

AMENDED IN ASSEMBLY JULY 2, 2025

AMENDED IN ASSEMBLY JUNE 24, 2025

AMENDED IN SENATE MAY 23, 2025

**SENATE BILL**

**No. 471**

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**Introduced by Senator Menjivar**

February 19, 2025

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An act to add Chapter 1.4 (commencing with Section 4506) to Division 4.5 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 471, as amended, Menjivar. Office of the Developmental Services Ombudsperson.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law requires the department to establish an Office of the Self-Determination Program Ombudsperson to be headed by an individual to be known as the Self-Determination Program Ombudsperson, who is appointed by the Director of Developmental Services. Existing law requires the office to be an independent and autonomous entity within the department and prescribes specified duties and rights of the office, including recommending to the department strategies for change and improvement of the program.

This bill would establish the Office of the Developmental Services Ombudsperson as an independent and autonomous entity within the department for the purpose of monitoring the implementation of

specified services for individuals served by a regional center, as defined. The bill would set forth the duties of the Office of the Developmental Services Ombudsperson, including, among other things, disseminating information and providing training and technical assistance, and receiving and possibly investigating complaints made by or on behalf of individuals served by a regional center. The bill would establish the position of the Developmental Services Ombudsperson to head the office and specify appointment procedures and the duties of that position.

Existing law provides that, except as otherwise provided by statute, all relevant evidence is admissible. The California Constitution provides for the Right to Truth-In-Evidence, which requires a  $\frac{2}{3}$  vote of the Legislature to exclude any relevant evidence from any criminal proceeding, as specified.

This bill would prohibit the ombudsperson or their staff from being compelled to testify or be deposed, or to disclose specified records, in a judicial or administrative proceeding. Because this prohibition would affect the admissibility of relevant evidence in criminal proceedings, the bill would require a  $\frac{2}{3}$  vote of the Legislature.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 1.4 (commencing with Section 4506) is  
2 added to Division 4.5 of the Welfare and Institutions Code, to read:

3

4 CHAPTER 1.4. OFFICE OF THE DEVELOPMENTAL SERVICES  
5 OMBUDSPERSON

6

7 4506. The Legislature finds and declares that the people of  
8 California have benefited from the establishment of a long-term  
9 care ombudsperson pursuant to Section 9710, a foster care  
10 ombudsperson pursuant to Section 16161 and a ~~Self-Determination~~

1 *Self-Determination* Program Ombudsperson pursuant to Section  
2 4685.9. The Legislature further finds it is essential to maintain the  
3 nonpartisan nature, integrity, and impartiality of ombudsperson  
4 functions and services. It is the intent of the Legislature to provide  
5 similar protections for individuals served by a regional center by  
6 establishing an Office of the Developmental Services  
7 Ombudsperson within the State Department of Developmental  
8 Services.

9 4506.1. (a) The Office of the Developmental Services  
10 Ombudsperson shall be established as an independent and  
11 autonomous entity within the department for the purpose of  
12 monitoring the implementation of this division, including, but not  
13 limited to, both of the following:

14 (1) The Self-Determination Program, as established in Section  
15 4685.8.

16 (2) The California Early Intervention Services Act (Title 14  
17 (commencing with Section 95000) of the Government Code) as it  
18 pertains to infants and toddlers applying to or eligible for early  
19 intervention services under Section 95014 of the Government  
20 Code, receiving and resolving complaints, conducting  
21 investigations, suggesting systematic changes, and resolving  
22 various issues that may include, but are not limited to, inquiries,  
23 questions, or requests for information, assistance, or facilitation  
24 in navigating service access.

25 (b) The Office of the Developmental Services Ombudsperson  
26 shall be headed by an individual, to be known as the Developmental  
27 Services Ombudsperson.

28 (c) For purposes of this chapter, “individuals served by a  
29 regional center” includes all of the following:

30 (1) Individuals who receive services through a regional center  
31 under this division, including individuals who are in the intake  
32 process, are pending assessment, or have reached out to regional  
33 centers for information about eligibility.

34 (2) Individuals who are participating in the early start program  
35 under Title 14 (commencing with Section 95000) of the  
36 Government Code, including individuals who are in the intake  
37 process, pending assessment, or have reached out to regional  
38 centers for information about eligibility.

(3) Individuals who are determined to be eligible for regional center services under this division, but are not receiving services from a regional center.

*(d) Pursuant to subdivision (a) of Section 9717, the Office of the Developmental Services Ombudsperson shall enter into a memorandum of understanding with the Office of the State Long-Term Care Ombudsman within the California Department of Aging to coordinate the provision of ombudsperson services for regional center clients residing in long-term care facilities.*

4506.2. (a) The Director of Developmental Services, in consultation with, and after receiving a list of possible nominees from, a committee of at least five interested individuals that are described in this subdivision, and after obtaining the committee's input, shall appoint an ombudsperson who is qualified by training and experience to perform the duties of the office for a term of four years. The director shall select the committee members, the majority of whom shall be representatives of advocacy organizations and consumers or family members. The director may reappoint the ombudsperson for consecutive terms.

