

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT F.,

vs.

NORTH LOS ANGELES COUNTY REGIONAL  
CENTER,

Service Agency.

OAH No. 2018071265

DECISION

The hearing in the above-captioned matter took place on November 1, 2018, at Chatsworth, California, before Joseph D. Montoya, Administrative Law Judge (ALJ), Office of Administrative Hearings.

The Service Agency, North Los Angeles County Regional Center (NLACRC or Service Agency) was represented by Aaron Abramowitz, Enright & Ocheltree, LLP.

Claimant F. (Claimant) was represented by his father, who was his authorized representative.<sup>1</sup>

This case was consolidated for hearing with case number 2018071266. However, separate decisions will issue pursuant to Welfare and Institutions Code section 4712.2, subdivision (b).

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<sup>1</sup> Titles or initials are used in the place of names in the interests of privacy. Claimant's first initial is used herein to differentiate him from his brother, the claimant in the other proceeding, whose initial will also be used at times.

At the hearing, the parties stipulated to a number of factual findings, and the order that follows. Based on that stipulation, the ALJ hereby makes the following decision and order.<sup>2</sup>

## ISSUE PRESENTED

Should Claimant be placed in a level 4G group home because he acts out, and harms his younger brother, the Claimant in case number 2018071266?

## FACTUAL FINDINGS

1. The facts that follow are either undisputed, or were stipulated to.
2. Claimant is a boy who is 12 years old. He is a consumer of services from the service agency pursuant to the Lanterman Developmental Disabilities Services Act (Lanterman Act), California Welfare and Institutions Code, section 4500 et seq.<sup>3</sup> He is eligible for services due to autism.
3. On July 16, 2018, Claimant submitted a Fair Hearing Request (FHR) to the Service Agency, and this proceeding ensued. The matter was consolidated for hearing with case number 2018071266, which pertains to Claimant's brother, M. The matter was once continued, at Claimant's request.<sup>4</sup> All jurisdictional requirements have been met.

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<sup>2</sup> The language of the agreed-upon findings and order has been slightly modified for grammatical purposes and for clarity.

<sup>3</sup> All further statutory references are to the Welfare and Institutions Code, unless otherwise noted.

<sup>4</sup> This information is from the OAH file, of which the ALJ takes official notice.

4. Prior to the hearing in this matter, the Service Agency agreed to place Claimant F. in a home rated at 4G or higher. The designation refers to staffing levels, and the amount of supervision provided in a facility. The placement was driven by Claimant's behaviors, as he acts violently toward his father and his younger brother M, who also suffers from autism, and who also is a consumer of services from the Service Agency.

5. Claimant wishes to stay in his current school placement in Sherman Oaks, California. (The school is not identified by name in the interests of privacy.)

6. There are no 4G-rated homes in that geographic area commonly known as the San Fernando Valley.

7. The parties agree that the search for a 4G-rated home for Claimant F. should be broadened to include areas adjacent to the San Fernando Valley, but within the catchment areas of four other regional centers: Westside Regional Center, Frank D. Lanterman Regional Center, East Los Angeles Regional Center, and South Central Los Angeles Regional Center. The Service Agency will submit a referral packet to each of the aforementioned regional centers, and it shall make weekly inquiries of the aforementioned neighboring regional centers.

## LEGAL CONCLUSIONS

1. Jurisdiction was established to proceed in this matter, pursuant to section 4710 et seq., based on Factual Findings 1 through 3. Section 4706, subdivision (a), provides a broad grant of authority to resolve all issues regarding services to a developmentally disabled person.

Based on all the foregoing, the following order is made:

## ORDER

The Service Agency, North Los Angeles County Regional Center, shall have its Placement Coordinator contact the placement coordinators of the following regional

centers: Westside Regional Center, Frank D. Lanterman Regional Center, East Los Angeles Regional Center, and South Central Los Angeles Regional Center on a weekly basis, to search for a 4G-rated (or higher rated) facility that might house Claimant F. The Service Agency's Placement Coordinator shall send a referral packet to the placement coordinators of the above-identified regional centers forthwith, and the Service Agency Placement Coordinator shall make these contacts on a weekly basis. The results of the weekly contacts shall be recorded in Claimant F.'s chart notes, and in those maintained for his brother, M. Claimant's parents shall be informed of any contact through the Claimant F.'s service coordinator.

DATED:

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Joseph D. Montoya

Administrative Law Judge

Office of Administrative Hearings

## NOTICE

THIS IS THE FINAL ADMINISTRATIVE DECISION IN THIS MATTER, AND BOTH PARTIES ARE BOUND BY IT. EITHER PARTY MAY APPEAL THIS DECISION TO A COURT OF COMPETENT JURISDICTION WITHIN NINETY (90) DAYS OF THIS DECISION.