

Shalghoun v. North Los Angeles County Regional Center, Inc.
2024 DJDAR 740

Under the Lanterman Developmental Disabilities Services Act, regional centers have no duty to protect the employees of a residential facility from a developmentally disabled person. The regional center's duty is to provide services and support to the developmentally disabled person, not to protect third-party employees at a residential facility.

FACTS/PROCEDURE

In the Lanterman Developmental Disabilities Services Act (the "Act") (Welf. & Inst. Code, § 4500 et seq.), the State of California has undertaken the duty to provide developmentally disabled persons with appropriately tailored services and support. To discharge this duty, the Department of Developmental Services (the "Department") uses a network of private, nonprofit entities called "regional centers." (§ 4620.) Regional centers do not themselves provide services; instead, they evaluate the developmentally disabled persons (whom the Act calls "consumers"), develop individually tailored plans for their care, enter into contracts with direct service providers to provide the services and support set forth in the plans, and monitor the implementation of those contracts and the consumers' plans.

In *Shalghoun*, a regional center arranged for a developmentally disabled person, named J.C., to be placed in a residential facility. Shortly thereafter, the facility informed the Regional Center that it could no longer provide the level of care J.C. required. While the Regional Center was looking for a different facility, J.C. attacked and injured the facility's administrator. The administrator sued the Regional Center for his injuries.

The central issue in the case was whether the Regional Center had a legal duty to protect the employees of a residential facility from a developmentally disabled person who had been placed there. The plaintiff argued that the Regional Center was negligent in failing to immediately move J.C. to another facility after being informed that the facility could no longer provide the level of care he required. The Regional Center moved for summary judgment on the grounds, as pertinent here, that (1) it owed plaintiff no legal duty, and (2) plaintiff had assumed the risk of the types of injuries caused by J.C. by accepting a job. The trial court granted the Regional Center's motion on the first ground. Plaintiff appealed.

HOLDING/DISCUSSION

Holding: Affirmed. The Regional Center did not owe a duty of care to the facility's employees. The court reasoned that the Regional Center's duty, as mandated by the Lanterman Developmental Disabilities Services Act, was to provide services and support to the consumer, not to protect third-party employees at a residential facility. A defendant owes a legal duty of care to the plaintiff *if* (1) the defendant has a "special relationship" with a third party who injures the plaintiff, and (2) that special relationship entails a duty to control the third party's conduct for the benefit of the plaintiff or the class of persons to which the plaintiff belongs. (*Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607, 619 [230 Cal.Rptr.3d 415, 413 P.3d 656].) The court also noted that the Regional Center did not have the unilateral power to control or relocate a consumer. Relocation often depends on the acceptance of the consumer by another residential facility.

According to the court, the imposition of liability on regional centers for injuries inflicted by consumers could potentially drive the centers out of business, disrupt the entire system of services and support for developmentally disabled individuals, and contradict the Act's mandate to place consumers in the least restrictive environment. Even if California law provides that a legal duty of care runs between a plaintiff and a defendant, courts have the power and obligation to examine whether considerations of public policy warrant limiting that duty. (*Brown v. USA Taekwondo* (2021) 11 Cal.5th 204, 217 [276 Cal.Rptr.3d 434, 483 P.3d 159].)

The court therefore concluded that public policy factors weighed against recognizing a duty of care running from the regional center to the employees of the residential facility.