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DEVELOPMENTAL SERVICES AND FAIRVIEW
7 DEVELOPMENTAL CENTER

8 **COPY**

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 RICHARD S., CYNTHIA R.,)
VALDINA R., and ROES 1 through)
13 800, individually and on behalf)
of all those similarly situated)
14 by WILLIAM CABLE, M.D., as)
Guardian At Litem,)
15)
16 Plaintiffs,)

No.: SACV97-219GLT(EEx)

DECLARATION OF
DAWN LEMONDS

v.

Richard S. v. Dept. of Developmental Serv. of Cal.

17 DEPARTMENT OF DEVELOPMENTAL)
SERVICES OF THE STATE OF)
18 CALIFORNIA, FAIRVIEW)
DEVELOPMENTAL CENTER, SOUTH)
19 COAST REGIONAL PROJECT, HARBOR)
REGIONAL CENTER, REGIONAL CENTER)
20 OF ORANGE COUNTY, SAN DIEGO)
REGIONAL CENTER, SOUTH CENTRAL)
21 LOS ANGELES REGIONAL CENTER,)
WESTSIDE REGIONAL CENTER,)
22 DENNIS G. AMUNDSON, as Director)
of the DEPARTMENT OF DEVELOP-)
23 MENTAL SERVICES, STATE OF)
CALIFORNIA, HUGH KOHLER, as)
24 Executive Director of FAIRVIEW)
DEVELOPMENTAL CENTER, LILIA)
25 TAN-FIGUEROA, M.D., as Medical)
Director of FAIRVIEW DEVELOP-)
26 MENTAL CENTER, DAWN LEMONDS,)
as Director of SOUTH COAST)
27 REGIONAL PROJECT, and DOES 1)
through 500, inclusive,)
28)
Defendants.)



MR-CA-004-013

DATE: March 31, 1997

TIME: 3:30 p.m.

DEPT: 2

1 I, Dawn Lemonds, declare:

2 1. I am employed by the State of California, Fairview
3 Developmental Center (Fairview), as the Executive Director of the
4 South Coast Regional Project (SCRCP). If called to testify in
5 this matter, I could and would testify to the facts as set forth
6 in this declaration.

7 2. SCRCP opened at Fairview in August 1992 as the last of
8 seven Regional Resource Development Projects (RRDPs) in the
9 state. The RRDPs link the regional centers, the state
10 developmental centers, and community service providers. They
11 effect safe, appropriate, well-supported residential community
12 placements for persons leaving the developmental centers. SCRCP
13 is governed by its Steering Committee which includes personnel
14 from regional centers (Westside, Orange, Harbor, South Central,
15 and San Diego), the executive director of Fairview, a
16 representative of Area Board XI and parent group members from
17 Fairview Family and Friends. Area boards were created under the
18 Lanterman Act to serve as oversight agencies for all services and
19 programs for persons meeting the federal definition of
20 developmental disability.

21 3. Procedures and objectives are individually developed by
22 each RRDP for their specific geographic area. All RRDPs develop
23 a transition process to be used, a training plan, and services
24 and supports that can be shared with the other RRDPs. This
25 collaborative effort has increased successful placement for
26 persons into the community through identification and provision
27 of the critical services and supports needed for each person.
28 SCRCP is locally managed with guidance from Hugh Kohler,

1 Fairview's Executive Director, and from the Community Services
2 Division of the Department of Developmental Services.

3 4. Quarterly reports are prepared for the SCRP Steering
4 Committee to discuss at their meetings. The parent group,
5 Fairview Family and Friends, meets with me periodically to
6 address issues from the reports or to get clarification on other
7 issues. Over the years, the Steering Committee has developed the
8 most conservative transition process of any RRDP in the state.
9 Each person's plan is designed uniquely to him or her.
10 Appropriate placement planning is a continuous process through
11 the person's time at Fairview. The more planning that is done
12 before community placement, the more likely it is that the person
13 will successfully transition into community living.

