

AMENDED IN SENATE MAY 23, 2025

SENATE BILL

No. 471

Introduced by Senator Menjivar

February 19, 2025

An act to ~~amend Section 4685.9 of, and to add Chapter 1.4 (commencing with Section 4506) to Division 4.5 of, of the Welfare and Institutions Code, relating to developmental services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 471, as amended, Menjivar. Office of the ~~Lanterman 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 ~~Lanterman Developmental Services~~ Ombudsperson as an *independent and* autonomous entity within the department 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; 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 ~~Lanterman~~ *Developmental Services* Ombudsperson, including, among other things, disseminating information and providing training and technical assistance, and receiving and possibly investigating ~~complaints~~ *complaints* made by or on behalf of ~~consumers of developmental services.~~ *The bill would clarify that the Office of the Self-Determination Ombudsperson is a separate office, but would also require the Lanterman Ombudsperson to oversee the Office of the Self-Determination Ombudsperson.* *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 ~~2/3~~ 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 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: 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:

CHAPTER 1.4. OFFICE OF THE ~~LANTERMAN~~ DEVELOPMENTAL
SERVICES OMBUDSPERSON

4506. The Legislature finds and declares that the people of California have benefited from the establishment of a long-term care ombudsperson pursuant to Section 9710, a foster care ombudsperson pursuant to Section 16161 and a Self-Determination Program Ombudsperson pursuant to Section 4685.9. The Legislature further finds it is essential to maintain the nonpartisan nature, integrity, and impartiality of ombudsperson functions and services. It is the intent of the Legislature to provide similar protections for ~~consumers of developmental services~~ *individuals served by a regional center* by establishing an Office of the ~~Lanterman Developmental Services~~ Ombudsperson within the State Department of Developmental Services.

4506.1. (a) The Office of the ~~Lanterman Developmental Services~~ Ombudsperson shall be established as an *independent and* autonomous entity within the department 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.~~ *monitoring the implementation of this division, including, but not limited to, both of the following:*

~~(b) The Office of the Self-Determination Ombudsperson established in Section 4685.9 shall be a separate office. The Lanterman Ombudsperson shall oversee the Office of the Self-Determination Ombudsperson.~~

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

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

1 ***(b) The Office of the Developmental Services Ombudsperson***
2 *shall be headed by an individual, to be known as the Developmental*
3 *Services Ombudsperson.*

4 (c) For purposes of this chapter, ~~“consumers of developmental~~
5 ~~services”~~ *“individuals served by a regional center”* includes all
6 of the following:

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

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

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

19 4506.2. (a) The Director of Developmental Services, in
20 consultation with, and after receiving a list of possible nominees
21 from, a committee of at least five interested individuals that are
22 described in this subdivision, and after obtaining the committee’s
23 input, shall appoint an ombudsperson who is qualified by training
24 and experience to perform the duties of the office for a term of
25 four years. ~~The director may reappoint the ombudsperson for~~
26 ~~consecutive terms.~~ The director shall select the committee
27 members, the majority of whom shall be representatives of
28 advocacy organizations and consumers or family members. *The*
29 *director may reappoint the ombudsperson for consecutive terms.*

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

39 (c) If the term of an ombudsperson expires without the
40 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.

4506.3. ~~The department~~ *Developmental Services Ombudsperson, in consultation with the department,* shall hire the necessary personnel to perform the functions of the office. ~~Priority in hiring decisions shall be given to office, including one designated lead staff member who has expertise on the Self-Determination Program.~~ *The ombudsperson shall endeavor to hire individuals with lived experience with the developmental services system, including, but not limited to, individuals with developmental disabilities.*

4506.4. (a) The Office of the ~~Lanterman~~ *Developmental Services Ombudsperson* shall do all of the following:

(1) (A) Disseminate information and provide training and technical assistance to ~~consumers of developmental services, individuals served by a regional center,~~ family members, regional center staff, tribes, advocacy groups, ~~consumer and service provider~~ organizations, and other interested parties on the rights of persons with developmental disabilities and services provided by the office. The information shall 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. The information and training shall include information about the rights of persons with developmental disabilities under this division, including the rights specified in Chapter 1.3 (commencing with Section 4502) and the Self-Determination Program under Section 4685.8.

(B) Commencing on January, 1, 2028, at the end of every two-year legislative session, review amendments to the laws applicable to ~~consumers of developmental services~~ *individuals served by a regional center* and determine whether updates to the rights should be recommended in the compilation prepared pursuant to paragraph ~~(7)~~. (6). The office shall update the standardized

1 information prepared pursuant to paragraph (1) of subdivision (e),
2 and any training materials prepared pursuant to subparagraph (A),
3 in accordance with the legislative review. *The department shall*
4 *maintain updated information on the standard information packet.*

5 (2) Receive complaints made by or on behalf of ~~consumers of~~
6 ~~developmental services~~, *individuals served by a regional center*
7 related to their care, placement, or services.

8 (3) Decide, in its discretion, whether to investigate a complaint,
9 or refer complaints to another agency for investigation. After
10 rendering a decision to investigate a complaint, attempt to resolve
11 the complaint without using a judicial or administrative proceeding,
12 including attempting to facilitate solutions to disagreements about
13 eligibility and services.

