

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN SENATE MAY 15, 2014

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1089

**Introduced by Assembly Member Ian Calderon
(Coauthors: Assembly Members Brown, Maienschein, Ting, and
Wilk)**

February 22, 2013

An act to amend Section 95014 of the Government Code, and to amend Section 4643.5 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1089, as amended, Ian Calderon. Foster care.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities and their families. The services and supports to be provided to a regional center consumer are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

Existing law also provides that if a consumer is or has been determined to be eligible for services by a regional center, he or she shall also be

considered eligible by any other regional center if he or she has moved to another location within the state. In addition, existing law provides that whenever a consumer transfers from one regional center catchment area to another, the level and types of services and supports specified in the consumer’s individual program plan shall be authorized and secured, as specified.

This bill would specify the transfer procedures that would apply when a consumer of regional center services who has an order for foster care, is awaiting foster care placement, or is placed in out-of-home care transfers between regional centers. Among other things, the bill would require the county social worker or county probation officer to immediately send a notice of relocation, as defined, to the sending regional center of the consumer who meets the criteria set forth above, and would require the sending regional center to immediately send a notice of transfer, as defined, and records needed for the planning process to the receiving regional center, as specified. The bill would establish specific timelines and procedures for making these transfers. By imposing new duties and a higher level of service on county employees, the bill would impose a state-mandated local program.

The bill would include a statement of legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Children in foster care are at increased risk for serious
- 3 developmental delays and disabilities as a result of abuse, neglect,
- 4 and prenatal exposure to drugs.
- 5 (b) Timely and consistent provision of quality remediation and
- 6 therapeutic services for children with developmental delays and
- 7 disabilities, such as those provided by California’s regional centers,

1 have been shown to greatly improve outcomes for these children.
2 Unfortunately, children in foster care are at increased risk for a
3 disruption in services due to frequent placement changes. These
4 disruptions cause dramatic setbacks in a child’s development and
5 well-being.

6 (c) It is imperative that children in foster care experience
7 minimal interruptions in developmental services. If circumstances
8 do not allow for advance planning during the transfer from one
9 regional center’s catchment area to another’s, it is critical to
10 facilitate continuity of services with a minimum of interruption.

11 (d) Therefore, regional centers shall put a high priority on
12 minimizing delays in providing developmental services to children
13 in the foster care system.

14 ~~SEC. 2.—Section 95014 of the Government Code is amended~~
15 ~~to read:~~

16 ~~95014. (a) The term “eligible infant or toddler” for the~~
17 ~~purposes of this title means infants and toddlers from birth through~~
18 ~~two years of age, for whom a need for early intervention services,~~
19 ~~as specified in the federal Individuals with Disabilities Education~~
20 ~~Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is~~
21 ~~documented by means of assessment and evaluation as required~~
22 ~~in Sections 95016 and 95018 and who meet one of the following~~
23 ~~criteria:~~

24 ~~(1) Infants and toddlers with a developmental delay in one or~~
25 ~~more of the following five areas: cognitive development; physical~~
26 ~~and motor development, including vision and hearing;~~
27 ~~communication development; social or emotional development;~~
28 ~~or adaptive development. Developmentally delayed infants and~~
29 ~~toddlers are those who are determined to have a significant~~
30 ~~difference between the expected level of development for their~~
31 ~~age and their current level of functioning. This determination shall~~
32 ~~be made by qualified personnel who are recognized by, or part of,~~
33 ~~a multidisciplinary team, including the parents. A significant~~
34 ~~difference is defined as a 33-percent delay in one developmental~~
35 ~~area before 24 months of age, or, at 24 months of age or older,~~
36 ~~either a delay of 50 percent in one developmental area or a~~
37 ~~33-percent delay in two or more developmental areas. The age for~~
38 ~~use in determination of eligibility for the Early Intervention~~
39 ~~Program shall be the age of the infant or toddler on the date of the~~
40 ~~initial referral to the Early Intervention Program.~~

1 ~~(2) Infants and toddlers with established risk conditions, who~~
2 ~~are infants and toddlers with conditions of known etiology or~~
3 ~~conditions with established harmful developmental consequences.~~
4 ~~The conditions shall be diagnosed by qualified personnel~~
5 ~~recognized by, or part of, a multidisciplinary team, including the~~
6 ~~parents. The condition shall be certified as having a high~~
7 ~~probability of leading to developmental delay if the delay is not~~
8 ~~evident at the time of diagnosis.~~

