

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

In the Matter of:

CLAIMANT,

and

FRANK D. LANTERMAN REGIONAL CENTER,

Service Agency.

DDS Case No. CS0023723

OAH No. 2025010812

DECISION

Harden Sooper, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter on July 15, 2025, at Frank D. Lanterman Regional Center (Service Agency).

Ruth Kim, Regional Manager and Hearing Representative, represented Service Agency.

Claimant's Father (Father) represented Claimant, who was not present during the hearing. Names are omitted to protect the privacy of Claimant and his family.

The ALJ received testimony and documentary evidence. The record closed and the matter was submitted for decision at the conclusion of the hearing.

ISSUE

Is Service Agency required under the Lanterman Developmental Disabilities Services Act (Lanterman Act) to fund construction of an exterior wall at Claimant's home in the amount of \$23,770?

EVIDENCE RELIED UPON

In reaching this decision, the ALJ relied upon Service Agency's Exhibits 1 through 14, Claimant's Exhibits A through G, and the testimony of the following witnesses: Service Coordinator Lidia Ramirez, Regional Manager Ruth Kim, and Father.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is three years old and lives with his parents and two older siblings. He is eligible for regional center services based upon his diagnosis of Down syndrome, an intellectual disability.

2. Service Agency is a regional center designated by the Department of Developmental Services to provide funding for services and supports to persons with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4500 et seq.)

3. On January 9, 2025, Service Agency sent Claimant a Notice of Action denying his request for Service Agency to fund construction of an exterior wall at his home in the amount of \$23,770.

4. On January 16, 2025, Claimant timely filed an appeal, requesting a fair hearing.

Background

CLAIMANT'S INDIVIDUAL PROGRAM PLAN

5. Claimant's most recent Individual Program Plan (IPP), dated October 7, 2024, included the following goals: (1) Claimant will continue to live at home with his family, (2) Claimant will participate independently in typical activities of daily life, and (3) Claimant will remain in good physical and dental health.

6. During an October 7, 2024 meeting with Father to discuss Claimant's needs, Father reported Claimant lacks safety skills and that he attempts to elope if left unsupervised. Father noted Claimant requires constant supervision during waking hours to prevent injury.

7. Service Agency agreed to provide services to Claimant, including: (1) an adaptive skills evaluation, (2) 69 hours per month of in-home support, and (3) 30 hours per month of respite. Lidia Ramirez, Claimant's former Service Coordinator, testified adaptive skills training addresses various needs and in Claimant's case, is intended to increase his safety awareness and mitigate the reported risk of Claimant eloping. The in-home support and respite hours provide Claimant's family with assistance in supervising Claimant.

///

IN-HOME SUPPORTIVE SERVICES APPLICATION

8. On August 15, 2024, Father applied for In-Home Supportive Services (IHSS) protective supervision for Claimant. In a Notice of Action dated November 26, 2024, Los Angeles County denied the application.

9. In a decision dated May 15, 2025, the California Department of Social Services adopted an ALJ's proposed decision finding that Los Angeles County correctly denied Claimant's eligibility for protective supervision. The ALJ found that Claimant does not respond to corrections due to his intellectual disability and that he requires more supervision than a minor of comparable age who is not mentally impaired. The ALJ also found that Claimant can place himself at risk of harm and is likely to engage in potentially dangerous activities, including elopement. However, the ALJ concluded Claimant only attempts to elope when someone comes to the family's front door and thus, is predictable. Eloping is therefore not a behavior requiring supervision 24 hours per day and seven days per week, rendering Claimant ineligible for protective supervision.

10. Ruth Kim, Service Agency Regional Manager, testified Service Agency agreed to fund an additional 40 hours per month of in-home support for Claimant for six months, until Claimant can re-apply for IHSS protective supervision at age four.

ADAPTIVE SKILLS TRAINING ASSESSMENT

11. In a report dated June 1, 2025, evaluator Josh Moss-Parnell, Associate Marriage and Family Therapist and Associate Professional Clinical Counselor, recommended Claimant receive 60 hours per month of adaptive skills training, beginning July 1, 2025. The report sets forth 10 goals for Claimant to achieve through the training, which are consistent with Claimant's parents' stated objectives,

specifically: (1) to expand Claimant's ability to play with a variety of toys, (2) to support his communication and socialization, and (3) reduce his impulsivity. The report notes Claimant "exhibits elopement or wandering, which poses safety concerns." (Ex. 14, pp. A179–180.) However, none of the 10 goals specifically mention this behavior.

Claimant's Request for Funding

12. In 2024, on behalf of Claimant, Father requested Service Agency fund construction of an exterior wall at the family home. Ms. Ramirez requested Father provide further information about the cost of a wall.

13. Father submitted to Service Agency an estimate from a company called ONE 10 Solutions, Inc., dated December 17, 2024, in the amount of \$23,770. The estimate called for construction of a 42-inch-high, 100-foot-long block wall, supported by a 12-by-24-inch concrete foundation and covered in stucco matching the color of the house. The estimate does not provide an itemization of costs between labor, materials, or other costs.

14. In his testimony at hearing and in a written position statement in support of Claimant's request, Father asserted there is a significant risk of Claimant exiting the family home and running into danger. Father explained Claimant does not have a sense of danger or self-awareness, requires constant supervision, and attempts to elope when given the opportunity, such as when the front door is open or when the family exits their car while in the driveway. Father believes Claimant attempts to elope because he is seeking the attention of those around him. Claimant has never successfully eloped because his parents prevented him from doing so.

15. Father acknowledged the value of the adaptive skills training funded by Service Agency, but he noted it may take years for Claimant to fully understand the

dangers of eloping. In the meantime, Claimant's safety remains at risk, particularly because the family home is located on Highland Avenue in Los Angeles, a street with heavy and fast-moving traffic. Father asserted the street functions more like a highway than a typical residential street and presents a significantly elevated risk to Claimant's safety.

