

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

In the Matter of:

CLAIMANT

and

SOUTH CENTRAL LOS ANGELES REGIONAL CENTER,

Service Agency.

DDS No. CS0025163

OAH No. 2025030438

PROPOSED DECISION

Administrative Law Judge (Hearing Officer) Chantal M. Sampogna, Office of Administrative Hearings, State of California, heard this matter by videoconference on August 13 and December 3, 2025.

Claimant's authorized representative (AR) Armida Ochoa appeared on behalf of Claimant, who was not present. (Titles or initials are used to protect the privacy of Claimant and her family.) Claimant's Mother was present for both fair hearing days.

Tami Summerville, Fair Hearing Representative for South Central Los Angeles Regional Center (Service Agency), appeared on behalf of Service Agency.

Testimony and documents were received in evidence. The record closed and the matter was submitted for decision on December 3, 2025.

Upon the Hearing Officer's review of the exhibits, she determined Claimant, who is an adult, had not designated Ms. Ochoa as her AR. Rather, the AR form designating Ms. Ochoa was signed by Mother. On December 11, 2025, the Hearing Officer issued a Continuance Order for Evidence Only (Order) directing Claimant to submit, no later than December 17, 2025, either an AR form signed by Claimant designating Ms. Ochoa as her AR, or Letters of Conservatorship (LOC) appointing Mother as Claimant's conservator. The Order also directed Service Agency to submit its written response, if any, no later than December 19, 2025. The Order further directed the parties to submit their documents to OAH and the respective party by uploading them to Case Center.

Claimant uploaded LOCs to Case Center on December 19, 2025, which designated Mother as Claimant's conservator. Service Agency did not submit a response. Although Claimant's submission was untimely, there is no concern that the untimely submission has prejudiced Service Agency. The LOCs were marked as Exhibit II, and on the Hearing Officer's own motion, were admitted for jurisdictional purposes. The record closed and was submitted for decision on December 19, 2025.

ISSUE

Whether Service Agency must increase Claimant's Self-Determination Program (SDP) budget to fund an additional 40 hours of personal assistance services (PA) for Claimant.

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EVIDENCE RELIED UPON

Documents: Service Agency's Exhibits 1 through 5; Claimant's Exhibits A through HH.

Testimony: Service Coordinator (SC) Lindsey Luna; SC Maria Gomez; Program Manager Julius Tady; Mother.

SUMMARY

Claimant is a 20-year-old woman who is eligible for regional center services under the Lanterman Developmental Disabilities Services Act (Lanterman Act) (Welf. & Inst. Code, § 4500 et seq.) based on her diagnosis of Intellectual Disability (ID). (Statutory references are to the Welfare and Institutions Code unless otherwise designated.) Claimant has additional diagnoses, including Down syndrome and congenital heart disease. She receives Service Agency funding through SDP.

Claimant's SDP currently funds 28 hours of PA each week. Claimant's additional services include In-Home Supportive Services (IHSS) and respite services (respite). Claimant's SDP budget was temporarily increased to 180 hours of PA for two months in the fall of 2024 to facilitate Claimant's community integration while Mother was attending full-time to Claimant's younger brother (Brother) (also a Service Agency consumer) during an extended hospitalization. Claimant now asserts her SDP budget must be permanently increased by 40 hours of PA per month (for a total of 68 hours of PA per month) to facilitate Claimant's community integration, recreational activities, and self-care goals. Service Agency has denied Claimant's request, finding Claimant's

IPP provision of 28 hours of PA per month meets Claimant's needs, and no change of circumstances or needs warrants the requested increase of PA.

Claimant did not establish she has an unmet need of 40 hours per week of PA. However, Claimant did establish she has an unmet need of 18 hours per week of PA. Claimant's behavioral challenges, such as tantrums and eloping, coupled with her communication delays and dysregulation during transitions, warrant an additional two hours of PA each day (totaling 14 hours additional PA) to be provided one hour before and after Claimant's current activities to assist with Claimant's challenges with transitions and transportation. In addition, as a young adult, and based on her many interests in community and social activities, and consistent with her personal rights under the Lanterman Act, Claimant requires an additional two hours each weekend-day of PA (four additional hours of PA) to support her community and social integration.

