

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026040374

Vs.

DECISION BY THE DIRECTOR

Far Northern Regional Center

Respondent.

ORDER OF DECISION

On May 12, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services as its Decision in this matter. The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4712.5, subdivision (a)(1), within 15 days of receiving the Decision or appeal the Decision to a court of competent jurisdiction within 180 days of receiving the final Decision.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

IT IS SO ORDERED on this day June 10, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions

**BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

and

FAR NORTHERN REGIONAL CENTER, Service Agency

DDS No. CS0035321

OAH No. 2026040374

PROPOSED DECISION

Hearing Officer Christopher W. Dietrich, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on May 7, 2026, by videoconference from Sacramento, California. This matter was heard in a consolidated hearing together with DDS No. CS0035319, OAH No. 2026040382.

Tamra Panther, Associate Director of Client Services, represented Far Northern Regional Center (FNRC).

Claimant's mother represented Claimant, who was not present.

Evidence was received, the record closed, and the matter submitted for decision on May 7, 2026.

ISSUE

Whether FNRC must fund additional hours for transition supports to aid Claimant's transition to the Self-Determination Program (SDP).

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is a seven-year-old FNRC consumer. He receives regional center services based upon his qualifying diagnosis of mild Intellectual Disability. Claimant's brother is also an FNRC consumer. Claimant and his brother currently receive regional center services through the traditional services model. In January 2025, Claimant's mother completed SDP orientation and commenced the process to transition Claimant and his brother to the SDP. In July 2025, FNRC authorized 40 hours of transition supports to aid Claimant's transition to the SDP. FNRC also authorized an additional 40 hours of transition supports to aid Claimant's brother's similar SDP transition.

Request for Additional Transition Support Hours

2. Claimant hired Hilary Johnson of Dignified Independent Facilitators to serve as Claimant's Independent Facilitator (IF). Ms. Johnson billed FNRC for 39.75 hours of transition services. On March 19, 2026, Claimant's mother emailed Janet Roberts, Claimant's FNRC Service Coordinator, to request additional transition support hours for Claimant and Claimant's brother. In her email, she explained the need for these services as follows:

At this time, the initial [IF] hours allocated for transition support . . . have been fully utilized. However, the transition for both boys is not yet complete, as their current Individual Budgets and Spending Plans do not fully reflect their assessed and ongoing needs.

Following our recent discussion, it has come to our attention that a number of unmet needs identified during the budget process will require further attention and resolution prior to fully transitioning to the SDP.

Additionally, when the initial budgets were presented, there were multiple areas of need for both [children] that were not fully captured. Some of these needs were not included because they were not part of traditional services, while others were not available through traditional service options as well. As a result, the current budgets do not accurately reflect their actual needs.

In order to properly address this, it is necessary to continue working closely with our [IF] to review, correct, and align both Individual Budgets and spending plans so they accurately reflect their assessed and ongoing needs. This includes identifying and incorporating previously unaddressed needs prior to full transition to SDP, rather than risking denial later due to a perceived lack of change of circumstances.

[¶] . . . [¶]

At this time, there are ongoing unmet needs, and without continued IF support there is a significant risk of delays in service implementation, gaps in services, and potential regression in functioning and stability for both [children].

(Grammar and capitalization in original.)

3. By email, Ms. Roberts requested that Claimant's mother report on how the existing hours were utilized. Further, she requested clarification on how many additional hours of support were needed and the plan to use those additional hours. Claimant's mother submitted information and documentation in support of her request. Ms. Roberts submitted Claimant's request to an FNRC committee in writing. The committee denied the request.

4. Chere Sullivan, FNRC Associate Director of Client Services, testified at hearing. Claimant's IF billed FNRC for 39.75 hours of transition supports by written invoices documenting the time spent on particular tasks for Claimant. The invoices indicate that Claimant's IF rendered various advocacy services related to developing Claimant's Individualized Education Plan (IEP) with his school district and opposing a reduction in Claimant's In-Home Supportive Services (IHSS) hours. Ms. Sullivan explained that transition supports are authorized solely to support a consumer's transition to SDP, not for advocacy for other services. FNRC will not authorize additional transition support hours if the previously authorized hours were used or billed improperly.

