



# Inland Regional Center Provisional Eligibility FAQs

This document is a reproduction of materials originally provided by the Department of Developmental Services (DDS), recreated for multi-language support. You may view the original document [here](#).

## FAQS ABOUT PROVISIONAL ELIGIBILITY FOR LANTERMAN DEVELOPMENTAL DISABILITIES SERVICES ACT

These FAQs are meant to answer general questions regarding Provisional Eligibility for Lanterman Act Services. 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](mailto:Questions@dds.ca.gov).

### Q1. What is provisional eligibility?

A1. If a child who is three or four years of age is not eligible for regional center services due to not meeting the definition of a developmental disability, they may be considered for provisional eligibility. A child is 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 in order to be considered for provisional eligibility?

A2. 3 or 4 years old.

### Q3. Is 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 three and cannot be continued per federal and state law and regulations.

**Q4. My child is currently in Early Start. How does she become provisionally eligible?**

A4. Your child should be assessed by the regional center at least 90 days prior to the date they turn three for purposes of determining their ongoing eligibility for regional center services. 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 regional center will assess your child for provisional eligibility for regional center services.

**Q6. What if my child is denied provisional eligibility?**

A6. 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](#)

**Q7. If my child is approved for provisional eligibility, what services will my child receive?**

A7. If determined provisionally eligible, a child will receive Lanterman Act Services through the Individual Program Plan process. More information about regional center services and supports can be found here: [Regional Center Services and Descriptions - CA Department of Developmental Services](#)

**Q8. What service plan will be developed for my child who has been found provisionally eligible?**

A8. If your child is found provisionally eligible, 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](#)

**Q9. My child was made eligible for regional center services under Provisional Eligibility. Is she also eligible for enrollment in the 1915(c) Home and Community-Based Services (HCBS) Waiver?**

A9. No. To qualify for this waiver, an individual must meet the criteria for having a developmental disability as defined in Welfare and Institutions Code, 4512 (a)(1).

**Q10. Is my child who has been found provisionally eligible qualified for institutional deeming?**

A10. No, children determined to be provisionally eligible for Lanterman Act Services do not meet the criteria for the HCBS 1915 (c) Waiver, and therefore, do not qualify for institutional deeming.

**Q11. If my child is approved for provisional eligibility, will he be eligible for services through the Self-Determination Program (SDP)?**

A11. 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 4512 to be part of the SDP Program.

**Q12. Would Annual Family Program Fee (AFPF) and/or Family Cost Participation Program (FCPP) apply to my child under provisional eligibility?**

A12. No.

**Q13. My child receives regional center services under Provisional Eligibility. What happens when he is turning five?**

A13. Regional Centers are required to assess your child at least 90 days prior to turning five years of age. If denied eligibility, 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. Current services may be continued during the appeal process if the request for a hearing is received or postmarked within 10 days after the receipt of the notice of action. This process is known as "aid paid pending." 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](#)

**Q14. My child received regional center 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?**

A14. Contact your child's assigned service coordinator.

