

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of:

Claimant

vs.

Harbor Regional Center, Service Agency

DDS No. CS0020752

OAH No. 2024090790

DECISION

Nana Chin, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on June 23, 2025.

Claimant was represented by Claimant's grandmother (Grandmother). (Names are omitted and family titles are used to protect the privacy of Claimant and his family.)

Harbor Regional Center (HRC or Service Agency) was represented by Latrina Fannin, Manager of Rights and Quality Assurance.

During the hearing, the ALJ noted that copies of Claimant's previous IPPs, specifically the IPP that initially granted childcare hours and all subsequent IPPs to the

present, would be helpful in reaching the decision. Service Agency agreed to upload those documents to Case Center. Grandmother had no objection to these documents.

Grandmother requested permission to submit a letter from Claimant's physician (Physician Letter). Service Agency agreed to upload the letter on Claimant's behalf.

The ALJ issued a Continuance Order for Parties to Submit Additional Evidence following the hearing, continuing the hearing until June 27, 2025, to allow for submission of additional documents.

Service Agency uploaded the Physician Letter and a letter from Claimant's authorized representative stating that she needs 275 hours a month, which were marked and admitted as Exhibit A and B respectively. Service Agency subsequently uploaded the March 20, 2020 IPP, July 23, 2020 IPP, January 15, 2021 IPP, February 2, 2022 IPP, and January 31, 2023 IPP and re-uploaded the February 26, 2024 IPP. These documents were marked and admitted as Exhibits 12 through 17. The IPPs submitted by Service Agency do not all indicate the exact number of childcare hours Service Agency authorized. In addition, Service Agency did not submit the IPP that initially granted childcare hours to Claimant.

On June 26, 2025, the ALJ issued an Order for Submission of Additional Documents, ordering the 2019 IPP's to be uploaded to Case Center by the close of business on June 27, 2025, along with a funding printout or other document that shows the number of childcare hours approved and funded for Claimant from 2019 to the present. Service Agency failed to comply with the Order.

The record was closed, and the matter was submitted on June 27, 2025.

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Issue Presented

Whether the Service Agency should continue to fund for childcare services at a rate of 275 hours per month?

Evidence

Documentary: Exhibits 1 through 17 and Exhibits A and B

Testimonial: Minerva Prado, Adult Services Client Services Manager; Grandmother.

Parties and Jurisdiction

1. Claimant is a regional center consumer who receives services from HRC under the Lanterman Developmental Disabilities Services Act (Welf. & Inst. Code, § 4500 et seq.) (Lanterman Act).
2. On August 8, 2024, Service Agency issued a Notice of Action (NOA) notifying Claimant of its intention to discontinue funding the 275 hours per month of childcare. On September 13, 2024, Grandmother filed an appeal.
3. All jurisdictional requirements have been met.

Background

4. Claimant is a 16-year-old male who has the qualifying diagnosis of intellectual disability (ID) and autism spectrum disorder (ASD).

5. Claimant has lived with his parental grandparents and uncle since at least 2020. Father lives in another state and contacts Claimant via Facetime and Skype and occasionally visits. Mother passed away in July 2023 and prior to that, had not contacted Claimant in a long time. Father reportedly gave custody of Claimant to Grandmother, but this appears to be an informal arrangement.

6. Grandmother is currently employed full-time at Early Strides Child Development in Hermosa Beach. Neither Grandfather nor Uncle can assist Grandmother in providing Claimant support as Grandfather is physically disabled and Uncle is a regional center consumer.

Services and Supports

7. At the time of Claimant's February 26, 2024 IPP, Claimant was receiving a variety of public benefits from state and federal sources.

8. Claimant attends a school within the Torrance Unified School District (District) and is out of the home for approximately eight hours every weekday. Claimant is supported by trained aides who provide supervision and apply Applied Behavior Analysis (ABA) strategies throughout the day. He receives 120 minutes per month of speech therapy, and 60 minutes per month of occupational therapy. Additionally, the District provides Claimant with assistive technology and transportation.