Notice of Action and Fair Hearing Request

5. On March 26, 2026, FNRC issued a Notice of Action (NOA) denying Claimant's request for additional hours of transitional support. On March 30, 2026, Claimant requested a fair hearing to contest FNRC's denial. In the NOA, FNRC explained its reason for the denial as follows:

FNRC has funded 40 hours for transition support that has been already been billed for in full. This funded support should be used to provide support with any coaching and/or training supports needed by an individual and their family or their representative to successfully enroll in the SDP.

A number of hours from the existing transition support hours were utilized for Education Support (IEP meeting attendance). Transition Supports are not meant to be utilized for IHSS or Education Supports as generic resources are available to provide such support: Rowell Family Empowerment, OCRA, Legal Services of Northern California.

In addition, Independent Facilitators are not authorized to use SDP funds to advance services that are the responsibility of another system (school district).

(Grammar original.)

Department of Developmental Services Directive

6. On July 2, 2024, the Department of Developmental Services (DDS) issued a directive entitled "Self-determination program: initial person-centered plan and pre-enrollment transition supports guidance (directive)." This directive provides in pertinent part:

B. General Self-Directed Supports

General Self-Directed (SD) Supports, are for any coaching and/or training supports needed by an individual and their family or their representative to successfully enroll in the SDP. General SD Supports are authorized to be provided after the SDP orientation and before a potential participant is enrolled in the SDP.

[¶] . . . [¶]

Regional centers may authorize General SD Supports for up to 40 hours. The General SD Supports vendor shall provide the potential SDP participant's IPP [Individualized Program Plan] team with written information about the proposed transition services they intend to provide and the estimated number of hours.

Additional hours may be requested by the IPP team and authorized by the regional center on a case-by-case basis for a potential SDP participant who needs more intensive supports to successfully transition into the SDP such as

individuals and their family members who do not have access to natural supports to assist with the enrollment process, whose preferred language is other than English, or have a higher level of service need, as a result of their disability.

(Grammar original.)

Claimant's Additional Evidence

HILARY JOHNSON'S TESTIMONY

7. Ms. Johnson attended multiple meetings with Claimant's school district regarding his IEP. At these meetings she assisted with notetaking, documentation, and record organization to help Claimant access school district services. She assisted Claimant in procuring a new qualifying diagnosis for special education services. Additionally, she served as an authorized representative at a Department of Social Services fair hearing regarding a proposed reduction in Claimant's IHSS hours. Claimant prevailed at hearing and his prior IHSS hours were restored.

8. Ms. Johnson estimated that she spent eight hours advocating for Claimant's school district services and 11 hours advocating for Claimant's IHSS hours. The remaining hours were billed directly for services related to Claimant's SDP enrollment. She explained that her advocacy is an essential function of Claimant's transition into the SDP. She explained that Claimant's FNRC-funded services would be impacted if he received less services through his school district or IHSS.

9. Ms. Johnson attempted to help Claimant's mother access various advocacy resources. Claimant's mother copied Ms. Johnson on multiple emails to Legal

Services of Northern California (LSNC), Rowell Family Empowerment (RFE), and the Office of the Clients Right Advocate (OCRA). However, none of these organizations were able to assist Claimant's school district or IHSS advocacy. Claimant's mother regularly contacted Ms. Roberts regarding these efforts. Ms. Roberts advised Claimant's mother about potential advocacy services but did not assist her in procuring these resources.

10. Ms. Johnson explained that her billings have been increased due to Claimant's long SDP transition period. She explained that FNRC was unwilling to "table" funding proposals until a later time pending Claimant's changes in school district and IHSS services. This posture extended the budgeting process and her costs.

11. Ms. Johnson estimated that she has furnished 6.5 hours in unbilled transition services to Claimant. She estimated that five more hours are needed to finalize Claimant's transition to the SDP.

