

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 471 (Menjivar)
Version: February 19, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Office of the Lanterman Ombudsperson

DIGEST

This bill establishes the Office of the Lanterman Ombudsperson within the State Department of Developmental Services (DDS) for the purpose of providing individuals with intellectual and developmental disabilities who are consumers of developmental services with a means to resolve issues related to their care, placement, or services.

EXECUTIVE SUMMARY

The Lanterman Act recognizes that California has a responsibility to provide services to persons with intellectual and developmental disabilities (referred to as “consumers”), and that those individuals have a right to receive those services. To satisfy the state’s obligations, the Lanterman Act establishes a framework for a statewide system of community-based services and supports, coordinated by a network of regional centers. In 2024, the state’s 21 regional centers served close to half a million people. Unfortunately, there are pervasive reports of problems within the Lanterman Act system, including discrimination in the provision and quality of services, and abusive practices by caregivers.

This bill is intended to give consumers and their families assistance with, and provide more oversight for, the entities providing services under the Lanterman Act. To do so, this bill establishes the Office of the Lanterman Ombudsperson within the DDS, for the purpose of providing consumers and their families information and assistance about, and an avenue for resolving issues related to, supports and services provided under the Lanterman Act.

This bill is sponsored by Disability Voices United and Integrated Community Collaborative, and is supported by The Arc & United Cerebral Palsy California Collaboration and the University of California Student Association. The Committee has

not received timely opposition to this bill. The Senate Human Services Committee passed this bill with a vote of 5-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Lanterman Developmental Disabilities Services Act (the Lanterman Act), which recognizes California's responsibility to provide services and supports to persons with developmental disabilities, and the right of those individuals to receive services and supports and to be empowered to make choices in all areas of life. (Welf. & Inst. Code, div. 4.5, §§ 4500 et seq.)
- 2) Defines the following relevant terms:
 - a) "Developmental disability" means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability; includes intellectual disability, cerebral palsy, epilepsy, and autism, and disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but does not include handicapping conditions that are solely physical in nature. A child under five years of age can provisionally qualify for services if certain conditions are met.
 - b) "Services and supports for persons with developmental disabilities" means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of an independent, productive life; supports and services are determined on an individual basis as dictated by the consumer's needs, as specified.
 - c) "Consumer" means a person who has a disability that meets the definition of developmental disability. (Welf. & Inst. Code, § 4512.)
- 3) Provides that the state shall fulfill its obligations under the Lanterman Act by establishing a network of fixed points of contact, known as "regional centers," to work with persons with developmental disabilities and their families to obtain services and supports. The regional centers may also contract with vendors to provide services and supports. (Welf. & Inst. Code, §§ 4620-4669.8.)
- 4) Provides that all information and records obtained in the course of providing intake, assessment, and services under the Act to persons with developmental disabilities are confidential, and that information and records may be disclosed only in specified cases, including:

- a) In communication between qualified professional persons in the provision of intake, assessment, and services or appropriate referrals; informed consent of a person with a developmental disability or the person's guardian or conservator must be obtained before information or records may be disclosed to a professional not employed by the regional center or state developmental center or a program not vendored by a regional center or state developmental center.
 - b) With the informed consent of a person with a developmental disability who has the capacity to give informed consent; or if the person is unable to give consent, with the written authorization of their legal representative (parent, guardian, conservator, etc.).
 - c) To the extent necessary for a claim, or for a claim or application to be made on behalf of a person with a developmental disability for aid, insurance, government benefit, or medical assistance to which the person may be entitled.
 - d) For research purposes, with the review and approval of DDS, provided that researchers sign confidentiality provisions and are aware of possible civil liability for disclosing confidential information.
 - e) To the courts, as necessary to the administration of justice.
 - f) To persons conducting specified investigations, such as when a facility or licensee is being investigated by a board or law enforcement. (Welf. & Inst. Code, § 4514.)
- 5) Provides that any person may bring an action against an individual who willfully and knowingly released confidential information in violation of 4), for the greater of \$500 or the amount of three times the actual damages sustained by the plaintiff, if any; and that any person may bring an action to enjoin the release of confidential information in violation of 4). (Welf. & Inst. Code, § 4518.)
- 6) Establishes the Office of the Self-Determination Program Ombudsperson as an independent and autonomous entity within DDS, for the purpose of implementing the statewide Self-Determination Program and to assist regional center clients and Self-Determination Program consumers and their families to participate fully in the Self-Determination Program. (Welf. & Inst. Code, §§ 4685.8, 4685.9.)
- 7) Requires the Secretary of California Health and Human Services (CalHHS), in coordination with DDS, to lead the development and implementation of the Master Plan for Developmental Services, which shall be developed by the Master Plan for Developmental Services Committee; the Master Plan for Developmental Services is intended to strengthen accessibility, quality, and equity of the developmental services system for all consumers and their families, regardless of language spoken, demographic group, geographic region, or socioeconomic status, and to improve the accountability and transparency of the systems supporting them. (Welf. & Inst. Code, §§ 4580-4581.)

