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

## In the Matter of:

## CLAIMANT

## and

## INLAND REGIONAL CENTER, Service Agency

## DDS No. CS0036078

## OAH No. 2026050199

### PROPOSED DECISION

Kimberly J. Belvedere, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on June 9, 2026.

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

Jennifer Cummings, Program Administrator, Fair Hearings and Legal Affairs, represented Inland Regional Center (IRC).

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on June 9, 2026.

## ISSUE

Is IRC permitted to augment claimant's self-determination program (SDP) budget or permit claimant to use existing SDP funds to pay for out-of-state respite services to be utilized while claimant is on vacation on a cruise designed for children with autism spectrum disorder (autism)?

## SUMMARY

Claimant did not establish by a preponderance of the evidence that IRC may fund claimant's request for out-of-state respite services while claimant is on vacation. Pursuant to applicable law, a regional center is prohibited from funding any services or supports outside the State of California without prior approval from the director of the Department of Developmental Services (department). IRC forwarded claimant's request to the department and the department denied the request. Accordingly, IRC cannot fund the requested services.

## FACTUAL FINDINGS

### Background and Jurisdiction

1. Claimant is an 11-year-old girl who qualifies for regional center services based on a diagnosis of autism. Claimant is enrolled in the SDP and has a budget of approximately $99,075.20 for 2026-2027.

2. At some point prior to the appeal, claimant requested IRC pay for respite services to be provided out-of-state. Specifically, claimant desires to attend a 7-night

family cruise known as Autism on the Seas Eastern Caribbean Cruise in December 2026. The cruise provides certain services to autistic passengers of all ages, such as a 1:1 aide, respite, and other personal services. The fee for the services being requested is a one-time payment of $1,980 for claimant and claimant's other two siblings (who are also consumers and seeking the same services under a different case number).

3. Regional centers are prohibited from funding out-of-state services and supports without department approval. IRC sent the department a letter detailing claimant's funding request (in connection with claimant's two other siblings seeking the same funding). The request included all pertinent information about the cruise, services that would be provided to claimant, and applicable costs. The request also included detailed information about claimant and claimant's siblings, diagnoses, interests, and a basic summary of the kind of information typically found in a consumer's Individual Program Plan (IPP). The department denied the request.

4. Based on the department's denial, IRC issued a Notice of Action also denying the request, noting that without department approval, it is prohibited from funding the request.

5. On April 27, 2026, claimant appealed; this hearing followed.

## Evidence Offered at Hearing

6. IRC did not call any witnesses and submitted on the documentary evidence.

7. Claimant's mother testified briefly, stating that she understood the hearing was futile because the department did not authorize IRC to fund the requested out-of-state services. Claimant's mother noted that this is a unique situation

because the cruise is a special cruise for individuals with autism. The organization that sponsors the cruise hires employees specifically to provide respite, 1:1 services, and other things helpful to individuals with autism. This allows those with special needs family members who have autism to nonetheless enjoy the cruise as a family. Claimant's mother testified that the family did take vacations in the past and it did not work out very well because claimant and claimant's two siblings were upset and miserable, and the overall vacation was always very chaotic. Thus, this time, claimant's mother felt having respite or 1:1 services would be helpful. She believes claimant and claimant's siblings have a right to explore and see the world, and the purpose of the SDP is to include developmentally disabled individuals in activities. Autism on the Seas is a legitimate organization, and the requested funding is not very much. Claimant's mother hopes the department will reconsider its position.

## LEGAL CONCLUSIONS

### Burden and Standard of Proof

1. In a proceeding to determine whether a regional center should fund certain services, the burden of proof is on the claimant to establish by a preponderance of the evidence that the regional center should fund the requested service(s). (Evid. Code, §§ 115, 500; *McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051-1052.)

### Applicable Law

2. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Developmental Disabilities Act (Lanterman Act) (Welf. & Inst. Code, § 4500 et seq.) to provide a pattern of facilities and services sufficiently complete to meet the

needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. The purpose of the statutory scheme is twofold: To prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community, and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.) Welfare and Institutions Code section 4501 outlines the state's responsibility for persons with developmental disabilities and the state's duty to establish services for those individuals.

3. The department is the public agency in California responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) In order to comply with its statutory mandate, the department contracts with private non-profit community agencies, known as "regional centers," to provide the developmentally disabled with "access to the services and supports best suited to them throughout their lifetime." (Welf. & Inst. Code, § 4620.)

