



# Golden Gate Regional Center

Serving people with developmental disabilities since 1966

August 5, 2010

Re: Release and/or Indemnity Agreements

Dear GGRC Vendor:

This letter is intended to provide notification to Golden Gate Regional Center (GGRC) vendors that vendors may not require consumers or families to sign a Release and/or Indemnity Agreement as a condition of receiving services.

Requiring persons who are developmentally disabled to sign agreements with service providers indemnifying such service providers against liability is inconsistent with the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions Code section 4500, et seq., and with the California Supreme Court's decision in *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384 (ARC).

Pursuant to the ARC decision, "regional centers . . . are charged with providing developmentally disabled persons with 'access to the facilities and services best suited to them throughout their lifetime.'" (ARC, supra, 38 Cal. 3d at 389, citing Welfare & Institutions Code section 4620.) The court determined that the Lanterman Act "defines a basic right and a corresponding basic obligation: the right which it grants to the developmentally disabled person is to be provided with services that enable him to live a more independent and productive life in the community; the obligation which it imposes on the state is to provide such services." (ARC, supra, 38 Cal.3d at 391.) Finally, the court concluded that, "[i]t is through the IPP procedure that the right the Act grants to each developmentally disabled person and the obligation it imposes on the state are implemented; through it, the developmentally disabled person on an individual basis receives, as an entitlement, services that enable him to live a more independent and productive life in the community." (ARC, supra, 38 Cal.3d at 392.)

If vendors are requiring persons with developmental disabilities to sign indemnity or similar agreements in order to receive services consistent with their IPPs, such requirements would limit the entitlement to services pursuant to the Lanterman Act. Therefore, GGRC must prohibit vendors from requiring consumers or families to sign any document which contains a Release and/or Indemnity Agreement as a condition of receiving services. Non-compliance with this mandate can lead to termination of provider client services funded by GGRC.

We appreciate your understanding and your continuing commitment to serve the needs of our clients during these difficult financial times.

Best Regards,

Chris Rognier  
Chief, Administration & Finance

CC: Lisa Rosene, Chief, Social Work Services, GGRC

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