

**CAPITOL PEOPLE FIRST (CPF) V. DEPARTMENT OF
DEVELOPMENTAL SERVICES (DDS)
UPDATE: APRIL 4, 2005**

**COURT OF APPEAL RULES FOR PLAINTIFFS:
CASE AGAINST THE STATE ENFORCING RIGHTS TO
INTEGRATED LIVING TO PROCEED**

In a major victory for the plaintiffs in *CPF et al. v. DDS et al. v. CASH-PCR et al.*, on March 23, 2005, the Court of Appeal for the First Appellate District denied the state's petition seeking to overturn the trial court's ruling that plaintiffs' complaint alleges valid claims against the state defendants.

The state defendants, including the Department of Developmental Services (DDS) and the Department of Health Services (DHS)¹, had challenged plaintiffs claims by arguing that, because the Lanterman Developmental Disabilities Services Act and the federal Medicaid Act give the state discretion in how to provide services, consumers cannot enforce any of the statutory duties imposed on the state under these laws—even if the state exercises its discretion in a manner that disregards the Lanterman Act's constant goal of providing services and supports in the least restrictive environment and violates basic principles of Medicaid law.

Background of the Case

The *CPF* class action lawsuit was filed in January 2002, seeking freedom for Californians with developmental disabilities from unnecessary isolation and segregation in institutions and access to the services they need to live in residential neighborhoods and participate as members of the community. The case was filed against several state agencies, including DDS and DHS, and the 21 regional centers. It is before Judge Ronald Sabraw in the Alameda County Superior Court.

¹ The other state defendants are the Health & Human Services Agency and the Departments of Finance and Mental Health.

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Plaintiffs' claims are based on:

- The Lanterman Act, which the California Supreme Court said creates an entitlement to a sufficient array of services to support integration of people with developmental disabilities into the mainstream of community life. *Ass'n for Retarded Citizens – Cal. v. DDS*, 38 Cal.3d 384 (1984).
- The Americans with Disabilities Act (ADA) and other state and federal laws that prohibit discrimination on the basis of disability. The U.S. Supreme Court ruled that institutionalizing individuals with disabilities when community services can meet their needs is disability-based discrimination and violates the ADA. *Olmstead v. L.C.*, 527 U.S. 581 (1999).
- Federal Medicaid laws which require that people be informed of, allowed the choice of, and promptly provided with community services alternatives.
- Fundamental state and federal constitutional rights, including the rights to liberty, privacy, and freedom of association.

The current appellate court ruling puts an end to nearly 1½ years of legal challenges by the state to plaintiffs' claims that the state is accountable under the Lanterman Act and Medicaid laws. DDS and the other state defendants argued that there is no legal mechanism that allows the state to be sued for systemic violations of the Lanterman Act (and Medicaid laws) unless they constitute clear ministerial duties. They went so far as to assert that there is no enforceable "integration mandate" in the Lanterman Act. State defendants said that the right granted to people in section 4502 of the Act to services and supports in the least restrictive environment is merely intent language and implementation is left to the discretion of the state.

This is the second time the state took this issue to the appellate court. Last year, the Court of Appeal had ruled in favor of the state, finding that the trial court was wrong in ruling that the complaint adequately alleged Lanterman Act claims for "mandamus" relief.² But the appellate court also noted that there are different types of mandamus and that plaintiffs might state a proper claim if they could allege, for example, that the state has exercised its discretion in a way that violates a specific statute.

Plaintiffs amended their complaint to allege that the state acted in violation of numerous provisions of the Lanterman Act (and the Medicaid Act) that permit the

² A writ of Mandate is a legal mechanism that is used to compel the State (or other public entity) to perform acts that are required by the law.

state to exercise some discretion. The state, again, challenged the sufficiency of the complaint, arguing, in essence, that it has unbridled discretion, and thus cannot be sued for how they implement the Lanterman Act or Medicaid laws. The trial court rejected the state's challenge on January 6, 2005 and decided that Plaintiffs could go forward to trial on their Writ of Mandate claim that the State has failed to exercise its discretion consistent with the statutory principles of the Lanterman Act and Medicaid laws. The state appealed.

The Court of Appeal denied the state's petition stating:

The complaint adequately alleges there are persons whose individual placement plans suggest they would benefit from services the state may be obligated to provide (*Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 391), and the petitioner may be able to provide such services with funds currently appropriated by the Legislature or provided by the federal government (see *id.* at p. 393).

Significance of the Ruling

The Court of Appeal's ruling means that plaintiffs in this case, and regional center consumers, generally, can enforce the requirements of the Lanterman Act and the Medicaid Act—including the least restrictive environment, or integration, requirements—if the state is not exercising its discretion within the proper limits or under a correct interpretation of the law.

Numerous *amici* (friends of the court) submitted a letter-brief to the Court of Appeal pointing out that the state's position would undermine the ability of people throughout the state to ensure governmental accountability in a wide variety of contexts—to secure medical care, education and public social services.³ With the Court of Appeal's rejection of the state's arguments, this potentially disastrous outcome has been averted.

³ *Amici* were: Lawyers' Committee for Civil Rights, Western Center on Law and Poverty, National Health Law Program, Youth Law Center, Public Interest Project, East Bay community Law Center, Law Center for Families, Public Advocates, Inc., California United Cerebral Palsy Coalition, Disability Rights Education and Defense Fund, Easter Seals California, Harambee Educational Council, People First of California, Self-Advocacy Board of L.A. County, Supported Living Network, United Cerebral Palsy Associations, Inc., and La Familia Counseling Service.