

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF ORANGE COUNTY

DDS No. CS0026040

OAH No. 2025041047

PROPOSED DECISION

Thomas Lucero, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on October 24, 2025.

Ublester Penaloza, Assistant Manager, Fair Hearings and Mediations, represented the Regional Center of Orange County (RCOC or regional center). Mother represented Claimant. Mother and Claimant are not identified by name to protect privacy and confidentiality. The parties were assisted by Spanish language interpreters.

Note that Claimant's exhibits appear as Additional Documents in Case Center. The documents were uploaded in four parts and each part has been re-designated

alphabetically, so that Exhibit A is pages Z8 to Z66, Exhibit B is pages Z67 to Z126, Exhibit C is pages Z127 to Z189, and Exhibit D is pages Z190 to Z218.

This matter is governed by the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code sections 4500 through 4885 (Lanterman Act), and by implementing regulations. Each regulation cited below is a section of title 17 of the California Code of Regulations.

Documents and testimony were received in evidence. The record closed and the matter was submitted for decision on October 24, 2025.

STATEMENT OF THE CASE

Claimant contends the Service Agency should be ordered to fund an additional 30 sessions of Personal Safety 101 training, 52 sessions altogether, offered by Get Safe, a vendor that teaches personal safety skills. The Service Agency contends it should follow Get Safe's recommendation that after Claimant completes the 22 sessions of the program already funded, Claimant's progress will be evaluated and 22 more sessions may be recommended and funded if appropriate.

FINDINGS OF FACT

1. The Service Agency sent Claimant a March 4, 2025 Notice of Action (NOA) that described, Exhibit 2, page A8, a difficulty in providing 52 sessions of uninterrupted safety training:

Get Safe's 22 training sessions are designed to be provided within a 12-month period. . . . Get Safe provided a progress

report and while they are recommending continuing services, they are not requesting 52 sessions. . . . [T]he current Purchase of Service (POS) is for 5/1/2024 to 4/30/2025, which is the 12-month period in which the 22 sessions should have transpired. Get Safe informed RCOC that they do not have staff available to resume services for [Claimant] until August of 2025. RCOC is only able to approve 22 sessions for 12 months for Get Safe services as this aligns with their program design.

Claimant timely sought a hearing on this issue.

2. Claimant is 15 years old and lives with his mother and father. He has Down Syndrome and has been diagnosed with Intellectual Disability (ID), making him eligible for services and supports under the Lanterman Act. He is a participant in the Self-Determination Program (SDP).

The Get Safe Program

3. Get Safe describes its services for Claimant and other developmentally disabled persons in Exhibit 16, page A68:

GET SAFE's Personal Safety 101 Program is built on a behaviorally based prevention model that uses first person and confidence-building strategies to help persons with disabilities make better choices and advocate for their safety and well-being. Behaviorally focused programs have the advantage of directly modeling and reinforcing

appropriate responses to various social situations, including potentially abusive situations.

In a "Second Amendment to Personal Safety 101 Addendum May 2023," Get Safe described the program further in Exhibit 17, page A77:

The purpose of this amendment is to incorporate an adjusted and updated description of the curriculum utilized with the Personal Safety 101 training component of the program design. Currently, Section VI: Curriculum Description (pg. 3) states "The curriculum will be presented in three 90-120-minute sessions." The original program design was, and still is, intended to offer up to 22 sessions of Personal Safety 101 training instruction. In line with GET SAFE's industry-set standards, an average of 18 sessions is generally required for training instruction that covers the full scope of our training curriculum - which is comprised of five curriculum domains consisting of 3-5 sessions per domain.

Communications Regarding Claimant's Progress

4. An email from Get Safe to Mother, copied to Ana Penaloza, currently Area Manager, dated December 18, 2023, stated, Exhibit 9, page A51:

I wanted to provide a quick update regarding Get Safe services for your son, [Claimant]. Jack Stanton, the Associate Director of Housing at RCOC, has just recently reached out to us to explain some new updates regarding our transition

from our current 3-session program to our 22-session program. Mr. Stanton has informed us that due to some RCOC internal restrictions, [Claimant] will need to finish all three Module B trainings AND all three Module C trainings before he can transition to our new 22 session program. This has delayed the transition for many of our clients, so we appreciate your patience as we wrap up Module B services and wait for the next Module C contract. Mr. Stanton has assured us that any client, including your son, that completes Module C training will then be allowed to transition to our new 22 session program. . . .

5. A March 21, 2024 email from Get Safe to Mother, copied to Area Manager Penalzoza and SC Rodriguez-Gastelum, stated in pertinent part, Exhibit 10, page A53:

We will be sure to request a Module C extension this week in light of the session that needs to be rescheduled. Please note, Module C sessions must be fully completed before . . . a report [is written] containing recommendations for our 22-session course.

