

RIGHTS UNDER THE LANTERMAN ACT

The Regional Center is Your Starting Point

Chapter 3

This chapter explains:

- How to apply for regional center services
- How you will receive services
- How to transfer to a different regional center



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Table of Contents

1.	What are the responsibilities of the regional center?	1
2.	How does the regional center find people with developmental disabilities?	2
3.	How does the regional center reflect the diversity of the community?	2
4.	Does the regional center have to provide services that are sensitive to my culture?	3
5.	What if I don't speak English?	3
6.	Do I have to bring my own interpreter?	4
7.	What if I cannot go to the regional center because of my disability?	4
8.	How do I apply for regional center services?	4
9.	Who will I see at the regional center?	4
10.	How long will it take to get my first appointment at the regional center?	5
11.	What should I bring to the initial intake meeting?	5
12.	What happens at the initial intake meeting?	5
13.	How long does the assessment process take?	5
14.	What is an assessment?	6
15.	How does the regional center decide if I am eligible for services?	6
16.	How will I know if the regional center decides that I am <i>not</i> eligible?	6
17.	What if the regional center says I am not eligible for an assessment or services?	7
18.	If the regional center decides that I am not eligible, can I apply again later?	7
19.	What happens if the regional center decides I am eligible for services?	7
20.	What is a service coordinator?	7
21.	Can I change my service coordinator?	8
22.	Can I still get services if I move?	8
23.	How do my old and new regional centers work together when I move?	9
24.	Which regional center pays for services if we move?	10
25.	What if the new and old regional centers disagree on the transfer?	10

The Regional Center

This chapter explains what the regional centers are and how to use them.

You will learn:

- *How to apply for regional center services*
- *How you will receive services*
- *How to transfer to a different regional center*

We explain what the law says and important things you should know about the regional center system. This information is based on a state law called the Lanterman Act.

We also give you the exact section of this state law where the information is found. You may have to refer to the law to get the services you need. When you see § 4512(a), for example, it means that information comes from the Lanterman Act, section (§) 4512, part a.

If you want to read the Lanterman Act, go to:
<http://www.dds.ca.gov/Statutes/LantermanAct.cfm>

1. What are the responsibilities of the regional center?

Regional centers provide services to:

- Anyone who has a developmental disability,
- Anyone suspected of having a developmental disability, and
- Anyone at risk of giving birth to a child with a developmental disability.¹
- Regional centers must:
- Find and identify people who may need regional center services.²

¹ Regional centers also provide early intervention services to infants and toddlers with disabilities (from birth through third birthday) under “Part C” of the federal special education law, the Individuals with Disabilities Education Act (IDEA). This manual does not cover Part C services. For information on Part C services, see Chapter 12 of Special Education Rights and Responsibilities, available from Disability Rights California, publication 5040.01. You can download this publication online at

www.disabilityrightscalifornia.org/PUBS/504001SpecEdIndex.htm

- Evaluate people who apply for regional center services to decide if they are eligible.³
- Provide preventive services to people at high risk of having a child with developmental disabilities.⁴
- Coordinate services for all of their regional center consumers.⁵
- Develop an Individual Program Plan (IPP) that considers each person’s individual needs and choices.⁶
- Make sure that the consumer receives all of the services and supports listed in the IPP.⁷
- Develop new services and supports and monitor the quality of the services and supports provided.⁸

2. How does the regional center find people with developmental disabilities?

Regional centers are required to do “case finding.” This means that regional centers must *actively* look throughout the community to find people who are eligible for services. To do this, the regional center works with public health agencies, the Department of Social Services, school districts, and other state, local and private agencies in the area.

Pediatricians or other medical professionals often refer parents of a child with developmental delays or disabilities to the regional center. But, you do not need a doctor’s referral to go to the regional center. Anyone who believes s/he may have a developmental disability has the right to be evaluated by the regional center.

3. How does the regional center reflect the diversity of the community?

One way the Lanterman Act tries to make sure that all parts of the community are served is to make sure the regional center’s Board of Directors represents the developmental disabilities community as a whole. At least 25 percent of the members of the board must have developmental disabilities. At

² § 4641. All references in this manual are to the Lanterman Act unless it says otherwise. The § symbol means “section.”

³ §§ 4642, 4643.

⁴ § 4644.

⁵ §§ 4640.6(c), 4647.

⁶ §§ 4646, 4646.5.