9. Claimant also receives Supplemental Security Income (SSI), which helps with basic living expenses due to his disability, as well as 259.35 hours per month of In-Home Supportive Services (IHSS) that are to provide assistance with Claimant's personal care and supervision needs in the home. On March 1, 2025, Claimant's IHSS

hours were increased to 268.45 hours per month. Grandmother is Claimant's IHSS provider. (The propriety of Grandmother being Claimant's IHSS worker while working full-time is not addressed in this Decision.)

Claimant's Behaviors

10. Claimant's behaviors, as documented across multiple IPPs, demonstrate ongoing and substantial challenges, including marked impairments in communication, social interaction, and adaptive functioning. Claimant exhibits limited expressive language, typically using only short phrases or single words, and often relies on gestures or nonverbal behavior to communicate his needs. He requires supervision while eating and remains dependent on caregivers for personal and self-care tasks, including toileting and dressing.

11. Claimant also displays significant behavioral concerns, including aggression such as biting, hitting, hair-pulling, and removing others' eyeglasses. He engages in frequent tantrums and self-injurious behaviors, and is known to run off if left unsupervised, posing safety concerns. In addition, Claimant has sensory sensitivities and persistent sleep disturbances, frequently waking during the night and requiring co-sleeping and external regulation for comfort.

12. An increase in behavioral concerns was noted in the January 31, 2023 IPP; however, subsequent documentation suggests that these behaviors have since stabilized, with no indication of new or escalating behaviors.

Childcare Hours

13. Claimant was first approved for childcare services in 2019. The March 20, 2020 IPP notes that, from April 15 through June 19, 2019, Claimant was authorized to

receive 20 hours per week of after-school childcare while Grandmother, his primary caregiver, worked. Additional hours were approved for the summer session (June 20 through August 20, 2019), covering 24 full days due to reduced summer school hours from July 8 to August 2. These services were deemed necessary to ensure Claimant's safety and supervision during work hours, consistent with IPP goals.

14. The March 29, 2020 IPP reflected expanded childcare hours in response to COVID-19 and school closures. The IPP team agreed that Service Agency would fund 539 hours for the summer break (June 11–August 18, 2020), 391 hours during winter break (December 21, 2020–January 1, 2021), and 509.5 hours from January 4 through June 9, 2021. Service Agency also funded temporary childcare hours: 80 hours (March 23–April 3, 2020), 160 hours (April 6–May 1, 2020), and 308 hours (May 2–June 30, 2020). These increases were intended to provide full-day care while Claimant was home and Grandmother was at work.

15. Claimant resumed in-person instruction in September 2021. The February 2, 2022 IPP authorized 1,092 childcare hours during the school year (September 1, 2021–June 16, 2022), 337 hours for school breaks, and 55 hours per week during the summer (June 17–August 24, 2022). The justification was that Grandmother continued to work full-time and Claimant required in-home after-school care.

16. Although Claimant apparently continued to receive childcare hours in 2023 and 2024, neither IPP indicates Service Agency was funding any childcare hours. This omission is concerning. Under Welfare and Institutions Code section 4646.5, Service Agency is required to gather relevant consumer information, identify goals and objectives, and include a schedule of services and supports. The 2023 and 2024 IPPs do not meet these requirements. They omit key services, contain inconsistencies, and

appear to recycle outdated information. For example, both state that Father lives in Texas, yet also state that Sister lives in Missouri with Father. (The Power of Attorney submitted by Grandmother during the hearing also lists Father's residence as Missouri.)

17. Service Agency's position statement indicates it offered 118 hours of childcare per month until an IHSS provider is identified but offers no rationale for how this number was determined. (Service Agency also offered additional respite and personal care services; however, as these are not part of this appeal, they are not addressed in this Decision.)

