

California Health and Human Services Agency

Department of Developmental Services



INDIVIDUAL RIGHTS COMPLAINTS
Welfare and Institutions Code Section 4731



February 2025

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Department of Developmental Services
Individual Rights Complaints
Welfare and Institutions Code Section 4731

Background

Individuals' rights complaints and resolutions are monitored by the Department of Developmental Services (Department). Pursuant to Welfare and Institutions Code WIC Section 4519.2(c), the Department is required to update the Legislature annually with specified information regarding individuals' rights complaints as well as resolutions as described below. Per WIC Section 4519.2(c), information reported annually to the Legislature must include the number of individuals' rights complaints filed at each regional center (RC), as well as:

- The subject matter of complaints filed
- How complaints were resolved
- The timeframe within which resolutions to those complaints were provided by the RC
- The number of complaints that were appealed to the Department, their resolutions, and the timeframes within which written administrative decisions were issued, and
- Demographic information, as identified by the Department, about individuals on whose behalf complaints were filed

This report provides a point-in-time snapshot to fulfill the annual reporting requirement and includes updated data for Fiscal Years (FY) 2020-21 through 2023-24. These data regularly are refreshed on the Department's new online dashboard to promote transparency and accountability <https://www.dds.ca.gov/rc/dashboard/4731-complaints/>.

Overview

Individuals' Rights Complaints

Individuals' rights complaints, described in WIC Section 4731, are a mechanism to be used when an individual three years of age or older, or any representative acting on behalf of an individual, believes that any right has been wrongly or unfairly denied by an RC, state-operated facility, or service provider. This process is not to be used for resolving disputes about eligibility, nor for the nature, scope, or amount of services funded. Those issues may be addressed through the hearing process outlined in WIC Sections 4701, et seq.

WIC Section 4731(b) requires RC directors to investigate complaints and send written proposed resolutions to the complainant within 20 working days of receiving a complaint. If the complainant is not satisfied with the proposed resolution, the complainant may refer the complaint, in writing, to the Director of the Department within 15 working days of receipt of the proposed resolution. Pursuant to WIC Section 4731(c), the director shall issue a written administrative decision within 45 calendar days of receiving the complaint and send a copy of the decision to the complainant, the director of the RC and the service provider, if applicable.

The Department is committed to its own and RCs' compliance with statutory requirements for handling complaints, including timelines for providing proposed complaint resolutions,

and issuing decisions on complaint appeals. In March 2021, the Department's contract with RCs was amended to require that RCs report information to the Department quarterly regarding complaints pursuant to WIC Section 4731. This has enabled a quarterly versus annual review of individuals' rights complaints, enhancing the Department's ability to identify and proactively address trends over time. In September 2022, the Department issued guidance to the RCs clarifying statutory requirements of WIC Section 4731(b), which included:

- Complaint responses shall be sent within 20 working days
- Statute does not allow for extensions of the 20-day timeline
- Statute does not allow for delegation of the RC director's responsibility to investigate the complaint and provide a written proposed resolution; and
- All written proposed resolutions shall include referral information if the complainant chooses to appeal the resolution to the Director of the Department

The Department continues to provide technical assistance to RCs and communicate with individuals and families about the individuals' rights complaint process. The Department's efforts to partner with RCs to improve data quality around all aspects of complaints and appeals have provided a better statewide perspective on these important processes, including the development of the online dashboard referenced earlier.

Interpreting the Data

The number of individuals' rights complaints submitted by individuals, or their authorized representatives, is a very broad measure of a RC's performance. That number is affected by a variety of factors, including:

- A larger RC may receive more complaints than a smaller RC.
- An RC that rigorously informs individuals and their families of their complaint rights, or whose complaints process is easier to use, may receive more complaints.
- Some RCs accept individuals' rights complaints that are outside the scope of the complaint process, as defined by statute; other RCs do not. This report includes out-of-scope individuals' rights complaints reported by RCs along with complaints that are within-scope.

Note: Please see the second tab of the dashboard for the definition of terms.

Population

The number of individuals being served by RCs increased from 316,869 in FY 2020-21 to 380,555 in FY 2023-24, representing a 20 percent increase.