⁷ §§ 4648, 4651 and many other sections throughout the Act.

⁸ §§ 4647, 4648(d), 4648(e), 4648.1, 4651.

least half of the board members must have developmental disabilities or be parents or legal guardians of people with developmental disabilities.⁹ The Board of Directors should reflect the community's social, cultural, and ethnic backgrounds. This diversity makes it more likely that all people will be able to get the regional center services they need, no matter what their race, ethnicity, religion or income is.

4. Does the regional center have to provide services that are sensitive to my culture?

Yes. If you want your regional center to consider your cultural background, talk to your service coordinator about your preferences and values. A good time to do this is when your service coordinator is gathering information about you to plan your IPP. Regional centers must keep you and your family's lifestyle and culture in mind when they plan your IPP.¹⁰ Regional centers must use the information you give them about your culture to help your team create an IPP that considers your culture, language, and values.

If your child is a regional center client, the regional center must make sure that your child gets services that meet your family's cultural preferences, values and lifestyle.¹¹

5. What if I don't speak English?

Good communication is very important. If you do not speak English well, have trouble understanding English, or feel more comfortable speaking in a different language, tell the regional center as soon as possible and ask them to provide an interpreter for your first meeting. The regional center must provide an interpreter for the meeting.

If the regional center makes a decision that you disagree with and decide to appeal it, the regional center *must* hire and pay for an interpreter, if you need one.¹² You also have the right to have your IPP and other documents translated and to use an interpreter for meetings or phone calls.¹³

You can use Supplement T at the end of this manual to tell the regional center that you need an interpreter or translation services. It takes time to arrange these services, so tell them as soon as possible. If the regional

⁹ §§ 4625, 4622(e).

¹⁰ § 4646.5(a)(1).

¹¹ § 4685(b)(4).

¹² §§ 4710.6(a)(5), 4710.8(c).

¹³ Government Code §§ 7290 *et seq.*, §§ 11435.05, 11435.15, 11435.25(b); Welf. and Inst. Code §§ 4502.1, 4646, 4646.5(a)(1), 4701 *et seq.*; Cal. Code Regs., tit. 22, §§ 98210(a), (c), (d), 98211(c).

center refuses to translate documents or provide an interpreter for you, call Disability Rights California or OCRA for more information about your rights.

6. Do I have to bring my own interpreter?

No. You *can* bring a friend or family member who speaks English to help you. But, the regional center cannot *make you* bring a friend instead of hiring a professional interpreter.

You have the right to ask for an interpreter at every meeting, if you need one. You also have the right to ask the regional center to translate the documents you talk about so you can understand them.

7. What if I cannot go to the regional center because of my disability?

If you cannot go to the regional center's offices because of your disability, the regional center must visit you at home. Federal law (including Section 504 of the Rehabilitation Act and its regulations) guarantees your right to this kind of accommodation.¹⁴ This right applies to all public agencies that provide benefits or services, including In-Home Supportive Services (IHSS), Social Security, and other agencies. If necessary, an agency can work with you over the phone. You can also participate in hearings and appeals over the phone.

8. How do I apply for regional center services?

First, contact your local regional center. You can call, write, or go to their offices. Then, make an appointment for your first meeting. This meeting is called the "initial intake."

The receptionist or intake clerk must allow you to apply for regional center services.

9. Who will I see at the regional center?

At your first appointment, you will meet an intake worker. You may also see other members of the regional center staff, including social workers, psychologists, health professionals, and other specialists. They work together as a team in the intake and assessment process. This team, called an interdisciplinary or ID team, includes at least one doctor, a psychologist, and a service coordinator.¹⁵

¹⁴ 29 U.S.C. § 794; 45 C.F.R. § 84.22(b).

¹⁵ Cal. Code Regs., tit. 17, § 54001(b).

10. How long will it take to get my first appointment at the regional center?

After you apply for services, the regional center must complete the “initial intake” meeting within 15 working days.¹⁶

11. What should I bring to the initial intake meeting?

Bring any records you have from doctors, hospitals, health clinics, schools, and anyone else who knows you or your child well, or who knows you or your child’s developmental history.

Also bring the names, addresses, and phone numbers of your doctors, psychologists, and other health care professionals. This can help speed up the process.

See Supplement E at the back of this manual. It is a checklist that will help you bring all the information you need to your first meeting.

