



**CALIFORNIA ASSOCIATION FOR THE RETARDED**  
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April 14, 2004

Cliff Allenby, Director  
Department of Developmental Services  
1600 9<sup>th</sup> Street, #240, MS 2-13  
Sacramento, CA 95814

Dear Mr. Allenby:

As the mother of a 36-year old son with mental retardation who lives at home, and as the President of the California Association for the Retarded (CAR), I am writing to you to express my concerns regarding the implementation of the transition of certain developmental center clients into the community by your staff and the staff of Inland Regional Center and the issues this transition raises for the developmental disabilities service system.

### **Inappropriate Selection of Clients for Community Transition**

As you are aware, four forensics clients who were designated to move into a home in Phelan from Porterville have become the center of a storm of controversy in the local and state media. It is my belief that this controversy was completely unnecessary and could have been avoided if those in charge of the transition had exercised competent and reasonable judgment. **Given these clients' involvement in the criminal justice system, why were they selected to be moved into the community? Was the move required by the court or as a result of pressure from state licensing staff? Would it not have been more prudent to move clients whose special needs did not require a locked facility?**

### **Lack of Community Notification and Involvement**

According to the newspaper articles regarding this matter, it appears that the community was originally prepared to welcome a group of clients into the neighborhood; however, notwithstanding the four clients' right to privacy, because those in charge of the transfer of clients into the home were not forthright in their presentation regarding the nature of the clients' status, the community has reacted in a manner that suggests they feel as if they had been misled by the state and the regional center.

It is my belief that this has caused a major setback for both persons with developmental disabilities who are struggling to remain integrated in the community and for persons who wish to move from developmental centers into the community. It has reinvigorated the community's shameful practice of bigotry and has instilled a certain fear in the minds of families who may have been considering such a move for their loved ones.

### **Lack of Parity in Funding for Groups of Clients**

We are all aware of the state's financial crisis, and have been told repeatedly that it is more cost effective to serve clients in the community. Yet this case specifically illustrates that for some clients with severe needs, the per capita cost of community services is at least equal to, and not less than, the per capita cost of service in an institutional setting.

California spends \$200,000 per year per client in developmental centers while community-based programs serving people with the same or similar level of disability and comparable needs cost considerably less. However, according to newspaper articles, for these four clients to live in Phelan, the state and/or regional center was prepared to spend \$204,000 per year per client.

More importantly, the Phelan case illustrates how differently DDS treats clients in and transitioning from developmental centers from those clients who already live in the community. We need to remember that although many clients in the community have needs identical or very similar to those in developmental centers and are being served at much less cost than comparable clients in developmental centers, their current level of community funding often is not adequate for their needs.

Although we support the idea that developmental center resources should follow the clients into the community, it is unconscionable for the state to spend so exorbitantly in these cases at a time when it has frozen or reduced funding for those already in the community. We know that the majority of these providers are at the brink of closure. Moreover, approval of such spending flies directly in the face of the department's own proposed purchase of service regulations, submitted to the Legislature on April 1, 2004, that attempt to control increases in the level of regional center spending for some programs with an emphasis on least costly services. **We ask - how can the department justify this conspicuous inequity in spending between the two groups of clients?**

### **Public Misperceptions Undermine State's Ability to Adequately Fund Existing Community Providers**

The Phelan case has prompted a number of lawmakers to ask how the department can afford to spend so much money for one program in these tight fiscal times. This perception is disheartening. As the department's director, you are well aware many existing community programs are operating at reduced or frozen rates at the same time their operating costs continue to increase. For example, some work activity programs

provide services for as little as \$15 per day per client because they have had their rates frozen based on their 1998-99 cost statements. The administration's decision to delay the proposed closure of Agnews by at least an additional year, because of community providers' inability to accept and serve these clients within the context of existing rates, underlines the extreme financial crisis in the community.

The department's treatment of community rates stands in sharp contrast to its recent request for a \$4.1 million deficiency appropriation for 2003-04 on behalf of developmental center employees because not all bargaining units would agree to take a five percent salary reduction in exchange for alternative benefits.

The state needs to address this community problem but not in the manner done in the Phelan case. As seen within the context of the media's attention to this matter, the public's opposition to this level of governmental spending is detrimental to our efforts to improve funding for community-based services. In fact, we are extremely concerned that this particular case has undermined lawmakers' perceptions regarding not only the level of community service needs but the ability of the department and regional centers to effectively manage their resources as well.

### **Request for Departmental Response**

Although the questions contained herein may appear to be rhetorical, I would appreciate a response, which I plan to share with our board members. Hopefully, your explanation will lend a rational sense to this issue. We are saddened that it has escalated the public's reaction to a level that may hinder all of our efforts in giving persons with developmental disabilities a right to choose an appropriate setting in which they receive individualized services.

Sincerely,

Marion Lieberman  
President

cc: CAR Board Members