Demographic Information

The Department collects demographic information about individuals on whose behalf complaints were filed. These categories are ethnicity, primary language and age. The following represents percentages of WIC Section 4731 complaints and appeals submitted for FY 2020-21 through FY 2023-24 (reporting period):

4731 Complaints Submitted to RCs for Reporting Period

Ethnicity

- White – 36%
- Hispanic – 34%
- Black/African American – 12%
- Asian – 6%
- Other – 11%

Primary Language

- English – 80%
- Spanish – 18%
- Other Language – 2%

Age

- 18 and older – 68%
- 3 to 17 – 31%
- 0 to 2 – 1%

4731 Appeals Submitted to the Department for Reporting Period

Ethnicity

- White – 41%
- Hispanic – 29%
- Black/African American – 16%
- Asian – 6%
- Other – 8%

Primary Language

- English – 81%
- Spanish – 17%
- Chinese – 1%
- Other Language – 1%

Age

- 3 to 17 – 25%
- 18 and older – 75%

Trends for WIC Section 4731 Complaints and Appeals

WIC Section 4731 complaints submitted to RCs increased 185% during the reporting period (153 to 437). WIC Section 4731 complaint appeals increased 181 percent during the reporting period (27 to 76). The percentage of WIC Section 4731 complaints appealed to the Department varied between 13 percent and 19 percent.

4731 Complaints Submitted to RCs for Reporting Period

Data Outcomes

- Complaints submitted to RCs identifying a service coordination subject matter increased each year by a total of 11 percent for the reporting period.
- Complaints identifying a service related subject matter decreased by 8 percent during the reporting period.
- 64 percent of complaints were identified as no violation or were out-of-scope of the WIC Section 4731 complaint process for the reporting period.
- Additional individual and/or RC services being provided increased by 5 percent during the reporting period.
- Training was provided to RC and/or vendor staff on average of 12 percent during the reporting period.

Common Subject Matters

Service Coordination (28%)

- FY20/21 – 67 (22%)
- FY21/22 – 139 (26%)
- FY22/23 – 232 (31%)
- FY23/24 – 346 (33%)

Service Related (26%)

- FY20/21 – 90 (30%)
- FY21/22 – 167 (31%)
- FY22/23 – 147 (19%)
- FY23/24 – 229 (22%)

Vendor Requirements (15%)

- FY20/21 – 46 (15%)
- FY21/22 – 76 (14%)
- FY22/23 – 93 (12%)
- FY23/24 – 176 (17%)

Common Proposed Resolutions

No Violation (43%)

- FY20/21 – 130 (43%)
- FY21/22 – 257 (47%)
- FY22/23 – 315 (41%)
- FY23/24 – 443 (42%)

Complaint was out-of-scope of WIC 4731 (22%)

- FY20/21 – 74 (25%)
- FY21/22 – 102 (19%)
- FY22/23 – 163 (21%)
- FY23/24 – 237 (22%)

Training was provided to RC and/or vendor staff (12%)

- FY20/21 – 34 (11%)
- FY21/22 – 59 (11%)
- FY22/23 – 100 (13%)
- FY23/24 – 121 (11%)

Written Response Compliance with 20 Working Day Requirement (83%)

- FY20/21 – 81%
- FY21/22 – 73%
- FY22/23 – 90%
- FY23/24 – 89%

4731 Appeals Submitted to the Department for Reporting Period

Data Outcomes

- Appeals submitted to the Department identifying a service coordination subject matter increased each year by 18 percent during the reporting period.
- Appeals identifying an Individual Program Plan (IPP) development / implementation subject matter decreased by 23 percent during the reporting period.
- 74 percent of complaints were identified as no violation or were out-of-scope of the WIC Section 4731 complaint process.
- Appeals requiring a Plan of Correction (POC) to address statutory violations increased by 12 percent during the reporting period.

Common Subject Matters

Service Coordination (24%)

- FY20/21 – 13 (17%)
- FY21/22 – 17 (20%)
- FY22/23 – 51 (24%)
- FY23/24 – 102 (35%)

IPP Development/Implementation (29%)

- FY20/21 – 32 (43%)
- FY21/22 – 20 (24%)
- FY22/23 – 61 (29%)
- FY23/24 – 59 (20%)

Vendor Requirements (14%)

- FY20/21 – 11 (15%)
- FY21/22 – 11 (13%)
- FY22/23 – 33 (15%)
- FY23/24 – 31 (11%)

Common Appeal Findings

No Violation (42%)

- FY20/21 – 46 (61%)
- FY21/22 – 30 (35%)
- FY22/23 – 88 (41%)
- FY23/24 – 94 (32%)

Complaint was out-of-scope of WIC 4731 (30%)

- FY20/21 – 15 (20%)
- FY21/22 – 22 (26%)
- FY22/23 – 52 (24%)
- FY23/24 – 142 (48%)

Training was provided to RC and/or vendor staff (17%)

- FY20/21 – 13 (17%)
- FY21/22 – 28 (33%)
- FY22/23 – 11 (5%)
- FY23/24 – 38 (13%)

4731 Appeals Requiring POC

- FY20/21 – 8 (30%)
- FY21/22 – 20 (63%)
- FY22/23 – 39 (58%)
- FY23/24 – 32 (42%)

Administrative Decision Compliance with 45-Day Requirement

- FY20/21 – 100%
- FY21/22 – 88%
- FY22/23 – 100%
- FY23/24 – 100%