Conflicting evidence was presented regarding Claimant's asserted need for additional PA while at home. However, to the extent Claimant may have unmet needs when at home, related to self-care, or otherwise, Claimant failed to establish generic resources, such as IHSS, were not available to meet these needs. In addition, Claimant failed to establish any asserted additional need for PA time was not actually caused by an unfulfilled service need of Brother's, or by Mother's own related needs for support. Brother's and Mother's needs for services and support are separate and apart from Claimant's regional center service needs, and funding for such service needs through Claimant's SDP is inconsistent with the Lanterman Act.

Accordingly, Claimant's appeal is granted in part and denied in part. Claimant's SDP budget is increased to allow for 18 additional PA hours per week. The request for the remaining additional 22 PA hours per week is denied.

FACTUAL FINDINGS

Jurisdiction

1. Claimant is 20 years old and resides with Mother and Brother. Claimant is eligible for services under the Lanterman Act under the category of ID. Claimant has additional medical diagnoses, including Down syndrome, congenital heart disease, and sleep apnea, and she wears leg braces to support her mobility.
2. Claimant attends Banneker Career and Transition Center (Banneker) and is eligible for special education services with the Los Angeles Unified School District (District) as a student with ID.
3. Claimant has been receiving Service Agency funding through the SDP since October 2024.
4. On February 18, 2025, Service Agency denied Claimant's request for Service Agency to increase Claimant's SDP budget to fund an additional 40 hours of PA per week.
5. On March 11, 2025, Claimant submitted a timely Request for a Fair Hearing.

Claimant's Service Needs

INDIVIDUAL PROGRAM PLAN

6. Claimant's most recent Individual Program Plan (IPP) was written on September 17, 2024, and was amended on February 13, 2025. (Exh. 2.) Claimant's IPP

includes 16 Outcome Goals (Goals). Of relevance in this matter are Goals 4 through 10, and 12 through 16, described in the IPP as follows:

- Goal 4 - Learn Complete Personal Hygiene.
- Goal 5 - Receive 46 hours per month of respite care through Avena Health.
- Goal 6 – Receive 25 hours per month of Adaptive Skills Training (AST) socialization and independent living skills through Solution Plus Services.
- Goal 7 - Participate in social activities twice per week.
- Goal 8 - Reduce outbursts.
- Goal 9 - Refrain from wandering.
- Goal 10 - Receive educational programming five days per week.
- Goal 12 - Receive 28 hours per week of PA through Premier Health.
- Goal 13 - Receive an additional 40 hours per week of PA through Premier Health from September through November 2024.
- Goals 14 and 15 - Reimbursement for art lessons four times per month from March through September 2024.
- Goal 16 - Claimant to live at home with Mother and Brother.

7. Claimant's IPP describes Claimant's service needs related to daily self-help skills, community integration, and behavior interventions. These service needs are further detailed in Claimant's Person-Centered Plan (PCP) (Exh. C) and Applied Behavior Analysis reports (See Exh. AA).

8. Claimant requires moderate assistance to complete daily self-help skills.

For example, Mother assists Claimant with teeth brushing, buttons and zippers, and Claimant does not have complete bladder control. (See Exhs. 2, p. A24, & AA, p. B285.) Claimant requires assistance at home and in the community to keep her safe. Claimant cannot distinguish hazards, such as strangers at the front door or cars on the road, and she wanders or elopes without permission (approximately once per month). (Exh. 2, p. A27.) Claimant has emotional outbursts once to twice per week that require intervention. During these outbursts, Claimant may stiffen her body, refuse to move, and throw herself to the floor. (Exh. AA, p. B288.) In addition, and intensifying the need for services, is Claimant's limited communication. Claimant has a limited vocabulary (approximately 20 words) and uses both verbal non-verbal communications to communicate her needs and to engage with others. (See Exh. C, p. B19.)