16. Father argued funding construction of a wall as a protective barrier is more cost-effective than funding 60 hours per month of adaptive skills training at a rate between \$102 and \$138 per hour. Father asserted construction of a wall would lead to overall cost savings by decreasing the need for more expensive services while still ensuring Claimant's safety.

17. In a letter dated April 8, 2025, Manya Saghian, Claimant's teacher, explained Claimant requires constant and one-on-one supervision because he engages in dangerous activities and shows no safety awareness. Claimant does not modify his behavior in response to directions or corrections. Ms. Saghian did not discuss whether Claimant attempts to elope at school.

18. In a letter dated April 7, 2025, Yahairi Guzman, Claimant's one-on-one aide at school, described similar behaviors and concerns as Ms. Saghian. Ms. Guzman also did not discuss whether Claimant attempts to elope at school.

19. Susan Schmidt-Lackner, M.D., completed a Department of Social Services form dated November 6, 2024, in connection with Claimant's IHSS application. Dr. Schmidt-Lackner indicated Claimant's judgment was severely impaired, noting he has no awareness of danger, elopes, and does not respond to inhibitory commands, among other concerns. The ALJ presiding over Claimant's IHSS appeal hearing gave

this form “very little [evidentiary] weight” because Claimant had only seen Dr. Schmidt-Lackner once. (Ex. 13, p. A156.)

20. In its Notice of Action, Service Agency stated it denied Claimant’s funding request on the following grounds: (1) ONE 10 Solutions, Inc. is not a regional center vendor; (2) Claimant does not require such funding to meet his IPP goals; (3) the funding is not a cost-effective use of public resources; and (4) Claimant’s family shares responsibility for providing his care and supervision. Service Agency further noted any three-year-old child requires constant supervision, regardless of whether the child has a disability, and asserted Claimant’s family is responsible for any safety-related additions or enhancements to their home.

21. In her testimony at hearing, Ms. Kim articulated the following reasons for Service Agency’s denial: (1) any three-year-old child requires constant supervision and safety measures, such as childproofing, which are a parent responsibility; (2) adaptive skills training effectively meets Claimant’s IPP goals; (3) ONE 10 Solutions, Inc. is not a regional center vendor; (4) an exterior wall is not considered a specialized service alleviating a developmental disability; and (5) Service Agency must provide services in the least restrictive environment, accomplished in Claimant’s case by providing adaptive skills training, respite hours, and in-home support hours. Ms. Kim further noted, based upon Service Agency personnel’s recent visit to Claimant’s home, Claimant was not at risk of being removed from his family home based upon safety or elopement concerns.

Analysis

22. The evidence proved Claimant lacks safety awareness and engages in dangerous behavior, requiring a one-on-one aide while at school and constant

supervision in his home. Father testified credibly regarding his concerns about Claimant's safety, given Claimant's attempts to elope and the family home's location on a busy street.

23. The evidence did not prove that Claimant's request for regional center funding for construction of an exterior wall in the amount of \$23,770 would be a cost-effective use of public resources. There was no evidence the proposed wall would be more effective than a less expensive barrier. Father's argument regarding cost savings compared to other services offered by Service Agency was not persuasive. Adaptive skills training is intended to increase Claimant's safety awareness and reduce his elopement behaviors; an exterior wall accomplishes neither. Claimant would still require additional services, regardless of whether Service Agency funded construction of an exterior wall.

24. The evidence likewise did not prove that construction of an exterior wall at Claimant's home is a specialized service or support or a special adaptation of a generic service, as defined by the Lanterman Act. Such a barrier would enhance safety for any child residing on a busy street, regardless of disability. To the extent Claimant faces an elevated risk of harm due to his disability, Service Agency agreed to fund services to address Claimant's needs, namely adaptive skills training, respite hours, and in-home support hours.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. In a proceeding to determine whether an individual is eligible for regional center funding, the burden of proof is on the claimant to establish by a

preponderance of the evidence they meet the proper criteria. (Evid. Code, §§ 115, 500.) A preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Applicable Law

2. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Act 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.)

3. "Services and supports for persons with developmental disabilities" means specialized 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 an independent, productive, and normal life. (Welf. & Inst. Code, § 4512, subd. (b).)

///

///

///

4. Developing the IPP for a regional center consumer is the cornerstone of the Lanterman Act. The IPP process must consider the needs and preferences of the consumer and, where appropriate, the family, to determine the services and supports to be funded. (Welf. & Inst. Code, §§ 4646, 4646.5, 4647, 4648.) The planning process includes gathering information and conducting assessments to determine the “life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities.” (Welf. & Inst. Code, § 4646.5, subd. (a)(1).) The IPP process must ensure conformance with the regional center’s purchase of service policies, utilization of generic services and supports when appropriate, and 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)(1), (a)(2), (a)(4).)

5. While a regional center is obligated to secure services and supports to meet the goals of each consumer’s IPP, a regional center is not required to meet a consumer’s every possible need or desire but must provide cost-effective use of public resources. (e.g., Welf. & Inst. Code, §§ 4512, subd. (b), 4640.7, subd. (b), 4651, subd. (a), 4685, subd. (c)(3)(A), & 4697, subd. (b)(2).)

Claimant’s Request for Funding

6. Claimant did not prove by a preponderance of the evidence Service Agency must fund construction of an exterior wall at his home in the amount of \$23,770, for the reasons set forth in Factual Findings 23 and 24. Service Agency is therefore not required to provide such funding.

///

ORDER

Claimant's appeal is denied.

DATE:

HARDEN SOOPER

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.