

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OAH No. 2014100965

CLAIMANT,

vs.

NORTH LOS ANGELES COUNTY
REGIONAL CENTER,

Service Agency.

DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on November 24, 2014, in Lancaster, California. Claimant, an unconserved adult, represented herself.¹ North Los Angeles County Regional Center (Service Agency or NLACRC) was represented by Stella Dorian.

Oral and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on November 24, 2104.

¹ Claimant's name is omitted throughout this Decision to protect her privacy.

ISSUES²

1. Should NLACRC provide advocacy assistance to help Claimant access funding for housing through the California Victim Compensation Program (CalVCP)?
2. Should NLACRC provide coordination of mental health services through Mental Health of America to assist Claimant with obtaining rental housing placement?

EVIDENCE

Documentary: Service Agency exhibits 1-12; Claimant's exhibits A-J.

Testimonial: Gabriela Eshrati, Consumer Services Supervisor; Claimant.

FACTUAL FINDINGS

1. Claimant is a 48-year old female consumer who qualifies for regional center services under a diagnosis of epilepsy. She is also receiving services and supports through Mental Health of America and L.A. Care. NLACRC records indicate:

Claimant has a history of chronic homelessness, and often makes poor decisions about her housing choices i.e. moving in with someone she met at the grocery store, refusing to pay her rent, not adhering

² No Notice of Proposed Action was submitted as evidence. However, NLACRC did not challenge jurisdiction, and the parties agreed to the statement of the issues which were determined based on Claimant's Request for Fair Hearing, the parties' documented discussion at the prior informal meeting, and discussion of the issues on the record during the fair hearing.

to the rules of the home, having verbal and physical altercations with the home owners, not establishing clear rental guidelines and not wanting [NLACRC] involved in her housing decisions/choices until the situation has escalated to where she is on the verge of being evicted or is evicted.

[Claimant] has a history of refusing Independent Living Services (ILS) and [NLACRC's] residential facilities i.e. (Community Care Facilities – CCFs). Communication parameters were set up between [NLACRC] staff by using profanity, yelling, screaming, and making threats, etc. (Exhibit 6.)

2. Claimant is currently living in a tent. She wants NLACRC to assist her with accessing housing through mental health agencies and obtaining funding for that housing.

3(a). Claimant has engaged in fair hearing and mediation with NLACRC several times.³ On July 9, 2014, Claimant and NLACRC participated in a fair hearing wherein one of the issues was accessing funding for relocation housing through CalVCP.

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³ Mediations were held and agreements reached between the parties on August 7, 2012; November 14, 2012; March 8, 2012; and January 15, 2013. Decisions and orders following fair hearings were issued on April 27, 2011; June 25, 2009; and July 15, 2014.

3(b). In a decision issued July 15, 2014 (July 2014 OAH Decision), an Administrative Law Judge (ALJ) found:

NLACRC has met all obligations and responsibilities of past mediation agreements and ALJ decisions. The regional center has helped [C]laimant apply for Medicare, provided transportation for medical and dental appointments, communicated with [Department of Rehabilitation (DOR)] regarding [C]laimant's application for vocational training, has obtained and funded independent living services for [C]laimant, and offered to provide funding for [C]laimant to reside in a residential facility . . . Claimant accepted some services and declined others. Although NLACRC has complied with its obligations and responsibilities to [C]laimant, it is nevertheless recommended that NLACRC continue its efforts to advocate and help [C]laimant in her efforts to obtain funding for relocation through the [CalVCP]. (Exhibit 2.)

3(c). Claimant requested assistance from the Office of Client Rights Advocacy (OCRA) to file an appeal of the July 2014 OAH Decision. NLACRC set up a meeting between OCRA and Claimant, informed her of the meeting time and date, and called to remind her of the meeting. After meeting with an OCRA representative, Claimant stated that the information was not helpful and that she would proceed on her own in appealing the July 2014 OAH Decision.

4. Claimant previously obtained a letter from law enforcement for submission to CalVCP. In order to access relocation funds through that entity, Claimant must establish an immediate threat to her physical safety. The letter was written by a police lieutenant familiar with Claimant's family history and her history as a crime victim. He explained Claimant's background as follows:

Since 2007, [Claimant] has been the victim in eleven cases just in the Lancaster Station jurisdiction. She has been the victim of Rape (3 times), Domestic Violence (3 times), Assault with a Deadly Weapon (1 time), Battery (3 times) and Grand Theft (1 time).