CLAIMANT's PCP

9. Claimant's August 18, 2023, PCP, delineates Claimant's service needs beyond those mentioned in Claimant's IPP. (Exh. D, pp. B11-B59.) For example, regarding self-care and meals, Claimant's PCP provides that Claimant requires assistance and monitoring during mealtimes. For example, Claimant may play with food and spill or throw it, and does not cooperate or help with cleaning up. She needs reminders to hydrate and to eat. She needs assistance using utensils and may tear up meat with her hands. In addition, Claimant cannot prepare food, use a stove or microwave, or clean up independently. (*Ibid.*)

10. Regarding community integration, Claimant's PCP provides Claimant needs support from a personal assistant with knowledge of ABA who can support Claimant in her needs and all her activities during the day. Additional challenges noted in Claimant's PCP are that Claimant regularly goes out without clothes and walks

naked in her house; Claimant does not know her address, telephone number, or family number; Claimant has no notion of time, and does not know what day, month, or year it is; and Claimant does not recognize coins to pay and receive change.

11. Finally, Claimant's PCP noted many more instances of Claimant needing assistance at home with self-care. For example, the PCP provides that Claimant requires help when bathing because if left alone, she could burn herself with hot water, or empty the entire shampoo bottle in her hair, or on the floor, with the danger of slipping and hurting herself. In addition, Claimant does not wash her personal parts or scrub her feet properly, does not like having her nails cut, and refuses to help with her personal hygiene. Claimant does not know how to wipe well when she relieves herself and requires a reminder to otherwise clean up after herself, including used hygiene products. Further, Claimant needs support to put on and fasten her bra, sweater, and pants properly. However, the PCP also provides that when not attending to self-care needs, Claimant cooperates with activities at home and is able to stay in her room all day watching her favorite shows.

CLAIMANT'S SERVICE PROVIDER LETTERS

12. Claimant submitted letters or reports from six service providers in support of her request for additional PA funding. These service providers had worked with Claimant before the temporary additional PA hours were provided, and they have worked with her since these additional hours were discontinued. These letters provided convincing evidence that Claimant requires additional PA support to meet her community integration-related IPP goals.

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AST Provider

13. Claimant submitted a May 15, 2025, AST Initial Assessment (AST Assessment) written by Margarita Sanchez and Mario Gonzalez, Directors of Independent Hands Group Inc. (Independent Hands) (Exh. D), Claimant's AST provider. Claimant must be accompanied by someone, e.g., Mother or a PA provider, to receive her AST services.

14. As provided in the AST Assessment, Claimant's AST services address her noncompliance, bathroom independence, emotional tantrums, and maladaptive behaviors. During the AST Assessment, Mother reported to Independent Hands that Claimant's noncompliant behaviors occur almost daily and include emotional outbursts and tantrums that last for approximately 30 minutes at a time. (Exh. D, p. B62.) Based on their observations of Claimant and discussions with Mother, Independent Hands concluded in the AST Assessment that Claimant needs 50 hours of AST, rather than 25 hours, per month. However, the provision of 50 hours per month had not begun as of the December 3, 2025, fair hearing date.

ABA Provider

15. Julie Zarate, of Alora Behavioral Health (Alora), Claimant's ABA provider, wrote a January 5, 2025, letter (Exh. W) in support of Claimant's request for additional PA. Ms. Zarate explained that Claimant experiences high levels of emotional dysregulation during transitions between activities, such as moving from leisure time to homework or from one environment to another, or when unexpected changes occur in her schedule. These transitions or disruptions often result in emotional outbursts as described in Factual Findings 7 and 12 (tantrum behavior).

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16. Ms. Zarate also described Claimant's experiences and behaviors in public spaces. Claimant has a history of becoming overwhelmed by noise and crowds in public settings, which can result in her refusing to move or eloping from the location. During socialization and peer interactions, Claimant struggles with frustration when her peers do not follow her suggestions, often leading to emotional withdrawal or raised voices, and preventing her from fully engaging in the activity. Finally, regarding daily living and independence, Claimant requires guidance to complete multi-step tasks such as preparing meals or dressing appropriately for the weather. Without support, Claimant becomes frustrated and disengages from the activity.

17. Ms. Zarate has observed how Claimant's PA providers assisted Claimant with her challenges. The PA's presence and assistance both limited the occurrences of the challenges and helped Claimant regulate sooner after challenging situations. As a follow-up to Ms. Zarate's letter, Claimant submitted a July 1, 2025, Progress Report written by Maria Robles (Exh. AA). Ms. Robles noted that Claimant continues to present with tantrum behavior, aggression, and enuresis. (Exh. AA, p. B288.)

