

July 14, 2025

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 25-51

This All County Letter is to inform counties about the expansion of provisional eligibility to Lanterman Act services, as of July 10, 2023, to include children ages zero to two years old, to provide instructions for the provisional eligibility timely notification process and clarify other roles and responsibilities of child welfare agencies related to the Dual Agency rate. In addition, this All County Letter updates terminology.



JENNIFER TROIA
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

July 14, 2025

ALL COUNTY LETTER NO. 25-51

TO: ALL COUNTY WELFARE DIRECTORS
ALL ADOPTION REGIONAL OFFICES
ALL COUNTY ADOPTION AGENCIES
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL SHORT-TERM RESIDENTIAL THERAPEUTIC PROGRAMS
ALL CHIEF PROBATION OFFICERS
ALL LOCAL MENTAL HEALTH DIRECTORS
ALL FOSTER FAMILY AGENCIES
ALL TITLE IV-E AGREEMENT TRIBES
ALL FEDERALLY RECOGNIZED TRIBES
ALL CONSORTIUM PROJECT MANAGERS
ALL ASSOCIATION OF REGIONAL CENTER AGENCIES
ALL REGIONAL CENTERS
ALL COUNTY PLACEMENT SUPERVISORS
ALL ADMINISTRATIVE LAW JUDGES

SUBJECT: EXPANSION OF PROVISIONAL ELIGIBILITY FOR DUALY
SERVED CHILDREN

REFERENCE: ALL COUNTY INFORMATION NOTICE [I-13-22](#);
WELFARE AND INSTITUTIONS CODE SECTIONS [4684](#), [4512](#),
[11461](#), [11464](#) and [16121](#);
ALL COUNTY LETTERS [08-17](#), [08-54](#), [10-16](#), [16-54](#), [11-15](#), [23-65](#),
[24-04](#), [25-45](#) and [25-49](#);
ALL COUNTY INFORMATION NOTICE [I-13-22](#),
DEPARTMENT OF DEVELOPMENTAL SERVICES
CORRESPONDENCE [08/05/2021](#), [07/28/2022](#), AND [03/18/2024](#),
ASSEMBLY BILL [136 \(CHAPTER 76, STATUTES OF 2021\)](#) AND
[121 \(CHAPTER 44, STATUTES OF 2023\)](#).

PURPOSE

This All County Letter (ACL) supersedes [All County Information Notice \(ACIN\) I-13-22](#). This purpose of this ACL is to notify counties and Tribes in California about amendments to Welfare and Institutions Code (WIC) section [4512](#) that expand eligibility under the Lanterman Developmental Disabilities Services Act (Lanterman Act) to include children ages zero to two years old. With this expansion, as of July 10, 2023, any child under five years of age may be provisionally eligible for regional center (RC) services as specified in section [4512](#) of the Lanterman Act. This ACL also provides counties with instructions for the provisional eligibility timely notification process and updates Dual Agency rate terminology.

This ACL further addresses the necessity for and timing of RC reassessments to determine ongoing RC eligibility for children found to be provisionally eligible for RC services. For children under age five found to have a developmental disability as defined under WIC section 4512(a)(1) and therefore have ongoing eligibility for RC services, there is no need for an RC eligibility reassessment.

Terminology

To use language that is child-first, the California Department of Social Services (CDSS) will refer to children who were previously described as a “Dual Agency child or nonminor dependent (NMD)” as “children and NMDs who are dually served.” The Dual Agency rate for children or NMDs eligible for RC services under the Lanterman Act, previously referred to as the “three years and older Dual Agency rate,” will now be referred to as the “Dual Agency Lanterman rate.” As of the date of this ACL the Dual Agency Lanterman rate amount is \$3,406 per month. The Dual Agency rate for children who are dually served, under three years of age, and who are eligible to receive RC services under the California Early Intervention Services Act (CEISA) will now be referred to as the “Dual Agency Early Intervention rate” which is \$1,525 as of the date of this ACL.

BACKGROUND

Children and NMDs who are eligible to receive RC services and are recipients of either Adoption Assistance Program (AAP), Kinship Guardianship Assistance Payment (Kin-GAP) Program, Approved Relative Caregiver (ARC) payments, or Aid to Families with Dependent Children-Foster Care (AFDC-FC), including children living with Non-related Legal Guardians (NRLG), are referred to as “children and NMDs who are dually served.” Children and NMDs who are dually served and placed by the county or Tribal placing agency in a non-vendor, home-based setting that is licensed and/or approved by the CDSS, county, Foster Family Agency (FFA), or Tribe (Tribally Approved Home) are eligible to receive either the Dual Agency Lanterman rate or the Dual Agency Early Intervention Rate.

