



California's protection and advocacy system
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#11: Fact Sheet on California's Budget Cuts to Developmental Disability Services & Programs - July 28, 2009

Parental Fees¹

The State Legislature required the Department of Developmental Services (DDS) to reduce the DD Budget by 334 million dollars. As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes the changes to the parental fee scale, any exceptions to those changes, and what will happen if the regional center wants to change your services.

The Lanterman Act requires regional centers to collect parental fees for services provided by the regional center, including the cost of paying for out-of-home placement.

How the Law Changed

The new law changes parental fees in the following ways:² Fees will be based on the current cost of caring for a child at home. This cost will be determined by using data from the United States Department of Agriculture's survey and adjusted by the Consumer Price Index.

- Families with incomes below the federal poverty level will not be required to pay.

¹ The changes are part of the Budget Trailer Bill (TBL) ABx4 9. You may find the law at http://info.sen.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx4_9_bill_20090728_chaptered.pdf. The changes affecting Parental Fees are found in Welfare & Institutions Code, Sections 4677(a), 4784.

² This section is effective upon enactment of the TBL, which was July 28, 2009.

- The law continues to require the DDS Director to consider the following factors:
 - Medical expenses incurred prior to regional center care
 - Whether the child is living at home
 - Parent's payment for medical expenses, clothing, incidentals and other items necessary for the normal raising of children
 - Transportation expenses for visiting the child.
- The law no longer requires that all of the fees collected go a fund to develop new programs.
- The law establishes a pro-rated schedule for collecting parental fees for children placed out of home prior to July 1, 2009, so parents do not face a large increase at one time.

Appeal of Determination of Parental Fee³

The Appeal Process for parental fees is different than for services received under the Lanterman Act. The new law does not change the parents' right to question the amount of fees they are required to pay. Parents who are dissatisfied with the decision regarding their ability to pay and/or the amount of parental fee may, within 30 days of receipt of the parental fee confirmation letter, request an appeal. The appeal must

- be in writing and
- be addressed to the Director of Developmental Services, and
- state the reason(s) for the appeal.

The Department of Developmental Services will send a copy of the appeal to the appropriate regional center director within five days of its receipt.

Parents may discontinue making payments of the assessed fee while they are waiting for a decision on their appeal. However, if parents fail or refuse to provide the Department pertinent financial information within 60 days of the request for an appeal, the appeal shall be deemed withdrawn and collection activities shall be resumed.

The Director or designee shall, within 30 days after receipt of all pertinent financial information requested by the Department, review the appeal and provide written notice of the decision to the appellant and the appropriate regional center. All decisions regarding parental fee appeals may be made retroactive to the date the appealed fee was established.

³ Cal Code Regs, tit 17, Section 50241