14 (4) Upon rendering a decision to investigate a complaint from
15 a complainant, notify the complainant of the intention to
16 investigate. If the office declines to investigate a complaint or
17 continue an investigation, the office shall notify the complainant
18 of the reason for the action of the office.

19 (5) Update the complainant on the progress of the investigation
20 and the attempts to resolve the complaint, and notify the
21 complainant of the final outcome.

22 ~~(6) Document the number, source, origin, location, and nature~~
23 ~~of complaints.~~

24 ~~(7) (A) Compile and make available to the Legislature all data~~
25 ~~collected over the course of the year, including, but not limited to,~~
26 ~~the number of contacts to the office, the number of complaints~~
27 ~~made, including the type and source of those complaints, the~~
28 ~~number of investigations performed by the office, the trends and~~
29 ~~issues that arose in the course of investigating complaints, the~~
30 ~~number of referrals made, the number of pending complaints. The~~
31 ~~office shall include recommendations consistent with this data for~~
32 ~~improving the developmental services system.~~

33 (6) (A) *Compile and make available data to the Legislature in*
34 *their quarterly legislative updates. This data shall include, but is*
35 *not limited to, the number of contacts to the office, the number of*
36 *contacts specific to the Self-Determination Program, the number*
37 *of complaints made and the modality of the submission of those*
38 *complaints, the number of investigations performed by the office,*
39 *the trends and issues that arose in the course of resolving*
40 *complaints, the number of referrals made, and the number of*

1 *unresolved contacts. The office shall include recommendations*
2 *consistent with this data for improving the developmental services*
3 *system.*

4 (B) Present this compiled data, on an annual basis, at appropriate
5 conferences, forums, and other events, as determined by the
6 department, that may include presentations to, but are not limited
7 to, representatives of the Legislature, the Association of Regional
8 Center Agencies, the State Council on Developmental Disabilities,
9 tribes, developmental services organizations, advocacy groups,
10 consumer and service provider organizations, and other interested
11 parties.

12 (C) It is the intent of the Legislature that representatives of the
13 organizations described in subparagraph (B) consider this data in
14 the development of any recommendations offered toward
15 improving the developmental services system.

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

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

21 ~~(8)~~

22 (7) Have access to copies of any record of a state agency, local
23 agency, or regional center, and contractors or vendors with the
24 state agency, local agencies, and regional centers that is necessary
25 to carry out their responsibilities, and may meet or communicate
26 with ~~any consumer~~ *an individual served by a regional center* in
27 their placement or elsewhere.

28 ~~(b) The office may establish, in consultation with a committee~~
29 ~~of interested individuals, regional or local Lanterman~~
30 ~~ombudsman offices for the purposes of expediting investigations~~
31 ~~and resolving complaints, subject to appropriations in the annual~~
32 ~~Budget Act.~~

33 ~~(e)~~

34 (b) (1) Information obtained by the office from a complaint,
35 regardless of whether it is investigated by the office, referred to
36 another entity for investigation, or determined not to be the proper
37 subject of an investigation, shall remain confidential under relevant
38 state and federal confidentiality laws. Disclosure of information
39 that is not confidential under state and federal confidentiality laws
40 shall occur only as necessary to carry out the mission of the office,

1 including as necessary to provide explanation and support for the
2 office's recommendations for improving the developmental
3 services system to the Legislature and state and local agencies that
4 provide services and supports to ~~consumers of regional center~~
5 ~~services~~; *an individual served by a regional center*.

6 (2) The ombudsperson shall maintain confidentiality with respect
7 to the identities of the complainants or witnesses coming before
8 them, except insofar as disclosure may be necessary to enable the
9 ombudsperson to carry out the duties of the office set forth in
10 paragraphs (2) to (5), inclusive, of subdivision (a). The
11 ombudsperson may not disclose a record that is confidential under
12 relevant state and federal confidentiality laws.

13 (3) ~~If a consumer~~ *an individual served by a regional center* is
14 represented by a conservator, legal guardian, or counsel, the office
15 may notify the conservator, legal guardian, or counsel of a
16 complaint in order for those entities to satisfy their obligations
17 specified in this division. Notifying these entities of an
18 investigation shall not limit the ombudsperson's ability to
19 investigate or resolve a complaint or take any other action
20 authorized by this section. If appropriate, the office may also share
21 the outcome of any investigation performed by the office with the
22 consumer's conservator, legal guardian, or counsel.

23 ~~(d) The office shall provide administrative and technical~~
24 ~~assistance to regional or local Lanterman ombudsperson's offices,~~
25 ~~including, but not limited to, assistance in developing policies and~~
26 ~~procedures consistent with the policies and procedures used by~~
27 ~~the office.~~

28 (e)

29 (c) (1) The office, in consultation with the Association of
30 Regional Center Agencies, the State Council on Developmental
31 Disabilities, tribes located in the state, consumer advocates,
32 provider organizations, and other interested parties, shall ~~develop~~
33 *update the* standardized information explaining the rights specified
34 in Section 4502. The information shall be developed in an
35 accessible manner, and shall reflect any relevant licensing
36 requirements with respect to providers' responsibilities to
37 adequately provide care for consumers of developmental services.