The CDSS provides periodic adjusted schedules of rates, the latest of which can be found in ACL [25-45](#) and [25-49](#). The rate as of the date of this ACL for children and NMDs who are dually served and eligible for Lanterman services is the Dual Agency Lanterman rate of \$3,406. Children and NMDs three years and older who are dually served may also be eligible for the supplement to the Dual Agency Lanterman rate. As a reminder, children who are dually served also include children under three years of age who are eligible to receive RC services under CEISA. The rate for the care and supervision of a child under three years of age who is receiving AFDC-FC, AAP, Kin-GAP, or ARC benefits, including a child living with a NRLG, and who is eligible for CEISA services, but not eligible or provisionally eligible for RC services under the Lanterman Act is the Dual Agency Early Intervention rate, which as of the date of this ACL is \$1,525 per child per month. There is no supplement to this rate.

If an RC subsequently determines that a child under three years of age has, or is provisionally found to have, a developmental disability, as defined in WIC 4512(a)(1), the rate to be paid from the date of the determination is the Dual Agency Lanterman rate. There is no supplement to the Dual Agency Lanterman rate prior to three years of age. When the child turns three years old, an assessment for the supplement to the Dual Agency Lanterman rate should be completed.

Dually served children eligible for RC services shall be assessed for both the Dual Agency Lanterman rate plus the supplement to the Dual Agency Lanterman rate if three years of age or older or Dual Agency Early Intervention rate and the Level of Care Rate Determination Protocol (LOCP) rate plus county Specialized Care Increment (SCI), if applicable. They shall receive whichever rate is higher.

Provisional Eligibility for Children Ages Three to Four as of July 16, 2021

The [Assembly Bill \(AB\) 136](#) (Chapter 76, Statutes of 2021) added WIC section 4512(a)(2) to expand eligibility for Lanterman services by allowing a child who is three or four years of age who does not have a developmental disability, as defined in WIC section 4512(a)(1), to be provisionally eligible under specified conditions. Under AB 136, a child who is three or four years of age is provisionally eligible for Lanterman services if the child has a disability that is not solely physical in nature and has significant functional limitations in at least two of the following areas of major life activity:

1. Self-care
2. Receptive and expressive language
3. Learning
4. Mobility
5. Self-direction

These amendments mean that starting July 16, 2021, AFDC-FC, ARC and Kin-GAP recipients who were three or four years of age, including children living with NRLGs,

children placed with an FFA resource family (RF) home, and children placed in a tribally approved home (TAH), found by an RC to be provisionally eligible, became eligible for the Dual Agency Lanterman rate, plus the supplement to the Dual Agency Lanterman rate, if applicable. For further details, refer to ACIN [I-13-22](#). AAP is discussed below.

Age Expansion for Provisional Eligibility for Children ages Zero to Two as of July 10, 2023

Assembly Bill (AB) 121 (Chapter 44, Statutes of 2023), amended WIC section [4512](#)(a)(2) to further expand provisional eligibility for Lanterman Act services to include children from birth to two years of age under the same conditions specified above. As a result, all children under five years of age may be provisionally eligible for RC services under the Lanterman Act as of July 10, 2023.

These amendments mean that as of July 10, 2023, AFDC-FC, ARC, and Kin-GAP recipients under age five, including children living with a NRLG and children placed with an FFA RF home, found by an RC to be provisionally eligible are eligible for the Dual Agency Lanterman rate, plus the supplement to the Dual Agency Lanterman rate, if three years of age or older.

Timely Notification Process - Reassessment of a Child who is Provisionally Eligible

Pursuant to WIC 4512(a)(4), a child who is provisionally eligible must be reassessed by the RC at least 90 days before turning five years of age. The Dual Agency Lanterman rate and supplement, if applicable, and RC services for a child who is provisionally eligible must end when one of the following occurs:

1. The RC determines the child who is under age five is no longer provisionally eligible under WIC section 4512(a)(2); or
2. The child is reassessed prior to their fifth birthday according to the requirements of WIC 4512(a)(4) and is found not to have a developmental disability as defined in WIC section 4512(a)(1) and therefore does not establish ongoing Lanterman Act eligibility upon reaching age five.