MUSIC AND ART TEACHERS

18. Claimant also submitted letters written in 2025 by Theophania Kim, Claimant's art teacher with Aspire Art Studio (Exh. X), and Jorge L Godoy, Claimant's music instructor with Solely Music (Exh. Z). Ms. Kim and Mr. Godoy provided similar observations of Claimant as those provided by Ms. Zarate and similarly recommended Claimant receive additional PA hours.

COMPREHENSIVE TRANSITION ASSESSMENT REPORT

19. Claimant also submitted Claimant's Comprehensive Transition Assessment Report, dated November 3, 2023, and written by Sing Parke, Claimant's

Transition Teacher with the District. Ms. Parke described Claimant as more independent in self-care than other reports submitted by Claimant, and her description was consistent with the PCP's finding of Claimant having a level of independence during at home activities. Ms. Parke noted that Claimant has strengths in independent living. "She can identify and choose what she wants to do in her free time and can participate in indoor activities as well as participate in outdoor activities with limited support . . . [and] can eat, use the restroom, and dress accordingly with limited or no support." (Exh. EE, p. B427.)

Claimant's SDP Budget

20. Claimant's current SDP budget is \$123,143. Claimant's first year SDP budget was \$90,052. Based on Claimant's IPP, Claimant's SDP budget funds for multiple services which include the following: 243 hours per month of IHSS (Claimant's aunt is currently Claimant's IHSS provider); 28 hours of PA per week (Claimant's 2025 PA service providers were Mother, Claimant's two adult brothers, L.M. and E.M., and individuals X.M. and M.E. (Exh. J, pp. B103-B104)); 25 hours per month of AST; 50 hours per month of ABA support; and 46 hours per month of respite. In addition, Claimant receives speech therapy (ST), occupational therapy (OT), tutoring, and music, art, and dance classes. Mother is currently paying out of pocket for Claimant's art classes, ST, and OT.

21. Claimant was temporarily provided 40 additional hours of PA per week, effective September 1, 2024, through November 30, 2024. These additional PA hours ended on September 30, 2024, when Claimant transitioned to SDP effective October 1, 2024. (Exh. 2, pp. A29.) The temporary additional PA hours were based on Mother's unavailability to fulfill her portions of Claimant's service provision due to Mother's full-

time presence at the hospital with Brother for an extended period of approximately six to eight weeks.

Service Agency's Purchase of Service Policy for PA

22. Service Agency's Purchase of Service policy for PA (POS) provides that PA may be provided to assist a consumer with bathing, dressing, toileting, feeding, protection, appropriate care and supervision, community integration, and assisting the consumer living in the home with family. (Exh. 4, p. A109.) The PA Policy also provides that regional centers have experienced difficulties with consumers transitioning from the school program to a day program in the community, and accordingly, PA services may be provided to assist with these transitions. (*Id.* at p. A113.)

23. PA services for consumers over the age of 13 are limited to six months, and can be renewed based on need and progress. Further, Claimant, because she is over 13 years old, is required to provide Service Agency with a calendar with proposed requested PA hours, purpose, days, and other relevant information based on her needs. (Exh. 4, p. A111.)

24. SCs Lindsey Luna and Maria Gomez, and Program Manager Julius Tady testified at hearing regarding their understanding of Claimant's request for additional PA. They explained that Claimant's increase in PA was temporary and based on Brother's health and hospital stay, which has resolved. They are not aware of any changes in circumstances experienced by Claimant that would support a provision of additional PA under Service Agency's POS. They also explained that, as conveyed to them by Mother, Mother's current request for additional PA hours for Claimant is based on Mother's own levels of stress experienced because of managing and providing services for Claimant and Brother.

Claimant's Proposed PA Schedule

25. As required by Service Agency's POS, Claimant submitted a proposed schedule, as well as an amended proposed schedule, for how Claimant's requested PA services would be utilized. (Exhs. E & R.) The schedules are comprehensive, detailing all current services and proposed services for each day of the week and each hour of each day.

26. In summary, Claimant's current 28 hours of PA are provided weekday mornings, between 6:00 and 8:00 a.m., to support Claimant with preparation for the day, hygiene, and transportation to school, and intermittently during weekday afternoons; on weekends, Claimant receives PA for a total of 12 hours for community outings. In addition, Claimant currently receives IHSS services overnight (based on her sleep apnea), generally from midnight to 6:00 a.m., but on weekends from midnight until 4:00 a.m., and respite between four to five hours each weekend day morning.

