

AMENDED IN ASSEMBLY JUNE 24, 2025

AMENDED IN SENATE MAY 23, 2025

SENATE BILL

No. 471

Introduced by Senator Menjivar

February 19, 2025

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
11 Program Ombudsperson pursuant to Section 4685.9. The
12 Legislature further finds it is essential to maintain the nonpartisan

1 nature, integrity, and impartiality of ombudsperson functions and
2 services. It is the intent of the Legislature to provide similar
3 protections for individuals served by a regional center by
4 establishing an Office of the Developmental Services
5 Ombudsperson within the State Department of Developmental
6 Services.

7 4506.1. (a) The Office of the Developmental Services
8 Ombudsperson shall be established as an independent and
9 autonomous entity within the department for the purpose of
10 monitoring the implementation of this division, including, but not
11 limited to, both of the following:

12 (1) The Self-Determination Program, as established in Section
13 4685.8.

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

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

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

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

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

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

1 4506.2. (a) The Director of Developmental Services, in
2 consultation with, and after receiving a list of possible nominees
3 from, a committee of at least five interested individuals that are
4 described in this subdivision, and after obtaining the committee's
5 input, shall appoint an ombudsperson who is qualified by training
6 and experience to perform the duties of the office for a term of
7 four years. The director shall select the committee members, the
8 majority of whom shall be representatives of advocacy
9 organizations and consumers or family members. The director may
10 reappoint the ombudsperson for consecutive terms.

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

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

31 4506.3. The Developmental Services Ombudsperson, in
32 consultation with the department, shall hire the necessary personnel
33 to perform the functions of the office, including one designated
34 lead staff member who has expertise on the Self-Determination
35 Program. The ombudsperson shall endeavor to hire individuals
36 with lived experience with the developmental services system,
37 including, but not limited to, individuals with developmental
38 disabilities.

39 4506.4. (a) The Office of the Developmental Services
40 Ombudsperson shall do all of the following:

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

14 (B) Commencing on January, 1, 2028, at the end of every
15 two-year legislative session, review amendments to the laws
16 applicable to individuals served by a regional center and determine
17 whether updates to the rights should be recommended in the
18 compilation prepared pursuant to paragraph (6). The office shall
19 update the standardized information prepared pursuant to paragraph
20 (1) of subdivision ~~(e)~~; (c), and any training materials prepared
21 pursuant to subparagraph (A), in accordance with the legislative
22 review. The department shall maintain updated information on the
23 standard information packet.

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

27 (3) Decide, in its discretion, whether to investigate a complaint,
28 or refer complaints to another agency for investigation. After
29 rendering a decision to investigate a complaint, attempt to resolve
30 the complaint without using a judicial or administrative proceeding,
31 including attempting to facilitate solutions to disagreements about
32 eligibility and services.

33 (4) Upon rendering a decision to investigate a complaint from
34 a complainant, notify the complainant of the intention to
35 investigate. If the office declines to investigate a complaint or
36 continue an investigation, the office shall notify the complainant
37 of the reason for the action of the office.

38 (5) Update the complainant on the progress of the investigation
39 and the attempts to resolve the complaint, and notify the
40 complainant of the final outcome.

1 (6) (A) Compile and make available data to the Legislature in
2 their quarterly legislative updates. This data shall include, but is
3 not limited to, the number of contacts to the office, the number of
4 contacts specific to the Self-Determination Program, the number
5 of complaints made and the modality of the submission of those
6 complaints, the number of investigations performed by the office,
7 the trends and issues that arose in the course of resolving
8 complaints, the number of referrals made, and the number of
9 unresolved contacts. The office shall include recommendations
10 consistent with this data for improving the developmental services
11 system.

12 (B) Present this compiled data, on an annual basis, at appropriate
13 conferences, forums, and other events, as determined by the
14 department, that may include presentations to, but are not limited
15 to, representatives of the Legislature, the Association of Regional
16 Center Agencies, the State Council on Developmental Disabilities,
17 tribes, developmental services organizations, advocacy groups,
18 consumer and service provider organizations, and other interested
19 parties.

20 (C) It is the intent of the Legislature that representatives of the
21 organizations described in subparagraph (B) consider this data in
22 the development of any recommendations offered toward
23 improving the developmental services system.

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

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

29 (7) Have access to copies of any record of a state agency, local
30 agency, or regional center, and contractors or vendors with the
31 state agency, local agencies, and regional centers that is necessary
32 to carry out their responsibilities, and may meet or communicate
33 with an individual served by a regional center in their placement
34 or elsewhere.

