

ASSEMBLY BILL

No. 1099

Introduced by Assembly Member Bryan

February 20, 2025

An act to amend Sections 4642 and 4643 of, and to add and repeal Section 4643.1 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1099, as introduced, Bryan. Developmental services: initial intake: assessment.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to persons with developmental disabilities and their families.

Under existing law, a person believed to have a developmental disability, and a person believed to have a high risk of parenting an infant with a developmental disability, is eligible for initial intake and assessment services in the regional centers. Existing law requires that initial intake take place within 15 days following a request for assistance. Existing law, commencing January 1, 2025, requires a regional center, by the end of that 15-day period, to either determine if the individual is eligible for regional center services or determine if additional assessment is needed.

This bill would, for initial intakes involving a foster child, as defined, if the regional center has not determined, within the 15-day period following a request for assistance, that the foster child is eligible or provisionally eligible for regional center services, instead require the regional center to refer the foster child for, and conduct, that additional

assessment. The bill would prohibit a determination not to provide additional assessment from being solely based on the lack of specified documentation. The bill would require the department to submit an annual report to the Legislature that includes specified data relating to initial intakes, including, among other data, the number of initial intakes, and the number of initial intakes involving foster children, received by a regional center. The bill would repeal that reporting requirement on January 1, 2030.

Existing law, if assessment is needed, requires that the assessment be performed within 120 days following initial intake or as soon as possible and in no event more than 60 days following initial intake where any delay would expose the client to unnecessary risk, as specified.

This bill would also require the assessment to be performed as soon as possible and in no event more than 60 days if the client is a foster child. The bill would require the assessment to be conducted and an eligibility determination to be made within the applicable timelines irrespective of whether the person, or a person acting on their behalf, possesses specified documentation. The bill would require the regional center to assist in collecting and procuring that documentation in order to ensure that assessment is conducted as soon as possible.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4642 of the Welfare and Institutions Code
2 is amended to read:
3 4642. (a) (1) Any person believed to have a developmental
4 disability, and any person believed to have a high risk of parenting
5 ~~a developmentally disabled~~ *an infant with a developmental*
6 *disability*, shall be eligible for initial intake and assessment services
7 in the regional centers. In addition, any infant having a high risk
8 of becoming developmentally disabled may be eligible for initial
9 intake and assessment services in the regional centers. For purposes
10 of this section, “high-risk infant” means a child less than 36 months
11 of age whose genetic, medical, or environmental history is
12 predictive of a substantially greater risk for developmental
13 disability than that for the general population. The department, in
14 consultation with the State Department of Public Health, shall

1 develop specific risk and service criteria for the high-risk infant
2 program on or before July 1, 1983. These criteria may be modified
3 in subsequent years based on analysis of actual clinical experience.

4 (2) (A) Initial intake shall be performed within 15 working days
5 following request for assistance. Initial intake shall include, but
6 need not be limited to, information and advice about the nature
7 and availability of services provided by the regional center and by
8 other agencies in the community, including guardianship,
9 conservatorship, income maintenance, mental health, housing,
10 education, work activity and vocational training, medical, dental,
11 recreational, and other services or programs that may be useful to
12 persons with developmental disabilities or their families. ~~Intake~~

13 (B) *Except as provided in subparagraph (D), initial intake shall*
14 *also include a decision to provide* ~~assessment~~ *the assessment*
15 *specified in Section 4643 and may include a determination that*
16 *the person is eligible or provisionally eligible for regional center*
17 *services.*

18 (C) *A decision not to provide the assessment specified in Section*
19 *4643 shall not be based solely on the lack of documentation,*
20 *including, but not limited to, school, medical, or court records,*
21 *provided by the person requesting assistance or, if appropriate,*
22 *by the person's parents, legal guardian or conservator, or*
23 *authorized representative.*

24 (D) *For initial intakes involving a foster child who has not been*
25 *determined to be eligible or provisionally eligible for regional*
26 *center services by the end of the 15 working day initial intake*
27 *period, the regional center shall conduct the assessment specified*
28 *in Section 4643.*

29 (3) Commencing on January 1, 2025, the regional center shall
30 take the following actions by the end of the 15-day initial intake
31 period described in paragraph (2):

32 (A) ~~Either~~ *Except as otherwise specified in subparagraph (B),*
33 *either of the following actions:*

34 (i) Determine if the individual is eligible *or provisionally eligible*
35 *for regional center services.*

36 (ii) Determine if the regional center will initiate the assessment
37 specified in Section 4643.

38 (B) *For a foster child, either of the following actions:*

39 (i) *Determine if the foster child is eligible or provisionally*
40 *eligible for regional center services.*

1 (ii) *Refer the foster child for the assessment specified in Section*
2 *4643.*

3 ~~(B)~~

4 (C) Inform the individual requesting intake of the regional
5 center's action.

6 ~~(C)~~

7 (D) If the regional center determines that the individual is not
8 eligible *or provisionally eligible* for regional center services, or
9 that the regional center is not initiating the assessment specified
10 in Section 4643, provide the individual requesting intake and, if
11 appropriate, the individual's parents, legal guardian or conservator,
12 or authorized representative, with adequate notice as required by
13 Section 4710.

14 (4) (A) The department shall create, with input from
15 stakeholders, standardized information packets to be provided to
16 any person seeking services from a regional center. There shall be
17 one information packet related to services provided under the
18 California Early Intervention Services Act and another information
19 packet related to services provided under the Lanterman
20 Developmental Disabilities Services Act. The information packets
21 shall be translated to provide language access, as required by state
22 and federal law, shall be available in alternative formats and
23 alternative modes of communication, as required by federal law,
24 and shall include, at a minimum, all of the following:

25 (i) An overview of the regional center system.

26 (ii) A resource guide for consumers and their families.

27 (iii) Consumer rights.

28 (iv) Contact information for the regional center, the department,
29 the office of clients' rights advocacy, and the protection and
30 advocacy agency specified in Division 4.7 (commencing with
31 Section 4900).

32 (B) Each regional center shall distribute the information packets
33 at intake, upon transfer to receiving services under the Lanterman
34 Developmental Disabilities Services Act, and upon request. Each
35 regional center shall begin distributing the information packets
36 within 60 days following the department providing the information
37 packets and issuing directives regarding the distribution of the
38 information packets. In addition to, and not in lieu of, this
39 requirement, each regional center shall post the full content of the
40 most updated information packet on its internet website.

1 (b) A regional center shall communicate with the consumer and
2 the consumer's family pursuant to this section in their preferred
3 language, including providing alternative communication services
4 and alternative formats, as required by state and federal law.

5 (c) *For purposes of this section, the following terms have the*
6 *following meanings:*

7 (1) *"Foster child" means any of the following:*

8 (A) *A child who has been removed from their home by a county*
9 *child welfare services agency pursuant to Section 309.*

10 (B) *A child who is the subject of a juvenile court petition filed*
11 *under Section 300 or Section 602, whether or not the child has*
12 *been removed from their home.*

13 (C) *A dependent child of the court of an Indian tribe, consortium*
14 *of tribes, or tribal organization who is the subject of a petition*
15 *filed in the tribal court pursuant to the tribal court's jurisdiction*
16 *in accordance with the tribe's law.*

17 (D) *A child who is the subject of a voluntary placement*
18 *agreement, as defined in Section 11400.*

19 (E) *A nonminor dependent, as defined in Section 11400.*

20 (2) *"Request for assistance" means any initial contact or inquiry*
21 *from an individual, or a person acting on their behalf, on the nature*
22 *of services or supports available or provided by the regional*
23 *center, or the individual's possible eligibility to receive them based*
24 *on a potential developmental concern or disability.*

25 SEC. 2. Section 4643 of the Welfare and Institutions Code is
26 amended to read:

27 4643. (a) (1) If assessment is needed, the assessment shall be
28 performed within 120 days following initial intake. Assessment
29 shall be performed as soon as possible and in no event more than
30 60 days following initial intake—~~where~~ *under the following*
31 *circumstances:*

32 (A) *When any delay would expose the client to unnecessary risk*
33 *to his or her health and safety or safety.*

34 (B) *When a delay would expose the client to significant further*
35 *delay in mental or physical development, or development.*

36 (C) *When the client would be at imminent risk of placement in*
37 *a more restrictive environment.* ~~Assessment~~

38 (D) *When the client is a foster child, as defined in Section 4642.*

39 (2) *Assessment may include collection and review of available*
40 *historical diagnostic data, provision or procurement of necessary*

1 tests and evaluations, and summarization of developmental levels
2 and service needs and ~~is conditional~~ *may be obtained* upon receipt
3 of the release of information specified in subdivision (b). *The*
4 *regional center shall assist in collecting and procuring this*
5 *documentation to ensure that assessment is conducted as soon as*
6 *possible. Assessment shall be conducted within the timelines*
7 *specified in paragraph (1) irrespective of whether the person, or*
8 *a person acting on their behalf, possesses that documentation.*

