

## **Family Cost Participation Program Frequently Asked Questions (FAQs)**

In 2004, the State of California passed Welfare & Institutions Code (WIC) Section 4783 that requires parents to share in the cost of certain services purchased for their children by regional centers. This law, called the "Family Cost Participation Program" (FCPP), became effective January 1, 2005. The FCPP does not affect all families and it applies to only three services: respite, daycare and camping. In addition, it is not intended to be so burdensome to families that it would result in their foregoing necessary services for their children.

The following questions and answers are designed to assist you in understanding the law and how it may affect you and your family.

### **Q. To whom does the law apply?**

**A.** The FCPP applies to families who meet the following criteria:

- The family has a child who is birth through 17 years old, receives regional center services, and lives at home.
- The child is not eligible for Medi-Cal.
- The child receives one or more of three specific services purchased by the regional center: respite, day care, and camping.
- The family has an income that is at least 400 percent of the Federal Poverty Level (FPL) Guidelines based on the number of persons in the family.

### **Q. Are parents of children who are on "emergency Medi-Cal" exempt from FCPP?**

**A.** No.

### **Q. Are Foster families exempt from FCPP?**

**A. Yes. AFDC-FC benefits will not be counted toward the gross income calculated for the purposes of FCPP. (WIC 4684)**

**Q. Are Adoption Assistance Program benefits counted toward FCPP gross income calculations?**

**A. No.**

**Q. How much is the cost participation?**

**A.** The FCPP will impact those families whose gross annual income is at least 400% of the FPL. The FPL guidelines address both income and family size. For your reference, the Family Cost Participation Schedule that is located in the FCPP Guide and posted on the Department of Developmental Services (DDS) website, shows the share of cost percentage based on family size and income. Families who have more than one child being served by the regional center will have their assessed amount adjusted according to how many of their children are consumers receiving services from the regional center. The table below shows the reductions in the assessed amount for families who have more than one child who are regional center consumers.

Number of children who are consumers	Reduction in FCPP assessed amount
2	25%
3	50%
4	75%
5 or more	Exempt from FCPP

The law also allows for an adjustment to the cost participation, as determined by the regional center's executive director, for parents who experience "unavoidable and uninsured catastrophic loss with direct economic impact" or "significant, unreimbursed medical costs associated with the care for a child who is a regional center consumer. Adoption Assistance Program (AAP) benefits will not be counted toward FCPP gross income calculations.

**Q. Is there a geographical differential for FCPP to recognize different costs of living in different parts of the state?**

**A.** No. The FCPP uses a standardized assessment schedule that is applied statewide.

**Q. What is the appeal process?**

**A.** For parents of children birth to age three, the Early Start mediation and due process procedures will be used to resolve an error in calculation of the cost participation rate or to appeal an adjustment to the rate based on financial hardship. For more information visit [http://www.dds.ca.gov/Complaints/Compl\\_ESHR.cfm](http://www.dds.ca.gov/Complaints/Compl_ESHR.cfm).

For parents of children ages three through 17, there are two appeal processes: one for an error and one for an adjustment to the rate requested by the family based on financial hardship. First, if the parents believe there is an error in the amount calculated for their share of costs they may appeal within 30 days, in writing, to the regional center's executive director. If they are not satisfied with the executive director's decision, they may appeal within 15 days to the Director of the Department of Developmental Services. The second appeal process is for parents that request an FCPP adjustment from the regional center's executive director based on financial hardship as described in California Code of Regulations section 50265 . If parents wish to appeal the executive director's decision on their adjustment, they may appeal within 15 days to the Director of the Department of Developmental Services.

**Q. How is my family's income determined?**

**A.** The family cost participation is based on the family's gross annual income. This amount can be found on your W-2 Wage Earners Statements, payroll stubs, prior year's state income tax return, or other documents with proof of other income. You will be required to provide income information to the regional center if you are eligible to participate in the FCPP. Families who do not provide their income information will be required to pay the maximum (100%) cost participation for the service.

**Q. What happens if one parent refuses to provide their gross annual income?**

**A.** The regional center will make a determination based on the income information provided by the responding parent. Additional parental cost participation based on the income of the non-responding parent will be determined by the regional center on a case-by-case basis.

**Q. Can regional centers access court documents such as divorce decrees to determine the parents' level of FCPP responsibility?**

**A.** No. Court documents related to child support must be provided by the parents, if necessary. Documentation other than court orders will be evaluated for acceptance by the regional center's executive director.

**Q. Must parents use the same vendor as the regional center when purchasing the family share of services?**

**A.** No.

**Q. Who purchases services first, the regional center or the parents?**

**A.** The law does not require either party to pay their share of cost first. The regional center will not wait for the parents to pay their share before purchasing the regional center's share of the authorized service.

**Q. What happens if parents do not purchase their share of FCP for respite, day care, or camp services?**

**A.** The vendor is not obligated to provide these services if the parent does not pay for them. The regional center is responsible for their share of cost only, regardless of whether the parent pays for any services. The regional center is not obligated to purchase services beyond their share of cost.

**Q. Are parents still responsible for the cost of day care that would be required for a non-disabled child?**

**A.** Yes, the FCPP does not eliminate parental responsibility for the cost of day care that would be required for a non-disabled child.

**Q. Does the FCPP apply for respite services that are parent vouchered?**

**A.** Yes.

**Q. Does the FCPP apply to consumers in the self-determination services pilot project?**

**A.** No, the FCPP does not apply to consumers in the self-determination services pilot projects. The regional center should submit all claims for services for

consumers who choose to continue to receive services consistent with those they received as a participant in the self-determination pilot under Service Code 997. Service Code 997 is not subject to FCPP.

**Q. Will the FCPP Assessment Schedule change, and if so, how often?**

**A.** Yes. The assessment schedule will be adjusted consistent with the changes in the Federal Poverty Level Guidelines and as required by law.