(b) The ombudsperson shall, in the performance of their duties during the duration of their appointment, be independent, and the exercise of their discretion related to the duties and powers set forth in this chapter shall not be controlled, supervised, or directed, directly or indirectly, by the director or any other official. The ombudsperson shall devote their entire time to the duties and powers set forth in this chapter and may not be removed from office for exercising their independence and discretion in furtherance of those duties and powers.

(c) If the term of an ombudsperson expires without the appointment of a successor under this chapter, the incumbent ombudsperson may continue in office until a successor is appointed. If the ombudsperson dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the director shall designate an acting ombudsperson until the ombudsperson is appointed. The director shall appoint a new ombudsperson pursuant to this section within the nine months from the date the office became vacant. The acting ombudsperson shall not remain in office longer than nine months before a new ombudsperson is appointed pursuant to this section.

1 4506.3. The Developmental Services Ombudsperson, in  
2 consultation with the department, shall hire the necessary personnel  
3 to perform the functions of the office, including one designated  
4 lead staff member who has expertise on the Self-Determination  
5 Program. The ombudsperson shall endeavor to hire individuals  
6 with lived experience with the developmental services system,  
7 including, but not limited to, individuals with developmental  
8 disabilities.

9 4506.4. (a) The Office of the Developmental Services  
10 Ombudsperson shall do all of the following:

11 (1) (A) Disseminate information and provide training and  
12 technical assistance to individuals served by a regional center,  
13 family members, regional center staff, tribes, advocacy groups,  
14 service provider organizations, and other interested parties on the  
15 rights of persons with developmental disabilities and services  
16 provided by the office. The information shall include methods of  
17 contacting the office and notification that conversations with the  
18 office may be disclosed to other persons, as necessary, to  
19 adequately investigate and resolve a complaint. The information  
20 and training shall include information about the rights of persons  
21 with developmental disabilities under this division, including the  
22 rights specified in Chapter 1.3 (commencing with Section 4502)  
23 and the Self-Determination Program under Section 4685.8.

24 (B) Commencing on ~~January~~, *January* 1, 2028, at the end of  
25 every two-year legislative session, review amendments to the laws  
26 applicable to individuals served by a regional center and determine  
27 whether updates to the rights should be recommended in the  
28 compilation prepared pursuant to paragraph (6). The office shall  
29 update the standardized information prepared pursuant to paragraph  
30 (1) of subdivision (c), and any training materials prepared pursuant  
31 to subparagraph (A), in accordance with the legislative review.  
32 The department shall maintain updated information on the standard  
33 information packet.

34 (2) Receive complaints made by or on behalf of individuals  
35 served by a regional center related to their care, placement, or  
36 services.

37 (3) Decide, in its discretion, whether to investigate a complaint,  
38 or refer complaints to another agency for investigation. After  
39 rendering a decision to investigate a complaint, attempt to resolve  
40 the complaint without using a judicial or administrative proceeding,

1 including attempting to facilitate solutions to disagreements about  
2 eligibility and services.

3 (4) Upon rendering a decision to investigate a complaint from  
4 a complainant, notify the complainant of the intention to  
5 investigate. If the office declines to investigate a complaint or  
6 continue an investigation, the office shall notify the complainant  
7 of the reason for the action of the office.

8 (5) Update the complainant on the progress of the investigation  
9 and the attempts to resolve the complaint, and notify the  
10 complainant of the final outcome.

11 (6) (A) Compile and make available data to the Legislature in  
12 their quarterly legislative updates. This data shall include, but is  
13 not limited to, the number of contacts to the office, the number of  
14 contacts specific to the Self-Determination Program, the number  
15 of complaints made and the modality of the submission of those  
16 complaints, the number of investigations performed by the office,  
17 the trends and issues that arose in the course of resolving  
18 complaints, the number of referrals made, and the number of  
19 unresolved contacts. The office shall include recommendations  
20 consistent with this data for improving the developmental services  
21 system.

22 (B) Present this compiled data, on an annual basis, at appropriate  
23 conferences, forums, and other events, as determined by the  
24 department, that may include presentations to, but are not limited  
25 to, representatives of the Legislature, the Association of Regional  
26 Center Agencies, the State Council on Developmental Disabilities,  
27 tribes, developmental services organizations, advocacy groups,  
28 consumer and service provider organizations, and other interested  
29 parties.

30 (C) It is the intent of the Legislature that representatives of the  
31 organizations described in subparagraph (B) consider this data in  
32 the development of any recommendations offered toward  
33 improving the developmental services system.

