

Each year DRC develops bill ideas to fix issues affecting people with disabilities. Based on priority, political climate and the approval of our Board of Directors, we decide which bills, if any, we will sponsor. Then we work to persuade the right legislator to take on the bill. DRC is sponsoring the following bills.

---

### **AB 1663 (Maienschein):**

The Probate Conservatorship Reform and Supported Decision-Making Act

Disabled people and older adults are often forced into conservatorships, a system that takes away their basic civil rights and ability to make decisions for themselves. AB 1663 helps people keep choice and control over their lives. It would create laws so people with disabilities and older adults can get support from people they trust, and not be forced into unnecessary conservatorships.

AB 1663 would also change the laws about probate code conservatorships to make sure that people under conservatorship have a voice in the decisions made for them. It would also make it easier for people to get out of conservatorships when the conservatorship is no longer necessary.

As of 15/May/2022 Mainchain's Probate Conservatorship Reform Bill Passes the Assembly Judiciary Committee Tuesday, March 15, 2022 SACRAMENTO – Assemblymember Brian Mainchain's AB 1663, the Probate Conservatorship and Supported Decision-Making Act, passed out of the Assembly Judiciary Committee this morning.

---

### **AB 1900 (Arambula):**

Medi-Cal Income Level Maintenance

The Medi-Cal share of cost program extends Medi-Cal eligibility to low-income older adults and people with disabilities who have significant health care needs but are just above the free Medi-Cal income limit. The problem is that right now California's share of cost program only allows an individual to maintain \$600 a month to meet their monthly expenses. They must pay the rest of their income towards their health care to become eligible for

Medi-Cal. This \$600 amount is called the “maintenance need income level” and hasn’t changed since 1989. AB 1900 would raise the maintenance need income level to 138% of the federal poverty level even with the current income eligibility limit for free Medi-Cal.

As of 16/May/2022 This bill is in appropriation’s committee of the assembly

---

## **AB 2475 (Quirk-Silva):**

### School of Origin

Current law offers a foster child the right to remain in their “school of origin.” This is the school that a foster child previously attended when permanently housed or the school in which the foster child was last enrolled. AB 2475 clarifies that “school of origin” also includes non-public schools where required by a student’s Individualized Education Program plan. This ensures foster youth can return to their non-public school after they are released from court custody.

As of /May/2022 SUMMARY: Defines “school of origin” as it relates to foster youth with exceptional needs, and requires the nonpublic, nonsectarian schools (NPSs) that serve them to include specified assurances related to a pupil who is a foster youth on the certification applications to the California Department of Education (CDE). Specifically, this bill: 1) Clarifies that for a foster child who is an individual with exceptional needs, “school” as used in the definition of “school of origin” includes an NPS. 2) Requires, commencing with the 2023-24 school year, an NPS that seeks certification to file an application with the State Superintendent of Public Instruction on forms provided by CDE, to include assurances on the application, that for any pupil served by the school who is a foster child, the school agrees to do both of the following: a) Serve as the school of origin of the foster child; and, b) Allow the foster child to continue their education in the school, as applicable. 3) Makes technical changes

---

## **AB 2598 (Weber):**

### Restorative Justice

May 03, 2022 · AB 2598, as amended, Akilah Weber. Pupil rights: restorative justice practices. Existing law establishes a system of public elementary and secondary schools in this state.

This bill requires CDE to develop a standard model for restorative justice practices to be utilized by school districts as part of their efforts to improve campus culture and climate. Restorative practices and restorative justice methods allow for greater understanding<sup>3</sup> and community healing in addressing youth incidents. These practices also emphasize repairing the harm done to people and relationships, rather than focusing on punishing offenders. Instead, these practices emphasize the importance of ensuring those responsible for the harm receive the help and support they need to heal and stop the cycle of harm.

---

## **AB 2632 (Holden):**

### California Mandela Act on Solitary Confinement

Solitary confinement is considered torture by the United Nations and a growing body of legal and medical experts. Disability Rights California is part of a coalition that is looking to limit the use of solitary confinement. People with disabilities, especially mental health disabilities, are particularly at risk for long term damage from any amount of time in solitary confinement. This bill will help to establish limits on the amount of time people can spend in solitary confinement in jails, prisons and immigration detention centers, especially for vulnerable populations such as people with disabilities, younger people, older people and those who are pregnant.