9 ~~(b) Regional centers and local educational agencies shall be~~
10 ~~responsible for ensuring that eligible infants and toddlers are served~~
11 ~~as follows:~~

12 ~~(1) The State Department of Developmental Services and~~
13 ~~regional centers shall be responsible for the provision of~~
14 ~~appropriate early intervention services that are required for~~
15 ~~California's participation in Part C of the federal Individuals with~~
16 ~~Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all~~
17 ~~infants eligible under Section 95014, except for those infants with~~
18 ~~solely a visual, hearing, or severe orthopedic impairment, or any~~
19 ~~combination of those impairments, who meet the criteria in~~
20 ~~Sections 56026 and 56026.5 of the Education Code, and in Section~~
21 ~~3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the~~
22 ~~California Code of Regulations.~~

23 ~~(2) The State Department of Education and local educational~~
24 ~~agencies shall be responsible for the provision of appropriate early~~
25 ~~intervention services in accordance with Part C of the federal~~
26 ~~Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431~~
27 ~~et seq.) for infants with solely a visual, hearing, or severe~~
28 ~~orthopedic impairment, or any combination of those impairments,~~
29 ~~who meet the criteria in Sections 56026 and 56026.5 of the~~
30 ~~Education Code, and in Section 3030(a), (b), (d), or (e) of, and~~
31 ~~Section 3031 of, Title 5 of the California Code of Regulations,~~
32 ~~and who are not eligible for services under the Lanterman~~
33 ~~Developmental Disabilities Services Act (Division 4.5~~
34 ~~(commencing with Section 4500) of the Welfare and Institutions~~
35 ~~Code).~~

36 ~~(3) The transfer procedures and timelines, as provided under~~
37 ~~subdivision (d) of Section 4643.5 of the Welfare and Institutions~~
38 ~~Code, shall apply if the circumstances pertaining to an eligible~~
39 ~~infant or toddler are that the child (A) has an order for foster care~~
40 ~~placement, is awaiting foster care placement, or is placed in~~

1 out-of-home care through voluntary placement as defined in
2 subdivision (c) of Section 11400 of the Welfare and Institutions
3 Code, and (B) transfers between regional centers or local
4 educational agencies.

5 (e) For infants and toddlers and their families who are eligible
6 to receive services from both a regional center and a local
7 educational agency, the regional center shall be the agency
8 responsible for providing or purchasing appropriate early
9 intervention services that are beyond the mandated responsibilities
10 of local educational agencies and that are required for California's
11 participation in Part C of the federal Individuals with Disabilities
12 Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational
13 agency shall provide special education services up to its funded
14 program capacity as established annually by the State Department
15 of Education in consultation with the State Department of
16 Developmental Services and the Department of Finance.

17 (d) No agency or multidisciplinary team, including any agency
18 listed in Section 95012, shall presume or determine eligibility,
19 including eligibility for medical services, for any other agency.
20 However, regional centers and local educational agencies shall
21 coordinate intake, evaluation, assessment, and individualized
22 family service plans for infants and toddlers and their families who
23 are served by an agency.

24 (e) Upon termination of the program pursuant to Section 95003,
25 the State Department of Developmental Services shall be
26 responsible for the payment of services pursuant to this title.

27 *SEC. 2. Section 95014 of the Government Code, as added by*
28 *Section 3 of Chapter 30 of the Statutes of 2014, is amended to*
29 *read:*

30 95014. (a) The term "eligible infant or toddler" for the
31 purposes of this title means infants and toddlers from birth through
32 two years of age, for whom a need for early intervention services,
33 as specified in the federal Individuals with Disabilities Education
34 Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is
35 documented by means of assessment and evaluation as required
36 in Sections 95016 and 95018 and who meet one of the following
37 criteria:

38 (1) Infants and toddlers with a developmental delay in one or
39 more of the following five areas: cognitive development; physical
40 and motor development, including vision and hearing;

1 communication development; social or emotional development;
2 or adaptive development. Developmentally delayed infants and
3 toddlers are those who are determined to have a significant
4 difference between the expected level of development for their
5 age and their current level of functioning. This determination shall
6 be made by qualified personnel who are recognized by, or part of,
7 a multidisciplinary team, including the parents. A significant
8 difference is defined as a 33-percent delay in one or more
9 developmental areas.

