

REGIONAL CENTER ELIGIBILITY



Lanterman Act

LANTERMAN ELIGIBILITY (AGES 3+)

Lanterman (on-going) eligibility applies to individuals age 3 and older, if:

1. They have a documented developmental disability, attributable to
 - Intellectual Disability
 - Cerebral Palsy
 - Epilepsy
 - Autism
 - Fifth Category – disabling conditions found to be *closely related to* an intellectual disability or *to require treatment similar to that* required for individuals with an intellectual disability
2. The developmental disability originated prior to age 18.
3. The prognosis is expected to continue indefinitely.
4. The developmental disability constitutes a substantial disability for that individual.*
5. The developmental disability, as noted above, shall not be solely psychiatric, solely a learning disability, or solely physical in nature.

Welfare and Institutions Code §4512(a)
17 California Code of Regulations §54000

*SUBSTANTIAL DISABILITY

In order to be eligible for regional center services, the person must exhibit a significant functional limitation in three or more of the following areas of major life activity,

as appropriate to the person's age:

1. Learning – general intellectual ability; academic achievement; retention and reasoning
2. Receptive & Expressive Language – comprehension and expression of verbal/nonverbal communication
3. Self-Care – acquire/perform basic self-care tasks such as grooming, hygiene, and feeding
4. Self-Direction – ability to make and apply personal and social judgments and decisions
5. Mobility – ambulation
6. Capacity for Independent Living- includes household tasks, domestic activities, capacity to be left unsupervised, money management
7. Economic Self-Sufficiency - obtain/maintain employment without significant support

17 California Code of Regulations §54001
Welfare and Institutions Code §4512(l)

LANTERMAN TIMELINES

Initial intake shall be performed within 15 business days following the request for assistance. This initial intake shall include a decision to provide an assessment.¹ Thereafter, the regional center has 120 calendar days to determine eligibility. However, if the delay in the intake process would result in an unnecessary risk to the person's health and safety, then the regional center shall determine eligibility within 60 days.²

¹*Welfare and Institutions Code §4642*

²*Welfare and Institutions Code §4643(a)*

PROVING ELIGIBILITY THROUGH DOCUMENTATION

When applying for regional center services, the following documents are important:

- Special education IEPs, assessments, triennial evaluations
- Medical records indicating disability and needs
- Adaptive skills assessments
- SSI award letter
- Other agency evaluations (e.g. CCS, IHSS, Department of Rehabilitation)
- Contact information for all physicians
- Any log books that chart/track development

Consider obtaining this additional documentation to help support eligibility for regional center:

- Letters from professionals (teachers, therapists, psychologists, etc.) explaining why they believe the individual meets eligibility standards
- Neuropsychological evaluation - Especially helpful to clarify diagnosis and ability if limited or contradictory documentation exists

PROVING ELIGIBILITY THROUGH TESTIMONY

Testimony is extremely important during the fair hearing. If eligibility is denied, and you proceed to fair hearing, it is important to have the treating psychologist, and anyone with special knowledge of the individual, provide testimony at the hearing. Some professionals/expert witnesses may charge a fee to testify.

PREPARING FOR THE INTAKE/ELIGIBILITY PROCESS

To better prepare for the eligibility process, consider doing the following before applying:

- Gather and bring all necessary documents during intake process
- Gather documentation that reflects the nature of the training and intervention required
- Research case law via the OAH website at www.dgs.ca.gov/oah.
- Consult with others who are familiar with the criteria for eligibility

ELIGIBILITY DETERMINATIONS

YES. If the individual is determined eligible, a service coordinator will contact you to schedule an initial Individual Program Plan/Person Centered Plan (IPP/PCP) to discuss needs, services, resources. This shall be completed within 60 days (WIC §4646(c)).

NO. If the regional center denies eligibility, they must send written notification of the decision with a “fair hearing packet” within **5 business days** via certified mail (WIC §4710(e)).

You may file for a fair hearing within **30 days** of receiving notification of the regional center’s decision (WIC 4710.5(a)). The informal meeting and mediation are optional.

The fair hearing must be held within **50 business days** of regional center’s receipt of the hearing request (WIC 4712(a)). The decision must be issued within **10 business days** of the last day of the hearing (WIC 4712.5(a)).