



MR-CA-004-015

COPY

1 DANIEL E. LUNGREN, Attorney General  
 of the State of California  
 2 JOHN E. SANDERS,  
 Supervising Deputy Attorney General  
 3 KAREN L. FRIED, State Bar No. 74420  
 Deputy Attorney General  
 4 300 S. Spring Street, 9th Floor-North Tower  
 Los Angeles, California 90013  
 5 Telephone: (213) 897-2438

6 Attorney for Defendants, DEPARTMENT OF  
 DEVELOPMENTAL SERVICES AND FAIRVIEW  
 7 DEVELOPMENTAL CENTER

8

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

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12 RICHARD S., CYNTHIA R., ) No.: SACV97-219GLT(EEx)  
 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 Ad Litem, )

DECLARATION OF  
LOIS A. CISSELL

15 )  
 16 ) Plaintiffs, )

17 v. )

18 DEPARTMENT OF DEVELOPMENTAL )  
 SERVICES OF THE STATE OF )  
 19 CALIFORNIA, FAIRVIEW )  
 DEVELOPMENTAL CENTER, SOUTH )  
 COAST REGIONAL PROJECT, HARBOR )  
 20 REGIONAL CENTER, REGIONAL CENTER )  
 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, )

DATE: March 31, 1997  
TIME: 3:30 p.m.  
DEPT: 2

28 )  
 )  
 ) Defendants. )

1 I, LOIS A. CISSELL declare and say as follows:

2 1. The facts set forth in this declaration are from my own  
3 personal knowledge. If called as a witness I could and would  
4 competently testify thereto.

5 2. I am a Clinical Consultant in the Quality Assurance  
6 Section of the Department of Developmental Services. Prior to  
7 that, I was the assistant to the Executive Director at Agnews  
8 Developmental Center. I was the Client's Rights Advocate for  
9 seven years at Agnews. I have four years experience providing  
10 direct services to consumers as a Rehabilitation Therapist. I  
11 have been employed by the California Department of Developmental  
12 Services, since September 1976. In my present position, I am  
13 responsible for coordinating the entire Individual Program Plan  
14 (IPP) process for Developmental Centers in the Department.

15 3. The basic concept of the Lanterman Act (Welfare and  
16 Institutions code sections 4500 et seq.) is that the program is  
17 driven by the needs of the Developmentally Disabled individual  
18 (DD). The DD individual or person(s) who has an interest in the  
19 well being of the individual may participate in the program  
20 planning process. When an individual comes into the system,  
21 their needs are evaluated and a plan to meet those needs is  
22 prepared (IPP). If at any time anyone believes that they have  
23 legitimate concerns regarding any part of the treatment plan  
24 (IPP) or lack thereof, he or she may raise those issues and be  
25 heard.

26 a. An IPP is a document which is prepared jointly by  
27 representatives of the Regional Center and/or  
28 Developmental Center, the DD individual and/or the DD

1 individual's parents, guardian or conservator, and  
2 other persons who have an important role in evaluating,  
3 representing or serving the individual. The planning  
4 effort is not a single event or meeting, but a series  
5 of discussions or interactions among a team of people  
6 to decide what needs to be done, by whom, when, and how  
7 to help the DD individual continue to build their  
8 capacities and capabilities. In the normal course of  
9 events, Regional Center planning meetings are held at  
10 least every three years. Developmental Centers are  
11 required to convene the IPP at least every year.

12 Individual Habilitation Plan, (IHP) is the Federal name  
13 for the process with differences regarding team  
14 composition. See 24 CFR 486.440].

15 b. The Interdisciplinary Team (ID,Team) is composed of  
16 those individuals who are charged with the  
17 responsibility of providing the services set forth in  
18 the IPP.

19 c. The decision to place an individual in the  
20 community is driven by the basic directives of the  
21 Lanterman Act. The DD individual must receive services  
22 in order to help them reach the goals of the IPP in the  
23 least restrictive environment available. A request to  
24 move an individual into the community can be made by  
25 anyone at any time. This concept is reinforced by  
26 Welfare and Institutions code section 4800. Any  
27 individual or person acting on their behalf may inform  
28 any staff person of the facility in which the person

1 is, at the time, or any Regional Center employee of the  
2 individual's desire to be released through a Writ of  
3 Habeas Corpus. This will then move the process into  
4 the judicial system.

5 d. When the request or decision to move an individual  
6 into the community is made, it would necessarily be a  
7 major change of the IPP. The IPP team would then be  
8 convened to discuss this request or decision. The  
9 policy of the Department is that these requests will be  
10 responded to within 30 days. (The actual meeting of the  
11 team may take place at a later date, depending on  
12 notice and scheduling.) The Fairview procedure on the  
13 regularly scheduled annual meetings of the IPP team  
14 calls for 60 days notice to all concerned parties of  
15 the date of the meeting. !

16 e. In response to the decision of the IPP team to move  
17 an individual into the community, several actions take  
18 place. One of those is the exit conference which is  
19 held to decide who will do what by when regarding the  
20 provision of services to the individual in order to  
21 assure a smooth transition into community placement.

22 f. At any time, any person who has a legitimate  
23 interest in the well being of any DD individual, may  
24 question any action or lack thereof regarding the  
25 individual in the process. Sections 4803 and 4700 et.  
26 seq. of the Welfare and Institutions code contain  
27 procedures whereby a DD individual or person on their

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behalf may raise these concerns. Since at the outset, this is an informal process the issue of "standing" to be an authorized representative is not in question. Further, section 4710.8(b) of the Welfare and Institutions code makes it clear that it is the duty of all parties who form the opinion that the individual who has not designated an authorized representative, will not be protected or advocated, to notify the local area board and the service agency's client's rights advocate to appoint an authorized representative for the individual.

4. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 1997, at Sacramento, California.

  
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LOIS A. CISSELL