

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

In the Matter of:

CLAIMANT

and

SOUTH CENTRAL LOS ANGELES REGIONAL CENTER,

Service Agency.

DDS No. CS0024744

OAH No. 2025030184

PROPOSED DECISION

Cindy F. Forman, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter by videoconference on October 9, 2025.

Armida Ochoa, Independent Facilitator, represented Claimant, who was not present at the hearing. Claimant's mother (Mother) was present for the entirety of the hearing. (Claimant and his family members are identified by title to protect their privacy.)

Tami Summerville, Fair Hearing Manager, represented South Central Los Angeles Regional Center (SCLARC).

Evidence was received, the record was closed, and the matter was submitted for decision at the conclusion of the hearing. After the hearing, the ALJ added the prefix "C" to Claimant's exhibit numbers to avoid confusion with SCLARC's numbered exhibits.

ISSUE

Whether SCLARC should increase Claimant's self-determination program (SDP) budget to provide funding for 65 hours of personal assistant (PA) services each week or 260 hours per month.

EVIDENCE RELIED ON

Documents: SCLARC Exhibits 1 through 4; Claimant Exhibits C-1 through C-88.

Testimonial Evidence: Edna Robles, SCLARC Participant Choice Specialist; Lorena Jimenez Rio, SCLARC Service Coordinator; Mother.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is a 13-year-old male who lives with his mother and his older two siblings. Claimant receives regional center services based on a diagnosis of autism spectrum disorder. Respondent's sister is also a regional center consumer.

2. On February 10, 2025, in a Notice of Action, SCLARC denied Mother's request for an increase of funding from 15 to 40 hours of PA services for Claimant

(Notice). On February 28, 2025, Claimant's authorized representative filed an appeal of the Notice. This hearing followed.

3. Sometime after Claimant filed his appeal, SCLARC approved an increase of an additional 25 PA service hours per week for Claimant. As a result, Claimant's total PA service hours increased to 40 hours a week.

4. Claimant is expected to transition to the Self Determination Program (SDP) service model as of November 1, 2025. The first year budget for Claimant's SDP program provides funds for 86.67 hours per month of PA services, plus a one-time increase of an additional 130 hours per month of PA services for 13 weeks. Thus, for the first four months of Claimant's SDP program, Claimant will receive a total of 216.67 hours of PA services a month.

5. At hearing, Claimant asserted that the allotted 130 hours per month is insufficient to meet Claimant's PA service needs and requested an increase in the budget to allow Claimant to receive 65 hours of PA services a week, or 260 hours of PA services a month. The issue at the hearing, therefore, was whether Claimant's SDP budget should be increased to allow him to receive 260 hours of PA services each month.

General Background

6. Claimant attends Markham Middle School and is in a moderate to severe special education classroom. At school, Claimant receives speech therapy and uses an Augmentative and Alternative Communication (AAC) device to facilitate communication. Claimant previously received behavioral intervention (BI) services at school, but because of problems with his assigned behavioral interventionist, he currently does not receive BI services. Claimant's regular school hours are from 8:00

a.m. to 2:00 p.m. daily, although they have been modified because of Claimant's medical needs. It is not known when Claimant will return to his regular school schedule.

7. Claimant is in stable health. In July 2024, Claimant was admitted to the hospital after swallowing 10 magnet beads, which required surgical removal. He remained in the hospital for 1.5 months. His recovery was complicated by infection of the wound site. Mother reported Claimant regressed in his behaviors because of his frequent medical appointments necessitated by his post-surgery infections. His school schedule was interrupted because of Claimant's medical appointments.

8. Claimant has been evaluated by a neurologist for aggressive head movements. He sees a psychiatrist weekly and is prescribed risperidone as needed. He is on the waitlist for Applied Behavior Analysis (ABA) services.

9. Claimant communicates using one to two-word simple phrases and simple gestures to express his wants and needs. Claimant requires assistance with hygiene tasks, dressing, and personal care, including toileting. He is learning to brush his teeth properly. He cannot tie his shoes. A recent functional behavioral assessment found Claimant's communication skills to be comparable to a three to six-year-old child, his daily living skills to be comparable to a four to five-year-old child, his social skills comparable to a three-year-old child, and his motor skills comparable to a three to five-year-old child. (Exhibit C-9.)

10. Claimant is constantly moving. He cannot be left alone in the house or in the community. He does not have complete safety awareness and has no sense of danger. There are cameras throughout the house to monitor Claimant's behavior and a special lock on the front door outside of Claimant's reach to prevent elopement.

11. Claimant is an active participant in the community and attends art and music classes, sports practice, and karaoke. However, Claimant needs supervision during these activities to protect himself and others. He has emotional outbursts, throws things, disrobes, and becomes aggressive when he is frustrated, disturbed, or feels overwhelmed. Claimant has been physically aggressive with Mother, his personal assistants, and his respite provider.