[Claimant] grew up in the Antelope Valley and has several family members here. . . . [Claimant] has had seizures since she was young child and has developed mental issues during the years. She often has been homeless living in desert encampments, shelters, and various transitional homes. The family on many occasions have [*sic*] tried to help her, but to no avail. Several victim advocates have also attempted to help her, but she does not like to take medication (it is unknown what type of mental illness she is diagnosed with) and eventually complains they are not helping her.

What is very clear is a pattern of behavior which will probably lead to her demise. Besides being a female sleeping in desert encampments, she has a distinct

pattern of at-risk behavior. In several of her assaults, she consents to sleeping with a male in a van or a room. This often leads to some type of violence or sexual assault. . . .

[¶] . . . [¶]

Although most relocation requests involve one particular incident or several incidents with one suspect, [Claimant's] case is different. Although she has been a victim on more than one occasion by the same boyfriend, the others have been different men. Unfortunately, it is her at-risk behavior and poor choices which is the immediate threat to her personal safety. (Exhibit 11.)

5(a). On April 10, 2014, in the Superior Court for the State of California, County of Kern, Claimant was charged with, and pleaded not guilty to, two counts of violating Penal Code section 417, subdivision (a)(1) (exhibiting deadly weapon in angry/threatening manner), misdemeanors. On October 2, 2014, the Court ordered the matter to be placed on diversion through the regional center pursuant to Penal Code section 1001.21.⁴ Claimant was ordered to return to court on January 15,

⁴ Penal Code section 1001.21 is part of Chapter 2.8 which deals with diversion of defendants with cognitive developmental disabilities. Section 1001.21 provides:

(a) This chapter [2.8] shall apply whenever a case is before any court upon an accusatory pleading at any stage of the criminal proceedings, for any

2015.

6. On September 2, 2014, NLACRC sent the criminal court a letter setting forth a diversion plan for Claimant. The letter specifically stated:

[NLACRC] will continue to maintain an active and ongoing role in case management for [Claimant] in a Court Ordered Diversion Plan:

Diversion Plan:

1. [Claimant] will fulfill all of the legal obligations set forth by the Diversion Plan as ordered by the Court.
2. [Claimant] will work with NLACRC to find permanent housing.
3. [Claimant] will attend Mental Health Therapy.

person who has been evaluated by a regional center for the developmentally disabled and who is determined to be a person with a cognitive developmental disability by the regional center, and who therefore is eligible for its services.

- (b) This chapter applies to any offense which is charged as or reduced to a misdemeanor, except that diversion shall not be ordered when the defendant previously has been diverted under this chapter within two years prior to the present criminal proceedings.
- (c) This chapter shall apply to persons who have a condition described in paragraph (2) or (3) of subdivision (a) of Section 1001.20 only if that person was a client of a regional center at the time of the offense for which he or she is charged.

4. [Claimant] will follow up with L.A. Care Health Plan for Mental Health Services.
5. [Claimant] will follow up with Mental Health of America or Los Angeles County Mental Health Services for as needed Mental Health Service.
6. Should [Claimant] fail to comply with the aforementioned or violate State of Federal Laws while on Diversion, NLACRC will recommend that she be returned to custody and previous charges reinstated.

[NLACRC] provides case management and services coordination to eligible consumers on a voluntary basis. If an adult consumer does not wish to follow through with any recommendations made by NLACRC, this agency cannot enforce them. Should [Claimant] fail to substantially comply with the program, NLACRC will promptly notify the Court and Counsel in writing so the Court may calendar the matter for review. (Exhibit 5.)

7(a). As recommended in the July 2014 OAH Decision, NLACRC continued assisting Claimant with her efforts to obtain funding for relocation through the CalVCP. NLACRC also assisted Claimant with coordinating mental health services, including rental housing placement, through Mental Health of America.

7(b). NLACRC's attempts to help Claimant included assistance with obtaining In Home Supportive Services (IHSS) as well as the following:

- (1). On August 5, 2014, NLACRC offered Claimant Independent Living Services (ILS) or Supportive Living Services (SLS), and she declined those services at that time.