As of 15/May2022 This piece of legislation remains unchanged.

---

## **AB 2823 (Levine):**

### Home Upkeep Allowance

This bill aims to help prevent homelessness for long-term care Medi-Cal beneficiaries who are temporarily residing in a skilled nursing facility and are no longer able to pay their housing expenses due to diverting their income towards share of cost. The home upkeep allowance, also recognized as an allowance for home maintenance, shall be available to long-term care facility residents who are Medi-Cal recipients.

As of 15/May/2022 No substantial changes are noted in this piece of legislation

---

## **SB 281- (Dodd):**

### California Community Transitions Program

SB 281 would assure continuation of the successful California Community Transitions Program. As of December 31, 2019, the CCT Program has assisted more than 4,300 individuals in moving out of a nursing home and into their own home or other community setting.

As of 15/May/2022 No significant changes are in this legislation

---

## **SB 387 (Portantino):**

### Pupil Health: School Employee and Pupil Training: Youth Mental and Behavioral Health

During the COVID-19 pandemic, an increase number of young people have had feelings of isolation and loneliness, which have contributed to a mental health crisis. SB 387 will require the California Department of Education to have 75% of classified and certified employees on school campuses complete an evidence-based behavioral health training program.

As of 15/May/2022 This bill remains unchanged.

---

## **SB 1092 (Hurtado): Equitable Access to Services**

When a person with I/DD and their regional center disagree about the type or amount of a service they should get, the law provides a process for resolving that disagreement called a “fair hearing.” In fair hearings, disputes are supposed to be heard and decided by a hearing officer who is fair and knowledgeable about the system and the law. The hearing officer is also supposed to conduct the hearing in a manner that is informal and accessible to those who cannot afford to hire a lawyer to represent them.

However, that has not been the experience of many people served by regional centers, especially people of color. Even the Department of Developmental Services has described the current fair hearing system as “cumbersome, difficult to navigate, and intimidating,” particularly for Latinx communities. SB 1092 aims to ensure that people served by regional centers can meaningfully participate in decisions about the services they receive, and in hearings about those services - regardless of their race, ethnicity, English proficiency, or ability to afford legal counsel.

As of 15/May/2022, this bill remains unchanged

---

## **SB 1273 (School Safety, Bradford):**

This bill will eliminate some of the overreaching statutory mandates that require school staff to notify law enforcement about common school-related behavior. Currently school administrators are mandatory reporters to law enforcement for many offenses including possession, bringing a boxcutter or other considered weapon, and behavioral outbursts. The changes made by SB 1273 will protect students from unnecessary contact with the justice system and help keep students in school.

As of 16/May/2022 -This piece of legislation is being considered by the senate.

---

## **SB 1480 (Glazer): Electronic Ballot Return**

All California voters receive ballots in the mail that they can return in three ways in a signed envelope. However, returning a ballot for someone with a

print disability privately and independently can be difficult and in some cases almost impossible. A print disability is not a new disability classification but refers to a disability that impacts one's ability to interact with printed materials. Print disabilities include blindness, visual impairments, learning disabilities and other physical disabilities that make it more difficult to hold, read or write on printed materials. This bill would allow for people with print disabilities to return their ballots electronically without reading or handling printed material.

AS of February 2022, it was introduced to the senate.

---

## **SB 1092 Summary**

SB 1092, as amended, Hurtado. Developmental services: individual program plan: fair hearings. Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Under existing law, the regional centers purchase needed services and supports for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), which is developed by the planning team according to specified procedures. This bill would require the planning team to include at least one regional center representative authorized to make decisions on behalf of the regional center regarding services in the IPP. The bill would also make various revisions relating to the procedure for developing the IPP, including by requiring that changes to the IPP be made in a program planning meeting with the real-time participation of the consumer or, when appropriate, their parents, legal guardian, conservator, or authorized representative, unless specified requirements are satisfied, and by requiring the consumer, or, when appropriate, their parents, legal guardian, or conservator, to be allowed to attend a meeting held as part of an internal process to determine the services and supports to be purchased. Existing law requires a service agency, defined, in part, as a developmental center or regional center, to have a fair hearing procedure for resolving conflicts between the service agency and recipients of, or applicants for, services that meets prescribed