Regional Center Testimony

18. At hearing, Minerva Prado is the current client service manager (CSM) at HRC who oversees the service coordinator who supported Claimant's reassessment which led to the NOA.

19. According to CSM Prado, HRC has continued to fund the emergency childcare hours which had been scheduled to end on May 1, 2024. Service Agency, however, reviewed the services and supports being provided to Claimant and determined that current level of childcare hours, which are hours of supervision provided when caregivers are unavailable to provide such care and supervision because they are working or engaged in vocational/educational training, were no longer appropriate. Service Agency was funding PA hours, which are hours generally funded for adults, because Claimant requires more support as well as respite hours to provide relief for Grandmother.

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20. CSM Prado has never met Claimant and could not provide accurate information about Claimant or Service Agency's authorization of childcare hours.

21. CSM Prado testified that Service Agency determined that since Claimant returned to school, the childcare hours were no longer necessary. CSM Prado testified that Service Agency prepared a grid of hours. The grid estimates that Claimant will be in school during the weekday for seven and a half hours, receive respite of 90 hours a quarter, and 8.5 IHSS hours a month. The remainder of the week includes an estimate of Claimant sleeping five hours a day from midnight to 5:00 a.m. and three hours a day of parental responsibility from 5:00 a.m. to 8:00 a.m. CSM Prado testified Service Agency was willing to continue to provide childcare hours but believes it should be provided at a lower rate.

Grandmother's Testimony

22. Grandmother testified that she works between 55 and 60 hours per week, making it difficult to meet Claimant's substantial supervision needs without external support. Although she is aware that Service Agency offers a service to assist with locating IHSS providers, she has not used it, as she believes they cannot do anything beyond what she is already doing herself. Specifically, Grandmother is actively contacting individuals on the IHSS registry and conducting interviews. From her understanding, Service Agency would only be able to identify individuals already listed on the registry, which she is already doing independently.

23. Grandmother is currently trying to secure an additional IHSS worker for Claimant and has interviewed multiple candidates. However, once these individuals observe Claimant's behavior, they are reluctant to continue. Specifically, Claimant engages in frequent self-injurious behaviors and has pica, which many caregivers are

not equipped to manage. Grandmother stated that this issue is not limited to IHSS providers; Cambrian, the vendor who provide regional center services, also experienced similar difficulties finding a worker for Claimant.

24. Claimant continues to wear diapers, and Grandmother cannot take him into the community without assistance. While Claimant previously received ABA services, he has not received ABA for approximately two years. Even when ABA was in place, a caregiver was still required to ensure his safety.

25. Despite these challenges, Grandmother has identified one individual who has provided childcare services to Claimant for the past five years who would be willing to act as Claimant's IHSS worker. According to Grandmother, this individual has applied to be listed on the IHSS registry and intends to become Claimant's IHSS provider.

26. Grandmother also submitted a letter from Thomas Pham, D.O. at Kaiser Permanente dated October 11, 2024, stating that Claimant "requires constant supervision regarding his activities of daily living which includes but not limited to: [¶] Eating . . . , Bathing . . . , [and] Safety. . . ." (Exh. A.)

LEGAL CONCLUSIONS

Jurisdiction

1. Pursuant to Welfare and Institutions section 4710.5, subdivision (a), "Any ... authorized representative of the applicant or recipient, who is dissatisfied with any decision or action of the service agency which he or she believes to be illegal, discriminatory, or not in the recipient's or applicant's best interests, shall . . . be afforded an opportunity for a fair

hearing.” Claimant timely requested a hearing to appeal the Service Agency’s decision to discontinue funding the 275 hours per month of childcare. Jurisdiction in this case is established. (Factual Findings 1 through 3.)

Standard and Burden of Proof

2. Where a change in services is sought, the party seeking the change bears the burden of proving that a change in services is necessary. (See, Evid. Code, § 500.) As no other statute or law specifically applies to the Lanterman Act, the standard of proof in this case is a preponderance of the evidence. (See, Evid. Code, § 115.) In this case, the Service Agency bears the burden of proving, by a preponderance of the evidence, its proposed reduction of Claimant’s childcare funding.

