



FAQS ABOUT PROVISIONAL ELIGIBILITY FOR LANTERMAN DEVELOPMENTAL DISABILITIES SERVICES ACT

These FAQs are meant to answer general questions. If you have child specific questions or concerns, please contact your regional center case manager. If you need assistance in locating the correct regional center, information may be found at <https://www.dds.ca.gov/rc/listings/>. Any questions or concerns, email Questions@dds.ca.gov.

Q1. What is Lanterman Act provisional eligibility?

A1. A child ages birth to age 5 may be provisionally eligible for regional center services if the child has:

1. A disability that is not solely physical in nature and;
2. Significant functional limitations in at least two of the following areas of major life activity, as determined by a regional center and as appropriate to the age of the child:
 - Self-care.
 - Receptive and expressive language.
 - Learning.
 - Mobility.
 - Self-direction.

Q2. How old does my child need to be to be considered for Lanterman Act provisional eligibility?

A2. Birth to age 5.

Q3. Is Lanterman Act provisional eligibility an extension of Early Start? Can my child continue to receive the same services they were receiving under Early Start?

A3. Provisional eligibility is not an extension of Early Start. Early Start ends at age 3 and cannot be continued per federal and state laws and regulations.

Q4. My child is currently in Early Start. How do they become provisionally eligible for Lanterman Act services?

A4. Contact your child's assigned service coordinator about provisional eligibility. The IFSP team may use the most recent developmental assessments or progress reports to determine if your child qualifies for Lanterman Act provisional eligibility.

Q5. What if my child is denied Lanterman Act provisional eligibility?

A5. If denied eligibility or services, the fair hearing process is a process for resolving disagreements between the regional center and individuals served. Under the fair hearing process, disagreements may be about services, eligibility or any decision or action of the regional center with which you disagree. The fair hearing process may include an informal meeting, mediation, and a state level hearing with an Administrative Law Judge. Information on the fair hearing process, a brochure and necessary forms to file for a fair hearing are available from your local regional center or can be found here: [Fair Hearings Complaint Process - CA Department of Developmental Services](#)

Q6. If my child is approved for Lanterman Act provisional eligibility, what services will they receive?

A6. If determined provisionally eligible, a child will receive Lanterman Act Services based on their needs. More information about regional center services and supports can be found here: [Regional Center Services and Descriptions - CA Department of Developmental Services](#). If your child is under 3 years old, these services will be in addition to services received from Early Start.

Q7. What service plan will be developed for my child who has been found provisionally eligible for Lanterman Act services?

A7. If your child is under the age of 3, the services will be coordinated through the Individualized Family Service Plan (IFSP). You can learn more about the Early Start Program for children under 3, including the IFSP process here: [Early Start : CA Department of Developmental Services](#).

If your child is 3-4 years old, an Individual Program Plan (IPP) will be developed. More information on the IPP process can be found here: [Individual Program Planning : CA Department of Developmental Services](#).

Q8. My child was made eligible for regional center services under provisional eligibility. Are they also eligible for enrollment in Medi-Cal benefits through the 1915(c) Home and Community-Based Services (HCBS) Waiver?

A8. It depends. A child may be enrolled on the HCBS Waiver if they meet the requirements for Waiver participation, such as a level of institutional care or functional limitations as a result of their disability, and if the child requires one or more Waiver service. For example, a child who has 33 percent or greater delay combined in two areas of development may meet the required level of care. Additional information can be found here: https://www.dds.ca.gov/wp-content/uploads/2019/02/HCBS_WaiverPrimerPolicy_20190212.pdf

Q9. Is my child who has been found provisionally eligible for Lanterman Act services be qualified for institutional deeming?

A9. If the child meets the criteria required of the 1915 (c) Home and Community-Based Waiver mentioned in question #8, then they may qualify for institutional deeming.

Q10. If my child is approved for Lanterman Act provisional eligibility, will they be eligible for services through the Self-Determination Program (SDP)?

A10. No, children determined to be provisionally eligible for Lanterman Act services do not qualify for the SDP. An individual must meet the criteria in Welfare and Institutions (W&I) Code,

Section 4685.8(d)(1) to be part of the SDP Program, which includes a diagnosed developmental disability as specified.

Q12. My child receives regional center services under Lanterman Act provisional eligibility. What happens when they turn 5?

A12. Regional centers are required to assess your child at least 90 days prior to turning five years of age to determine whether they qualify for ongoing regional center services after the age of 5. That assessment will determine if your child has a developmental disability as defined in Welfare and Institutions Code Section 4512 (a)(1). If the regional center determines that your child does not have a developmental disability, the services will end at age 5.

Q13. My child received Lanterman Act services under provisional eligibility and is turning 5 years old in less than 90 days, but I haven't been contacted for an assessment. What should I do?

A13. Contact your child's assigned service coordinator.

Q14. What are the differences between being eligible for Lanterman Act Services and being provisionally eligible for Lanterman Act Services?

A14. [Provisional eligibility is time-limited, up to the child's fifth birthday, while eligibility for Lanterman Act is not.](#) The eligibility criteria differs. There is no difference in the menu of services available to the child, however the services a child receives is individualized based on their unique needs. These services will be described in the child's IFSP or IPP.

Q15. Can my child receive services under provisional eligibility even if they didn't receive services through Early Start?

A15. Yes, children referred to the regional center at ages 3 and 4 who and who did not receive Early Start services prior to age 3 may qualify for Lanterman Act provisional eligibility up to age 5 if they meet the eligibility criteria. Please contact your local regional center for more information: <https://www.dds.ca.gov/rc/listings/>.