12. Claimant currently receives 242 hours per month of In-Home Supportive Services (IHSS). Mother is Claimant's IHSS worker. Mother is currently seeking an increase in the allotment of IHSS hours.

13. The calendar Mother supplied to SCLARC in October 2024 (Exhibits C-12, C-13) shows that Mother uses her IHSS hours generally between 10 p.m. and 6 a.m. to address Claimant's irregular sleep patterns and nighttime wandering. She uses respite services for two hours in the morning on the days Claimant goes to school. Mother seeks PA services for eight hours daily during the week (from 2 p.m. to 10 p.m.) and for eight hours on each of the weekend days (from 1 p.m. to 9 p.m.) so the PA can take Claimant to classes and participate in the community as well as care for Claimant while Mother studies for her college classes. The calendar allocates 20 hours a week for "Mother support" for Claimant.

14. Claimant's SDP budget is \$159,521.00 effective November 1, 2025, through October 31, 2026. In addition to the PA services, the SDP budget allots funds for 46 hours a month for respite care, Adaptive Skills Training, and various classes and activities. (Exhibit 3.) With the 242 IHSS hours, Claimant would receive 504 hours of services a month for 13 weeks starting November 1, 2025.

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Hearing Testimony

REGIONAL CENTER TESTIMONY

15. Edna Robles, SCLARC's Participant Choice Specialist, testified regarding Claimant's SDP budget. Ms. Robles explained that changes in the SDP budget can be made based on the changing needs of a claimant. She also explained that a claimant had to use generic services before seeking regional center funding and parent responsibility is also considered when determining a claimant's needs. According to Ms. Robles, Claimant's SDP budget was fair and reflective of Claimant's needs at this time. The SDP budget addressed the gap in Claimant's ABA hours as well as his aggression. Ms. Robles recommended that Claimant proceed with the current budget and, in 13 weeks, after the 130-hour monthly PA allotted increase expired, revisit his needs.

16. Lorena Jimenez-Rios, Claimant's Service Coordinator, testified regarding Claimant's needs. According to Ms. Jimenez-Rios, Claimant first received an increase in PA services at the end of 2024 because of Claimant's medical needs resulting from his surgery and wound care. SCLARC made another exception to increase his PA services because his home ABA services had been terminated and he no longer received behavioral support at school. SCLARC denied Claimant's most recent request for increased PA services because generic services were available and Mother had a parental responsibility to care for Claimant. According to Ms. Jimenez-Rios, PA services are not in-home services and do not address a consumer's challenging or aggressive behaviors.

MOTHER'S TESTIMONY

17. At hearing, Mother explained Claimant required additional PA services because of his challenging behaviors. Mother has difficulty staying home alone with Claimant because he is sometimes aggressive, and he has become stronger as he has gotten older. She cannot go out in the community alone with him because he kicks the seat when she is driving. Mother will only take Claimant to community activities accompanied by Claimant's personal assistant.

18. Mother testified she also requires additional help because she attends college and needs time to study. She currently has three personal assistants for Claimant. She has taught the assistants the behavioral techniques she has learned through her college classes. According to Mother, Claimant has a close relationship with his personal assistants and has thrived under their care.

19. Mother believes that community activity is essential for Claimant. According to Mother, Claimant is happier and less likely to exhibit challenging behaviors when he is in the community. Mother encourages Claimant's personal assistants to engage Claimant in the community, and she supplied videos and pictures depicting Claimant's personal assistants with Claimant in the park, at the beach, hiking, and in various classes. (Exhibits C-20–C-67.)

20. Claimant currently does not receive behavioral therapy. Mother stopped Claimant's ABA therapy at home because she no longer had confidence in Claimant's ABA therapist. Mother disagreed with the approach the ABA therapist took with respect to Claimant's increased sexuality and eating habits. Claimant's behavioral therapy at school has been limited because Claimant's behavioral interventionist at school was accused of abusive behavior toward Claimant. Mother is currently on the

waitlist for ABA services, but she is unsure whether she will accept the therapy if it becomes available. Mother is hopeful that with her college training, she will be able to provide the therapy Claimant needs.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. This case is governed by the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code section 4500 et seq.), referred to as the Lanterman Act. (Further statutory references are to the Welfare and Institutions Code unless otherwise stated.)

2. An administrative hearing to determine the rights and obligations of the parties is available under the Lanterman Act to appeal a regional center decision. (Code, § 4700.) Claimant timely requested a hearing following the Service Agency's denial of her request for additional PA services, and therefore, jurisdiction for this appeal was established.