This bill:

- 1) States that the Legislature finds and declares the following:
 - a) The people of California have benefitted from the establishment of a long-term care ombudsperson, a foster care ombudsperson, and a Self-Determination Program Ombudsperson.
 - b) It is essential to maintain the nonpartisan nature, integrity, and impartiality of ombudsperson functions and services.
 - c) It is the intent of the Legislature to provide similar protections for consumers of developmental services by establishing the Office of the Lanterman Ombudsperson
- 2) Defines “consumers of developmental services” to include all of the following:
 - a) Individuals who receive services through a regional center, including individuals who are in the intake process, are pending assessment, or who have reached out to regional centers for information about eligibility.
 - b) Individuals who are participating in the early start program under Title 14 of the Government Code, including individuals who are in the intake process, pending assessment, or have reached out to regional centers for information about eligibility.
 - c) Individuals who are determined to be eligible for regional center services but are not receiving services from a regional center.
- 3) Establishes the Office of the Lanterman Ombudsperson as an autonomous entity within DDS for the purpose of providing individuals with intellectual and developmental disabilities who are consumers of developmental services with a means to resolve issues related to their care, placement, or services.
- 4) Provides that the Lanterman Ombudsperson shall be a separate office from, and shall oversee, the Office of the Self-Determination Ombudsperson.
- 5) Establishes procedures for the appointment of the Lanterman Ombudsperson by the Director of DDS (Director), with input from a committee of stakeholders, and requires DDS to hire the necessary personnel to perform the functions of the Office of the Lanterman Ombudsperson.
- 6) Establishes the duties and responsibilities of the Lanterman Ombudsperson, including:
 - a) Receiving complaints made by or on behalf of consumers of developmental services, related to their care, placement, or services.
 - b) Deciding, in its discretion, whether to investigate a complaint or refer a complaint to another agency for investigation.
 - c) If they decide to investigate a complaint, notifying the complainant of the decision to investigate, updating the complainant on the progress of their

- efforts and the final outcome, and attempting to resolve the complaint without using a judicial or administrative proceeding.
- d) Compiling and making available to the Legislature data collected regarding complaints made and trends and issues that arose in the course of investigating complaints.
- 7) Provides that information obtained by the Office of the Lanterman Ombudsperson from a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws; and that disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the developmental services system to the Legislature and state and local agencies that provide services and supports to consumers.
- a) The Ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except as necessary to enable them to fulfill their investigator duties; however, they may not disclose a record that is confidential under relevant state and federal confidentiality laws.
- b) If a consumer is represented by a conservator, legal guardian, or counsel, the office may notify the conservator, legal guardian, or counsel of a complaint in order for those entities to satisfy their obligations. Notifying these entities of an investigation shall not limit the Ombudsperson's ability to investigate or resolve a complaint or take action, and if appropriate, the office may share the outcome of an investigation with the consumer's conservator, legal guardian, or counsel.
- 8) Permits the Lanterman Ombudsperson, as part of the office's efforts to resolve complaints related to the developmental services system, to do all of the following:
- a) Establish policies and procedures for receiving and processing complaints, conducting investigations, and developing findings.
- b) Develop and maintain a page on DDS's website with information about the new office, information about how to access the office, including an online portal to submit questions and complaints, and additional information.
- c) Conduct whatever investigation reasonably related to a complaint and to developmental services that the Ombudsperson deems necessary, including (1) accessing and inspecting specified premises and facilities, with or without notice; and (2) observing proceedings and attending hearings.
- d) Attempt to resolve the complaint.
- e) Submit a written plan to the relevant state agency, local agency, or regional center, or a contractor or vendor with the state agency, local agency, or regional center, recommending a course of action to resolve the complaint. If