- (2). On August 8, 2014, NLACRC was contacted by the person with whom Claimant was residing and informed that Claimant was having conflicts with her and requested that Claimant move out the first week of September. On August 12, 2014, NLACRC discussed and provided Board & Care Home information to Claimant. On that date, Claimant reported a sexual violation by a man from whom she was renting a room. NLACRC and Claimant discussed and filed an Adult Protective Services report and provided Claimant with alternative options for housing. Claimant reported that she was no longer staying with her assailant and would be staying elsewhere.
- (3). On August 13, 2014, Claimant informed NLACRC that she was residing in a mobile home and NLACRC offered her group home placement, ILS and/or SLS, all of which she declined.
- (4). On August 25, 2014, NLACRC spoke with the CalVCP relocation program representative to obtain additional information and forms. On August 26, 2014, NLACRC spoke to Claimant, explained the CalVCP relocation program, and provided her with the necessary documentation including application, rental listings and mailing information.
- (5). Also on August 26, 2014, NLACRC spoke with Claimant about the procedure for homeless shelter intake. Claimant insisted that she did not have to be present to receive shelter services, but she was informed that the shelter policy required her to wait in line for intake which started at 3:30 p.m. Claimant stated that was "bull shit." She was provided with the homeless shelter phone number. Claimant also requested referral to a community care facility, and NLACRC informed her that referral packets would be made and NLACRC would inform her of any openings in Level

2 homes.

- (6). On September 2, 2014, Claimant requested assistance contacting the Lancaster Homeless Shelter because she believed the shelter had a restriction on providing her with services. NLACRC contacted the shelter and spoke to the intake coordinator. He informed NLACRC that there was no restriction on Claimant receiving shelter services and that she needed to be at the shelter before 2:30 p.m. because space was provided on a first come-first served basis. After the call ended, Claimant informed NLARC that she would not be going to the shelter for assistance because she preferred to live in her daughter's car. She asked for a status update on her HUD housing and was provided with the resource information for HUD housing, including the telephone number and website.
- (7). On September 9, 2014, Claimant informed NLACRC that she was renting room at an address in Lancaster. NLACRC conducted a conference call which included NLACRC staff, Claimant and the CAIVCP relocation program representative. They discussed the case process, funds available to Claimant, and application requirements which still needed completion. NLACRC also attempted to contact HUD but was unable to speak to a representative.
- (8). On September 15, 2014, Claimant reported that she had been locked out of the home where she was renting space. On that same date, NLACRC received a letter from the homeowner which stated that Claimant was bullying and threatening her family with bodily injury. The homeowner asked NLACRC to inform Claimant she was not allowed to return to her home.
- (9). On September 17, NLACRC spoke to Claimant who stated that she had

moved to a room rental in another Lancaster home. They attempted to conduct a conference call to obtain Section 8 housing status, but they were unable to contact a representative and left a message requesting that the agency contact Claimant.

(10). On September 30, 2014 NLACRC met with Claimant and assisted her with applying online and checking her status for HUD housing and informed her that the CalVCP relocation program documents needed to be completed. She was informed that the letter she obtained from the police lieutenant for submission to CalVCP was not sufficient in that it needed to be on letterhead and contain the lieutenant's signature. NLACRC suggested meeting the next week at the Sheriff's station to assist Claimant in obtaining the letter for CalVCP, and Claimant agreed. Claimant was also given copies of the HUD application verification and status update.

(11). On October 7, 2014, NLACRC staff and Claimant met at the Sheriff's station to request assistance with completion of the CalVCP relocation program form. The sergeant who spoke with them stated that all cases Claimant had initiated at the Sheriff's station had been closed, and since there were no open cases to serve as the basis for concern about Claimant's health and safety, they were unable to complete the CalVCP form.

(12). On October 17, 2014, Claimant called NLACRC to inform them that she was renting a room at another home in Lancaster. On October 20, 2014, Claimant informed NLACRC that the room rental she had obtained through Mental Health of America had not worked out because they informed her that she had broken the house rules and could no longer

live at the home. Claimant requested placement in a group home, and she was told that referral packets would be sent to the homes with current openings. Since immediate placement in a group home could not be obtained, Claimant was asked if she would like to go to a shelter and she agreed. NLACRC contacted a shelter and they agreed to hold a spot open for her. Claimant left immediately and informed NLARC that she would go to the shelter for the night. However, when NLARCC contacted the shelter at 6:46 p.m., they were informed that Claimant had not gone to the shelter.