Per the Department of Developmental Services (DDS) correspondence dated [July 28, 2022](#), if the RC eligibility determination reassessment process required under section 4512(a)(4) is not completed prior to the child's fifth birthday, the child should continue to be provisionally eligible for RC services and the Dual Agency Lanterman rate and supplement, if applicable, until the reassessment process is complete, including any appeal undertaken by the caregiver. Therefore, RC services should continue until the RC reassessment is established, through a final determination, that the child does not have a developmental disability as defined in

WIC section 4512(a)(1) and is therefore no longer eligible for ongoing RC services under the Lanterman Act.

While the RC is conducting the reassessment at least 90 days before the child's fifth birthday to determine the child's ongoing eligibility under the Lanterman Act, the county should take concurrent steps to ensure there are no delays in transitioning to the appropriate alternative rate, if the child is found to not have a developmental disability and therefore is no longer eligible for RC services upon reaching age five.

To determine the appropriate alternative rate in case the provisionally eligible child is found ineligible for ongoing RC services upon reaching age five and will therefore transition from the Dual Agency Lanterman rate to an appropriate LOCP and SCI if applicable, the county should take the following actions at least 90 days prior to the child's fifth birthday:

1. Counties are encouraged to create a process that alerts staff when a child reaches the age of four years and 9 months, and to instruct caseworkers to begin collecting information to complete a new LOCP and SCI assessment.
2. Begin collecting information that can be used to inform the LOCP rate determination including, but not limited to, gathering information from caregivers, guardians, families, and Tribe (in the case of an Indian child), court reports, screening assessments, the Integrated Practice Child and Adolescent Needs and Strengths assessment, Child and Family Team (CFT) notes about the child's needs, Individualized Education Program, mental health assessments and reports, medical records, the Individualized Family Service Plan (IFSP) for children under three years of age, the Individual Program Plan (IPP) for children ages three and over, and other RC service plans and reports.
3. Communicate with the RC, families, guardians, and caregivers to inquire about the status of the RC eligibility reassessment and/or determination for ongoing Lanterman Act services. Counties should strive to obtain a clear timeline from the RC on when the reassessment and eligibility determinations will occur, including any appeal undertaken by the caregiver of the RC's determination.
4. Communicate with the RC, families, guardians, and caregivers to request RC eligibility determination documentation and any appeal documentation, if applicable.
5. Ensure that, at all times, the RC has updated contact information for the educational rights holder and/or developmental decision maker, if different. This includes providing copies of the JV-535 or other relevant court orders.
6. If the child has moved, the county social worker shall immediately send a notice of relocation to the consumer's RC of origin per WIC section [4643.5\(d\)\(2\)\(A\)](#).

7. Discuss the child's needs and the possible transition out of provisional eligibility at CFT and IFSP/IPP meetings. For a provisionally eligible child, counties must include an RC representative and a representative of the Tribe or Indian custodian in the case of an Indian child in the CFT meeting as essential team members in accordance with the CFT requirements in WIC 16501(a)(4)(B) and the guidelines in ACL [22-73](#). Additionally, IFSP/IPP meetings should include transition planning and, at the discretion of the family, include the CFT members.

Appeal of a Regional Center Eligibility Determination

In all cases, when it is determined that a child is ineligible for ongoing RC services under the Lanterman Act, the county should determine whether the parent, guardian, developmental decision maker, or educational rights holder disagrees with the determination and intends to file an appeal. Counties shall continue to pay the Dual Agency Lanterman rate and supplement, if applicable, until the appeals process has concluded with a final determination on the child's Lanterman Act eligibility status. **In the case that the appeal has upheld the RC's determination that the child is not eligible for Lanterman services**, the child will move to the appropriate LOCP rate plus applicable SCI as of the effective date of the final resolution of the appeal. No overpayment will be assessed for the time period the Dual Agency Lanterman rate and supplement, if applicable, was paid pending the final appeal determination. Information on the child's due process rights following an RC determination may be obtained from the [Department of Developmental Services Appeals and Complaints website](#).

Rate Following Regional Center Eligibility Determination Reassessment

If it is determined that a provisionally eligible child is ineligible for RC services after the RC reassessment and appeals process, if undertaken, the county will send the caregiver a Notice of Action with the new rate and an explanation of how that rate was set. Formerly provisionally eligible children who receive the LOCP rate plus applicable SCI determination shall be afforded the same rights to due process as all children applying for child welfare benefits.

No overpayments will be assessed to caregivers for delays by the RC in conducting the eligibility reassessment, in providing the RC eligibility determination to the caregiver or county, or in the county processing that determination and any related rate change.