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

1 shall occur only as necessary to carry out the mission of the office,
2 including as necessary to provide explanation and support for the
3 office's recommendations for improving the developmental
4 services system to the Legislature and state and local agencies that
5 provide services and supports to an individual served by a regional
6 center.

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

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

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

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

38 (3) The office shall measure the distribution of the standardized
39 materials for purposes of evaluating and improving the degree to
40 which consumers of developmental services are adequately

1 informed of their rights. This data shall be included in the
2 compilation prepared pursuant to paragraph (6) of subdivision (a).

3 4506.5. As part of the office's efforts to resolve complaints
4 related to the developmental services system, the ombudsperson
5 may do all of the following:

6 (a) Establish policies and procedures for receiving and
7 processing complaints, conducting investigations, and reporting
8 findings.

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

14 (c) Conduct whatever investigation reasonably related to the
15 complaint and to developmental services that the ombudsperson
16 deems necessary, including, but not limited to, both of the
17 following:

18 (1) Access to, and inspection of, premises within the control of
19 a state agency, local agency, or a regional center, or a contractor
20 or vendor with a state agency, local agency, or regional center,
21 and access to, and inspection of, a licensed or approved residential
22 facility, at any time, with or without prior notice, for the purpose
23 of carrying out the duties of the office. The ombudsperson shall
24 be granted access to records and individuals served by a regional
25 center at all times for the purpose of carrying out the duties of the
26 office.

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

29 (i) Enter any licensed or approved developmental services
30 residential facility, upon providing identification. A private home
31 may be entered only with consent of the individual served by a
32 regional center or their legal representative.

33 (ii) Communicate privately and without restriction with any
34 individual served by a regional center, caregiver, staff, personnel,
35 or volunteer.

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

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

1 (v) Review and reproduce administrative records, policies, and
2 documents of any licensed or approved developmental services
3 care facility.

4 (vi) Review and copy all licensing records maintained by the
5 state, county, or agency, and review and reproduce any records of
6 a state, county, or local agency and their contractors, except sealed
7 court records, which may be obtained only by subpoena or other
8 lawful court order.

9 (vii) Interview all relevant witnesses.

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

17 (2) Observe proceedings and attend hearings, consistent with
18 this division.

19 (d) Attempt to resolve the complaint.

20 (e) Submit a written plan to the relevant state agency, local
21 agency, or regional center, or a contractor or vendor with the state
22 agency, local agency, or regional center, recommending a course
23 of action to resolve the complaint. If the ombudsperson makes a
24 written recommendation, the state agency, regional center, or
25 vendor or contractor, shall submit a written response to the
26 ombudsperson within 30 calendar days.

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

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

37 4506.6. In order to encourage candor during the
38 ombudsperson’s investigation of complaints made by or on behalf
39 of an individual served by a regional center and to facilitate the

1 ombudsperson's ability to resolve complaints, all of the following
2 shall apply:

3 (a) The ombudsperson and staff of the ombudsperson shall not
4 be compelled to testify or be deposed in a judicial or administrative
5 proceeding regarding matters coming to their attention in the
6 exercise of their official duties, except as may be necessary to
7 enforce or implement this chapter.

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

15 (c) When exercising the investigative, complaint resolution, and
16 technical assistance functions of the Office of the Developmental
17 Services Ombudsperson, the ombudsperson and staff of the
18 ombudsperson shall have all immunities under Article 2
19 (commencing with Section 815) of Chapter 1 of Part 2 of Division
20 3.6 of Title 1 of the Government Code afforded to the discharge
21 of discretionary duties by public entities and their employees.

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

30 4506.7. (a) The office shall establish a toll-free number.

31 (b) Regional center case managers shall provide consumers,
32 and, if appropriate, their parents, legal guardians, conservator or
33 authorized representative, with the toll-free telephone number for
34 the office and verbal or written information regarding the existence
35 and purpose of the office during the annual individualized program
36 plan or individual family service plan meetings.

37 SEC. 2. The Legislature finds and declares that Section 1 of
38 this act, which adds Section 4506.5 to the Welfare and Institutions
39 Code, imposes a limitation on the public's right of access to the
40 meetings of public bodies or the writings of public officials and

1 agencies within the meaning of Section 3 of Article I of the
2 California Constitution. Pursuant to that constitutional provision,
3 the Legislature makes the following findings to demonstrate the
4 interest protected by this limitation and the need for protecting
5 that interest:

6 In order to protect the confidentiality of consumers of
7 developmental services, it is necessary to maintain the
8 confidentiality of the records described in Section 4506.5.

O