CLAIMANT'S MOTHER'S WRITTEN STATEMENT

12. Claimant's mother provided a written statement explaining her attempts to access generic advocacy resources and the need for additional transition supports. She also provided copies of emails and screenshots of her phone's call logs documenting her efforts. Her statement reads in pertinent part:

I actively sought out generic and community-based resources as required.

I contacted OCRA . . . and was informed they did not have the capacity to provide the level of assistance needed at that time. OCRA also indicated that they generally become

involved after a denial or [NOA], rather than providing the level of proactive support I needed before and during the critical planning and appeal preparation process.

After receiving the [IHSS NOA], I reached back out to OCRA again and left a voicemail requesting support. I did not receive a consultation until nearly two weeks later, and that consultation lasted approximately 10 minutes. The call focused mainly on what documentation I had in place for the appeal and information about how to file an appeal, which I already knew or had already started. I explained that I was seeking more meaningful support with preparing for the hearing and organizing the issues, especially because IHSS and IEP matters involve time-sensitive decisions where waiting several weeks for a response is not practical. After speaking with OCRA, I was told or left with the understanding that they felt I could advocate for myself and did not see a need to intervene in my children's IHSS case. I continued to copy OCRA on additional emails afterward, but I did not receive further response or additional support from OCRA.

I also worked with [LSNC]. The assigned worker . . . initially accepted my case. However, he later left his position with [LSNC], and as a result my case was closed. This caused me to lose support for both my IHSS matter and IEP-related

needs shortly before critical hearing-related preparation was needed.

I also reached out to RFE. However, they were not consistently available during the times my child's IEP meetings and urgent support needs were occurring. Because of those scheduling limitations, they were unable to provide the level of support needed.

Because we are a Native American household, I also sought culturally relevant support. I contacted California Indian Legal Services, who were unable to provide assistance, and I reached out to my tribe, Sealaska, but they were not able to support these needs.

I also attempted to coordinate directly with my Service Coordinator at [FNRC]. She was repeatedly included in communications and was aware of the situation. However, due to her own caseload and limited availability, attempts to schedule meaningful support with her were not successful. As a result, the level of hearing preparation, cross-system coordination, and participation in critical meetings that was needed was not available through service coordination alone.

[¶] . . . [¶]

A significant amount of the coordination also occurred by phone. My call logs show repeated phone communication

with my Service Coordinator over time, which supports that FNRC had ongoing knowledge of the issues and that many discussions occurred verbally rather than only by email.

At no point during this time was I advised to stop using my Independent Facilitator for assistance related to IHSS, IEP-related coordination, documentation, or transition planning.

In fact, I specifically asked my Service Coordinator whether I could utilize my [IF] to assist with these areas, and I was told that I could use my [IF] in whatever way was needed to support my children.

At no point was I notified that the use of [IF] services in this manner was inappropriate or outside the scope of . . . transition support.

Because of this, I reasonably relied on the guidance provided and continued utilizing my [IF] in good faith to address urgent and complex needs across multiple systems.

[¶] . . . [¶]

I am requesting that [FNRC] approve 15 additional [IF] hours per child, and coverage of the [IF] hours that have already been worked, documented, and remain unpaid.

These hours were necessary to address urgent and complex needs across multiple systems, including IHSS, education, medical, and Regional Center coordination. They were

performed in good faith based on the guidance provided
and accepted by [FNRC].

(Grammar and capitalization in original.)

JANET ROBERTS'S TESTIMONY

13. Claimant's mother was in regular contact with Ms. Roberts throughout Claimant's transition to the SDP. Ms. Roberts did not explain the appropriate use of transition supports funding to Claimant when these hours were first authorized. Claimant's mother copied Ms. Roberts and Ms. Johnson on emails to various advocacy organizations including OCRA, LSNC, RFE, and California Indian Legal Services. Claimant's mother invited Ms. Roberts to attend various meetings with Claimant's school district, the County Health and Human Services Agency, and advocacy organizations but Ms. Roberts's schedule did not permit her to attend these meetings.

14. Claimant is still in the process of transitioning to the SDP. FNRC approved a draft SDP budget for Claimant on May 6, 2026, but it has not yet been signed by Claimant's mother. Once the budget is signed, FNRC and Claimant's representatives will need to develop an SDP spending plan.