27. While no day has an identical proposed schedule, Claimant's initial and amended proposed schedules provide for the following additional weekday PA hours: eight hours on Monday; two hours on Tuesday; six hours on Wednesday; six hours on Thursday; and two hours on Friday. These requested additional weekday PA hours are proposed to begin generally after school, at 2:00 p.m., and to end at 10:00 p.m., bedtime; for some of the weekdays the proposed schedule requests PA for those entire eight hours between school and bedtime, and on other days the proposed schedule provides Claimant would receive other services during some of these eight hours, such as AST. On the weekends, the initial and amended proposed schedules provide for an additional eight hours of PA between 1:00 p.m. and 9:00 p.m. each weekend day.

28. Claimant's initial proposed schedule provides that the additional PA hours are needed for Claimant "to go to community and recreational activities." (Exh. E.) Within certain time blocks of the initial proposed schedule, further need for the additional PA is provided, such as assisting Claimant while Mother studies or during Claimant's activities, such as dance. In contrast to the initial proposed schedule, which focused on community activities, the amended proposed schedule provides the additional PA hours are for "home, redirection, hygiene assistance, transition support to afternoon activities, transportation," or, in certain time slots, specifies the PA would provide assistance with certain activities, such as basketball or yoga, and in the evenings, would assist Claimant with medication and bedtime. (Exh. R.)

Mother's Needs

29. Mother testified at hearing. Mother explained that she needs to focus on Brother's service needs for his safety and supervision. Brother hits and beats Mother, and Mother believes he needs two PA providers, but he is not currently authorized for two PA providers.

30. Mother explained that Brother's violence and other behaviors impact Claimant. According to Mother, Claimant goes to her room to be away from Brother, and Claimant then destroys her room and cannot be left alone there. Mother further described Claimant as having limited independence, for example, asserting that Claimant needs supervision when she eats to ensure she does not choke. Mother's description of Claimant's limited independence contrasts with Claimant's service providers' descriptions of Claimant as having a level of independence at home, outside of self-care activities.

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31. Mother also claimed Claimant is isolated, despite her many activities. Mother's testimony is unsupported and in contrast to Claimant's many daily activities, including art, dance, tutoring, and community integration activities. Further, Mother claimed she does not have family available to support Claimant's needs, asserting her adult sons do not live at home. However, the evidence established that E.M. lives at home, both E.M. and L.M. have been PA providers for Claimant during 2025, and Claimant's aunt is Claimant's IHSS provider.

32. Mother acknowledged she could ask for more IHSS hours for both Claimant and Brother. She testified she is currently pursuing an IHSS appeal for Claimant and Brother for more hours. However, Claimant did not present evidence that an appeal for additional IHSS hours is active or pending.

33. Based on the inconsistencies with Mother's testimony and the other credible evidence presented at the fair hearing, as well as Mother's uncorroborated claims she is pursuing available IHSS appeals, Mother's testimony and assertions regarding Claimant's needs are given moderate weight. Although Mother may not have intentionally misrepresented Claimant's needs, Mother, as Claimant's conservator, presents as partially focused on Claimant's needs, while being conflicted by Brother's needs and Mother's own state of overwhelm.

LEGAL CONCLUSIONS

Jurisdiction

1. The Lanterman Act governs this case. An administrative fair hearing to determine the rights and obligations of the parties is available under the Lanterman Act. (§§ 4700-4716.) (Factual Findings 1-5.)

Burden and Standard of Proof

2. The party asserting a claim generally has the burden of proof in administrative proceedings. (See, e.g., *Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161-162.) In this matter, Claimant bears the burden of proving, by a preponderance of the evidence, that Claimant requires the requested service. (Evid. Code, §§ 115, 500.)

Claimant's Rights Under the Lanterman Act

3. Claimant, as an individual with a developmental disability, has a right, among others, to the following: dignity, privacy, and humane care; social interaction and participation in community activities; physical exercise and recreational opportunities; and a right to make choices in their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way they spend their time, including education, employment, and leisure. (§ 4502, subd. (b)(2), (6), (7), & (10).)