4. Welfare and Institutions Code section 4512, subdivision (b), defines "services and supports for persons with developmental disabilities" as:

> [S]pecialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, normal lives. The determination of

> which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option . . . Nothing in this subdivision is intended to expand or authorize a new or different service or support for any consumer unless that service or support is contained in his or her individual program plan.

5. A regional center's responsibilities to its consumers are set forth in Welfare and Institutions Code sections 4640-4659.

6. Welfare and Institutions Code section 4646.4, subdivision (a), requires regional centers to establish an internal process that ensures adherence with federal and state laws and regulations, and when purchasing services and supports, ensures conformance with the regional center's purchase of service policies.

7. In 2013, the Legislature passed Welfare and Institutions Code section 4685.8, which required the department to implement a statewide self-determination program to provide participants and their families, within an individual budget, increased flexibility and choice, greater control over decisions, resources, and needed and desired services and supports to implement their IPP. The department began pilot programs in certain regional centers, and oversaw statewide working groups from

various regional centers and consumer groups, to develop policies and procedures to implement the program. After completion of that pilot program, the SDP became available to all regional center consumers who wished to use it effective July 1, 2021.

8. The individual SDP budget is calculated as specified in applicable law. (Welf. & Inst. Code, § 4685.8, subd. (m).) The SDP budget must be the total amount of the most recently available 12 months purchase of service expenditures for the consumer. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(i).) The regional center may adjust this amount if the IPP team determines that an adjustment is necessary due to the consumer's changed circumstances, needs, or identifies prior needs that were not addressed in the IPP. The team must document the specific reason for the adjustment in the IPP. The regional center must certify on the individual budget document that regional center expenses for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the SDP. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(ii).)

9. Each consumer in the program must develop an individual spending plan to use their available individual budget funds to purchase goods, services, and supports necessary to implement his or her IPP. The spending plan must identify the cost of each good, service, and support that will be purchased with regional center funds. The total amount of the spending plan cannot exceed the total amount of the individual budget. A copy of the spending plan must be attached to the consumer's IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(7).)

10. Each item in the spending plan must be assigned to uniform budget categories developed by the department and distributed according to the anticipated expenditures in the IPP in a manner that ensures that the participant has the financial resources to implement the IPP throughout the year. (Welf. & Inst. Code, § 4685.8,

subd. (m)(3).) The regional center must review the spending plan to verify that goods and services eligible for federal financial participation are not used to fund goods or services available through generic agencies. (Welf. & Inst. Code, § 4685.8, subd. (r)(6).)

11. A consumer may transfer funds between service codes and budget categories in the spending plan upon the approval of the regional center or the participant's IPP team. (Welf. & Inst. Code, § 4685.8, subd. (n).) The regional center is required to provide timely authorizations to the participant's financial management service. (*Ibid.*)

12. Welfare and Institutions Code section 4648 requires regional centers to be fiscally responsible.

13. Welfare and Institutions Code section 4519, subdivision (a), provides, in part:

> The department shall not expend funds, and a regional center shall not expend funds allocated to it by the department, for the purchase of any service outside the state unless the Director of Developmental Services or the director's designee has received, reviewed, and approved a plan for out-of-state service in the consumer's individual program plan developed pursuant to Sections 4646 to 4648, inclusive.

## Evaluation

14. If requested services are to be provided out of state, a regional center is statutorily prohibited from funding the request without prior approval by the

department in accordance with applicable law. IRC contacted the department regarding claimant's request for funding of the cruise fees for claimant to have specified out-of-state services (respite/1:1 services) during the cruise. The department denied that request. Consequently, IRC cannot fund claimant's request for out-of-state respite services during claimant's vacation, and OAH does not have the authority to issue any order directing IRC to do otherwise.

## ORDER

Claimant's appeal is denied. IRC is prohibited from funding the requested out-of-state services (fee to provide respite/1:1 services on Autism of the Seas Eastern Caribbean Cruise). Claimant may not use any funds in the SDP budget, and IRC may not augment the SDP budget, to fund such services, absent department approval, which it does not have.

DATE: June 15, 2026

KIMBERLY J. BELVEDERE

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

| | |
|---|---|
| Claimant | OAH Case No. 2026050199 |
| Vs. | **DECISION BY THE DIRECTOR** |
| Inland Regional Center | |
| Respondent. | |

ORDER OF DECISION

On June 15, 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. 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 23, 2026.

Original Signed by
Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions