

AMENDED IN ASSEMBLY APRIL 22, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

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, to~~, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL’S DIGEST

AB 1099, as amended, 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 *either the lack of specified documentation, documentation or the age of the person when they received a diagnosis of a qualifying condition, as specified*. The bill would require the department to ~~submit an annual report to the Legislature that includes annually post on its internet website~~ 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 an infant with a developmental disability, shall be eligible for
6 initial intake and assessment services in the regional centers. In
7 addition, any infant having a high risk of becoming
8 developmentally disabled may be eligible for initial intake and
9 assessment services in the regional centers. For purposes of this
10 section, “high-risk infant” means a child less than 36 months of
11 age whose genetic, medical, or environmental history is predictive

1 of a substantially greater risk for developmental disability than
2 that for the general population. The department, in consultation
3 with the State Department of Public Health, shall develop specific
4 risk and service criteria for the high-risk infant program on or
5 before July 1, 1983. These criteria may be modified in subsequent
6 years based on analysis of actual clinical experience.

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

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

20 (C) A decision not to provide the assessment specified in Section
21 4643 shall not be based solely on ~~the~~ *either of the following*:

22 (i) *The lack of documentation, including, but not limited to,*
23 *school, medical, or court records, provided by the person requesting*
24 *assistance or, if appropriate, by the person's parents, legal guardian*
25 *or conservator, or authorized representative.*

26 (ii) *The age of the person when they received a diagnosis of a*
27 *qualifying condition, as long as the qualifying condition originated*
28 *before the person was 18 years of age, as determined through the*
29 *assessment process described in Section 4643.*

30 (D) For initial intakes involving a foster child who has not been
31 determined to be eligible or provisionally eligible for regional
32 center services by the end of the ~~15-working-day~~ *15-working-day*
33 initial intake period, the regional center shall conduct the
34 assessment specified in Section 4643.

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

38 (A) Except as otherwise specified in subparagraph (B), either
39 of the following actions:

- 1 (i) Determine if the individual is eligible or provisionally eligible
2 for regional center services.
- 3 (ii) Determine if the regional center will initiate the assessment
4 specified in Section 4643.
- 5 (B) For a foster child, either of the following actions:
- 6 (i) Determine if the foster child is eligible or provisionally
7 eligible for regional center services.
- 8 (ii) Refer the foster child for the assessment specified in Section
9 4643.
- 10 (C) Inform the individual requesting intake of the regional
11 center's action.
- 12 (D) If the regional center determines that the individual is not
13 eligible or provisionally eligible for regional center services, or
14 that the regional center is not initiating the assessment specified
15 in Section 4643, provide the individual requesting intake and, if
16 appropriate, the individual's parents, legal guardian or conservator,
17 or authorized representative, with adequate notice as required by
18 Section 4710.
- 19 (4) (A) The department shall create, with input from
20 stakeholders, standardized information packets to be provided to
21 any person seeking services from a regional center. There shall be
22 one information packet related to services provided under the
23 California Early Intervention Services Act and another information
24 packet related to services provided under the Lanterman
25 Developmental Disabilities Services Act. The information packets
26 shall be translated to provide language access, as required by state
27 and federal law, shall be available in alternative formats and
28 alternative modes of communication, as required by federal law,
29 and shall include, at a minimum, all of the following:
- 30 (i) An overview of the regional center system.
- 31 (ii) A resource guide for consumers and their families.
- 32 (iii) Consumer rights.
- 33 (iv) Contact information for the regional center, the department,
34 the office of clients' rights advocacy, and the protection and
35 advocacy agency specified in Division 4.7 (commencing with
36 Section 4900).
- 37 (B) Each regional center shall distribute the information packets
38 at intake, upon transfer to receiving services under the Lanterman
39 Developmental Disabilities Services Act, and upon request. Each
40 regional center shall begin distributing the information packets

1 within 60 days following the department providing the information
2 packets and issuing directives regarding the distribution of the
3 information packets. In addition to, and not in lieu of, this
4 requirement, each regional center shall post the full content of the
5 most updated information packet on its internet website.

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

10 (c) For purposes of this section, the following terms have the
11 following meanings:

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

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

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

18 (C) A dependent child of the court of an Indian tribe, consortium
19 of tribes, or tribal organization who is the subject of a petition filed
20 in the tribal court pursuant to the tribal court's jurisdiction in
21 accordance with the tribe's law.

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

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

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

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

32 4643. (a) (1) If assessment is needed, the assessment shall be
33 performed within 120 days following initial intake. Assessment
34 shall be performed as soon as possible and in no event more than
35 60 days following initial intake under the following circumstances:

36 (A) When any delay would expose the client to unnecessary
37 risk to their health and safety.

38 (B) When a delay would expose the client to significant further
39 delay in mental or physical development.

1 (C) When the client would be at imminent risk of placement in
2 a more restrictive environment.

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

4 (2) Assessment may include collection and review of available
5 historical diagnostic data, provision or procurement of necessary
6 tests and evaluations, and summarization of developmental levels
7 and service needs and may be obtained upon receipt of the release
8 of information specified in subdivision (b). The regional center
9 shall assist in collecting and procuring this documentation to ensure
10 that assessment is conducted as soon as possible. Assessment shall
11 be conducted within the timelines specified in paragraph (1)
12 irrespective of whether the person, or a person acting on their
13 behalf, possesses that documentation.

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

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

37 (d) A regional center shall communicate with the consumer and
38 their family pursuant to this section in their native language,
39 including providing alternative communication services, as required

1 by Sections 11135 to 11139.7, inclusive, of the Government Code
2 and implementing regulations.

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

5 4643.1. (a) ~~(1)~~—The department shall annually report to the
6 Legislature, and post on its internet website, the data identified in
7 paragraph ~~(2)~~: *website all of the following annual statewide data,*
8 *by regional center, and on a statewide-aggregate basis:*

9 ~~(2)~~ All of the following annual statewide data shall be included
10 in the report submitted to the Legislature pursuant to paragraph
11 ~~(1)~~:

12 ~~(A)~~

13 (1) The number of initial intakes, and, separately, the number
14 of initial intakes involving foster children, received by regional
15 centers.

16 ~~(B)~~

17 (2) The percentage of initial intakes, and, separately, the
18 percentage of initial intakes involving foster children, that resulted
19 in eligibility and provisional eligibility determinations, respectively,
20 during the initial intake period.

21 ~~(C)~~

22 (3) The percentage of initial intakes, and, separately, the
23 percentage of initial intakes involving foster children, that occurred
24 more than 15 working days following a request for assistance.

25 ~~(D)~~

26 (4) The number of assessments conducted by regional centers
27 and the percentage of cases that resulted in an assessment after the
28 initial intake.

29 ~~(E)~~

30 (5) The total number of individuals, and, separately, the total
31 number of foster children, who qualified for an expedited
32 assessment within 60 days following initial intake.

33 ~~(F)~~

34 (6) The percentage of individuals, and, separately, the percentage
35 of foster children, who qualified for an expedited assessment
36 following initial intake but whose assessment occurred more than
37 60 days following initial intake.

38 ~~(G)~~

39 (7) The percentage of assessments that occurred more than 120
40 days following initial intake.

1 ~~(H)~~

2 (8) The percentage of individuals, and, separately, the percentage
3 of foster children, whose applications for services under the
4 California Early Intervention Services Act (Title 14 (commencing
5 with Section 95000) of the Government Code) took longer than
6 the 45-day timeline described in Section 95020 of the Government
7 Code.

8 (9) *The average number of days that elapsed between a request*
9 *for assistance and an initial intake for applicants, and, separately,*
10 *for foster children applicants, who received an initial intake.*

11 (10) *The average number of days that elapsed between an initial*
12 *intake and an assessment for applicants, and, separately, for foster*
13 *children applicants, who received an assessment following initial*
14 *intake.*

15 ~~(I)~~

16 (11) The *number of instances*, age, race or ethnicity, and
17 preferred language for all of the following:

18 ~~(i)~~

19 (A) Individuals, and, separately, foster children, who were denied
20 an initial intake following a request for assistance.

21 ~~(ii)~~

22 (B) Individuals, and, separately, foster children, who were denied
23 eligibility for services pursuant to subdivision (a) of Section 4512
24 following an assessment conducted pursuant to Section 4643.

25 ~~(iii)~~

26 (C) Individuals, and, separately, foster children, who, following
27 an assessment, were denied eligibility for services under the
28 California Early Intervention Services Act (Title 14 (commencing
29 with Section 95000) of the Government Code).

30 (D) *Individuals, and, separately, foster children, who challenged*
31 *an initial intake denial or eligibility denial through the appeals*
32 *process described in Chapter 7 (commencing with Section 4700)*
33 *or a mediation conference or due process hearing, as described*
34 *in Section 52172 of Title 17 of the California Code of Regulations,*
35 *as applicable.*

36 (b) For purposes of this section, “foster child” and “request for
37 assistance” have the same ~~meaning~~ *meanings* as in Section 4642.

38 ~~(c) (1) A report to be submitted pursuant to subdivision (a)~~
39 ~~shall be submitted in compliance with Section 9795 of the~~
40 ~~Government Code.~~

1 ~~(2) Pursuant to Section 10231.5 of the Government Code, this~~
2 ~~section is repealed on January 1, 2030.~~

O