14 5. All SCRP staff work with the SCRP team, persons and
15 their families, Fairview, the regional centers, service providers
16 and other people from the region to provide services to our
17 regional partners. SCRP provides clinical assessment, planning,
18 communication, interdisciplinary team (IDT) membership, training,
19 observations, site visitations, post-placement activities,
20 participation in community forums, working with families and
21 persons, staff orientation, crisis services, and event
22 coordination.

23 6. The Coffelt Settlement Agreement signed in January 1994
24 created new mandates for the RRDPs in reporting and process.
25 Additionally, regional centers were given direction and funding
26 to develop an array of new services and supports that would be
27 needed by persons who move from a state developmental center to
28 the community. The regional centers serving the SCRP region met

1 frequently with our staff to assess the needs of persons in order
2 that the regional centers would be able to provide adequate
3 community options. From 1993, each regional center was given a
4 target number of people to be placed from the developmental
5 center and corresponding funding to effect those numbers. The
6 RRDPs were mandated to assist in facilitating this placement
7 process through their various transition systems. The Coffelt
8 Settlement Agreement included many additional protections. These
9 included a requirement for person centered planning conferences
10 for all persons, a requirement for each regional center to have a
11 crisis services system in place, and a requirement for regional
12 center participation in the IPP process for their persons.

13 7. The following represents the events that occur during
14 the transition for each individual moving into the community.
15 Contrary to the assertions of Dr. Cable, Fairview residents
16 without involved parents or conservators are not "targeted for
17 community placement".

18 a. Screening. SCRP screens persons identified by
19 themselves, their families, regional centers, public
20 defender staff or by other means to assess their needs,
21 health status, skill proficiency, day/work/school
22 program needs, behavioral issues, communication skills,
23 likes, dislikes, nutritional needs, parental wishes and
24 involvement, adaptive equipment used, etc. SCRP meets
25 their level of care staff at Fairview, and at times the
26 families and other Fairview service providers to
27 determine the level of services and supports the
28 persons would need if they moved to the community.

b. Regional Center Identification. SCRP staff discusses their findings with the regional center and other IDT members to determine the services and supports that the person would conceivably benefit from. The IDT is composed of professionals reflecting a person's individual needs. These may include: psychologists, nursing staff, physicians, physical therapists, education staff, dietetics staff, and any other staff as needed to serve the person's needs. The IDT also includes the person with developmental disabilities, the person's family, conservator, or other legal representative and any other persons chosen by the resident. The regional center reviews information from the IDT meetings, and talks with the program social worker to further clarify the person's and family's wishes. The Regional Center Service Coordinator will discuss these issues with the family and, as requested, show the family various living arrangements that they might consider. If there is no family or if the family chooses not to visit, the initial provider identification process may begin.

c. Site Visitation. SCRP will visit the sites that are identified to determine the type of services the provider will offer, their staffing and staff proficiency, the needs of persons that they would like to serve the available day programs in the area, the training needed by the staff, the medical resources available to the provider, etc. Following this review,

1 the SCRP staff report any concerns to the appropriate
2 regional center immediately.

3 d. Person packet given to prospective service providers.

4 A packet of current information is sent to the regional
5 center to distribute to the prospective provider for
6 him or her to review prior to the visit with the
7 person. This enables the provider to be prepared and
8 knowledgeable about the person's needs and
9 proficiencies prior to his or her visit. Providers are
10 scheduled to see specific persons at specific times at
11 Fairview.

12 e. Services Provider Visits. Service provider visits are
13 arranged several days in advance for the care provider,
14 the regional center worker, and SCRP worker to meet
15 with the person in a private location at his or her
16 residence or day program. Families that choose to be
17 at this event are welcomed to attend. This meeting
18 gives an initial sense of service provider
19 compatibility with the person and whether they can meet
20 the needs of the person. Many Fairview staff are also
21 notified of these events to be a working part of this
22 visit. Fairview staff are encouraged to ask questions
23 about the prospective homes in order that they have an
24 idea of future service availability. The visits are
25 not held in a public place and, therefore, a provider
26 is not exposed to any other residents for more than a
27 few moments. The providers do not "shop" for people as
28 Dr. Cable alleges. Any questions asked by the provider

about any other residents are diverted by both the regional center and SCRP staff, as the visits are intended for only the one identified resident. SCRP does not allow any unescorted visits by regional center staff with providers or by providers alone.

