

**Assembly Committee on Human Services
Jim Beall, Jr., Chair
Assembly Select Committee on Disabilities
Wesley Chesbro, Chair**

**Joint Oversight Hearing
Final Report on the Closure of Agnews Developmental Center:
Keeping the Promise of the Lanterman Act
April 27, 2010**

Testimony of Brian Boxall

Members of the Committee,

My name is Brian Boxall, and I served as President of the Association for the Mentally Retarded at Agnews from 2004-2009. In that capacity, I not only represented Agnews' families on a political level, but I also worked personally with dozens of families during all stages of the transition process for their family members.

To my knowledge, the Agnews Closure represents the first truly successful closure of a large state-operated facility anywhere in the nation. But the term "Agnews Closure" only describes a fraction of what went into this project. The outcome was a success not simply because the facility eventually closed, but rather because new models of residential care and service delivery were developed at the community level, which enabled even the most fragile clients to transition successfully. It was an innovative and thoughtful approach, and one that I believe could—and should—serve as a model for the rest of the country.

As with any complex model, however, the overall process was not without flaws. I would therefore respectfully like to use my time today to focus on three areas which I would describe as "lessons that can be learned".

The first issue I would like to address is

Conflict Resolution

Several Agnews' families have described the closure process as being the most stressful period of their entire lives. Many of them had relied on Agnews' services for decades, and when the closure was announced, there was really no precedent that the Department or Regional Centers could point to as a model for successful outcomes.

So I hope that everybody here today finds it understandable that families were predisposed to be extremely diligent, and often strongly resistant, in accepting the first placement opportunity that was offered to them. In many cases, families voiced strong objections to a proposed placement. Many of those objections were valid, while others were admittedly based on simple fear of the unknown. Too often, however, these oppositions quickly escalated from simple disagreements

to full-blown conflicts. And in a few extreme cases, some families were actually taken to Probate Court under the guise of the *Writ of Habeas Corpus*.

In such cases, all parties concerned ended up being damaged. The families involved were dragged through a painful process that left them feeling powerless as decision-makers for their own children. The parties that initiated the legal action—most often the Agnews Clients Rights Advocate working on behalf of the Regional Center or Regional Project—had their motivation called into question. And perhaps most importantly, the larger group of families who witnessed such events became distrustful of the entire process, and felt that they too might be similarly intimidated.

The Lanterman Act affords families and Regional Centers a number of avenues to resolve such disputes: namely, the Fair Hearing Process, and what is commonly known as the Richard S. process. Should similar circumstances arise, whether it involves a DC closure or not, **I strongly urge that both the Department and all Regional Centers make a public commitment to resolve any and all disputes via the mediation processes outlined in the Lanterman Act, and NOT resort to legal action against families.**

The second issue I would like to address is

The Downsizing Process

Developmental Centers employ a wide range of specialized skill sets and job classifications. There are Registered Nurses who work with the medically fragile population, and Psychiatric Technicians who work with the behaviorally challenged population, just to name a few. And in almost all cases, familiarity with the clients is essential to providing the highest level of care. This is why AB 1378 was such an important component in ensuring the successful transition of clients into the community. But it also created a very delicate balancing act; namely, simultaneously *retaining* employees at the Developmental Center, *deploying* employees into the community, and dealing with lay-offs and retirements.

During the final months of the Agnews closure, all of these factors contributed to a situation where the quality of care at the Developmental Center itself was tenuous at best. Many of the most skilled employees had already left, and those that remained were forced to deal with frequent “unit consolidations”. These consolidations often resulted in employees working with clients (and other staff) with whom they were unfamiliar.

As a point of personal reference, I stopped in to visit my brother during the last eight months of the Agnews closure. I rang the doorbell and announced that I was here to see David Boxall. The response I received was, “Which one is David Boxall?”

I have no doubt that the Department will carefully review this complicated process, but I would like to offer a couple of well-intended suggestions:

- Early in the process, the State should offer Incentive Packages to those Direct-Care employees who are willing to remain at the Developmental Center throughout the entire

closure process.

- Similarly, those employees who wish to take advantage of AB 1378 (or any similar legislation) should be identified early in the process, so the timing of their departure from the Developmental Center can be predicted in advance.
- Lay-off notices should **not** be issued based on projected estimates of client placements. Those placements can often be delayed by unforeseen home construction issues, licensing snags, or a prolonged client placement process.
- When it becomes known which clients will be moving into a particular home, those clients should be grouped together (along with any Developmental Center staff who will be working in that home) prior to their actual transition. And the families of those clients should be involved collectively in every aspect of the transition. This will help build a sense of familiarity, and minimize any potential “transfer trauma” associated with the placement.

The last issue I would like to address is

Neighborhood Relations

Almost all of the homes purchased under the auspices of AB 2100 required significant renovations, both inside and outside. This, of course, drew the attention of the immediate neighborhood, which had no forewarning of how the home was to be used. Inevitably, the neighbors soon learned that this was to be some sort of a “group home”, and they usually assumed the worst possible scenario: recovering drug addicts; sex offenders; troubled teenagers. In several instances, both DDS and the Regional Centers were forced to meet with hostile neighborhood groups whose resistance was not due to malice, but to ignorance.

All of this could have been avoided if there had been a greater level of disclosure and education earlier in the process. In almost all cases, neighbors were actually relieved to learn that these homes would be serving people with developmental disabilities. **I therefore strongly encourage the Department and all Regional Centers to develop and implement a “Good Neighbor Policy” as it relates to future housing acquisitions for the developmentally disabled.**

Community outreach and education are essential in order for this unique population to be accepted and welcomed into a neighborhood. And there are many positive aspects that can be highlighted. For instance, the SB 962 Homes are well-stocked with emergency medical supplies, back-up electrical generators, and non-perishable food supplies. They could easily serve as a disaster-relief headquarters in the event of a major earthquake or other catastrophe. What better way to become an integrated and valued part of the neighborhood?

In closing, let me say again that the new community-based services that were developed for clients transitioning out of the Developmental Center and into the community stands as a model of what can be accomplished when such a project is well thought out and adequately funded.

And if the Committee will indulge me for one more minute, I would like personally thank the following people and agencies for their important contributions:

- DDS (for developing the plan)
- All 3 Regional Centers (for implementing the plan)
- Assemblyman Wes Chesbro (for authoring SB 962)
- Senator Daryl Steinberg (for authoring AB 2100)
- Former Assemblywoman Sally Lieber (for authoring AB 1378)
- Senator Elaine Alquist (for her efforts in keeping the Agnews clinic open on an outpatient basis)
- Assemblyman Jim Beall (for encouraging the development of special, county-based Health Care Plans)
- And two former committee consults who dedicated so much time and effort into this process: Peggy Collins and Sue North
- And most importantly, I want to thank and honor all of the families from Agnews Developmental Center, whose love and dedication to their children and siblings served as a constant source of inspiration, and as a reminder of what this project was all about.

Thank you.