3. The party seeking government benefits or services bears the burden of proof. (See, e.g., *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [disability benefits].) The standard of proof in this case is a preponderance of the evidence, because no law or statute (including the Lanterman Act) requires otherwise. (See Evid. Code, § 115.) This standard is met when the party bearing the burden of proof presents 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.)

4. In seeking additional funding for PA services, Claimant bears the burden of proving by a preponderance of evidence that the requested services are warranted. Claimant has not met his burden of proving he is entitled to the additional requested PA services.

5. This is a proposed decision rather than a final decision because this case involves funding under the SDP. (§ 4712.5, subds. (d) & (e).)

Statutory Framework

6. The Lanterman Act sets forth a regional center's obligations and responsibilities to provide services to individuals with developmental disabilities. As the California Supreme Court explained in *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388, the purpose of the Lanterman Act 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."

7. The Lanterman Act mandates that an "array of services and supports should be established . . . to meet the needs and choices of each person with developmental disabilities . . . and to support their integration into the mainstream life of the community." (§ 4501.) The state pays for the "habilitation services and supports" for persons with developmental disabilities to allow such persons to live in the least restrictive environment possible and toward the achievement and maintenance of independent, productive, normal life. (§§ 4501, 4502, subd. (a), 4512, subd. (b).)

8. An individual's individual program plan (IPP) states the consumer's goals and objectives and delineates the services and supports needed by the consumer. (§§ 4646, 4646.5, 4648.) In implementing an IPP, the regional center must first consider services and supports in the individual's natural community, home, work, and recreational settings. (§ 4648, subd. (a)(2).) While regional centers must provide a wide array of services to implement the goals and objectives of the IPP, they are directed by the Legislature to provide only those services reflecting the cost-effective use of public resources, including the use of natural supports. (§§ 4512, subd. (e), 4646, subd. (a)(4); 4648, subd. (2).)

9. The role of parents in providing services to their minor children is carefully considered when determining which services and supports are to be supplied by the regional center. In purchasing such services, regional centers must ensure:

Consideration 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. In this determination, regional centers shall take into account the consumer's need for extraordinary care, services, supports and supervision, and the need for timely access to this care.

(§ 4646.4, subd.(a)(4).)

10. California Code of Regulations, title 17, section 54326, subdivision (d)(1), further limits the scope of support provided to minor children. Subdivision (d)(1) provides that a regional center cannot purchase services for a minor child without first

taking into account, when identifying the minor child's service needs, the family's responsibility for providing similar services to a minor child without disabilities. However, the regulation permits the use of such funds based on family need or hardship.

SDP

11. The Lanterman Act provides an alternative model for funding services and supports - the SDP model. Section 4685.8 governs how regional centers deliver services and supports to consumers (also referred to as "participants") and their families participating in the SDP. The purpose of the SDP is to provide consumers and their families, within an individual annual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPPs. (§ 4685.8, subd. (a).)

12. "Self-determination" is defined as "a voluntary delivery system consisting of a comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP. Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion. . . ." (§ 4685.8, subd. (c)(6).)

13. When developing the individual budget used for the SDP, the IPP team determines the services, supports, and goods necessary for each participant, based on the needs and preferences of the participant, and when appropriate the participant's family, the effectiveness of each option in meeting the goals specified in the IPP, and the cost effectiveness of each option, as specified in Code section 4648, subdivision (a)(6)(D). (§ 4685.8, subd. (b)(2)(H)(i).) SDP funds can only be used for services that

have been federally approved and are not available through generic resources.
(§ 4685.8, subd. (c)(6), (d)(3)(b).)

Disposition

14. As set forth in Factual Findings 1 through 20 and Legal Conclusions 1 through 13, Claimant has not demonstrated by a preponderance of evidence that he is entitled to an increase in SDP funding to pay for 65 hours a week of PA services. Claimant is currently budgeted for the next thirteen weeks to receive a total of 263 hours of PA services and respite services each month. Additionally, Claimant receives 242 IHSS hours per month and is scheduled to be in school for six hours a day. Claimant therefore receives services or is at school for 625 hours a month. Insufficient evidence was presented that Claimant's current allocation of PA services does not meet his needs when parental responsibility and the availability of increased IHSS hours are considered. If necessary, Claimant can seek reconsideration of his PA requirements after he has exhausted the 130-hour per month extra PA services allocation after 13 weeks.

ORDER

Claimant's appeal is denied.

DATE:

CINDY F. FORMAN
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025030184

Vs.

DECISION BY THE DIRECTOR

South Central Los Angeles Regional Center

Respondent.

ORDER OF DECISION

On October 20, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Department of Developmental Services (Department) takes the following action on the attached Proposed Decision of the ALJ:

The Proposed Decision is adopted by the Department as its Decision in this matter. 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 4713, subdivision (b), 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 November 12, 2025.

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