12. What happens at the initial intake meeting?

The regional center will ask you to fill out forms and sign releases so they can get your records.

The regional center should also give you information and advice about regional center services, services at other agencies, and information about the Area Board, Disability Rights California and OCRA, including addresses and phone numbers.¹⁷

During the first meeting, the regional center will decide if they need to do a formal eligibility assessment. They may ask for more information. If your disability is clearly documented, you may not need a formal assessment.

13. How long does the assessment process take?

After the first meeting (called the “initial intake”), the regional center has **120 days** to decide if you are eligible for services.¹⁸

The regional center has only **60 days** to make a decision if:

¹⁶ § 4642.

¹⁷ § 4646(c).

¹⁸ § 4643(a). Starting July 1, 2007, the law says that an assessment must be done within 60 days after intake. If unusual circumstances prevent the assessment from being done in 60 days, DDS can approve a 30-day extension, in writing. However, the extended timeline of 120 days was in place for the past four years and the Legislature may continue the extended timeline in future years.

- Waiting would put your health and safety at risk unnecessarily or lead to a significant delay in mental or physical development; or
- There is an imminent risk of placement in a more restrictive environment (for example a child being moved out of the family home, or someone being placed in a developmental center).¹⁹

After the assessment, if the regional center decides that you are eligible for services, they have **60 days** to complete your first Individual Program Plan (IPP).²⁰

14. What is an assessment?

Sometimes the regional center needs more information to decide if you are eligible for services, or to determine what services you need and want. An assessment is a way to get information to decide if you are eligible for services from the regional center. You may also have an assessment to decide if you are eligible for a particular service.

As part of the assessment, a team of regional center workers called the interdisciplinary team (or ID team) looks at information from records and reports from doctors, psychologists, schools, testing, and interviews. They may also arrange formal psychological or medical tests.

15. How does the regional center decide if I am eligible for services?

See Chapter 2 for detailed information on how the regional center decides if you are eligible for services.

16. How will I know if the regional center decides that I am *not* eligible?

The regional center must send you and your representative, if you have one, a written notice by ***certified mail*** within **5 days** of deciding that you are not eligible.²¹ The regional center must also send you a notice if they decide not to do an assessment.

¹⁹ § 4643(a).

²⁰ § 4646(c).

²¹ § 4710(e).

17. What if the regional center says I am not eligible for an assessment or services?

If the regional center decides that you are not eligible for services or an assessment, and you disagree, you have the right to appeal.²²

Important! If you decide to appeal, you must do it within **30 days** of the date of the regional center's decision.²³

The following information will help you with your appeal:

- Chapter 2 of this manual has more information about regional center eligibility.
- Chapter 12 has a step-by-step guide to appeals.
- Supplement S has a time line of the key steps in an appeal. It also explains how to give notice for your appeal.

18. If the regional center decides that I am not eligible, can I apply again later?

Yes. If you discover facts or get new information (such as new test results), you can apply again. The regional center must consider the new information you give them; but they might not do a completely new evaluation.

19. What happens if the regional center decides I am eligible for services?

First, the regional center will complete your assessment. Then, the regional center has 60 days to finish your Individual Program Plan (IPP).²⁴ The regional center will work with you and your family (if appropriate) to develop your IPP.

Your IPP is very important because it explains how you get services. It is like a contract between you and the regional center. It describes the services and support that the regional center will provide or help you to get.

For more information about the IPP process, and how it works, see Chapter 4.

20. What is a service coordinator?

A service coordinator is a very important person. This is the person who is your contact at the regional center. Sometimes the service coordinator is

²² § 4710.5(a).

²³ § 4710.5(a); see Chapter 12 on Disputes and Appeals.

²⁴ § 4646(c).

called a case manager or Client Program Coordinator (or CPC). Your service coordinator helps develop your IPP and works to make sure that you get the services you are entitled to from other agencies.²⁵ You may also have other contacts at the regional center, but your service coordinator is the person with whom you have the most contact.

The Lanterman Act says that you, a family member, or a conservator can do some or all of the jobs of a service coordinator. But, you must get approval from the director of the regional center before you do this. If the director approves, the regional center must provide you, or the person serving as your service coordinator, with training and ongoing help.²⁶

21. Can I change my service coordinator?

Yes. You can ask for a different service coordinator if you are unhappy with the one that the regional center has assigned to you. Because your relationship with your service coordinator is such an important one, no person can continue as your service coordinator unless you agree.²⁷ If you ask for a different service coordinator, the regional center must assign a new one. If the regional center wants to change your assigned service coordinator permanently, it has to give you a written notice within 10 business days.