4. The services to be provided to any consumer must be individually suited to meet the unique needs of the individual client in question, and within the bounds of the law, each consumer's particular needs must be met. (See, e.g., §§ 4500.5, subd. (d), 4501, 4502, 4512, subd. (b), 4640.7, subd. (a), 4646, subd. (a), 4648, subd. (a)(1) & (a)(2).) The Lanterman Act assigns a priority to services that will maximize the consumer's participation in the community. (§ 4646.5, subd. (a)(2).)

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Regional Center Responsibilities

PROVISION OF SERVICES

5. The state is responsible for providing services and supports for developmentally disabled individuals and their families. (§ 4501.)
6. Regional centers are "charged with providing developmentally disabled persons with 'access to the facilities and services best suited to them throughout their lifetime' and with determining "the manner in which those services are to be rendered." (*Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 389, hereafter *ARC*, quoting from § 4620.)
7. A range of specialized services and supports should be established which is "sufficiently complete to meet the needs and choices of [the consumer], regardless of age or degree of disability, and at each stage of life and to support [the individual's] integration into the mainstream life of the community." (§ 4501.) The services and supports should enable the consumer to achieve and maintain an independent, productive, and normal life that allows the individual to "approximate the pattern of everyday living available to people without disabilities of the same age." (*Ibid.*)

PLANNING PROCESS

8. Regional centers are responsible for conducting a planning process that results in an IPP, which must set forth goals and objectives for the consumer. (§§ 4512, subd. (b), 4646.5, subd. (a).)
9. The IPP and the provision of services and support must be centered on the individual and the individual's family and must be developed using a person-

centered approach that reflects the needs and preferences of the consumer, and, as appropriate, their family. (§ 4648, subd. (a).)

10. To achieve the stated objectives of a consumer's IPP, the regional center must provide the consumer with needed services and supports that assist the consumer in achieving the greatest self-sufficiency possible and exercising personal choices that allow the consumer to interact with persons without disabilities in positive, meaningful ways. (§ 4648, subd. (a)(1).)

11. At the time of development or modification of a consumer's IPP, regional centers must ensure: conformance with Service Agency's POS policies; generic and other available services and supports are utilized when appropriate; the family's responsibility for providing similar services and supports for a minor child without disabilities is considered, taking into account the consumer's need for extraordinary care, services, supports and supervision, and the need for timely access to this care; and that information obtained from the consumer and family about the consumer's need for the services, barriers to service access, and other information are considered. (§ 4646.4, subd. (a)(1)-(5); Cal. Code Regs., tit. 17, § 54326, subd. (d)(1).)

12. Although regional centers have wide discretion in how to implement the IPP, "they have no discretion in determining whether to implement: they must do so." (*ARC, supra*, 38 Cal.3d at p. 390, citing § 4648, subd. (a).)

FUNDING FOR SERVICES AND CONSIDERATION OF COSTS

13. Regional Centers must conform to their respective Purchase of Service policies. (§ 4646.4, subd. (a)(1).)

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14. Regional Centers must pursue all possible sources of funding for services, including insurance or IHSS. (§ 4659, subd. (a)(1).)

15. Although regional centers are mandated to provide a wide range of services to implement the IPP, they must do so in a cost-effective manner, based on the needs and preferences of the consumer, or where appropriate, the consumer's family. (§§ 4512, subd. (b), 4640.7, subd. (b), 4646, subd. (a).)

16. If a needed service or support cannot be obtained from another source, a regional center must fund it. (*ARC, supra*, 38 Cal.3d at p. 390.) Generic resources must be utilized first. A regional center is the provider of last resort. (*Ibid* at § 4659.10.)

SDP Model of Service Delivery

17. The SDP is an alternative model of service delivery provided by the Lanterman Act. (§ 4685.8.) Participants in SDP receive an individual budget, within which the participants have the flexibility to develop, purchase, and manage their services and supports to implement their IPP.

18. SDP provides participants the following: the freedom to choose, including where they live, and how to occupy their time; the authority to control their budget to purchase services and supports; support to arrange resources and personnel; responsibility to make decisions about public funds; support of a cost neutral program; and confirmation, recognizing the critical role of participants in directing their lives (§ 4685.8, subd. (y)(3)(A)-(E).)

