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# RESPITE SERVICES

# Disclaimer

- ▶ The following presentation is meant for education only and does not constitute legal advice or counsel. Your situation may be unique and require careful attention.
- ▶ Keep in mind that the information in these slides could become out of date, as the laws and local practices relating to these matters are constantly developing

# Purpose of Respite

- ▶ Give families a break from directly taking care of a person with a developmental disability
- ▶ Families can take a break inside or outside the home.

Welf. & Instit. Code §4690.2(a)

# Types of Respite

## ► **In-home respite services**

- Respite worker comes to the home
- Provides non-medical care and supervision

## ► **Out-of-home respite services**

- Provided in a licensed residential facility
- Non-medical care and supervision
- Must meet the consumer's planned or emergency needs.

Cal. Welf. & Inst. Code § 4690.2; Cal. Code Regs. tit. 17, § 56901(b)(26)

# Definition of in-home respite

- “In-home respite services” means intermittent or regularly scheduled temporary nonmedical care and supervision provided in the client's own home, for a regional center client who resides with a family member. These services are designed to do all of the following:
  1. Assist family members in maintaining the client at home.
  2. Provide appropriate care and supervision to ensure the client's safety in the absence of family members.
  3. Relieve family members from the constantly demanding responsibility of caring for the client.

# ELIGIBILITY AND AUTHORIZATION

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# Eligibility for Respite Services

1. Consumer lives with a family member
2. Individual Program Plan (IPP) team agrees there is a need for respite
3. IPP objective
4. The consumer requires more care and supervision than a person of the same age who does not have a developmental disability.

Cal. Code Regs. tit. 17, § 56782

# Who is a “family member”?

- A family member is a someone who:
  - Lives with a person with a developmental disability;
  - Responsible for providing 24-hour care and supervision for the person with a developmental disability;
  - Is not a resident care facility or a foster family home receiving funds from the regional center or any other public agency.

Cal. Code Regs. tit. 17, § 54302(a)(29)

# How much respite can I get?

- The limits on the hours of respite services were repealed in January 2018
  - 90-hour limit on in-home respite and the 21-day limit on out-of-home respite no longer apply
- There are currently **no limits** on respite hours.
  - Hours are based on the needs and preferences on the consumer and the consumer's family.

[www.dds.ca.gov/wp-content/uploads/2019/02/SupportSvcs\\_RespiteEnglish\\_20190215.pdf](http://www.dds.ca.gov/wp-content/uploads/2019/02/SupportSvcs_RespiteEnglish_20190215.pdf);

# How much respite can I get?

- Some regional centers use **Respite Assessment Tools** to determine the number of respite hours
  - How the tool is used, and what factors taken into consideration, varies by regional center
  - Department of Developmental Services (DDS) is currently developing a *standardized respite tool* for all regional centers to use.
- For minor children, state law strongly supports them staying in the family home.
  - If your minor child is at risk of being placed outside the family home, the regional center must *look into* every possible way to help you (parents or other family) in keeping the child at home. This include increasing your respite hours.

Cal. Welf. & Inst. Code § 4685(c)(2); <https://sclarc.org/wp-content/uploads/2025/03/DDS-Approved-In-Home-Respite-Policy-01-15-2019.pdf>

# Purchase of Service Policies

- Some regional centers' POS policies still have caps on the number of respite service hours.
- However, the amount of respite that a consumer can receive must be determined by a case-by-case basis.
  - Some regional centers will describe a “typical” or “customary” number of hours of respite given. This is not a strict limit on the number of hours, and you can ask for more respite.

# **RESPITE FOR CONSUMERS WITH SIGNIFICANT MEDICAL AND/OR BEHAVIORAL NEEDS**

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# Medical and/or Behavioral Needs

- Training and skills
- Incidental medical services
- Regional center assessment to determine consumer's needs
  - Ex) Nursing assessment to determine if consumer needs respite worker with nursing skills, or a nurse.

# Incidental Medical Services

- Includes:
  - Colostomy and ileostomy;
  - Urinary catheter (emptying/changing bags);
  - Gastrostomy (feeding, hydration, adding medication based on doctors' orders).
- Respite worker must receive training to perform these services from a licensed health care professional
- Before regional center pays a respite worker for providing incidental medical services, it will complete a nursing assessment.

Cal. Welf. & Inst. Code § 4686

# Out-of-Home Respite

- Regional center-approved residential service provider.
- Intermittent or regularly scheduled temporary **non-medical** care and supervision.
- Designed to give families a break, like allowing parents to take vacations.
- Must meet the consumer's planned or emergency needs.

# TERMINATION OF RESPITE SERVICES

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# Termination of Respite

If:

1. Respite jeopardizes the consumer's health/safety;
2. Request for respite services to end;
3. Consumer moves outside the service area;
4. Respite services are no longer needed to meet consumer's needs;
5. Service agency can no longer meet the consumer's needs.

Cal. Code Regs. tit. 17, § 56788(a)

# GENERIC RESOURCES

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# Generic Resources

- ▶ Any agency receiving public funds with legal responsibility to serve all members of the general public.  
Cal. Code Regs. tit. 17, §54302(a)(31)
- ▶ Regional Center is the “payer of last resort”  
Welf. & Inst. Code §4659.10
- ▶ Regional centers are prohibited from purchasing any service that would otherwise be available from:
  - Medi-Cal, Medicare;
  - In-Home Supportive Services (IHSS);
  - Department of Rehabilitation (DOR);
  - School Districts;
  - Private insurance or a health care service plan.

# Use of Generic Resources

- There shall be no gaps in service.  
Welf. & Inst. Code § 4501, 4648(g)
- Regional centers can pay for services while the coverage is being pursued, pending a final administrative decision or until the commencement of the services.
- Regional center must identify and pursue all possible sources of funding

Welf. & Inst. Code § 4659(a)

# In-Home Supportive Services (IHSS)

- Apply for IHSS if eligible
  - Gap funding
- IHSS and respite
  - IHSS and respite are different services
  - But, does IHSS meet all your respite needs?
- You don't have to obtain or use IHSS before getting more respite care

# Requesting Respite from Regional Center

- Document your weekly schedule, including the time dedicated to caring for the consumer
- Make a list of behavioral and/or medical needs, if any
- IPP meeting or written request to service coordinator
- Written Notice-of-Action (NOA) letter

# DRC Resources

- Website: <https://www.disabilityrightsca.org/>
- For more information on the services provided by the regional center and on the Individual Program Plan (IPP) process, refer to our publication, Rights Under the Lanterman Act (RULA).
  - RULA chapters are available (English) at <https://www.disabilityrightsca.org/publications/la-rights-under-the-lanterman-act-complete-manual>.
  - ❑ Chapter 6: Keeping the Family Together- Services and Supports for Children

# Thank you!

**Intake Line:** 1-800-776-5746 or

<https://www.disabilityrightsca.org/get-help>.

Monday, Tuesday, Thursday, or Friday  
from 9 a.m. to 3 p.m.