22. Can I still get services if I move?

Yes. Once you are a regional center client, you are enrolled in the statewide system. If you move to a different part of the state with another regional center, you will get your services from that regional center.²⁸

Your new regional center must also give you services, unless they decide, after a complete evaluation, that the other regional center's eligibility decision was "clearly erroneous" (wrong).^{29 30}

²⁵ § 4647(b).

²⁶ § 4647.

²⁷ § 4647(b).

²⁸ § 4643.5(a).

²⁹ § 4643.5(b).

³⁰ In unusual circumstances, you may move to an area served by a different regional center, but you remain a client of your old regional center. In *In the Matter of P.F. and D.B.*, OAH L-2001120516 and L-2001120517, two regional center consumers who had known each other for 35 years and lived together 8 years, were forced to move to another regional center area due to unaffordable housing in the couple's previous regional center area. The Administrative Law Judge (ALJ) decided that the couple did not have to change regional centers. In *In the Matter of S.B.*, OAH L-1998080340, the ALJ held that a 25-year-old woman who had been a

The new regional center must not tell you that you have to wait for services or that existing clients in the new regional center have first priority. You have the same right to services and supports as any other client in the new regional center area, even if there is a disagreement about your case transfer.

When you move, your Individual Program Plan (IPP) stays in effect, with the same level of services and supports, until you agree to a new IPP. If some services or supports that you had before you moved are not available at your new regional center, there must be a meeting within **30 days** to agree on a new IPP. Until the new IPP is approved, the regional center must give you alternative services and supports that best meet your IPP objectives in the least restrictive setting possible.³¹

For more information on the planning process and contents of the IPP, see Chapter 4.

23. How do my old and new regional centers work together when I move?

The regional centers must work together to make sure your transition to the new regional center is smooth, and that there are no delays or gaps in your services and supports.³² The Department of Developmental Services (DDS) established guidelines that say that regional centers, clients, families, and service providers should work together before, during, and after you move. (Supplement H at the end of this manual explains the DDS guidelines.)

Important! If you are planning to move, ask your regional center for a “pretransfer planning meeting” as soon as possible. Your current regional center, your new regional center, and your service providers will participate in this meeting to decide:

- *Who* is responsible for specific transfer activities,
- *What* the specific responsibilities are, and
- *When* the transfer activities will take place.

client of East Los Angeles Regional Center since age 4 months did not have to have her case transferred to Harbor Regional Center just because the consumer had moved from her father’s home to her mother’s home, a point just over the boundary between the two regional centers. The ALJ discusses what constituted the claimant’s “community” and decided that the claimant’s case management should stay with East Los Angeles Regional Center.

³¹ § 4643.5(b).

³² § 4643.5(c). See Supplement H for transfer guidelines.

In other words, the planning meeting can make sure that you do not have a gap in important services and supports, such as nursing care, behavioral support, and supported living.

Regional centers must make special efforts to find out-of-home placements for children and their families who are moving because there are no options available near their family home. Usually, these children become clients of the new regional center to make case management easier. The regional center must **not** prevent a child from being placed back near the family home simply because the child is “no longer” a client of the regional center near the family home. (To learn about the rules your regional center must follow to find a placement near the family home, see Chapter 6, Question 30.)

24. Which regional center pays for services if we move?

Your current regional center will continue to pay for services (and manage your case) until:

- you have a new IPP (or an Individual Family Service Plan, IFSP for children under three), and
- the new regional center is providing your services.

25. What if the new and old regional centers disagree on the transfer?

Regional centers should try to resolve all transfer disputes between themselves. If they cannot, either the regional center or you (or your authorized representative) can ask the Department of Developmental Services (DDS) for help.

Contact the DDS' Deputy Director of the Community Services and Supports Division:

1600 9th Street, MS 3-24
Sacramento, CA 95814
Phone: (916) 654-2716

DDS will give each regional center 5 working days to explain its position in writing. Then the Deputy Director will write an opinion within 30 days after receiving the information needed.

Until the disagreement is solved, your old (original) regional center must continue to pay for your services and manage your case. At no time should a consumer or family be without services due to disputes between regional centers.