38 (2) The office, regional centers, service providers, vendors, and
39 others shall use the information developed in paragraph (1) in
40 carrying out their responsibilities to inform consumers, or if

1 appropriate, their parents, legal guardians, conservator, or
2 authorized representative, of their rights pursuant to Section 4502.

3 (3) The office shall measure the distribution of the standardized
4 materials for purposes of evaluating and improving the degree to
5 which consumers of developmental services are adequately
6 informed of their rights. This data shall be included in the
7 compilation prepared pursuant to paragraph ~~(7)~~ (6) of subdivision
8 (a).

9 4506.5. As part of the office's efforts to resolve complaints
10 related to the developmental services system, the ombudsperson
11 may do all of the following:

12 (a) Establish policies and procedures for receiving and
13 processing complaints, conducting investigations, and reporting
14 findings.

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

20 (c) Conduct whatever investigation reasonably related to the
21 complaint and to developmental services that the ombudsperson
22 deems necessary, including, but not limited to, both of the
23 following:

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

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

35 (i) Enter any licensed or approved developmental services
36 residential facility, upon providing identification. A private home
37 may be entered only with consent of the ~~consumer~~ *individual*
38 *served by a regional center* or their legal representative.

1 (ii) Communicate privately and without restriction with any
2 ~~resident~~, *individual served by a regional center*, caregiver, staff,
3 personnel, or volunteer.

4 (iii) Review and copy any ~~consumer~~ record *of an individual*
5 *served by a regional center* or caregiver file.

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

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

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

15 (vii) Interview all relevant witnesses.

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

23 (2) Observe proceedings and attend hearings, consistent with
24 this division.

25 (d) Attempt to resolve the complaint.

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

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

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

4 4506.6. In order to encourage candor during the
5 ombudsperson's investigation of complaints made by or on behalf
6 ~~of a consumer of developmental services~~ *an individual served by*
7 *a regional center* and to facilitate the ombudsperson's ability to
8 resolve complaints, all of the following shall apply:

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

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

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

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

37 4506.7. (a) The office shall establish a toll-free number.

38 (b) Regional center case managers shall provide consumers,
39 and, if appropriate, their parents, legal guardians, conservator or
40 authorized representative, with the toll-free telephone number for

1 the office and verbal or written information regarding the existence
2 and purpose of the office during the annual individualized program
3 plan or individual family service plan meetings.

4 ~~SEC. 2. Section 4685.9 of the Welfare and Institutions Code~~
5 ~~is amended to read:~~

6 ~~4685.9. (a) The department shall establish an Office of the~~
7 ~~Self-Determination Program Ombudsperson. This office shall be~~
8 ~~overseen by the Lanterman Ombudsperson described in Section~~
9 ~~4506.1.~~

10 ~~(b) The Office of the Self-Determination Program~~
11 ~~Ombudsperson shall be headed by an individual, to be known as~~
12 ~~the Self-Determination Program Ombudsperson. As soon as is~~
13 ~~practicable, the Director of the Department of Developmental~~
14 ~~Services shall appoint an ombudsperson qualified by training and~~
15 ~~experience to perform the duties of the office for a term of four~~
16 ~~years. The director may reappoint the ombudsperson for~~
17 ~~consecutive terms. The director shall appoint an ombudsperson~~
18 ~~using the process specified in 4506.2. The ombudsperson shall~~
19 ~~report to the Lanterman Ombudsperson.~~

20 ~~(c) The office shall be an independent and autonomous entity~~
21 ~~within the department for the purpose of monitoring the~~
22 ~~implementation of Section 4685.8 and to assist regional center~~
23 ~~clients and Self-Determination Program consumers and their~~
24 ~~families to participate fully in the Self-Determination Program, as~~
25 ~~authorized pursuant to Section 4685.8~~

26 ~~(d) The office shall have all of the rights, authority,~~
27 ~~responsibilities, and duties conveyed to the Lanterman~~
28 ~~Ombudsperson specified in Chapter 1.4 (commencing with Section~~
29 ~~4506) for matters pertaining to the Self-Determination Program.~~
30 ~~To the degree that it is practicable, the required reports, notices,~~
31 ~~outreach, and other duties of the office may be done in conjunction~~
32 ~~with the activities of the Lanterman Ombudsperson.~~

33 ~~SEC. 3.~~

34 ~~SEC. 2.~~ The Legislature finds and declares that Section 1 of
35 this act, which adds Section 4506.5 to the Welfare and Institutions
36 Code, imposes a limitation on the public's right of access to the
37 meetings of public bodies or the writings of public officials and
38 agencies within the meaning of Section 3 of Article I of the
39 California Constitution. Pursuant to that constitutional provision,
40 the Legislature makes the following findings to demonstrate the

1 interest protected by this limitation and the need for protecting
2 that interest:
3 In order to protect the confidentiality of consumers of
4 developmental services, it is necessary to maintain the
5 confidentiality of the records described in Section 4506.5.

O