

SENATE THIRD READING

SB 471 (Menjivar)

As Amended September 04, 2025

2/3 vote

SUMMARY

Repeals the Office of the Self-Determination Program Ombudsperson, and instead establishes the Office of the Developmental Services Ombudsperson (Office).

Major Provisions

- 1) Establishes the Office as an independent and autonomous entity within the Department of Developmental Services (DDS) led by an individual known as the Developmental Services Ombudsperson (Ombudsperson) to monitor the implementation of the ombudsperson program, including but not limited to, the following:
 - a) The Self-Determination Program (SDP).
 - b) The California Early Intervention Services Act.
 - c) The Lanterman Developmental Disabilities Services Act.
- 2) Establishes a process for selection of the Ombudsperson.
- 3) Requires the Ombudsperson to do the following:
 - a) Be independent, and the exercise of their discretion related to the duties and powers set forth in these provisions are prohibited from being controlled, supervised, or directed, directly or indirectly, by the DDS Director or any other official;
 - b) Devote their entire time to the duties and powers set forth in these provisions and may not be removed from the Office for exercising their independence and discretion in furtherance of those duties and powers; and,
 - c) In consultation with DDS, hire the necessary personnel to perform the functions of the Office, including, at minimum, one staff member who has significant expertise on the SDP. Requires the Ombudsperson to hire individuals with lived experience with the developmental services system, including, but not limited to, individuals with developmental disabilities.
- 4) Permits the incumbent Ombudsperson to continue in office until a successor is appointed, if the term of an Ombudsperson expires without the appointment of a successor.
- 5) Requires the DDS Director to designate an acting Ombudsperson, if the Ombudsperson dies, resigns, becomes ineligible to serve, or is removed or suspended from office. Further requires the DDS Director to appoint a new Ombudsperson within the nine months from the date the Office became vacant, and prohibits the acting Ombudsperson from remaining in office longer than nine months before a new Ombudsperson is appointed.
- 6) Establishes the Office's responsibility to do the following:

- a) Disseminate information, provide training, information, and technical assistance to individuals served by a regional center, family members, regional center staff, tribes, advocacy groups, service provider organizations, and other interested parties on the rights of persons with developmental disabilities and services provided by the Office:
 - i) Requires information to include methods of contacting the Office and notification that conversations with the Office may be disclosed to other persons, as necessary, to adequately investigate and resolve a complaint; and,
 - ii) Requires the information and training to include information about the rights of persons with developmental disabilities, as specified.
 - b) Receive complaints made by or on behalf of individuals served by a regional center related to their care, placement, or services;
 - c) Decide whether to investigate a complaint or refer the complaint to another agency for investigation. If there is a decision to investigate a complaint, attempt to resolve the complaint without using a judicial or administrative proceeding, including attempting to facilitate solutions to disagreements about eligibility and services;
 - d) Notify the complainant, if they decide to investigate a complaint 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;
 - e) Commencing on January 1, 2028, and at the end of each legislative session, review amendments to the laws applicable to individuals served by a regional center and recommend to the department any updates to materials published by the department. Requires DDS, if workload capacity allows, using existing resources, to update those documents to the best of its ability after receiving recommendations from the Ombudsperson.
 - f) Compile and make available data in quarterly legislative updates, as specified.
 - g) Have access to copies of any record of a state agency, local agency, or regional center, and contractors or vendors with the state agency, local agencies, and regional centers that is necessary to carry out their responsibilities, and may meet or communicate with an individual served by a regional center in their placement or elsewhere.
- 7) Permits the Office to present the data compiled on an annual basis at appropriate conferences, forums, and other events, as determined by the Ombudsperson, that may include presentations to, but are not limited to, representatives of the Legislature, the Association of Regional Center Agencies, the State Council on Developmental Disabilities, tribes, developmental services organizations, advocacy groups, consumer and service provider organizations, and other interested parties.
- 8) Establishes confidentiality and notification processes for the Office.
- 9) Permits the 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 access to, and inspection of, specified premises and facilities, at any time, with or without notice for the purpose of carrying out the duties of the office; and requires that they shall be granted access to records and individuals served by a regional center at all times for the purpose of carrying out the duties of the office.
 - i) Defines "access" as the right to do all of the following:
 - (1) Enter any licensed or approved developmental services residential facility, upon providing identification; A private home may be entered only with consent of the consumer individual served by a regional center or their legal representative;
 - (2) Communicate privately and without restriction with any resident, individual served by a regional center, caregiver, staff, personnel, or volunteer;
 - (3) Review and copy any consumer record of an individual served by a regional center or caregiver file;
 - (4) Observe all resident and staff areas of a facility;
 - (5) Review and reproduce administrative records, policies, and documents of any licensed or approved developmental services care facility;
 - (6) Review and copy all licensing records maintained by the state, county, or agency, and review and reproduce any records of a state, county, or local agency and their contractors, except sealed court records, which may be obtained only by subpoena or other lawful court order;
 - (7) Interview all relevant witnesses.
 - (8) Attempt to resolve the complaint;
 - (9) 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;
 - (10) Periodically convene a focus group to advise the Office in the performance of its duties described in this chapter. The focus group shall include, but not be limited to, consumers and families across different geographic regions of the state, representatives of diverse racial and ethnic backgrounds, ages, and

disabilities, and representatives of regional centers, service providers, and advocacy and community-based organizations; and,

- (11) Recommend to DDS any changes to laws, regulations, policies, or communications, including, but not limited to, forms and other actions.

10) Provides all of the following in order to encourage candor during the Ombudsperson's investigation of complaints made by, or on behalf of, an individual served by a regional center and to facilitate the Ombudsperson's ability to resolve complaints:

- 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 these provisions.
- 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 the bill.
- c) When exercising the investigative, complaint resolution, and technical assistance functions of the Office, the Ombudsperson and their staff shall have all existing immunities available to government employees, as specified.
- 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.

11) 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.

12) Takes effect immediately.

COMMENTS

Please see the policy committee analysis for full discussion of this bill.

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 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."

Arguments in Support

Co-sponsor Disability Voices United (DVU), a statewide organization directed by and for people with developmental disabilities and their families, writes as follows to conclude why the bill is important and necessary, "Individuals with developmental disabilities and their families throughout California continue to struggle to access critical services and supports and will greatly benefit from the assistance of an empowered, independent Ombudsperson for the entire DDS system. DVU strongly supports [this bill] and thanks you for your leadership to ensure DDS consumers have the ability to have a fair and autonomous body to help support their concerns, complaints, or grievances."

Arguments in Opposition

No opposition on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations on August 29, 2025, DDS reports ongoing costs of \$1.7 million (GF, federal funds) to support 11 positions in the operation of its two existing ombudsperson offices, which this bill combines. One of these offices, the Lanterman Ombudsperson, is currently uncoded but is funded annually in the state budget. Codifying this office creates a new ongoing GF obligation of approximately \$700,000 (of the \$1.7 million).

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM HUMAN SERVICES: 7-0-0

YES: Lee, Castillo, Calderon, Elhawary, Jackson, Celeste Rodriguez, Tangipa

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Hart, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

UPDATED

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