Provisional Eligibility for Lanterman Act Services and Kin-GAP

Children receiving Kin-GAP payments, who are found by an RC to be provisionally eligible for Lanterman Act services, are also eligible for the Dual Agency Lanterman rate, plus the supplement to the Dual Agency Lanterman rate, if applicable. However, it is the responsibility of the guardian to report extended eligibility based on provisional eligibility determination. It is recommended that any new Kin-GAP agreement based

upon a provisional eligibility determination be limited to no longer than one year. If the child is not deemed eligible for Lanterman Act services upon the determination of the RC, the child will no longer be eligible for the Dual Agency Lanterman rate. No overpayment will be assessed to the guardian for the provisional eligibility time period or for any delays by the RC in conducting the eligibility reassessment, providing the RC eligibility determination to the guardian or county, the county processing that determination and any subsequent rate change, or if the guardian pursues an appeal of the RC eligibility determination. If it has been determined that a child is not eligible for the Dual Agency Lanterman rate at the time of the next reassessment, the guardian may negotiate an adjusted Kin-GAP payment at the applicable LOCP rate plus any applicable SCI.

Provisional Eligibility for Lanterman Act Services and AAP

For an AAP eligible child who is under the age of three and has been determined by the RC to be provisionally eligible for Lanterman Act services, the maximum AAP rate is the Dual Agency Lanterman rate, as stated in the current AAP Rates ACL, or eligible LOCP rate and applicable SCI rate, whichever is greater. For the purposes of AAP and consistent with AAP regulations, the RC refers to the California Regional Center.

If the child is three years of age or older, they are eligible to receive the Dual Agency Lanterman rate and supplement to the Dual Agency Lanterman rate, if applicable. This rate will continue beyond the age of five if the RC determines the child is eligible for services based on having a developmental disability as defined in WIC section 4512(a)(1).

If the reassessment by the RC determines the child who is provisionally eligible is not eligible for ongoing services because they are found not to have a developmental disability, the AAP rate must be reassessed and renegotiated to the eligible LOCP rate and any applicable SCI rate. **If the child is not determined eligible for ongoing RC services upon the RC's final determination, no overpayment will be assessed to the prospective adoptive or adoptive parent(s) or Tribal adoptive parent(s) for the provisional eligibility time period or for any delays by the RC in conducting the eligibility reassessment, the RC appeal process, or the AAP rate reassessment and renegotiation process.**

Timely Notification Process - Reassessment of a Child who is Provisionally Eligible and Receiving AAP

Pursuant to WIC section 4512(a)(4), a child who is provisionally eligible must be reassessed by the RC at least 90 days before turning five years of age. The Dual Agency Lanterman rate and supplement, if applicable, and RC services for a child who is provisionally eligible must end when one of the following occurs:

1. The RC determines the child who is under age five is no longer provisionally eligible under WIC section 4512(a)(2); or
2. The child is reassessed prior to their fifth birthday according to the requirements of WIC section 4512(a)(4) and is found not to have a developmental disability as defined in WIC section 4512(a)(1) and therefore does not establish ongoing Lanterman Act eligibility upon reaching age five.

Per DDS correspondence dated July 28, 2022, if the RC eligibility determination reassessment process required under WIC section 4512(a)(4) is not completed prior to the child's fifth birthday, the child should continue to be provisionally eligible for RC services and the Dual Agency Lanterman rate and supplement, if applicable, until the reassessment is complete. Therefore, RC services should continue unless and until the RC reassessment establishes, through a final determination, that the child does not have a developmental disability as defined in WIC section 4512(a)(1) and is therefore no longer eligible for RC services under the Lanterman Act.

Rate Reassessment - Prior to the Adoption Finalization and Receiving AAP

While the RC conducts the reassessment at least 90 days before the child's fifth birthday to determine the child's ongoing eligibility under the Lanterman Act, the responsible public agency, when notified by the RC or prospective adoptive parent(s) of the reassessment, should take concurrent steps to ensure there are no delays in negotiating the rate to the eligible LOCP rate and applicable SCI rate, if the child is found to not have a developmental disability and is therefore no longer eligible for ongoing RC services under the Lanterman Act upon reaching age five.

As soon as the responsible public agency is informed by the RC or by the prospective adoptive parent(s) of the reassessment, the responsible public agency should take the following actions:

1. Begin collecting information from the child's prospective adoptive parent(s) and the case files that can be used to assess the child's care and supervision needs and the family circumstances. The assessment is to be based on all available current information including, but not limited to, direct observation of the child, information contained in the child's case files, and information provided by the prospective adoptive parent(s). Information may include verbal information and documentation from the child's current service providers (medical, therapeutic, education, or other community provider) and Tribe in the case of an Indian child.
2. Counties are encouraged to create a process that alerts staff when a child reaches the age of 4 years and 9 months, and to instruct the adoptions social worker to begin collecting information to complete the assessment process to determine the eligible AAP rate to be renegotiated with the prospective adoptive parent(s).

