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January 30, 2015

Mr. Santi J. Rogers  
Director  
Department of Developmental Services  
P.O. Box 944202  
Sacramento, CA 94244-2020

Re: Request to Amend Regulations on Social Rights

Dear Director Rogers:

Our review of DDS Regulations on "Client's Rights" indicates a need to clarify with more specificity the right of clients to freedom of association. The case of a client at the Westside Regional Center was brought to our attention which caused us to look carefully at the current regulations found in Section 50510 of Title 17 of the California Code of Regulations. (See enclosed copy of this section). A summary of Gregory's Case explains how the constitutional and statutory rights of this young man to freedom of association and freedom of religion have been violated. (See enclosed summary of Gregory's Case.)

The Lanterman Act states unequivocally: "Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California." (See enclosed copy of Lanterman Act Statement of Rights.) The Statement of Rights also focuses on "personal liberty of the individual" and "least restrictive conditions," as well as a "right to religious freedom and practice," and a "right to social interaction." It also mentions a client's "right to make choices in their own lives" including "relationships with people in their community" and "leisure" activities.

The Department has promulgated regulations interpreting and implementing the rights mentioned in the Lanterman Act. With respect to the "right to religious freedom and practice" specified in that Act, the regulations explain it in greater detail, stating that it encompasses: "A right to religious freedom and practice, *including the right to attend services or to refuse attendance, to participate in worship or not to participate in worship.*" (Section 50510(a)(4)) The italicized language was placed in the regulations to explain the scope of the statutory language.

An additional phrase should be added to subdivision (6) so that it states "A right to social interaction and participation in community activities, *including the right to associate with specific individuals or not to associate with them.*" We are asking that the italicized language be added to the regulations so that it is abundantly clear that the right to social interaction includes the constitutional right to freedom of association. As the United States Supreme Court once clarified, "Freedom of association . . . plainly presupposes a freedom not to associate." (Roberts v. United States Jaycees, 468 U.S. 609, 622 (1984))

We would like to discuss this request with your staff so that we may learn what additional steps, if any, we need to take to have this regulation amended. Thousands of people with developmental disabilities will benefit from such a regulatory clarification.

Very truly yours,

A handwritten signature in blue ink that reads "Thomas F. Coleman". The signature is written in a cursive, flowing style.

THOMAS F. COLEMAN  
Legal Director  
(818) 482-4485