- the Ombudsperson makes a written recommendation, the state agency, regional center, or vendor or contractor shall submit a written response to the Ombudsperson within 30 calendar days.
- 9) Provides that, in order to encourage candor during the Lanterman Ombudsperson's investigation of complaints made by or on behalf of a consumer of developmental services and to facilitate the Ombudsperson's ability to resolve complaints, all of the following shall apply:
- a) The Ombudsperson and their staff shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as may be necessary to enforce or implement the bill.
 - b) The records of the Ombudsperson and their staff, including notes, drafts, and records obtained from an individual agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.
 - c) When exercising the investigative, complaint resolution, and technical assistance functions of the Office of the Lanterman Ombudsperson, the Ombudsperson and their staff shall have immunities available to government employees under Article 2 of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code.
 - d) If the Ombudsperson believes, based on information received during the exercise of their official duties, that there is a breach of misconduct by an employee of a state agency, local agency, regional center, or their contractors or vendors, in the conduct of the employee's official duties, the Ombudsperson shall refer the matter to the regional center or vendor's director, or other responsible officer, and if the conduct would constitute a crime, to the appropriate law enforcement body or agency.
- 10) Requires the Ombudsperson to establish a toll-free number, and requires regional center case managers to provide consumers, and, where appropriate, their parents, legal guardians, conservators, or authorized legal representatives with the toll-free number during annual individualized program plan or individual family service plan meetings.
- 11) Provides that the Office of the Self-Determination Ombudsperson shall be overseen by the Lanterman Ombudsperson, as specified, and that the Self-Determination Ombudsperson's required reports, notices, outreach, and other duties may be done in conjunction with the Lanterman Ombudsperson's activities to the degree it is practicable.

COMMENTS

1. Author's comment

According to the author:

We learned early last year through a Los Angeles Times article that adults with autism were facing abuse at an LA group home. The alleged perpetrator in the case had previously worked for a group home where he allegedly committed misdemeanor battery and, as a result, was banned from working there. However, the case was said to be resolved out of court, and the alleged perpetrator was able to continue working with the same population, just at another group home. The shuffling of the perpetrator to other group homes without any recourse for the DDS client and the families is unacceptable and common due to the lack of accountability.

Unfortunately, this case is not an isolated incident and is a devastating result of the gaps in protecting DDS consumers. Upon exploring solutions to this issue, we discovered that the current Ombudsperson's office has limitations in assisting DDS consumers and their families with inquiries, complaints, or grievances in a fair and neutral manner.

To effectively serve DDS consumers, the Lanterman Ombudsperson requires statutory authority to access records, negotiate settlements, and connect with key individuals and information. SB 471 will provide the ombudsperson with this authority to help clarify and empower the Ombudspersons' duties in serving DDS consumers. It is time for us to do better by the [intellectual and developmental disability] community, bring parity to the Lanterman ombudsperson, and provide the same statutory authority that exists for other Department Ombudspersons, such as the Department of Social Services Office of the Foster Care Ombudsperson and the Department of Aging Office of the Long Term Care Ombudsperson.

2. Background on the Lanterman Act, the regional centers, and reform efforts

The Lanterman Act recognizes that California has a responsibility to provide services to persons with intellectual and developmental disabilities (referred to as "consumers"), and that those individuals have a right to receive those services.¹ To satisfy the state's obligations, the Lanterman Act "established the framework for a statewide system of community-based services and supports, coordinated by a network of regional non-

¹ Welf. & Inst. Code, § 4500.5.

profit agencies called regional centers.”² There are 21 regional centers across the state, and in 2024, the regional centers served close to half a million people.³

In 2023, the Little Hoover Commission issued a report on the regional center that made two concerning findings.⁴ First, the report found that the regional centers were not adequately assisting consumers and their families to access services, and that not all consumers and families are able to navigate the increasingly complex system for obtaining services without assistance.⁵ Second, the report found disparities in access to service and expenditures at the regional centers based on age, gender, race/ethnicity, and geography.⁶