Applicable Law

3. In enacting the Lanterman Act, the Legislature accepted responsibility to provide for the needs of developmentally disabled individuals and recognized that services and supports should be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people of the same age without disabilities. (Welf. & Inst. Code, § 4501.)

4. The IPP must be developed through a process of individualized needs determination. (Welf. & Inst. Code, § 4646, subd. (b).) A regional center is required to secure the services and supports that are effective in meeting the stated goals of the consumer’s IPP, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources. (Welf. & Inst. Code, § 4646, subd. (a).)

5. When purchasing services and supports for a consumer, a regional center shall ensure, among other things, "[u]tilization of generic services and supports if

appropriate" and "[c]onsideration of the family's responsibility for providing similar services and supports for a minor child without disabilities in identifying the consumer's service and support needs as provided in the least restrictive and most appropriate setting." (Welf. & Inst. Code, § 4646.4, subds. (a)(2) & (4).)

6. Additionally, when purchasing services and supports for a consumer, a regional center shall ensure, among other things, that purchases conform with its service policies, as approved by the Department of Developmental Services, and ensure that public funds are not used to supplant services legally required of other public agencies. (Welf. & Inst. Code, §§ 4646.4, subd. (a)(1), 4648, subd. (a)(8).)

Analysis

7. In support of its decision to terminate Claimant's childcare hours, Service Agency presented three main arguments: (1) the childcare hours were put in place as temporary relief during the COVID-19 pandemic and are no longer appropriate now that Claimant has returned to in-person instruction; (2) Claimant receives generic resources, including 268.45 hours per month through IHSS; and (3) Grandmother has a general parental obligation to care for a minor.

8. These arguments are not persuasive. Claimant was found eligible for childcare hours prior to the COVID-19 pandemic. Although the hours were later increased to 275 per month in response to school closures, the IPP team subsequently determined that this level of support remained necessary even after Claimant returned to school.

9. At the time this determination was made, Claimant was receiving comparable generic resources, including 232 hours of IHSS. The modest increase in

IHSS hours to 268.45 hours does not justify eliminating childcare hours, particularly given the documented escalation in Claimant's behavioral challenges beginning in 2023.

10. Claimant is 16 years old and requires intensive supervision due to developmental disabilities, including limited communication, aggressive behaviors, and safety risks. Unlike typically developing minors, Claimant cannot be left unsupervised. Welfare and Institutions Code section 4646.4, subdivision (a)(4), requires consideration of parental responsibility only as it relates to services typically provided to a minor without disabilities. The level of care and supervision Claimant requires, however, goes well beyond what would ordinarily be expected of a parent.

11. Furthermore, neither the 2023 nor 2024 IPPs document any changes in Claimant's condition or functioning that would warrant a reduction in childcare services. Any modifications to services must be based on an individualized planning process, supported by updated assessments and meaningful discussion, none of which appear in the current record. Accordingly, the proposed reduction in childcare hours is not supported by the evidence and must be denied.

12. The record also raises serious concerns about the accuracy and legal sufficiency of the IPPs. As discussed in Factual Finding 15, the 2023 and 2024 IPPs include inconsistencies, omissions, and recycled content. These are not minor clerical issues; they reflect a failure to meet the statutory requirements for planning, oversight, and cost-effective resource allocation. A new IPP meeting is therefore required to ensure Claimant's current needs are properly evaluated and that services are aligned with the planning requirements set forth in the Lanterman Act.

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ORDER

Claimant's appeal is granted. Service Agency is ordered to continue funding childcare services at the rate of 275 hours per month.

Within 30 days of the date of this Decision, the Service Agency must convene an IPP meeting with Claimant and appropriate members of the IPP team to develop an IPP that complies with the requirements of the Lanterman Act.

DATE:

NANA CHIN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 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.