f. Pre-placement Process. Following the service provider visits, pre-placement visit(s) by the person, staff, and family (as desired) to the prospective home(s) are scheduled. This process is developed and coordinated through a collaborative process with the SCRP transition worker and regional centers service coordinator. Persons may go to the home and have a few lunch visits or the provider may initially come to Fairview to get to know the person. Generally, the persons have at least one weekend visit, although it is not unusual for us to schedule a week or longer visit prior to placement to make sure that everybody is comfortable with the new living arrangement. During the pre-placement events, the person is customarily evaluated for his or her day or work program. During all pre-placement events, SCRP staff along with Fairview residence staff, accompany the person for at least the delivery and pick up. SCRP staff are on 24-hour call during pre-placements.

g. Service and Supports Prior to Placement. Part of the placement planning includes determination of health services needed before and after leaving Fairview, transportation issues, adaptive equipment needs,

1 assessments, clothing and property movement, and types
2 of training staff needed to work with the person. It
3 is not unusual for staff from the home or day program
4 to come to Fairview prior to placement to get hands-on
5 training. Fairview staff have also gone to the
6 community home or school after the placement to give
7 staff training. Additionally, a standard practice for
8 all individuals who use behavior management medications
9 is the completion of a therapeutic drug review prior to
10 leaving, for use by future providers.

11 h. Exit Process. Fairview conducts comprehensive IDT
12 conferences for all individuals who leave Fairview.
13 Notification to parents of the exit conference is the
14 responsibility of regional center staff with follow-up
15 by the Fairview social worker. Most regional center
16 staff start the notification process prior to care
17 providers visiting the person. The notification is
18 made by telephone, in person, and, if no response, by
19 mail. The Fairview social worker notifies the family
20 of the planned exit conference at least two to three
21 weeks in advance of the anticipated placement date.
22 The exit conferences include the person and his or her
23 family, the new provider, the regional center, SCRP,
24 all current providers, and other as designated. This
25 IDT conference identifies critical information relevant
26 to the person's needs and program, as well as telephone
27 numbers and emergency practices, if needed. In
28 addition to the report sent by the IDT to the provider,

1 SCRP documents the critical issues that surface and
2 sends this to the provider and the regional center.
3 This document helps SCRP conduct their post- placement
4 review relating to necessary health and behavior
5 management follow-up. This process also identifies
6 needed supplies, medications, personal belongings, etc.
7 that must be ready for placement.

- 8 i. Placement. SCRP escorts the person to their new home
9 usually with a Fairview staff member. All required
10 documentation, including explanation of the placement
11 packet, medications, treatments and inventories are
12 completed.
- 13 j. Post-Placement Process. Using the Post-Placement
14 Tracking Form, SCRP conducts a minimum of four
15 monitoring events for every person who moves from
16 Fairview. Initial Review. SCRP contacts the person
17 and his or her provider with two days of placement to
18 determine comfort and transition success. Sometimes
19 the person is called daily for the first month. The
20 person is visited at the time of the 30-day review with
21 a report following. At this time, health status,
22 dental services, behavioral issues and proposed
23 medication changes, and needs for follow-up services
24 are particularly scrutinized. Issues of medication
25 changes are immediately brought to the attention of the
26 regional center, and where possible, services requested
27 from Fairview to avert unnecessary medication changes.
28 Mid Review. Within four months of placement, each

1 person is visited by SCRP staff once again to determine
2 the success of the transition. Any issues observed are
3 reported immediately to the regional centers and
4 additional SCRP follow-up systems are then put into
5 place. All follow-up activity is tracked and
6 monitored, as well as shared publicly with other SCRP
7 staff, so that information and communication is known
8 to all possible service providers. Six-Month Review.
9 Six months following placement, providers are sent a
10 Post-Placement Tracking Form and asked to respond. If
11 they do not, they are interviewed by the SCRP staff and
12 visits are planned as needed. If any issues surface
13 during any part of this process, Fairview resources are
14 used as needed through our established services and
15 supports system.