(13). On October 21, 2014, NLACRC contacted several group homes to obtain placement for Claimant. When NLACRC asked Claimant why she had not gone to the shelter the night before, she said that she had been previously raped at that shelter and had not stayed there for the past three years. NLACRC informed her that the population at that shelter was segregated; the males sleep outside, and the females sleep inside.

(14). On October 22, 2014, Claimant asked NLACRC for an update on housing/group homes. She stated that she needed housing because she was unable to go to a shelter because of a rape. Claimant was informed that inquiries had been made at several group homes, and at that time there were no suitable group home placements available. NLACRC provided Claimant a contact number for a homeless shelter, which Claimant refused. Claimant became hostile and verbally aggressive.

(15). On October 27, 2014, NLACRC was informed by a shelter representative that Claimant had been given a three-day notice to leave the shelter and that she would be on a 30-day restriction. Claimant was given the notice and restriction for leaving the shelter at night, after eating and showering

there, thus leaving an empty bed which was then unavailable for someone else to use.

(16). On October 28, 2014, NLACRC left a message with Claimant's worker at Mental Health of America seeking a return call. On that same day, NLACRC recommended that Claimant call 211 to obtain assistance with homeless solutions and access to a shelter. During the call, Claimant was provided with information about the Homeless Solutions Access Center and the Santa Clarita Senior Center. The 211 worker agreed to email additional resource information to NLARC for forwarding to Claimant at Mental Health of America. Claimant informed NLACRC that she needed surgery on her feet and requested referral to a skilled nursing facility. NLACRC informed her that referral to a skilled nursing facility must be made by a physician and based on medical need. When asked where she was living, Claimant informed NLACRC that she was staying in a homeless encampment in the desert.

(17). On November 4, 2014, Claimant informed NLACRC that a detective submitted a letter along with the application to the CalVCP relocation program. She said that she did not receive a copy of the letter because the documents had been mailed directly to CalVCP. NLACRC researched additional housing information and faxed the housing information regarding rooms for rent and a consent for release of information to Claimant's attention at Mental Health of America.

7(c). At a meeting on November 18, 2014, Claimant informed NLACRC that she was currently living in a tent and that she went to Mental Health of America to shower. She agreed to provide NLACRC with a copy of the detective's letter recently submitted to CalVCP. She stated that she no longer wanted group placement at a

community care facility, but was instead seeking assistance with diversion housing through Mental Health of America and obtaining funding through CalVCP.

7(d). On November 19, 2014, NLACRC contacted CalVCP and was informed that CalVCP had received the documents from the detective and that the application packet needed to be completed regarding the proposed relocation site and rental contract for the proposed site. NLACRC obtained a signed consent for release of information which would allow NLACRC to coordinate mental health services with the Department of Mental Health and Mental Health of America and to obtain information regarding the diversion housing program Claimant wished to access through Mental Health of America. NLACRC forwarded the signed release to Mental Health of America and left a message for a return call. As of the date of the fair hearing, no response had been received from Mental Health of America.

LEGAL CONCLUSIONS

1. Cause does not exist to grant Claimant's appeal and to order the Service Agency to either (1) provide advocacy assistance to help Claimant access funding for housing through CalVCP or (2) provide coordination of mental health services through Mental Health of America to assist Claimant with obtaining rental housing placement, because NLACRC is already doing so. (Factual Findings 1 through 7, and Legal Conclusions 2 through 3.)

2. Welfare and Institutions Code section 4659, subdivision (a), provides:

Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

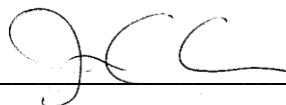
(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

3. From August through November, NLACRC continued its efforts to secure Claimant housing and offered her ILS and SLS, which she declined. Claimant obtained and then lost placement at several rental locations. However, as recommended in the July 2014 OAH Decision, NLACRC continued assisting Claimant with her efforts to obtain funding for relocation through CalVCP and coordinating mental health services through Mental Health of America regarding her rental housing placement. Given the foregoing, there is no need to order NLACRC to continue providing the assistance and coordination it is already providing.

ORDER

Claimant's appeal is denied.

DATED: December 5, 2014



JULIE CABOS-OWEN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision; both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.