

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 564**

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**Introduced by Assembly Member Eggman**

February 24, 2015

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An act to amend Section 4784 of the Welfare and Institutions Code, relating to developmental services, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as amended, Eggman. Regional centers: parental fees.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is required to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law requires the Director of Developmental Services to establish, annually review, and adjust as needed, a schedule of parental fees for services received through the regional centers.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

*Existing law provides that all parental fees collected by or for regional centers are remitted to the State Treasury to be deposited in the Program Development Fund, a continuously appropriated fund.*

*This bill would require the Director of Developmental Services to adjust the parental fee schedule for the level of annual net income and the number of persons living in the family home. To the extent fees are increased by this adjustment, this bill would make an appropriation. This bill would also authorize a parent to appeal the parental fee*

determination and would require the department to consider information regarding the parent’s ability to pay when evaluating the appeal.

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

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

1 SECTION 1. Section 4784 of the Welfare and Institutions Code  
2 is amended to read:

3 4784. (a) The Director of Developmental Services shall  
4 establish, annually review, and adjust as needed, a schedule of  
5 parental fees for services received through the regional centers.  
6 Effective July 1, 2009, this schedule shall be revised to reflect  
7 changes in economic conditions that affect parents’ ability to pay  
8 the fee, but not to exceed an inflationary factor as determined by  
9 the department.

10 (b) The parental fee schedule established pursuant to this section  
11 shall be exempt from Chapter 3.5 (commencing with Section  
12 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

13 (c) In establishing the amount parents shall pay, the director  
14 shall take into account all of the following factors:

15 (1) The current cost of caring for a child at home, as determined  
16 by the most recent data available from the United States  
17 Department of Agriculture’s survey on the cost of raising a child  
18 in California, adjusted for the Consumer Price Index (CPI) from  
19 the survey date to the date of payment adjustment.

20 (2) Medical expenses incurred prior to regional center care.

21 (3) Whether the child is living at home.

22 (4) Parental payments for medical expenses, clothing,  
23 incidentals, and other items considered necessary for the normal  
24 rearing of a child.

25 (5) Transportation expenses incurred in visiting a child.

26 (d) The parental fee schedule shall exempt families with an  
27 income below the federal poverty level from assessment and  
28 payment of the parental fee.

29 (e) *The parental fee schedule shall be adjusted for the level of*  
30 *annual net income and the number of persons living in the family*  
31 *home.*

32 (e)

1 (f) (1) The adjusted fee shall be assessed in full for children  
2 when the out-of-home placement commences on or after July 1,  
3 2009.

4 (2) For children placed out-of-home prior to July 1, 2009, the  
5 department shall determine the increase in the parental fee above  
6 the amount assessed using the fee schedule in effect on June 30,  
7 2009. This fee increase shall be implemented over three years,  
8 with one-third of the increase added to the fee on July 1, 2009,  
9 one-third of the increase added to the fee on July 1, 2010, and the  
10 final third added to the fee on July 1, 2011.

11 (f)

12 (g) Notwithstanding any other law or regulation, commencing  
13 July 1, 2009, all fees collected shall be remitted to the State  
14 Treasury to be deposited as follows:

15 (1) Fees collected up to the amount that would be assessed using  
16 the fee schedule in effect on June 30, 2009, shall be deposited into  
17 the ~~Developmental Disabilities~~ Program Development Fund  
18 established in Chapter 6 (commencing with Section 4670) to  
19 provide resources needed to initiate new programs, consistent with  
20 approved priorities for program development in the state plan.

21 (2) Fees collected using the July 1, 2009, schedule that are  
22 greater than the amount that would have been assessed using the  
23 fee schedule in effect on June 30, 2009, shall be deposited into the  
24 ~~Developmental Disabilities~~ Program Development Fund and shall  
25 be available for expenditure by the department to offset General  
26 Fund costs.

27 (h) *Notwithstanding any other law or regulation, the following*  
28 *apply to the imposition of a parental fee under this section:*

29 (1) *A parent may appeal the department's determination of the*  
30 *amount the parent is required to pay.*

31 (2) *The department shall consider the same information*  
32 *regarding a parent's ability to pay when determining the amount*  
33 *of a parental fee and when considering an appeal of a parental*  
34 *fee determination.*

35 (3) *If a parental fee is adjusted as a result of an appeal, the*  
36 *amount of the adjusted parental fee imposed shall be determined*  
37 *in accordance with the parental fee schedule.*

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