

**DEVELOPMENTAL DISABILITIES COUNCIL OF CONTRA COSTA COUNTY**  
**BOARD OF DIRECTORS MEETING**  
**11/19/14**

**Board and Liaison Members Present:** Suzanne Anthony, Chair (presiding), Caroline Ortiz, Vice Chair, Nichole Bouslog, Heather Hackett, Vi Ibarra, Karen Lingenfelter, Heidi Spaulding, Ken Talken, Carl Tolentino, Kim Williams, Dan Denis, Peggy Black, Elvia Osorio-Rodriguez, Will Sanford, Penny Musante, Pam Perls, Jim Burton.

John Rodriguez and Josh Sullivan, Staff.

**Board and Liaison Members Excused:** Stephanie Meakin, Diana Thomas, Krista Loomis, Craig Rose, Barbara Maizie, and Gabriel Rogin.

**Guests:** Carol Anne McCrary, Contra Costa ARC; Angie Lee, ALIVE-Concord; Jennifer Stenberg, Dale Law Firm; Pam Thomas, RCEB; Donna Feingold, Adaptive Learning Center; Shakendra Burks, Futures Explored; Edda Banuelos, La Familia Counseling Services; Murri Banis, Commercial Support Services-Richmond; Evan DuBois, George Miller Center, After School Program; Kristen Southworth, Attorney; Arthur Lipscomb, Office of Clients' Rights Advocacy; Barbara Townsend, Futures Explored; Liz Carvalho, Futures Explored; Claudia Lam, Contra Costa ARC; Deborah McGrath, Special Needs Children; Ajati Sankoh, Sierra Environmental & Social Services; **Jamarion Jackson**, Assemblywoman **Susan Bonilla's Office**; Nina Vincent, Contra Costa Childcare Council; **Jialin Hu**, Parent; Jill Ray, representing the Board of Supervisors, District 2, Candace Andersen.

**Welcome and Introductions**

The meeting was called to order at 10:06 a.m. and Suzanne welcomed everyone. The mission statement was read and introductions were made.

- Suzanne announced that Josh Sullivan has been selected as the new Executive Assistant to the DD Council. He has been a DD Council Board member for 4 years and works for Futures Explored, having started there as an intern at the age of 14. She stated he is very tech-savvy, passionate about our field, a stand out, and a very nice guy with many qualifications. Suzanne is looking forward to working closely with him and contributing to significant changes the Council is making. She congratulated him.
- Josh responded that he is looking forward to serving the Council, is honored to have been selected from a group of very well qualified candidates, and thanked Suzanne for her vote of confidence.
- The October 22, 2014 meeting minutes were approved as written, unanimously (M/Peggy Black; S/Dan Denis).
- There were **no additions to today's agenda**, although the order of the items was altered.

**RCEB Update by Jim Burton**

Due to the holiday season, not a lot is going on at this time. Will Sanford and Jim will be attending a Self-Determination Task Force meeting tomorrow as they finalize the plan, which DDS is writing up to submit for approval by December 31<sup>st</sup> to the Federal government. When the plan is approved, RCEB will start a Self-Determination pilot project for up to 153 people.

There was a 5.2% rate increase given to Supported Living and Respite providers to cover the new Department of Labor regulations, requiring overtime payments to staff working more than 8 hours per day. It is unclear if this will be enough to cover these overtime costs.

Jim extended his warm wishes to all for the holiday season.

## **Committee Reports:**

- Legislative Committee: Carl Tolentino and Josh reported that the committee had been focusing on organizing the January Legislative Breakfast. Unfortunately, while many invitations were extended, they only received 1 RSVP, so the event is being cancelled.
  - They are planning massive visits to our local legislators, both new and returning.
  - They are also planning the annual Town Hall meeting for late Feb. 2015.
  - Senator Beall sent out a letter asking that the legislature make the DD community, and its needs, a priority for the coming budget year. This letter received support in both houses. The legislative committee has worked closely with this **Senator's office and there is now a second letter** available. The committee is currently reaching out to our local legislators to sign on to the second letter.
  
- Nominating Committee: John reported that we have 4 DD Council Board openings at this time. The Board can appoint people to those positions. The Board is seeking parents and representatives of youth or transition-age service users. If you would like to nominate someone, please contact John, Josh, Suzanne, or Craig Rose.
  
- Transition Committee: No report.

## **Presentation: General and Limited Conservatorships:**

Presented by: Ivette M. Santaella, Esq., Linda Blackwell, Esq., Arthur Lipscomb, Attorney at Law/**Clients Rights' Advocate**, and Suzanne Anthony, Parent/DD Council Chairwoman.

Ivette and Linda distributed a power point handout on an *Overview of Conservatorships*.