Analysis

15. Claimant bears the burden of proving that FNRC must provide additional transition supports to aid Claimant's transition to the SDP. Per the DDS directive, a prospective SDP participant may only use transition supports as necessary "to successfully enroll in the SDP." The evidence established that Claimant used 19 of the allotted 40 transition support hours for advocacy regarding his IHSS and school district services. The evidence established that Claimant's mother diligently pursued

alternative advocacy before utilizing Ms. Johnson to advocate for Claimant in these forums. Although Claimant benefitted from Ms. Johnson's advocacy, it was not necessary for Claimant to successfully enroll in the SDP.

16. Additional transition support hours may only be authorized if Claimant needs "more intensive supports to successfully transition into the SDP." Claimant did not establish that more intensive supports are necessary. Out of the initial 40 hours authorized, only 20.75 hours were appropriately billed for services related to Claimant's SDP enrollment. Ms. Johnson estimated that 11.5 more hours of transition services are needed to finalize Claimant's SDP enrollment. However, the initial 40 hours authorized, in addition to the 40 hours authorized for Claimant's brother's SDP transition, would be sufficient to meet Claimant's needs had Ms. Johnson only billed for necessary transition supports.

17. Considering all the evidence, Claimant failed to establish that he needs additional transition support hours to successfully transition to the SDP. Therefore, his appeal must be denied.

LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act) governs this case. (Welf. & Inst. Code, § 4500 et seq.) An administrative fair hearing to determine the rights and obligations of the parties is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.)

2. Claimant has the burden of proving by a preponderance of the evidence that FNRC must authorize additional transition supports hours for Claimant to transition to the SDP. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156,

161 [the party seeking government benefits has the burden of proving entitlement to such benefits]; Evid. Code, § 115 [the standard of proof is preponderance of the evidence, unless otherwise provided by law].) Proof by a preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387.)

3. Under the Lanterman Act, the State of California is responsible for providing individuals with developmental disabilities with the "treatment and habilitation services and supports" to enable such persons to live "in the least restrictive environment." (Welf. & Inst. Code, § 4502, subd. (b)(1).) To comply with this mandate the Department of Developmental Services contracts with non-profit agencies called regional centers to provide services and supports for individuals with developmental disabilities. (Welf. & Inst. Code, § 4620.) To determine what services a regional center consumer needs, regional centers are directed to conduct a planning process that results in an IPP designed to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 389.)

4. The Self-Determination Program provides regional center consumers "an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement" a consumer's IPP. (Welf. & Inst. Code, § 4685.8, subd. (a).) Self-determination is designed to give the participant greater control over which services and supports best meet their IPP needs, goals, and objectives. (Welf. & Inst. Code, § 4685.8, subd. (b)(2)(B).) One goal of the SDP is to allow participants to innovate to achieve their goals more effectively. (*Id.* at § 4685.8, subd. (b)(2)(G).) DDS is empowered to implement program directives regarding the SDP. (Welf. & Inst. Code, § 4685.8, subd. (p)(2).)

5. SDP participants may use an IF to assist them. Welfare and Institutions Code section 4685.8, subdivision (c)(2) defines the role of an IF in pertinent part:

The [IF] may assist the participant in making informed decisions about the individual budget, and in locating, accessing, and coordinating services and supports consistent with the participant's IPP. The [IF] is available to assist in identifying immediate and long-term needs, developing options to meet those needs, leading, participating, or advocating on behalf of the participant in the person-centered planning process and development of the IPP, and obtaining identified services and supports.

Conclusion

6. Considering all the evidence, Claimant failed to establish that he needs additional transition support hours to successfully transition to the SDP. Therefore, his appeal must be denied.

ORDER

Claimant's appeal from Far Northern Regional Center's March 26, 2026 Notice of Action denying his request for additional transition support hours is DENIED.

DATE: May 12, 2026

CHRISTOPHER W. DIETRICH
Administrative Law Judge
Office of Administrative Hearings