16 8. Fairview and SCRP have developed a services and supports
17 system known to the regional centers that provides services to
18 persons in the community after they have moved from Fairview. On
19 some occasions, persons have returned to Fairview for
20 evaluations, treatment and specific services that were pre-
21 planned at the exit conference. Fairview is available to provide
22 services as requested by the provider and the regional center.
23 SCRP services are generally directed toward assisting providers
24 in finding resources in the community with help from the regional
25 center.

26 9. Placement data for persons moving from Fairview to the
27 community is as follows: In fiscal year 1992-93, 24 persons
28 moved. In fiscal year 1993-94, 49 persons moved; 1994-95, 100

1 persons moved; 1995-96, 86 persons moved; 1996-97, 36 persons
2 have moved as of February 28, 1997. Since 1993, eight persons
3 have returned to Fairview from the community. Five of those
4 eight have subsequently moved successfully back to the community.
5 SCRP attributes this success rate to multiple factors: better
6 community resources, better transition services during and
7 following placement and good communication between SCRP, regional
8 centers and many of the providers. We track and continue to
9 follow persons after their six months is over and have provided
10 services for many persons well after their first year in
11 placement is over.

12 10. SCRP anticipates moving 25 to 35 persons into the
13 community by June 30. The rate of placement is slower this year
14 for two major reasons: Persons living at Fairview have more
15 complex needs and their transition process is considerably slower
16 in order to adequately prepare. Secondly, the closure of
17 Camarillo Developmental Center (Camarillo) has delegated many
18 resources of the regional centers toward placement of Camarillo
19 residents rather than relocating them to another state
20 developmental center. Contrary to the assertions of Dr. Cable,
21 the transfer of Camarillo residents will result in fewer current
22 Fairview residents moving into the community.

23 11. Plaintiff Cynthia R. is an unconserved adult living at
24 Fairview, with no family involvement. She was the subject of a
25 therapeutic treatment planning meeting initiated by San Diego
26 Regional Center. The regional center was concerned by the
27 extensive use of restrictive intervention for Cynthia R. and
28 wanted to explore two ideas: How could these restrictive

1 interventions be reduced, and, what type of services and supports
2 would Cynthia R. need if she ever moved to the community. This
3 meeting included a psychologist from the regional center, a
4 provider with known expertise about community services, and the
5 regional center service coordinator, SCRP staff, as well as the
6 other IDT members. This meeting was not a placement planning
7 meeting and was not represented as such. Cynthia R. is not a
8 candidate for placement at this time and there are no imminent
9 plans for her to move.

10 12. Valdina R. is an adult who moved to the community last
11 year and is successfully residing in a community care home in
12 San Diego. DDS serves as the limited conservator of her person.
13 Valdina R. has very challenging needs which were discussed
14 extensively by her IDT. The home that she initially moved to had
15 a critical staffing change, losing the services of their
16 behavioral specialist. This loss was serious, as the SCRP staff
17 felt that Valdina's success was contingent on the involvement of
18 that specific person with whom Valdina had established a
19 relationship. As soon as this change was discovered, the
20 regional center identified a more appropriate home. Valdina was
21 immediately moved to the new home with a higher staffing ratio,
22 as well as the needed behavioral supports. She is currently
23 served by a psychologist who worked with her at Fairview and
24 Valdina was chosen as "worker of the month" recently at her day
25 program. This was a profound and positive change for Valdina R.
26 SCRP staff have visited Valdina R. at least five times at her
27 home and day program since she moved from Fairview last June and
28 note that she is healthy and doing well in her transition.

1 13. Richard S. is an unconserved adult with involved
2 parents. He resides at Fairview. The SCRP has identified
3 Richard as a good candidate for community living. His family is
4 adamantly opposed to such a placement and, accordingly, there is
5 no current plan to move him to the community.

6 I declare under penalty of perjury under the laws of the
7 State of California that the foregoing is true and correct.

8 Executed on this _____ day of March 1997, at
9 Costa Mesa, California.

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Dawn Lemonds
Executive Director
South Coast Regional Project