3. Communicate with the RC to inquire about the status of the RC eligibility reassessment and/or determination for ongoing Lanterman Act services. The responsible public agency should strive to obtain a clear timeline from the RC on when the reassessment and eligibility determinations will occur, including any appeal undertaken by the caregiver of the RC's determination.
4. Communicate with the RC to request RC eligibility determination documentation.
5. To ensure that, at all times, the RC has updated contact information for the educational rights holder and/or developmental decision maker, if different. This includes providing copies of the JV-535 or other relevant court orders.
6. If the child has moved, the responsible public agency shall immediately send a notice of relocation to the consumer's regional center of origin per WIC section [4643.5\(d\)\(2\)\(A\)](#).
7. Discuss the child's needs and the possible transition out of provisional eligibility at CFT and IFSP/IPP meetings. Invite an RC representative to the CFT meeting as an essential team member following the CFT requirements in WIC 16501(a)(4)(B) and the guidelines in ACL [22-73](#). Additionally, IFSP/IPP meetings should include transition planning and, at the discretion of the prospective adoptive parent(s), include the CFT members.

Appeal of Regional Center Eligibility Determination – Child Receiving AAP

If a child is determined to be ineligible for Lanterman Act services, the responsible public agency should determine whether the prospective adoptive parent(s) disagrees with the determination and intends to file an appeal. The Dual Agency Lanterman rate and supplement, if applicable, shall continue until the appeals process has concluded with a final determination on the child's Lanterman Act eligibility status. In the case that the appeal has upheld the RC's determination that the child is not eligible for Lanterman services, the AAP rate will need to be reassessed and renegotiated to the eligible LOCP rate plus applicable SCI rate effective the date of the final appeal resolution. **No overpayment will be assessed for the time period the Dual Agency Lanterman rate and supplement, if applicable, was paid pending the final appeal determination. Information on the child's due process rights following an RC determination may be obtained from the** [Department of Developmental Services Appeals and Complaints website](#).

After the Finalization of the Adoption and Receiving AAP

Importantly, after the finalization of the adoption, it is the responsibility of the adoptive parent(s) to notify the responsible public agency of the child's RC eligibility when:

- The child becomes eligible or provisionally eligible for Lanterman Act services as determined by the RC.
- The RC has completed and informed the adoptive parent(s) of the result of its eligibility reassessment determination for ongoing Lanterman Act services for a provisionally eligible child.
- The RC eligibility reassessment determination finds that the child is no longer eligible for ongoing RC services, the adoptive parent(s) is appealing the RC eligibility determination, and the resolution of that appeal. The Dual Agency Lanterman rate and supplement, if applicable, shall continue until the appeals process has concluded with a final determination on the child's Lanterman Act eligibility status. In the case that the appeal has upheld the RC's determination that the child is not eligible for Lanterman services, the AAP rate will need to be reassessed and renegotiated to the eligible LOCP rate plus applicable SCI effective the date of the final appeal resolution. No overpayment will be assessed for the time period the Dual Agency Lanterman rate and supplement, if applicable, was paid pending the final appeal determination.
- The adoptive parent(s) pursues an appeal of the RC eligibility determination that the child is not eligible for Lanterman Act services, and it is determined through the appeals process that the child is eligible for Lanterman Act services.
 - The adoptive parent(s) will need to provide supporting documentation to the responsible public agency that it was determined through the appeals process the child is eligible for ongoing Lanterman Act services. Counties shall continue to pay the Dual Agency Lanterman rate and supplement, if applicable, until the appeals process has concluded with a final determination on the child's Lanterman Act eligibility status. If any Dual Agency Lanterman rate payments erroneously stopped during the appeal, the financially responsible county will need to make the retroactive payments for the Dual Agency Lanterman rate, plus the supplement to the Dual Agency Lanterman rate, if applicable, starting on the child's fifth birthday or as of the date RC eligibility terminated, whichever date is earlier.

Questions

If you have any questions about foster care or Kin-GAP or need additional guidance regarding the information in this letter, contact Foster Care Rates and Data Bureau at RatesPolicy@dss.ca.gov or (916) 651-9152.

For questions or additional guidance regarding AAP please contact the Adoption Services Branch at (916) 651-8089 or at AAP@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division