10 (2) Infants and toddlers with established risk conditions, who
11 are infants and toddlers with conditions of known etiology or
12 conditions with established harmful developmental consequences.
13 The conditions shall be diagnosed by a qualified personnel
14 recognized by, or part of, a multidisciplinary team, including the
15 parents. The condition shall be certified as having a high
16 probability of leading to developmental delay if the delay is not
17 evident at the time of diagnosis.

18 (3) Infants and toddlers who are at high risk of having substantial
19 developmental disability due to a combination of biomedical risk
20 factors, the presence of which are diagnosed by qualified personnel
21 recognized by, or part of, a multidisciplinary team, including the
22 parents.

23 (b) Regional centers and local educational agencies shall be
24 responsible for ensuring that eligible infants and toddlers are served
25 as follows:

26 (1) The State Department of Developmental Services and
27 regional centers shall be responsible for the provision of
28 appropriate early intervention services that are required for
29 California's participation in Part C of the federal Individuals with
30 Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all
31 infants eligible under Section 95014, except for those infants with
32 solely a visual, hearing, or severe orthopedic impairment, or any
33 combination of those impairments, who meet the criteria in
34 Sections 56026 and 56026.5 of the Education Code, and in Section
35 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the
36 California Code of Regulations.

37 (2) The State Department of Education and local educational
38 agencies shall be responsible for the provision of appropriate early
39 intervention services in accordance with Part C of the federal
40 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431

1 et seq.) for infants with solely a visual, hearing, or severe
2 orthopedic impairment, or any combination of those impairments,
3 who meet the criteria in Sections 56026 and 56026.5 of the
4 Education Code, and in Section 3030(a), (b), (d), or (e) of, and
5 Section 3031 of, Title 5 of the California Code of Regulations,
6 and who are not eligible for services under the Lanterman
7 Developmental Disabilities Services Act (Division 4.5
8 (commencing with Section 4500) of the Welfare and Institutions
9 Code).

10 (3) *The transfer procedures and timelines, as provided under*
11 *subdivision (d) of Section 4643.5 of the Welfare and Institutions*
12 *Code, shall apply if the circumstances pertaining to an eligible*
13 *infant or toddler are that the child (A) has an order for foster care*
14 *placement, is awaiting foster care placement, or is placed in*
15 *out-of-home care through voluntary placement as defined in*
16 *subdivision (o) of Section 11400 of the Welfare and Institutions*
17 *Code, and (B) transfers between regional centers.*

18 (c) For infants and toddlers and their families who are eligible
19 to receive services from both a regional center and a local
20 educational agency, the regional center shall be the agency
21 responsible for providing or purchasing appropriate early
22 intervention services that are beyond the mandated responsibilities
23 of local educational agencies and that are required for California's
24 participation in Part C of the federal Individuals with Disabilities
25 Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational
26 agency shall provide special education services up to its funded
27 program capacity as established annually by the State Department
28 of Education in consultation with the State Department of
29 Developmental Services and the Department of Finance.

30 (d) No agency or multidisciplinary team, including any agency
31 listed in Section 95012, shall presume or determine eligibility,
32 including eligibility for medical services, for any other agency.
33 However, regional centers and local educational agencies shall
34 coordinate intake, evaluation, assessment, and individualized
35 family service plans for infants and toddlers and their families who
36 are served by an agency.

37 (e) Upon termination of the program pursuant to Section 95003,
38 the State Department of Developmental Services shall be
39 responsible for the payment of services pursuant to this title.

40 (f) This section shall become operative on January 1, 2015.

1 SEC. 3. Section 4643.5 of the Welfare and Institutions Code
2 is amended to read:

3 4643.5. (a) If a consumer is or has been determined to be
4 eligible for services by a regional center, he or she shall also be
5 considered eligible by any other regional center if he or she has
6 moved to another location within the state.

7 (b) An individual who is determined by any regional center to
8 have a developmental disability shall remain eligible for services
9 from regional centers unless a regional center, following a
10 comprehensive reassessment, concludes that the original
11 determination that the individual has a developmental disability
12 is clearly erroneous.

