



GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT ON DISABILITY SERVICES

A NEW DISTRICT OF COLUMBIA LAW THE DISABILITY SERVICES REFORM AMENDMENT ACT OF 2018

Starting May 5, 2018, the District has a new law named the Disability Services Reform Amendment Act. The law has three parts. Each part does one big thing. All three things are to improve the lives of people with disabilities who live, work and play in the District of Columbia.

1. NAME A SUPPORTER FOR DECISION-MAKING

Starting Immediately, A Person With A Disability Can Formally Name A Supporter To Assist in Making Decisions. The Law Has A New Form: A “Supported Decision-Making Agreement.”

Supported Decision-Making is an alternative to guardianship for people who can make their own decisions with assistance. Under the new law, a person with a disability can use a new form, a Supported Decision-Making Agreement, to name a supporter to assist with decisions.

How does it work? The law is clear and the form says: the person gets to make their own decisions, and the supporter assists. The person takes the completed form and their supporter with them to places where they need to make decisions, and show it to people who work there. Stores, restaurants, medical offices, hospitals, other businesses and the D.C. government must allow the person’s supporter to be present to do several things. The supporter can help the person gather information, talk through pros and cons of the decision, aid the person in making the decision and, if needed, help the person communicate his or her decision to other people.

Where can a person get the form? The D.C. Department on Disability Services (DDS) is working with Quality Trust for Individuals with Disabilities on a form with instructions.

2. FILE A COMPLAINT ABOUT SUPPORTS OR SERVICES

Starting When New Regulations Are Published In The D.C. Register, DDS Will Have A New Process A Person Can Use To File A Complaint Against DDS or a Provider

Once the District publishes new regulations, DDS will run a new formal complaint process for people to use when they have an issue that they have been unable to resolve with DDA supports or DDA providers.

How will it work? New regulations will have the details, but here’s a quick answer. The person will be able to file formal complaint with DDS or a DDA provider, and may choose someone to





help them do that and work through the whole complaint process. DDS will carefully consider the complaint and try to resolve it. If that does not work, DDS will send the complaint to an external reviewer to try to resolve it, investigate, make findings and make recommendations to DDS about how to resolve this. (Note that RSA already has a grievance process in place.)

What if the person with the complaint doesn't like the decision? When a decision is made, DDS must explain that the person has a right to file an appeal to the District of Columbia Office of Administrative Hearings (OAH) if the person is not satisfied with the results. Stay tuned, all of this will start happening in coming months.

Are there protections for people who file complaints? The law says that DDS must continue supports and services the person already receives while the formal complaint is under review. Also, DDS or a provider may not take action against the person for filing a complaint.

3. MAKE A LIFE CHOICE ABOUT CIVIL COMMITMENT

[After 90 Days, On August 3, Civil Commitment in D.C. Will Change In Two Ways.](#)

1. No New Civil Commitments Will Be Made In The District Of Columbia.
2. People Currently Civilly Committed Will Make A Choice At Their Next Court Hearing.

No new people will be civilly committed in D.C. to DDA services. **It is important to know that ending commitment will not change any DDA supports a person has now or may be eligible to receive.**

What about people who are already committed? Each person will have a choice. Beginning August 3, 2018, at their next commitment system court hearing, those who are committed now will be asked to decide whether they want to remain committed or not.

This is an important decision for a person to make. The reason this part of the law takes effect 90-days later than the other parts of the law is so people have time to learn about their options and their pros and cons with people they trust. For people who are not able to make this decision for themselves, the law includes a list of people who can make the decision for them.

The Superior Court has created the needed court procedures and forms for this change in the law. The court also has been working with DDS to train attorneys, guardians, and others that work with the civil commitment system on this change.

