



## DEVELOPMENTAL DISABILITIES AREA BOARD 10

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### *Protecting and Advocating for Persons with Developmental Disabilities in Los Angeles County*

July 6, 2010

The Honorable Barney Frank  
2252 Rayburn House Office Building  
Washington, DC 20515-2104

**RE: H.R. 1255**  
**Position: OPPOSE**

Dear Representative Frank,

Developmental Disabilities Area Board 10 is a state agency mandated to protect and assert the legal, civil, and service rights of people with developmental disabilities in Los Angeles County. California has a system of 13 Area Boards, covering all regions of the state. It is on behalf of our Board of Directors and over 70,000 people with a developmental disability who reside in Los Angeles County that I write today to convey our opposition to H.R. 1255.

This bill forbids any agency that receives federal funds from filing a class action lawsuit against an intermediate care facility (ICF) unless every resident, or their legal representative, is first contacted and given the option of not being included in the suit. This would, in effect, single out one specific kind of class action lawsuit for a new standard and a new procedure that does not apply to any other class action lawsuit. Furthermore, the new procedure would create an undue burden on public interest attorneys, which may perhaps be the intent of this legislation.

There are already existing procedures by which residents of an ICF may opt out of the proposed settlement in a class action lawsuit. There is, therefore, no compelling reason to require buy-in at the onset when the outcome of the lawsuit is unknown.

Class action lawsuits such as these tend to be initiated to downsize and/or close large state-operated institutions. Such facilities run counter to the intent of the ADA and Supreme Court Olmstead decision to promote integrated community-based services. All too often, these large facilities have been found to be breeding grounds for abuse and neglect. At best, they perpetuate an outdated model of forced segregation. The closing of such institutions, for the vast majority of consumers and advocates, are positive changes that permit States to redirect fiscal and human resources to the provision of needed supports and services in the community – and not in segregated settings.

We therefore oppose this bill and urge you to withdraw it because we believe it is unnecessary, duplicative, and unduly burdensome. Furthermore, it would hinder the ability of federally funded agencies to advocate for the rights of persons with developmental disabilities.

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Thank you for your consideration of our input. If you have any questions, please do not hesitate to contact us.

Sincerely,

Cathy Blin, Chair  
Governmental Affairs Committee

cc: Co-sponsors of H.R. 1255  
The House Judiciary Committee  
Los Angeles County Congressional Delegation