### General Conservatorships:

They discussed general court-approved conservatorship of a person (to make decisions on physical health, medical care, food, clothing or shelter). They cautioned that unless court ordered, a conservator cannot restrict personal rights (such as the right to see visitors, mail, vote, etc.). They also described conservatorship of an estate to manage financial affairs, and property. The court may grant conservatorship of both the person and the estate. Other features of a general conservatorship include:

- Proposed conservator must petition the court and be bondable;
- Must be represented by an attorney to obtain a bond;
- There must be clear and convincing evidence of the need;
- Alternatives must be addressed as to why they are unsuitable;
- Duties to oversee an estate are complex and getting assistance from a professional may be warranted;
- 15-day notice must be given to Regional Center;
- Legal representation is not required, but is recommended.

Temporary conservatorships were briefly discussed for urgent or emergency situations only.

Arthur continued with a power point handout on *Limited Conservatorships and Alternatives to Limited Conservatorships*.

### Limited Conservatorship, most common for people with developmental disabilities:

This type of conservatorship for adults with developmental disabilities provides for any combination of 7 powers:

1. **To determine a person's** residence;
2. To have access to confidential records;

3. To control the right to marry;
4. To control the right to enter into a contract;
5. To give consent to medical treatment;
6. To control social and sexual contacts;
7. To make educational decisions.

Features of a limited conservatorship include:

- Requires a 30-day notice to Regional Center;
- Requires an assessment by Regional Center to be submitted to all parties at least 5 days prior to the hearing;
- The Regional Center report includes a recommendation of which areas the person may need assistance;
- The person being conserved must be represented by an attorney;
- **Arthur, as a Clients' Right Advocate**, may provide technical assistance to a public defender that is representing a conservatee.

Alternatives to conservatorship may include:

- Durable Power of Attorney
- Supported Living Services
- HIPPA Medical Access Form
- SSI Representative Payee
- Counseling Services
- Individual Program Plans
- Regional Center's having the right to make medical decisions.

Arthur further explained his role to advocate on behalf of a **clients' wishes: handling rights** violations in group homes, and assisting people in disputes with the Regional Center. Arthur also distributed a brochure: *Office of Clients' Rights Advocacy*.

Suzanne, speaking as a parent, described her process of obtaining conservatorship of her son with Autism, the second of 4 children. She described her emotional process of confusion, fear, grief and coming to the realization that at age 18 his childhood was over, even though he is nonverbal. At Kaiser he had to sign his name on paperwork, in which he added a drawing of a Dalmatian. She realized that anyone could get him to sign anything. In addition, he was required to register with the selective service. She felt that even though he was technically an adult, he was still vulnerable.

When he was age 19 she started the process of obtaining a limited conservatorship. It was costly and her family had to set aside funds for a while to afford it. She was referred to Deborah Willheimus, an attorney in Martinez, who has a daughter with a developmental disability. She felt **that with Deborah's compassion, it was a good experience:**

- Her son was assigned his own attorney;
- His teacher and the Regional Center both submitted reports;
- They were all interviewed by court investigators;
- There were lots of documents to sign;
- The hearing occurred in Martinez and was uncontested;
- Suzanne paid the fees and it was done.

**Suzanne stated that she was grateful for Deborah's handling of Suzanne's emotions during the process and conducting the business well. Suzanne's son is now 24, lives with the family, attends Mission Hope day program in Antioch and is happy: his favorite color is blue; he thinks camels are funny!**

Peggy Black asked about people that do not have the ability to pay. It was explained that the Contra Costa Bar Association will sometimes assist people financially. In addition, some attorneys will make arrangements for payment plans.

It was also recommended that people interview 3 attorneys, as that relationship is very important in facilitating the process.

All speakers were thanked for their presentation.

**State Council Regional Office Update by Gabriel Rogin**

No report.

**Upcoming Meetings for 2015 (Tentative Schedule):**

January 28, 2015: RCEB Concord  
February 25, 2015: RCEB Concord  
March 25, 2015: RCEB Concord  
April 22, 2015: El Cerrito City Hall  
May 27, 2015: RCEB Concord  
June 24, 2015: RCEB Concord  
July 2015: No meeting scheduled  
August 2015: No meeting scheduled  
September 23, 2015: Antioch Police Dept., Community Room  
October 28, 2015: RCEB Concord  
November 18, 2015: RCEB Concord  
December 2015: No meeting scheduled

**Announcements:**

- Claudia Lam announced the George Miller Centers' After School Programs 7<sup>th</sup> Annual Coat Drive to benefit the Rescue Mission in Richmond and a Shelter in Bay Point. You can drop off new or gently used coats at any Contra Costa ARC program.

**Thanks, Appreciation, and Warm Wishes to John:**

John announced that today was his last DD Council meeting and he felt he was leaving the Council in good hands with Josh. Suzanne presented John with a nice, framed Certificate of Appreciation for his completion of a "temporary assignment" (almost 2 years!) as the Executive Assistant to the DD Council. While John is technically retiring, he stated that he will most likely stay involved in the field in some way.....we are looking forward to it! Thanks, John!

The meeting was adjourned at 12:06 p.m.

**Our next meeting will be Wednesday, January 28, 2015  
@ RCEB-Concord Conference Room  
2151 Salvio Street  
Concord, CA 94520**

**There is no December 2014 meeting.**

Respectfully submitted electronically by,

*Carol Anne McCrary*  
Contra Costa ARC