



## DEVELOPMENTAL DISABILITY AS DEFINED UNDER THE LANTERMAN ACT (California Welfare and Institutions Code – WIC)

The Lanterman Act was passed by the California legislature in 1977, establishing the 21 regional centers in California and providing for services and supports for individuals with developmental disabilities and their families. In order to qualify for these services and supports a person must be determined to have a developmental disability as defined in the law.

According to the Lanterman Developmental Disabilities Act [WIC section 4512(a)] “Developmental disability” means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a **substantial disability** for that individual.” Disabilities that are "solely physical in nature" are not included.

The **five categories** of developmental disability are:

1. **Cognitive impairment** (sometimes referred to as mental retardation) is a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical adaptive skills. The impairment is permanent and may cause a delay in the development of academic, intellectual, social or physical skills. About three percent of the general population has cognitive impairments. It is diagnosed through the use of standardized tests of intelligence and adaptive behavior. Indicators include slowness in areas such as sitting, walking or talking and a below average score on psychological tests.
2. **Cerebral palsy (CP)** is usually caused by a brain injury that occurs either before or at birth. Depending on which areas of the brain have been damaged, one or more of the following may occur: muscle tightness or spasticity; involuntary movement; disturbance in gait or mobility; difficulty in swallowing and problems with speech; abnormal sensation and perception; impairment of sight, hearing or speech; and/or seizures. It is estimated that between 23 to 44% of those with cerebral palsy have cognitive difficulties including mental retardation and behavioral problems such as hyperactivity.\* Other possible problems relate to eating, bladder/bowel control and breathing issues.
3. **Epilepsy** is a condition that causes disturbances of electrical activity in the brain. Sometimes these disturbances result in a temporary loss of consciousness or motor control. There are a variety of types of epilepsy. About one percent of the general population has epilepsy, three-fourths of whom develop it before the age of 21. About 80 percent of people with epilepsy can control their seizures through medication. In many instances, an individual who has epilepsy as a child will not have it as an adult.
4. **Autism** is a condition that usually appears in the very early years of life. It is a disorder of development that may include withdrawal from other people, difficulty in relating to people, and difficulty in using language. A person with autism may become preoccupied with a particular activity or topic. Autism and its associated behaviors have been estimated to occur in as many as 1 in 500 individuals. Autism is four times more prevalent in boys than girls. Family income, lifestyle, and educational levels do not affect the chance of autism’s occurrence.

5. **"Other disabling conditions"** are disorders that require treatment similar to those required by a person with mental retardation/cognitive impairment. People who require treatment similar to that needed by people with cognitive impairment may learn new skills much more slowly than normal and/or need similar kinds of assistance or teaching to a person with cognitive impairment. Examples of possible qualifying conditions: traumatic brain injury, spinal cord injury, variations of Asperger's syndrome.

**Substantial Disability** [WIC section 4512(l)] means the existence of **significant functional limitations** in **three** or more of the following areas of major life activity as determined by a regional center and as appropriate to the age of the person:

1. self-care
2. receptive and expressive language
3. learning
4. mobility
5. self-direction
6. capacity for independent living
7. economic self-sufficiency

Moreover, a substantial handicap represents a condition of sufficient impairment to require **interdisciplinary planning** and **coordination** of special or generic services to **assist the individual in achieving maximum potential**. [CCR\*\*, Title 17, Section 54001(a)(1)]

### **Responsibilities of Regional Centers**

When an individual is determined to be eligible for services, **regional centers** are able to purchase a wide array of services and supports for eligible individuals and their families. Individual Program Plans (IPPs) are developed for each individual, specifying needs and what services and/or supports can meet those needs. In accordance with law [WIC section 4501], "services and supports should be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age." The law indicates that individuals "should be empowered to make choices in all life areas." Furthermore, regional centers should promote opportunities "to be integrated into the mainstream of life."

Additional information on the Lanterman Act, developmental disabilities, and California's regional centers can be obtained from the Department of Developmental Services (DDS) at [www.dds.ca.gov](http://www.dds.ca.gov) and from Protection and Advocacy, Inc. (PAI) at [www.pai-ca.org](http://www.pai-ca.org)

*\*United Cerebral Palsy Research and Education Foundation, July 2006*

*\*\*California Code of Regulations*

*Information for this summary was obtained from the California Welfare and Institutions Code, and the websites for Redwood Coast Regional Center, Alta Regional Center, United Cerebral Palsy and The Arc of the United States*

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