from other agencies §4646(d).
- Your IPP must say exactly how many and what type of services you will receive, and when the services will start. §4646.5(a)(4).

Whenever possible, the IPP team must chose services that allow:

- Children to live with their families.
- Adults to live in the community with as much independence as possible.

- Clients to interact with people without disabilities in positive and meaningful ways. § 4648(a) (1).

#### IPP Meetings:

- You will have a planning meeting to agree on what will be in your IPP.
- If you (and the people representing you) cannot agree with the regional center on an IPP in the first meeting, you will have another one within 15 days, unless you ask for more time. §4646(f).
- There must be someone with the authority to say “yes” or “no” for the regional center at your IPP meeting. § 4646 (d).
- You must be notified of every IPP meeting.
- You can require that someone else also receive notice of IPP meetings, and that they are sent a copy of any notice sent to you. § 4646(e).

#### IPP Review:

- Your IPP must be reviewed and modified every 3 years.
- If you ask for an IPP review before then, you have the right to an IPP review within 30 days. §4646.5(b).
- If you get services under the HCBS waiver, your IPP will be reviewed every year.
- The IPP review can include a review of your medical, dental, and mental health needs, if you agree or ask. §4646.5(a)(5).

#### Appeals:

- If you disagree with part of your IPP (for example, if the regional center refuses to include a service you think you need), the regional center must send you a notice that explains why they did not agree (§ 4701) and your right to appeal. §§ 4646(g), 4701.

### **§ 4647 – Coordination of Services**

#### You have a right to:

- Have the regional center coordinate your services, and make sure you're your IPP is implemented. § 4647(a).
- Have a service coordinator assigned to you.

- Be told within 10 days if the regional center changes your service coordinator permanently.
- Say that you want someone else to be your service coordinator. § 4647(b).

### **§ 4648 – Regional Center Must Put Your IPP into Practice**

You have the right to:

- Have the regional center get the services and supports you need to meet your IPP goals. § 4648(a). The regional center will try to obtain the service or support from other public agencies before using regional center funds to pay it. § 4648(a)(8).
- Have the regional center consider supports in the natural community, home, and recreational settings first.
- Have services that are flexible and tailored to you. § 4648(a)(2).
- Service providers' rates that ensure that the provider can meet your special needs and provide quality supports in the least restrictive setting § 4648(a)(5).
- Have your choice of service provider considered. The planning team will also consider the provider's ability to provide quality supports, their qualifications, and what it costs to provide services of similar quality with other providers. § 4648(a)(6).
- Receive crisis and emergency services from the regional center to help you stay in the living arrangement you choose. § 4648(a)(9)(b).
- If the regional center places you in a community living setting, they must tell you your rights in a way that you can understand them. § 4648(a)(10).

### **§ 4641 – Right to Determine Where You Live**

If you are an adult:

- You have the right to decide where you live.
- You cannot be forced to move unless you are a danger to your health and wellbeing, there is a court order, or your conservator has the authority to decide where you live.

## **§ 4747 – Moving Where You Live**

If you want to move from a community facility, the regional center must schedule an IPP meeting as soon as possible help you find and move to another place.

## **§ 4685 – Services and Support in Family Homes for Children with Developmental Disabilities**

If you are a child living with your family:

- Getting the services you need to stay at home with your family and community life is a high priority. §4685(a)(b).
- Your IPP must include a family plan that describes the services and supports that will help you live in your family home. 4685(c)(2).

### **§ 4685.1 – Children Living Out of the Family Home**

If you are a child living outside your home:

- The regional center must do everything possible to place you close to your family home. §4685.1(a).
- If the regional center cannot do that, they must send you a written explanation at least every 6 months that says what it is doing so that you can live closer to your family.

## **§ 4687 – Services for Clients Who Chose Relationships, To Be Parents**

You have the right:

- To have relationships
- To get married
- To be part of a family
- To have children
- To make informed choices in your personal life. You can use the services offered by the regional center, like sexuality training, parenting skills training and supported living arrangements for parents with developmental disabilities and their children, to make these choices.

## **§ 4688 – Supports to Help Participate In Your Community**

- You have the right to receive supports to help you participate in your community.
- Regional Centers are responsible for expanding opportunities that give you full and equal protection and participation in community integration and options in work, recreation, social, community services, and education.
- If your IPP team decides you need community facilitation services to integrate or include you in the community, the regional center may get the service for you.

## **§ 4689 – Supported Living Services for Adults**

If you are an adult, you have the right:

- To get the supports you need (as often as you need), to live in a home you own or lease, no matter the degree of your disability.

## **§ 4696.1 – Access to Mental Health Services**

You have the right to have access to mental health services when you need them, including emergency or crisis services. The regional center must work with the county mental health program to coordinate services. For example, if you are hospitalized, the regional center and the county mental health representatives will agree on plans for your discharge and treatment plan.

## **§§ 4700 et seq. – Fair Hearing Process**

- If you disagree with a regional center's decision not to provide new services or to change or end a service, you have rights to a notice and to a fair hearing with an Administrative Law Judge.
- See Chapter 12 for more information about your rights in the fair hearing process.

## **§§ 4725-4730 – Access to Records**

- You have the right to see and copy the records in your file. § 4725.
- You have the right to review your file at the regional center during business hours.

- Once you ask to see your files, verbally or in writing, you must be allowed to see them within 3 business days. § 4728.

### **§ 4731 – Compliance Complaints**

- If you think your rights were denied or abused, you have the right to file a complaint with the director of the regional center or developmental center.
- See Chapter 12 for more information about the complaint process, when to use the complaint process, and when to use the fair hearing process.

### **§§ 4657, 4658, 4659 – The Regional Center must help you apply for public benefits and other funding sources**

The regional center must help you get cash assistance, health care, or other services that you are eligible for.