

659 Annual Family Program Fee

SECTION 1. Section 4785 is added to the Welfare and Institutions Code to read:

(a)(1) Effective July 1, 2011, a regional center shall assess an annual family program fee, as described in subdivision (b), from parents whose adjusted gross family income is at or above 400 percent of the federal poverty level based upon family size and who have a child to whom all of the following applies:

(A) The child has a developmental disability or is eligible for services under the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code).

(B) The child is under age 18.

(C) The child lives with his or her parent.

(D) The child or family receives services beyond eligibility determination, needs assessment, and service coordination.

(E) The child does not receive services through the Medi-Cal program.

(2) An annual family program fee shall not be assessed or collected if the child receives only respite, day care, and/or camping services from the regional center, and a cost for participation is assessed to the parents under the Family Cost Participation Program.

(3) The annual family program fee shall be initially assessed by a regional center at the time of the development, scheduled review, or modification of the individual program plan pursuant to sections 4646 and 4646.5 or the individualized family services plan pursuant to Government Code section 95020, but no later than June 30, 2012, and annually thereafter.

(4) Application of this section to children zero through two years of age, inclusive, shall be contingent upon any necessary approval by the United States Department of Education.

(b)(1) The annual family program fee for parents described in subdivision (a)(1) shall be \$200 per family, regardless of the number of children in the family with developmental disabilities or who are eligible for services under the California Early Intervention Services Act.

(2) Notwithstanding subdivision (b)(1), parents described in subdivision (a)(1) who demonstrate to the regional center that their adjusted gross family income is less than 800% of the federal poverty level shall be required to pay an annual family program fee of \$150 per family, regardless of the number of children in the family with developmental disabilities or who are eligible for services under the California Early Intervention Services Act.

(c) At the time of intake or at the time of development, scheduled review, or modification of a consumer's individual program plan developed pursuant to Sections 4646 and 4646.5, or of an individualized family service plan pursuant to Section 95020 of the

Government Code, but no later than June 30, 2012, the regional center shall provide to parents described in subdivision (a)(1) a form and an envelope for the mailing of the annual family program fee to the department . The form, which shall include the name of any children in the family currently served by a regional center and their unique client identifier(s), shall be sent, with the family's annual program fee to the department.

(d) The department shall notify each regional center at least quarterly of the annual family program fees collected.

(e) The regional center shall, within 30 days after notification from the department pursuant to subsection (d), provide a written notification to the parents from whom the department has not received the annual family program fees. Regional centers shall notify the department if any family fails to pay its annual family program fees within 30 days after the regional center notification to the family pursuant to this subsection. For these families, the department shall pursue collection pursuant to The Accounts Receivable Management Act (Gov. Code, § 16580 et seq.).

(f) A regional center may grant an exemption to the assessment of an annual family program fee if the parents demonstrate:

- (1) that the exemption is necessary to maintain the child in the family home;
- (2) the existence of an extraordinary event that impacts the parents' ability to pay the fee or the parents' ability to meet the care and supervision needs of the child; or
- (3) the existence of a catastrophic loss that temporarily limits the ability of the parents to pay and creates a direct economic impact on the family. For purposes of this subdivision, catastrophic losses may include, but are not limited to: natural disasters, accidents involving or major injuries to an immediate family member and extraordinary medical expenses.

(g) No services shall be delayed or denied for any consumer or child based upon the lack of payment of the annual family program fee.

(h) For purposes of this section, "parents" means the natural or adoptive parents, or either of them, of a child with developmental disabilities under 18 years of age.

(i) Parents described in subdivision (a)(1) shall be jointly and severally responsible for the annual family program fee, unless a court order directs otherwise.

(j) The total adjusted gross family income:

(1) is defined as any income acquired, earned, or received by parents as payment for labor or services, support, gift or inheritance, or parents' return on investments. It shall also include the community property interest of a parent in the gross adjusted income of a stepparent.

(2) The total adjusted gross family income shall be determined by adding the gross income of both parents, regardless of whether they are divorced or legally separated, unless:

- (1) a court order directs otherwise; or

- (2) The custodial parent certifies in writing that income information from the non-custodial parent cannot be obtained from the non-custodial parent. In this circumstance, only the income of the custodial parent shall be used to determine the annual family program fee in such an instance.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make changes necessary for implementation of the Budget Act of 2011, it is necessary that this act take effect immediately.