34 (D) The deidentified compiled data shall be posted so that it is  
35 available to the public on the existing internet website of the office.

36 (E) Nothing shall preclude the office from issuing data, findings,  
37 or reports other than the annual compilation of data described in  
38 this paragraph.

39 (7) Have access to copies of any record of a state agency, local  
40 agency, or regional center, and contractors or vendors with the

1 state agency, local agencies, and regional centers that is necessary  
2 to carry out their responsibilities, and may meet or communicate  
3 with an individual served by a regional center in their placement  
4 or elsewhere.

5 (b) (1) Information obtained by the office from a complaint,  
6 regardless of whether it is investigated by the office, referred to  
7 another entity for investigation, or determined not to be the proper  
8 subject of an investigation, shall remain confidential under relevant  
9 state and federal confidentiality laws. Disclosure of information  
10 that is not confidential under state and federal confidentiality laws  
11 shall occur only as necessary to carry out the mission of the office,  
12 including as necessary to provide explanation and support for the  
13 office's recommendations for improving the developmental  
14 services system to the Legislature and state and local agencies that  
15 provide services and supports to an individual served by a regional  
16 center.

17 (2) The ombudsperson shall maintain confidentiality with respect  
18 to the identities of the complainants or witnesses coming before  
19 them, except insofar as disclosure may be necessary to enable the  
20 ombudsperson to carry out the duties of the office set forth in  
21 paragraphs (2) to (5), inclusive, of subdivision (a). The  
22 ombudsperson may not disclose a record that is confidential under  
23 relevant state and federal confidentiality laws.

24 (3) If an individual served by a regional center is represented  
25 by a conservator, legal guardian, or counsel, the office may notify  
26 the conservator, legal guardian, or counsel of a complaint in order  
27 for those entities to satisfy their obligations specified in this  
28 division. Notifying these entities of an investigation shall not limit  
29 the ombudsperson's ability to investigate or resolve a complaint  
30 or take any other action authorized by this section. If appropriate,  
31 the office may also share the outcome of any investigation  
32 performed by the office with the consumer's conservator, legal  
33 guardian, or counsel.

34 (c) (1) The office, in consultation with the Association of  
35 Regional Center Agencies, the State Council on Developmental  
36 Disabilities, tribes located in the state, consumer advocates,  
37 provider organizations, and other interested parties, shall update  
38 the standardized information explaining the rights specified in  
39 Section 4502. The information shall be developed in an accessible  
40 manner, and shall reflect any relevant licensing requirements with

1 respect to providers' responsibilities to adequately provide care  
2 for consumers of developmental services.

3 (2) The office, regional centers, service providers, vendors, and  
4 others shall use the information developed in paragraph (1) in  
5 carrying out their responsibilities to inform consumers, or if  
6 appropriate, their parents, legal guardians, conservator, or  
7 authorized representative, of their rights pursuant to Section 4502.

8 (3) The office shall measure the distribution of the standardized  
9 materials for purposes of evaluating and improving the degree to  
10 which consumers of developmental services are adequately  
11 informed of their rights. This data shall be included in the  
12 compilation prepared pursuant to paragraph (6) of subdivision (a).

13 4506.5. As part of the office's efforts to resolve complaints  
14 related to the developmental services system, the ombudsperson  
15 may do all of the following:

16 (a) Establish policies and procedures for receiving and  
17 processing complaints, conducting investigations, and reporting  
18 findings.

19 (b) Develop and maintain a page on the department's internet  
20 website with information about the office, how to access the office,  
21 including via an online portal to submit questions and complaints,  
22 general information about this division and regional centers, and  
23 links to relevant materials.

24 (c) Conduct whatever investigation reasonably related to the  
25 complaint and to developmental services that the ombudsperson  
26 deems necessary, including, but not limited to, both of the  
27 following:

28 (1) Access to, and inspection of, premises within the control of  
29 a state agency, local agency, or a regional center, or a contractor  
30 or vendor with a state agency, local agency, or regional center,  
31 and access to, and inspection of, a licensed or approved residential  
32 facility, at any time, with or without prior notice, for the purpose  
33 of carrying out the duties of the office. The ombudsperson shall  
34 be granted access to records and individuals served by a regional  
35 center at all times for the purpose of carrying out the duties of the  
36 office.

37 (A) For purposes of this section, "access" means the right to do  
38 all of the following:

39 (i) Enter any licensed or approved developmental services  
40 residential facility, upon providing identification. A private home

1 may be entered only with consent of the individual served by a  
2 regional center or their legal representative.

3 (ii) Communicate privately and without restriction with any  
4 individual served by a regional center, caregiver, staff, personnel,  
5 or volunteer.