13 (c) Whenever a consumer transfers from one regional center
14 catchment area to another, the level and types of services and
15 supports specified in the consumer's individual program plan (IPP)
16 shall be authorized and secured, if available, pending the
17 development of a new IPP for the consumer. If these services and
18 supports do not exist, the regional center shall convene a meeting
19 to develop a new IPP within 30 days. Prior to approval of the new
20 IPP, the regional center shall provide alternative services and
21 supports that best meet the IPP objectives in the least restrictive
22 setting. The department shall develop guidelines that describe the
23 responsibilities of regional centers in ensuring a smooth transition
24 of services and supports from one regional center to another,
25 including, but not limited to, pretransferring planning and a dispute
26 resolution process to resolve disagreements between regional
27 centers regarding their responsibilities related to the transfer of
28 case management services.

29 (d) (1) The following procedures shall apply to a consumer
30 who is transferred from one regional center's catchment area to a
31 different catchment area and meets any of the following conditions:

32 (A) The consumer has an order for foster care placement.

33 (B) The consumer is awaiting foster care placement.

34 (C) The consumer is placed in out-of-home care through
35 voluntary placement as defined in subdivision (o) of Section 11400.

36 (2) (A) The county social worker or county probation officer
37 shall immediately send a notice of relocation to the consumer's
38 regional center of origin, which is the sending regional center,
39 regarding a consumer who meets the criteria set forth in paragraph
40 (1). The consumer's court-appointed attorney may also provide

1 written notice of relocation. The notice of relocation shall be
2 deemed received when the sending regional center receives written
3 notice of relocation.

4 (B) Upon receiving the notice of relocation, the sending regional
5 center shall immediately send a notice of transfer, and records
6 needed for the planning process, including, but not limited to, the
7 current IPP or individualized family services plan (IFSP),
8 assessments, contact information for the consumer, the caregiver,
9 the consumer's legal guardian, the current developmental services
10 decisionmaker, and the current educational rights holder, by priority
11 mail, facsimile, or email, to the receiving regional center, which
12 is the regional center in the catchment area that the child will be
13 transferred to.

14 (C) (i) The receiving regional center shall provide the sending
15 regional center with contact information for a staff member who
16 is available to confer with the planning team at the sending regional
17 center regarding the types of services and providers available to
18 address the service needs of the consumer in his or her new
19 residential location.

20 (ii) Within 14 days of the notice of transfer, the receiving
21 regional center shall provide the sending regional center with
22 information regarding appropriate vendors and services to meet
23 the needs of the consumer.

24 (iii) The sending regional center shall confer with the planning
25 team and, using information provided by the receiving regional
26 center, determine whether changes to the current IPP or IFSP are
27 needed to meet the service needs of the consumer in the new
28 residential location.

29 (iv) Prior to transfer of case management, the sending regional
30 center shall ensure that services needed to support the consumer
31 in the new residential location are included in the IPP or IFSP and
32 the consumer is receiving the services and supports listed in the
33 new or revised IPP or IFSP.

34 (3) (A) In the case of a consumer receiving services under this
35 division, notwithstanding subdivision (g) of Section 4646, the
36 sending regional center shall make every reasonable effort to
37 initiate services, as provided for in the consumer's current IPP, as
38 soon as possible following the notice of transfer to a new catchment
39 area, but no later than 30 days from the date of notice of transfer.
40 Efforts shall begin in advance of the IPP meeting. If all services

1 identified in the consumer’s IPP have not been initiated within 30
2 calendar days of the notice of transfer, the regional center shall
3 report to the court of jurisdiction as described in subparagraph (B).

4 (B) If all services identified in the consumer’s IPP have not
5 been initiated within 30 calendar days after the notice of transfer,
6 the sending regional center shall report in writing to the court, the
7 county social worker or probation officer, as applicable, and the
8 developmental services decisionmaker, all services that are being
9 provided to the consumer, and the process to secure any additional
10 services that have been identified in the consumer’s IPP but not
11 yet initiated. If all services identified in the consumer’s IPP have
12 not been initiated within 30 days, the regional center shall report
13 in writing to the court, county social worker, probation officer, as
14 applicable, and the developmental services decisionmaker at 30-day
15 intervals until all services are initiated.

