

SB 870 (Portantino)

Disability Services: Regional Centers: Eligibility

PROBLEM

A significant number of young Californians with developmental disabilities are being excluded from critical support services and denied equal protection due to California's outdated definition of developmental disability as one which begins before age 18, in spite of decades of unanimous medical and scientific evidence, including from the National Institute of Health, that the brain's developmental phase continues to at least age 22.

The federal government acknowledged this fact 44 years ago by changing its “age of onset” definition of developmental disability to age 22 in 1978, and 38 states followed by raising their “age of onset” threshold to age 22 as well.

California is one of only 12 states still 44 years behind on this issue. As a result, many young disabled Californians are being unfairly excluded from regional center support services, thereby increasing their suffering, reducing their potential levels of self-sufficiency, and ultimately increasing costs to the State in the long run.

BACKGROUND

The Lanterman Developmental Disabilities Services Act (AB 846), passed in 1969, defines “developmental disability” as a disability attributable to conditions in five categories: (1) Intellectual Disability, (2) Cerebral Palsy, (3) Epilepsy, (4) Autism, and (5) Other Handicapping Conditions found to be closely related to Intellectual Disability, or to require treatment similar to that required for individuals with Intellectual Disability. Currently, this disability must originate before an individual turns 18

years of age. AB 846 also established the regional center system within California.

The Rehabilitation Act of 1973 (Rehab Act), which prohibited discrimination on the basis of disability for federal agency programs, services, and employment, was expanded in 1978 to include individuals up to the age of 22.

38 other states have made the change to increase the age limit for the definition of a developmental disability, but California is one of 12 states that has waited over 40 years to make this change.

SUMMARY

This bill would increase the “age of onset” portion of the State definition of a developmental disability to be one that originates before an individual attains 22 years of age. This will allow individuals with developmental disabilities between the ages of 18-21 to access services and programs offered at regional centers, alleviating some of their suffering, increasing their potential levels of self-sufficiency, and saving the state money in the long run.

EXISTING LAW

Existing law, the Lanterman Developmental Disabilities Services Act (AB 846), requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families, and requires regional centers to identify and pursue all possible sources of funding for consumers receiving those services.

Existing law defines a developmental disability as a disability that originates before an in-

dividual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual.

SUPPORT

Advanced Behavioral Pathways
Alliance for Children's Right
California For Disability Rights Inc.
County Welfare Directors Association of California
Disability Rights California
Easterseals California
Independent Living Center of Southern California
Los Angeles Dependency Lawyers
State Council on Developmental Disabilities
The Arc and United Cerebral Palsy California
Collaboration

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