19. An SDP participant must agree to terms and conditions outlined in section 4685.8, subdivision (d), including using generic services and supports first and

only purchasing services and supports necessary to implement their IPP. (§ 4685.8, subd. (d)(3)(B) & (C).)

20. Under the Lanterman Act, "self-determination" means the following:

a voluntary delivery system consisting of a defined and 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. The Self-Determination Program shall only fund services and supports provided pursuant to this division that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation.

(§ 4685.8, subd. (c)(6).)

21. Under the Lanterman Act, "spending plan" means the following:

[the] plan the participant develops to use their available individual budget funds to purchase goods, services, and supports necessary to implement their [IPP]. The spending plan shall identify the cost of each good, service, and support that will be purchased with regional center funds. The total amount of the spending plan cannot exceed the amount of the individual budget. A copy of the spending plan shall be attached to the participant's IPP.

(§ 4685.8, subd. (c)(7).)

22. An adjustment may be made to the SDP budget if both of the following occur:

- (I) The IPP team determines that an adjustment to this amount is necessary due to a change in the participant's circumstances, needs, or resources. When adjusting the budget, the IPP team shall document the specific reason for the adjustment in the IPP.
- (II) The regional center certifies on the individual budget document that regional center expenditures for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program.

(§ 4685.8, subd. (m)(1)(A)(ii)(I) & (II).)

Analysis

23. The Lanterman Act emphasizes a consumer's right to community integration, as well as opportunities for socialization and recreational activities, services which allow the individual to live comparably to people without disabilities of the same age. Claimant's regional center services must be individually tailored to meet Claimant's unique needs. (Legal Conclusions 3-7.)

24. Claimant is a highly social young woman who enjoys her time in the community and her recreational activities. Since Claimant's 2024 IPP and 2025 IPP Addendum, Claimant's service providers have provided new information detailing

Claimant's need for additional PA services while transitioning between activities and during transportation, as well as additional PA services during the weekends. (Factual Findings 13-18.) This additional information provided by Claimant's service providers constitutes a change of circumstances provided for under section 4685.8, subdivision (m)(1)(A)(ii)(I), and warrants an 18-hour increase in Claimant's weekly PA hours, for a total of 46 PA hours per week. These additional PA hours are supported by Claimant's needs and community integration goals.

25. The new information established that Claimant requires an additional total of 18 hours per week of PA as follows: Claimant requires an additional hour before and after her community integration activities each day of the week (totaling 14 additional PA hours) to assist with transitions and to allow her to receive the benefits of her community integration services with fewer disruptions caused by emotional dysregulation and related behaviors; further, as a young woman interested in many social activities, Claimant's community integration goal requires her to receive an additional two hours each weekend day (totaling 4 additional PA hours), for socialization and other community opportunities.

26. However, contrary to the presentation in Claimant's initial and amended schedule, Claimant is not in the community each day until 10:00 p.m. Rather, as the amended schedule also identifies, many of the requested additional PA hours would be for Claimant while at home, for assistance with activities such as hygiene and meals. The evidence did not support Claimant needs additional PA hours while at home in addition to the other services Claimant already receives. Further, to the extent Claimant were to need additional in-home services, those services are more appropriately provided through IHSS. Mother, as Claimant's conservator, has not exhausted Claimant's potentially available IHSS hours. Accordingly, and based on the

evidence presented, Claimant failed to meet her burden to establish she requires the additional requested 22 hours of PA, and failed to establish all generic resources have been exhausted for any additional in-home service needs.

ORDER

1. Claimant's appeal is granted in part and denied in part. Service Agency must increase Claimant's Self-Determination Program (SDP) budget to fund an additional 18 hours of personal assistance (PA) services per week. Pursuant to Service Agency's Purchase of Service Policy, its funding of PA services for Claimant will be reviewed six months from the effective date of this order.
2. Service Agency is not required to increase Claimant's SDP budget to fund the additional 22 hours of PA service per week requested by Claimant.

DATE:

CHANTAL M. SAMPOGNA
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025030438

Vs.

DECISION BY THE DIRECTOR

South Central Los Angeles Regional Center

Respondent.

ORDER OF DECISION

On December 26, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services 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 4712.5, subdivision (a)(1), 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 January 13, 2026.

Original signed by

Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division (CARD)