In response to the Little Hoover Commission report and other reports of disparities in access to Lanterman Act services, the Governor and the Legislature established the Master Plan for Developmental Services, to be devised by the Master Plan for Developmental Services Committee (Committee).⁷ The Committee and five workgroups comprised of consumers and people with diverse backgrounds, identities, and geographic location held public meetings across the state in 2024 and 2025.⁸ In March of this year, the Committee published the first Master Plan for Developmental Services.⁹ The Master Plan for Developmental Services makes 167 recommendations for improving the provision of services,¹⁰ several of which relate to the need for better oversight and more accountability from the providers of services.¹¹

3. This bill establishes the Office of the Lanterman Ombudsperson to provide consumers with a means to resolve issues related to their care, treatment, or services

This bill establishes the Office of the Lanterman Ombudsperson within the DDS, for the purpose of providing consumers and their families information and assistance about, and an avenue for resolving issues related to, supports and services provided under the Lanterman Act. The bill’s language is virtually identical to the statutory language

² Little Hoover Commission, Report: A System in Distress: Caring for Californians with Developmental Disabilities (Apr. 2023) p. 7, available at <https://lhc.ca.gov/report/system-distress-caring-californians-developmental-disabilities/>. All links in this analysis are current as of April 16, 2025.

³ Master Plan for Developmental Services Committee, Report: Master Plan for Developmental Services (March 2025), p. 8, available at <https://www.chhs.ca.gov/home/master-plan-for-developmental-services/#about-the-committee>.

⁴ A System in Distress: Caring for Californians with Developmental Disabilities, *supra*, at p. 8.

⁵ *Id.* at p. 19.

⁶ *Id.* at p. 10.

⁷ Welf. & Inst. Code, §§ 4580-4581.

⁸ Master Plan for Developmental Services, *supra*, at pp. 15-16.

⁹ See generally *id.*

¹⁰ *Id.* at p. 21.

¹¹ *Id.* at pp. 126-131,

establishing ombudsperson offices to oversee other human services-related fields, such as the Office of the Foster Care Ombudsperson.¹²

The Senate Human Services Committee considered the overall policy of this bill and passed it with a vote of 5-0. That Committee's analysis is incorporated herein by reference. The relevant issues for this Committee's jurisdiction is the bill's limitations on access to information received by, and evidence from, the Lanterman Ombudsperson, and the limited immunity provision.

a. Limitation on access to documents and evidence

As a general constitutional matter, "[t]he people have the right of access to information concerning the conduct of the people's business, and therefore...the writings of public officials and agencies shall be open to public scrutiny."¹³ The California Public Records Act (CPRA) is the statutory process by which members of the public can obtain records held by a state or local agency.¹⁴ At the same time, the state recognizes that this right must be balanced against the right to privacy.¹⁵ The general right of access to public records may, therefore, be limited when records include personal information.

This bill restricts access to records and information held by the Office of the Lanterman Ombudsperson, and also restricts when records or testimonial evidence may be obtained from the Office of the Lanterman Ombudsperson in connection with a legal proceeding. The confidentiality provisions are intended to (1) ensure that information protected under existing law remains confidential, (2) ensure that consumers and witnesses feel comfortable talking to the Lanterman Ombudsperson, and (3) allow regional center and provider staff to feel comfortable engaging with the Lanterman Ombudsperson without fear of reprisal. The evidentiary restrictions give the Lanterman Ombudsperson's Office a testimonial and discovery privilege, except as necessary to fulfill its duties; these provisions are intended to protect the confidentiality of witnesses and confidential information obtained in the course of their investigations.

Importantly, the bill provides that if the Ombudsperson believes, based on information received during the exercise of their official duties, there is a breach of duty or misconduct by an employee of a state or local agency or their contractors in the conduct of the employees' official duties, the Ombudsperson must refer the matter to the agency director or other responsible officer and/or, if the conduct would be a crime, to an appropriate law enforcement body or agency.

¹² See Welf. & Inst. Code, §§ 16160-16167.

¹³ Cal. Const., art. I, § 3.

¹⁴ Gov. Code, tit. I, div. 10, §§ 7920.000 et seq.