16 (C) (i) Services shall continue to be provided pursuant to
17 subparagraph (A), pending the court’s appointment of a
18 developmental services decisionmaker, pursuant to subdivision
19 (g) of Section 319, subdivision (a) of Section 361, or subdivision
20 (b) of Section 726.

21 (ii) If the regional center is unable to obtain confirmation of the
22 parent’s, guardian’s, or current developmental services
23 decisionmaker’s participation in the IPP meeting, the regional
24 center shall notify the court having jurisdiction, the county placing
25 agency, and the consumer’s attorney that the appointment of a new
26 developmental services decisionmaker may be necessary.

27 (4) In the case of a consumer receiving services under the
28 California Early Intervention Program pursuant to Title 14
29 (commencing with Section 95000) of the Government Code, the
30 following procedures shall apply:

31 (A) The sending regional center shall make every reasonable
32 effort to initiate services, as provided for in the consumer’s current
33 IFSP, as soon as possible following the notice of transfer but no
34 later than 30 calendar days from the date of notice of transfer.
35 Efforts shall begin in advance of the IFSP meeting. If all services
36 identified in the consumer’s IFSP have not been initiated within
37 30 calendar days of the notice of transfer, the regional center shall
38 report to the court of jurisdiction as described in subparagraph (B).

39 (B) If all services identified in the consumer’s IFSP have not
40 been initiated within 30 calendar days of the notice of transfer, the

1 sending regional center shall report in writing to the court, the
2 county social worker or probation officer, as applicable, and the
3 educational rights holder, all services that are being provided to
4 the consumer, and the process to secure any additional services
5 that have been identified in the consumer’s IFSP but not initiated.
6 If all services identified in the consumer’s IFSP have not been
7 initiated within 30 days, the regional center shall report in writing
8 to the court, county social worker, probation officer, as applicable,
9 and the educational rights holder at 30-day intervals until all
10 services are initiated.

11 (C) (i) Services not requiring consent shall continue to be
12 provided pursuant to subparagraph (A) pending the court’s
13 appointment of an educational rights holder, pursuant to
14 subdivision (g) of Section 319, subdivision (a) of Section 361, or
15 subdivision (b) of Section 726.

16 (ii) If the regional center is unable to obtain confirmation of the
17 parent’s, guardian’s, or current educational rights holder
18 participation in the IFSP meeting, the regional center shall notify
19 the court of jurisdiction, the county placing agency, and the
20 consumer’s attorney that the appointment of a new educational
21 rights holder may be necessary.

22 (e) For purposes of this section, the following definitions shall
23 apply:

24 (1) “Consumer” refers to individuals as defined in Section 4512
25 and any eligible infant or toddler, as defined in Section 95014 of
26 the Government Code.

27 (2) “Initiation of services” means the point at which the
28 consumer begins to receive a particular service and may include
29 assessment procedures for services, if necessary, if those services
30 begin immediately following the completion of the assessment.

31 (3) “Notice of relocation” means a written notice informing a
32 regional center that currently serves a consumer described in
33 subdivision (d) that the consumer has been relocated to a foster
34 home that is located in a catchment area that is not served by that
35 regional center. “Notice of relocation” includes, at a minimum,
36 the following information:

37 (A) The consumer’s name, date of birth, and current address.

38 (B) The name of the consumer’s caregiver.

39 (C) The court of jurisdiction.

1 (D) The name of, and contact information for, the consumer’s
2 educational rights holder or developmental services decisionmaker,
3 if applicable.

4 (E) The name of, and contact information for, any person who
5 may provide authorization and consent for the release of the
6 consumer’s regional center records or vendor assessment records,
7 or both.

8 (4) “Notice of transfer” means a written notice that a consumer
9 described in paragraph (1) of subdivision (d) is transferring from
10 a regional center located in one catchment area to a regional center
11 located in a different catchment area and includes, at a minimum,
12 the following information:

13 (A) The consumer’s name and date of birth.

14 (B) The name of, and contact information for, the consumer’s
15 parent, or the consumer’s educational rights holder or
16 developmental services decisionmaker, if applicable.

17 (C) The name of, and contact information for, the consumer’s
18 current caregiver.

19 (D) A copy of the consumer’s current IFSP or IPP.

20 (E) The name of, and contact information for, the child’s county
21 social workers.

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.