

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 471 (Menjivar) – As Amended July 10, 2025

Policy Committee:	Human Services	Vote:	7 - 0
	Judiciary		12 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill establishes the Office of the Developmental Services Ombudsperson (Office) within the Department of Developmental Services (DDS) to provide individuals with intellectual and developmental disabilities who receive regional center services a means to resolve issues related to their care, placement, or services, as specified.

The bill prohibits the Ombudsperson or their staff from being compelled to testify or be deposed, or to disclose specified records, in a judicial or administrative proceeding.

Among other provisions, this bill:

- 1) Establishes the Office as an independent and autonomous entity within DDS, led by a Developmental Services Ombudsperson (Ombudsperson) to monitor the implementation of specified services for individuals served by a regional center. These services include, but are not limited to (a) the Self-Determination Program (SDP) and (b) the California Early Intervention Services Act, as it pertains to early intervention services, receiving and resolving complaints, conducting investigations, suggesting changes, and resolving various issues, as specified.
- 2) Provides the Ombudsperson selection process, establishes the Ombudsperson's role and responsibilities, and sets forth the duties of the Office, which include, among other things, developing, disseminating, and updating information, providing training and technical assistance, and receiving and possibly investigating complaints made by or on behalf of individuals who receive regional center services.
- 3) Authorizes the Ombudsperson to, among other things, establish policies and procedures for receiving and processing complaints, conducting investigations, and developing findings; conduct whatever investigation the Ombudsperson deems necessary; attempt to resolve the complaint; and recommend to DDS any changes to laws, regulations, policies, or communications, as specified.
- 4) Prohibits the ombudsperson or their staff from being compelled to testify or be deposed, or to disclose specified records, in a judicial or administrative proceeding, and provides the Ombudsperson and their staff all existing immunities available to government employees, as specified.

- 5) Requires, if the Ombudsperson believes there is a breach of duty or misconduct by an employee, as specified, the Ombudsperson 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.
- 6) Requires the Ombudsperson to establish a toll-free number, and requires regional center case managers to provide consumers and specified others with the toll-free number during annual individualized program plan or individual family service plan meetings.

FISCAL EFFECT:

Estimated ongoing costs to DDS in the range of \$700,000 to \$1 million (General Funds, federal funds) annually to support the new Office created by this bill. This includes \$550,000 to \$850,000 (GF, federal funds) annually based on the current budget for the existing uncoded ombudsperson office (Lantermann Ombudsperson), now made permanent by this bill, as well as \$159,000 (\$127,000 General Fund, \$32,000 federal funds) annually, for one permanent position to meet the additional workload created by this bill. New responsibilities include, among others things, developing and disseminating rights-related and other information, receiving, investigating, and resolving complaints, and making recommendations to DDS and the Legislature for improving the developmental services system. Codifying the Office creates an ongoing GF obligation.

DDS reports ongoing costs of \$1.7 million (GF, federal funds) to support 11 positions in the operation of its two existing ombudsperson offices, including the office this bill proposes to codify. DDS could not provide an exact breakdown of funding between the two offices. This estimate attributes one-third to one-half of the \$1.7 million to the existing Office.

COMMENTS:

- 1) **Purpose.** According to the author:

To effectively serve DDS consumers, the Developmental Services Ombudsperson requires statutory authority to access records, negotiate settlements, and connect with key individuals and information. [This bill] 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 IDD community, bring parity to the Developmental Services 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. *Ombudsperson Offices.*** Existing law requires DDS to establish an Office of the SDP Ombudsperson. Existing law requires the office be an independent and autonomous entity within DDS and prescribes duties and rights of the office, including recommending to the department strategies for change and improvement of the program. Opened in 2021, the Office of the SDP Ombudsperson, implements the SDP and focuses on assisting regional center consumers and their families to fully participate in the SDP.

The Office of the Foster Care Ombudsperson within the Department of Social Services and the Office of the State Long Term Care Ombudsperson within the Department of Aging similarly operate as autonomous statutory entities.

While not statutorily required, DDS has additionally established the Office of the Ombudsperson (Lanterman Ombudsperson) to assist regional center clients and their families to access regional center services available under the Lanterman Act. While an independent entity and intended to operate outside of DDS direction, this existing office has no statutory or regulatory framework and only limited authority to access records and information, negotiate settlements, and investigate complaints. Advocates assert the lack of statutory authority is limiting and hinders the effectiveness of the office.

Modeled on existing law establishing the Office of the SDP Ombudsperson and the Office of the Foster Care Ombudsperson, this bill codifies and expands the duties and authority of the existing DDS Office of the Ombudsperson, creating instead the Office of the Developmental Services Ombudsperson as an independent and autonomous entity within DDS.

Records Access and Immunity. This bill prohibits the newly established ombudsperson or their staff from being compelled to testify or be deposed, or to disclose specified records, in a judicial or administrative proceeding. This language is consistent with immunity granted to ombudsperson offices in the human services field and is virtually identical to the statutory language regarding the Office of the Foster Care Ombudsperson.

The California Constitution provides for the Right to Truth-In-Evidence, which requires a two-thirds vote of the Legislature to exclude any relevant evidence from any criminal proceeding, as specified. Because the prohibition in this bill affects the admissibility of relevant evidence in criminal proceedings, this bill requires a two-thirds vote of the Legislature.

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