requirements. Existing law provides for informal dispute resolution as part of the fair hearing procedure. This bill would make various changes to the fair hearing procedure, including by requiring the State Department of Developmental Services to contract with the State Department of Social Services for the provision of hearing officers and fair hearings. The bill would also make mediation mandatory for a service agency if requested by the claimant, revise the required training for hearing officers, prohibit a service agency from being represented by an attorney at an informal meeting, mediation, or administrative hearing unless the claimant is also represented by an attorney, require a service agency to submit a compliance report to the State Department of Developmental Services if the fair hearing decision is wholly or partially in favor of the complainant, establish a procedure for requesting a rehearing, and provide for the collection and reporting of data related to fair hearings.

---

## **AB 1663 Summary**

Recognizes Supported Decision Making in statute as a less-restrictive alternative to probate conservatorships; requires the court to make conservatorships the last resort; and makes important changes to protect the rights of conservatees and make it easier to end probate conservatorships.

This Bill AB 1663 reforms the probate conservatorship system in four key areas to help people maintain choice and control over their lives:

**DEFLECT**—Avoid probate conservatorships by recognizing alternatives

- Establish SDM as a less-restrictive option for people with disabilities and older adults
- Create a SDM Technical Assistance Program to provide grants, training, and technical assistance that promote and strengthen the use of SDM and other supports
- DIVERT** – Make probate conservatorships a last resort
- Require alternatives be tried and considered by Courts before establishing a conservatorship and assess a person's abilities and capacity with supports, not in isolation
- Create a conservatorship diversion program in all courts to identify conservatorship petitions where less-restrictive options may be

appropriate and to discuss and educate parties on these alternatives  
DISSOLVE—Make probate conservatorships easier to end

- Provide conservatees with understandable information that describes their rights and who to contact if they wish to change or end the conservatorship.
- Require Courts to appoint counsel and set a termination hearing if a conservatee wishes to terminate their conservatorship.
- Allow Courts to terminate a conservatorship without a hearing if both the conservator and conservatee agree to the termination. DECIDE – Ensure conservatees choice in their lives
- Require conservators to consult with and make decisions aligned with the conservatee’s communicated wishes, including the use of alternative Updated: 01/19/2022 communication methods or previously expressed preferences.
- Apply the “order of preference” to all conservators, including the Director of the Department of Developmental Services to ensure the Court first considers family members or other trusted individuals chosen by the proposed conservatee before appointing unrelated parties.
- Require conservators to support the capacity and abilities of conservatees and to encourage and facilitate the use of Supported Decision-Making within conservatorships to the greatest extent possible. This Bill AB 1663 reforms the probate conservatorship system in four key areas to help people maintain choice and control over their lives: DEFLECT—Avoid probate conservatorships by recognizing alternatives
- Establish SDM as a less-restrictive option for people with disabilities and older adults
- Create a SDM Technical Assistance Program to provide grants, training, and technical assistance that promote and strengthen the use of SDM and other supports DIVERT – Make probate conservatorships a last resort
- Require alternatives be tried and considered by Courts before establishing a conservatorship and assess a person’s abilities and capacity with supports, not in isolation
- Create a conservatorship diversion program in all courts to identify conservatorship petitions where less-restrictive options may be



appropriate and to discuss and educate parties on these alternatives  
DISSOLVE—Make probate conservatorships easier to end

- Provide conservatees with understandable information that describes their rights and who to contact if they wish to change or end the conservatorship.
- Require Courts to appoint counsel and set a termination hearing if a conservatee wishes to terminate their conservatorship.
- Allow Courts to terminate a conservatorship without a hearing if both the conservator and conservatee agree to the termination. DECIDE – Ensure conservatees choice in their lives
- Require conservators to consult with and make decisions aligned with the conservatee’s communicated wishes, including the use of alternative Updated: 01/19/2022 methods or previously expressed preferences.
- Apply the “order of preference” to all conservators, including the Director of the Department of Developmental Services to ensure the Court first considers family members or other trusted individuals chosen by the proposed conservatee before appointing unrelated parties.
- Require conservators to support the capacity and abilities of conservatees and to encourage and facilitate the use of Supported Decision-Making within conservatorships to the greatest extent possible.