6 (iii) Review and copy any record of an individual served by a  
7 regional center or caregiver file.

8 (iv) Observe all resident and staff areas of a facility.

9 (v) Review and reproduce administrative records, policies, and  
10 documents of any licensed or approved developmental services  
11 care facility.

12 (vi) Review and copy all licensing records maintained by the  
13 state, county, or agency, and review and reproduce any records of  
14 a state, county, or local agency and their contractors, except sealed  
15 court records, which may be obtained only by subpoena or other  
16 lawful court order.

17 (vii) Interview all relevant witnesses.

18 (B) For purposes of this section, “record” means a document,  
19 paper, memorandum, book, letter, file, drawing, map, plat, photo,  
20 photographic file, motion picture, film, microfilm,  
21 microphotograph, exhibit, magnetic or paper tape, punched card,  
22 or other item developed or received under law or in connection  
23 with the transaction of official business, but does not include  
24 material that is protected by privilege.

25 (2) Observe proceedings and attend hearings, consistent with  
26 this division.

27 (d) Attempt to resolve the complaint.

28 (e) Submit a written plan to the relevant state agency, local  
29 agency, or regional center, or a contractor or vendor with the state  
30 agency, local agency, or regional center, recommending a course  
31 of action to resolve the complaint. If the ombudsperson makes a  
32 written recommendation, the state agency, regional center, or  
33 vendor or contractor, shall submit a written response to the  
34 ombudsperson within 30 calendar days.

35 (f) Periodically convene a focus group to advise the office in  
36 the performance of its duties described in this chapter. The focus  
37 group shall include, but not be limited to, consumers and families  
38 across different geographic regions of the state, representatives of  
39 diverse racial and ethnic backgrounds, ages, and disabilities, and

1 representatives of regional centers, service providers, and advocacy  
2 and community-based organizations.

3 (g) Recommend to the department any changes to laws,  
4 regulations, policies, or communications, including, but not limited  
5 to, forms and other actions.

6 4506.6. In order to encourage candor during the  
7 ombudsperson's investigation of complaints made by or on behalf  
8 of an individual served by a regional center and to facilitate the  
9 ombudsperson's ability to resolve complaints, all of the following  
10 shall apply:

11 (a) The ombudsperson and staff of the ombudsperson shall not  
12 be compelled to testify or be deposed in a judicial or administrative  
13 proceeding regarding matters coming to their attention in the  
14 exercise of their official duties, except as may be necessary to  
15 enforce or implement this chapter.

16 (b) The records of the ombudsperson and the staff of the  
17 ombudsperson, including notes, drafts, and records obtained from  
18 an individual or agency during the intake, review, or investigation  
19 of a complaint, and any reports not released to the public shall not  
20 be subject to disclosure or production in response to a subpoena  
21 or discovery in a judicial or administrative proceeding, except as  
22 necessary to enforce or implement the provisions of this chapter.

23 (c) When exercising the investigative, complaint resolution, and  
24 technical assistance functions of the Office of the Developmental  
25 Services Ombudsperson, the ombudsperson and staff of the  
26 ombudsperson shall have all immunities under Article 2  
27 (commencing with Section 815) of Chapter 1 of Part 2 of Division  
28 3.6 of Title 1 of the Government Code afforded to the discharge  
29 of discretionary duties by public entities and their employees.

30 (d) If the ombudsperson believes, based on information received  
31 during the exercise of their official duties, that there is a breach of  
32 duty or misconduct by an employee of a state agency, local agency,  
33 regional center, or their contractors or vendors, in the conduct of  
34 the employees' official duties, the ombudsperson shall refer the  
35 matter to the regional center or vendor's director, or other  
36 responsible officer, and if the conduct would constitute a crime,  
37 to an appropriate law enforcement body or agency.

38 4506.7. (a) The office shall establish a toll-free number.

39 (b) Regional center case managers shall provide consumers,  
40 and, if appropriate, their parents, legal guardians, ~~conservator~~

1 *conservator*, or authorized representative, with the toll-free  
2 telephone number for the office and verbal or written information  
3 regarding the existence and purpose of the office during the annual  
4 individualized program plan or individual family service plan  
5 meetings.

6 SEC. 2. The Legislature finds and declares that Section 1 of  
7 this act, which adds Section 4506.5 to the Welfare and Institutions  
8 Code, imposes a limitation on the public's right of access to the  
9 meetings of public bodies or the writings of public officials and  
10 agencies within the meaning of Section 3 of Article I of the  
11 California Constitution. Pursuant to that constitutional provision,  
12 the Legislature makes the following findings to demonstrate the  
13 interest protected by this limitation and the need for protecting  
14 that interest:

15 In order to protect the confidentiality of consumers of  
16 developmental services, it is necessary to maintain the  
17 confidentiality of the records described in Section 4506.5.