

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 14, 2011
POSITION: Oppose unless amended
SPONSOR: Public Counsel

BILL NUMBER: SB 368
AUTHOR: C. Liu
RELATED BILLS: SB 146 (Wyland)

BILL SUMMARY: Developmental Services: Decisionmaking

Current law authorizes courts, under specified conditions, to temporarily limit the right of a parent or guardian to make educational decisions for a minor and to temporarily appoint a responsible adult or the court to make these educational decisions.

This bill would extend those provisions to decisions related to developmental services, and would add to the definition of an "authorized representative" of a client of a regional center, a responsible adult, appointed by a court. This authorized representative would have the right to access to the child's information and records, the right to participate in the Individual Program Plan (IPP) process and in the fair hearing process to the same extent as provided under current law to the minor's parents, legal guardian, or conservator.

Additionally, this bill would incorporate additional changes proposed by SB 146 (which would make changes to various provisions concerning the practice of professional clinical counselors, including provisions relating to education and training and licensure fees) to become operative only if SB 146 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last.

FISCAL SUMMARY

Any costs or savings to the Department of Developmental Services (DDS) related to this bill would be minor.

COMMENTS

The Department of Finance is opposed to this bill unless it is amended to limit the authority of the court with regard to the provision of developmental services when the court assumes temporary responsibility for a minor.

This bill would allow a minor's developmental services decision to be determined by the court under specified conditions. Finance notes this language may leave open to interpretation whether a court could potentially issue orders for the provision of developmental services it deems appropriate for a minor, even though the minor may not qualify for those services. Under the provisions of the Lanterman Act, regional center staff would typically perform case management services for persons eligible for developmental services.

This bill would authorize the court to make a decision related to developmental services for a child under specified conditions, and temporarily appoint a responsible adult to make developmental services decisions for the child. Additionally, this bill would add to the definition of an "authorized representative" of a client of a regional center to include a responsible adult, appointed by a court order, who the court determines is an appropriate representative for the minor and has no conflict of interest. The authorized representative would have the right to access to the child's information and records, the right to participate in the IPP process, and the right to participate in the fair hearing process for the minor to the same extent as provided under law to the minor's parents, legal guardian, or conservator.

Analyst/Principal (0521) C. Castaneda Date Assistant Program Budget Manager John Doyle Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

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C. Liu

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SB 368

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	
4300/Develop Svcs	SO	No		-----	See Fiscal Summary	-----			0001