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# Developmental Disabilities Reform Act of 2008

## Draft 1, December 2008

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The *Developmental Disabilities Reform Act* (DDRA) modernizes the District's 1978 law governing supports and services for residents with intellectual and developmental disabilities. The DDRA was drafted by the Department on Disability Services, Management Advisory Committee (DDS MAC), Legislative Committee. The first draft of the DDRA is based on a series of community-wide meetings and focus groups held during 2007-2008, and is being released to the community in December of 2008 for community review and revision.

The new draft bill creates a flexible legal framework for the next 30 years that:

- ◆ Recognizes the rights and abilities of people with developmental disabilities;
- ◆ Is rooted in local, national and international best practices;
- ◆ Establishes strong quality standards and safeguards;
- ◆ Aligns District law with federal law, helping the city to maximize federal funding;
- ◆ Helps families to support their members with developmental disabilities;
- ◆ Adopts a lifespan approach;
- ◆ Promotes interagency coordination; and
- ◆ Puts people with disabilities and community stakeholders in charge of helping to shape the future of the District's service system.

### Comprehensive Services to Address Current Needs

The DDRA allows the DC Department on Disability Services, Developmental Disabilities Administration (DDA) to provide a more comprehensive set of services than has been available in the past through a strong emphasis on *community living*, family *supports*, and *services across the lifespan*.

The DDRA also allows DDA for the first time to serve people with the full range of developmental disabilities, as opposed to only serving people with a diagnosis of intellectual disability. Eligibility will expand over a 2-year period after the law takes effect:

Time after law takes effect	Eligibility criteria
<i>0 to 12 months</i>	Must have an intellectual disability.
<i>12 to 24 months</i>	Must have an intellectual disability or a developmental disability as identified in regulation.
<i>24 months</i>	Must have a developmental disability.

### Timely Intake and Person-Centered Planning

The DDRA creates maximum timeframes for intake, and sets up a person-centered planning process that puts residents with disabilities in charge of identifying their needs and selecting the DDA services that will best meet their needs. People will choose their DDA support coordinator and provider(s), and decide who they want to help them design and monitor their service plan.

## **Rights and Protections**

The DDRA affirms that people with developmental disabilities have the same rights as all other people, and identifies the specific rights of people who receive DDA services. It creates a flexible system for safeguarding those rights that includes:

- ♦ Supports, consistent with reasonable accommodations under the federal *Americans with Disabilities Act of 1990*, for people to exercise their right to choice and control;
- ♦ Information, training, and support for people to learn how to exercise their rights;
- ♦ Multiple options for resolving grievances, informally and formally;
- ♦ Access to the Superior Court including court-appointed advocates and attorneys; and
- ♦ The right to initiate action in court to compel rights, and the right to a civil remedy.

## **Quality Standards**

The DDRA sets up quality standards that include standards for services, staffing (including criminal background checks and a registry of substantiated abuse and neglect), records, and prohibitions on inhumane and inappropriate procedures.

## **Interagency Coordination**

The DDRA makes DDA the lead agency for coordinating supports and services for persons with developmental disabilities and their families. DDA will be responsible for working with other agencies to develop the plan for how agencies will work together.

## **Community Involvement**

People with developmental disabilities, their families and support networks will help design the new service system and will have an ongoing role working with DDA to guide family supports through a new Family Support Council. This will help the District comply with community involvement requirements in federal law.

## **Accountability**

The Mayor will be required to provide an annual report card on the District's progress in implementing the new law. All committees created by the new law must operate openly, and all reports and policy documents must be developed in partnership with people with disabilities and made widely available.

## **Orderly Transition**

The DDRA provides for an orderly transition from the systems under the District's former developmental disability service law to the systems under the DDRA:

- ♦ Service enhancements will roll out over 2 years and will be guided by a community task force to help DDA identify priorities and timelines.
- ♦ All people who were previously committed to a DDA facility will retain their rights and services, including the right to a court-appointed attorney.
- ♦ During the 2-year roll out period, the Superior Court will be able to expand its advocacy program and develop new processes, with guidance from a community work group.

Regular reporting to the Mayor, Council and public will help identify and fix any areas of concern that arise during the transition.