9 (b) In determining if an individual meets the definition of
10 developmental disability contained in subdivision (a) of Section
11 4512, the regional center may consider evaluations and tests,
12 including, but not limited to, intelligence tests, adaptive functioning
13 tests, neurological and neuropsychological tests, diagnostic tests
14 performed by a physician, psychiatric tests, and other tests or
15 evaluations that have been performed by, and are available from,
16 other sources. *The regional center shall make its determination*
17 *within the timelines specified in paragraph (1) irrespective of*
18 *whether the person, or a person acting on their behalf, possesses*
19 *that documentation.*

20 (c) At the time of assessment, the individual, or, where
21 appropriate, the parents, legal guardian, ~~or~~ conservator, *or*
22 *authorized representative*, shall provide copies of any health benefit
23 cards under which the consumer is eligible to receive health
24 benefits, including, but not limited to, private health insurance, a
25 health care service plan, Medi-Cal, Medicare, and TRICARE. If
26 the individual, or where appropriate, the parents, legal guardians,
27 ~~or~~ conservators, *or authorized representatives*, have no such
28 benefits, the regional center shall not use that fact to negatively
29 impact the services that the individual may or may not receive
30 from the regional center. *A regional center shall not require an*
31 *individual to use their health benefits before it conducts an*
32 *assessment.*

33 (d) A regional center shall communicate with the consumer and
34 ~~his or her~~ *their* family pursuant to this section in their native
35 language, including providing alternative communication services,
36 as required by Sections 11135 to 11139.7, inclusive, of the
37 Government Code and implementing regulations.

38 SEC. 3. Section 4643.1 is added to the Welfare and Institutions
39 Code, to read:

1 4643.1. (a) (1) The department shall annually report to the
2 Legislature, and post on its internet website, the data identified in
3 paragraph (2).

4 (2) All of the following annual statewide data shall be included
5 in the report submitted to the Legislature pursuant to paragraph
6 (1):

7 (A) The number of initial intakes, and, separately, the number
8 of initial intakes involving foster children, received by regional
9 centers.

10 (B) The percentage of initial intakes, and, separately, the
11 percentage of initial intakes involving foster children, that resulted
12 in eligibility and provisional eligibility determinations, respectively,
13 during the initial intake period.

14 (C) The percentage of initial intakes, and, separately, the
15 percentage of initial intakes involving foster children, that occurred
16 more than 15 working days following a request for assistance.

17 (D) The number of assessments conducted by regional centers
18 and the percentage of cases that resulted in an assessment after the
19 initial intake.

20 (E) The total number of individuals, and, separately, the total
21 number of foster children, who qualified for an expedited
22 assessment within 60 days following initial intake.

23 (F) The percentage of individuals, and, separately, the
24 percentage of foster children, who qualified for an expedited
25 assessment following initial intake but whose assessment occurred
26 more than 60 days following initial intake.

27 (G) The percentage of assessments that occurred more than 120
28 days following initial intake.

29 (H) The percentage of individuals, and, separately, the
30 percentage of foster children, whose applications for services under
31 the California Early Intervention Services Act (Title 14
32 (commencing with Section 95000) of the Government Code) took
33 longer than the 45-day timeline described in Section 95020 of the
34 Government Code.

35 (I) The age, race or ethnicity, and preferred language for all of
36 the following:

37 (i) Individuals, and, separately, foster children, who were denied
38 an initial intake following a request for assistance.

- 1 (ii) Individuals, and, separately, foster children, who were denied
2 eligibility for services pursuant to subdivision (a) of Section 4512
3 following an assessment conducted pursuant to Section 4643.
- 4 (iii) Individuals, and, separately, foster children, who, following
5 an assessment, were denied eligibility for services under the
6 California Early Intervention Services Act (Title 14 (commencing
7 with Section 95000) of the Government Code).
- 8 (b) For purposes of this section, “foster child” and “request for
9 assistance” have the same meaning as in Section 4642.
- 10 (c) (1) A report to be submitted pursuant to subdivision (a)
11 shall be submitted in compliance with Section 9795 of the
12 Government Code.
- 13 (2) Pursuant to Section 10231.5 of the Government Code, this
14 section is repealed on January 1, 2030.