¹⁵ Cal. Const., art. I, § 1.

b. Limited immunity

This bill provides that, when exercising the investigative, complaint resolution, and technical assistance functions of the Lanterman Ombudsperson, the Ombudsperson and staff have all immunities under the Government Claims Act, as provided in Government Code sections 815–818.9, that are afforded to the discharge of discretionary duties by public entities and their employees.

Under the Government Claims Act,¹⁶ there is no common law tort liability for public entities.¹⁷ Tort liability may be imposed against a public entity only pursuant to statute.¹⁸ “A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.”¹⁹ “In California, a public entity and its employees are not liable for an injury unless there is a statute declaring them to be liable.”²⁰ However, “[a] public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of [their] employment if the act or omission would ...have given rise to a cause of action against that employee” unless “the employee is immune from liability.”²¹

Government Code section 815.6 provides: “Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.” Regarding this provision, the Fourth District Court of Appeal has stated:

“[A]pplication of section 815.6 requires that the enactment at issue be obligatory, rather than merely discretionary or permissive, in its directions to the public entity; it must require, rather than merely authorize or permit, that a particular action be taken or not taken.” [Citation.] Even where an enactment imposes an obligation, it does not necessarily follow that the obligation gives rise to a mandatory duty. The key question is whether the obligation involves an exercise of discretion. As the Supreme Court explained, “[i]t is not enough ... that the public entity or officer have been under an obligation to perform a function if the function itself involves the exercise of discretion.” [Citation.]²²

¹⁶ Gov. Code, tit. 1, div. 3.6, §§ 810 et seq.

¹⁷ “Public entity” includes the state, the Regents of the University of California, the Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State. (Gov. Code, § 811.2.)

¹⁸ Gov. Code, § 815(a); *Guzman v. County of Monterey* (2009) 46 Cal.4th 887, 897.

¹⁹ Gov. Code, § 815(a).

²⁰ *Grosz v. Lassen Cmty. Coll. Dist.* 572 (2008) F.Supp.2d 1199, 1212.

²¹ Gov. Code § 815.2(a), (b).

²² *County of Los Angeles v. Superior Court* (2012) 209 Cal.App.4th 543.

This bill's immunity provision appears consistent with the permissible grant of immunity within the Government Code. Additionally, as noted above, this language is consistently granted to ombudsperson offices in the human services field.

SUPPORT

Disability Voices United (co-sponsor)
Integrated Community Collaborative (co-sponsor)
The Arc & United Cerebral Palsy California Collaboration
University of California Student Association

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 1208 (Addis, 2025) establishes the California Developmental Disability Services Quality, Performance, and Outcomes Act of 2025, which would require DDS to develop and adopt a uniform and comprehensive set of readily quantifiable quality, performance, and outcomes measures to apply to services provided under the Lanterman Act, as specified. AB 1208 is pending before the Assembly Human Services Committee.

Prior legislation:

SB 1281 (Menjivar, 2024) would have established the Advancing Equity and Access in the Self-Determination Program Act, which would have required the DDS, by January 1, 2026, to establish statewide standardized processes and procedures for the Self-Determination Program (SDP); and to ensure these processes and procedures are consistently applied by each regional center and make measurable improvements towards achieving equitable enrollment by race, ethnicity, and regional center. SB 1281 was vetoed by the Governor, who stated in his veto message that while he shared the author's intent to increase equitable access to the Self-Determination Program, "the California Health and Human Services Agency is currently leading the development of the Master Plan for Developmental Services, with active stakeholder participation and contribution to the vision. Part of this process includes making recommendations to improve the implementation of the SDP, and as such, this platform should be utilized to advance these conversations."

AB 162 (Committee on Budget, Ch. 47, Stats. 2024) among other things, established the Master Plan for Developmental Services, which is discussed in greater detail in Part 2 of this analysis.

AB 136 (Committee on Budget, Ch. 76, Stats. 2021) among other things, removed the Self-Determination Program's federal funding contingency; required all regional centers to make the program available to eligible consumers as of July 1, 2021; and established the Office of the Self-Determination Program Ombudsperson to oversee the Self-Determination Program.

SB 468 (Emmerson, Ch. 683, Stats. 2013) required DDS, contingent upon approval of federal funding, to establish and implement the Self-Determination Program, to be available at every regional center, as provided.

PRIOR VOTES:

Senate Human Services Committee (Ayes 5, Noes 0)