6. In an email on March 21, 2024, the same day as the Exhibit 10 email above, Get Safe wrote Area Manager Penalzoza, Exhibit 11, page A55:

GET SAFE currently has a purchase order for:

[Claimant] - Module C

This contract is expiring on 3/31/24 and one session has been completed on this current contract. Due to Consumer being out of town next week, the second session will need to be cancelled. We are requesting that the contract end date be extended to 6/30/24 in order to complete all training sessions. We would appreciate word on whether or not the extension will be implemented to continue in our scheduling endeavors as soon as possible.

7. Get Safe provided the Service Agency a Module Training Report regarding three Module 3 sessions on March 12, March 26, and April 16, 2024. Under the heading, "Safety Topics Covered," the report lists, Exhibit 12, page A57: "3 Natural Weapons," "Home Safety," and "Emergency Response." Under the heading, "Recommendations for Future Training," the report states:

Get Safe Advocacy and Training Specialist (ATS) recommends Get Safe's new Personal Safety 101 training program [Vendor Number: PT1388, Service Code: 102, Sub Code: PSG) with a focus on the review of home safety, emergency response, and three natural weapons; and the introduction to safety zone, neighborhood safety, buddy system, police interaction, and asking for help.

8. Claimant's most recent Individual Program Plan (IPP) was prepared following an IPP meeting on July 23, 2024. Under the heading, "Safety Awareness," the IPP, Exhibit 3, page A21, states that Claimant:

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requires someone nearby during waking hours to prevent injury/harm in all settings[.] . . .

Mother continues to report that [Claimant] requires supervision at all times due to his low safety awareness. Mother reports that [Claimant] will elope from the home or while in the community at any opportunity he has. Mom reports that [Claimant] has a tendency to hide and he does so unsafely, for example hiding under a car. He requires that mom hold his hand while out in the community to prevent him from running off.

9. On page A23, the IPP notes: "Parent is in the process of requesting reinstatement of ABA services via MediCal funding." Noted on the same page is that Claimant "will improve his behavioral health once an ABA [Applied Behavior Analysis] vendored [vendor] has been identified and MediCal begins funding the service." The Service Agency argued that ABA services may at least partly make up for any interruption in services from Get Safe.

10. There were two addenda to the IPP on October 15, 2024. Like the IPP, neither mentions Get Safe's safety program. A third addendum is dated November 20, 2024 regarding Claimant's attending karate classes, that may help Claimant with safety.

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11. In a January 15, 2025 email, Exhibit 15, page A64, Get Safe advised Area Manager Penalosa that Claimant had completed training sessions and that more were recommended starting August 1, 2025, and ending August 1, 2026. The message continued: "We appreciate your patience as we work through our client waitlist and provide services to the best of our ability in light of our staffing shortage."

Budget Year 1

12. Dated June 17, 2025, the Budget Amount of Claimant's Self-Determination Budget in Budget Year 1 is \$139,303.36. Category #10 of the Budget refers, Exhibit 7, page A41, to the Get Safe program: "Personal Safety / Individual Training - 22 sessions across 12 month period - progress report needed for review of service." The Unit Rate for each of the 22 sessions is \$294.22 for an Adjustment Amount of \$6,472.84. Under service code 334 the same amounts appear in Claimant's Self-Determination Spending Plan, prepared on April 30, 2024, for the SDP year, July 1, 2025, to June 30, 2026. The list of services Claimant receives through the Service Agency is:

- (1) 24 hours per month of Agency In-Home Respite Services;
- (2) 36 hours per week of Respite as Support services;
- (3) 430 hours per year of Respite as Support for non-school days and early release days;
- (4) \$299 a month for a Social Recreational Activity (SRA) with American Martial Arts;

- (5) \$128.22 per year for sparring equipment with American Martial Arts;
- (6) \$512 a month for a SRA with Aqua Tots swim lessons;
- (7) \$179.00 per year for registration fees with Aqua Tots;
- (8) 20 hours per month of Parent Mentor services;
- (9) 6 hours per week of Personal Assistance (PA) during a SRA;
- (10) \$119 a week for a SRA with OC Music services, \$190 one time evaluation, \$30 enrollment fee;
- (11) 22 session of Individual Training with Get Safe;
- (12) Purchase Reimbursement of \$75 per year for DVU Conference;
- (13) Purchase Reimbursement of \$100 per year for Ochoa's Consulting Conference;
- (14) \$450 for Club 21 Tools for the Journey Conference;
- (15) \$1,398.00 per year for 1 week of Easter Seals Camp Oak; and
- (16) \$99 a day for 1 week of Karate OC Summer Camp.

In addition, Claimant receives these services:

- (1) 233 hours monthly of In Home Support Services (IHSS);

- (2) Medi-Cal health coverage with CHOC Health Alliance;
- (3) Special Education services from Orange Unified School District;
- (4) Supplemental Security Income (SSI) Mother being the representative payee.

Claimant's Evidence

13. Mother declined to testify herself and called no witnesses. Claimant's evidence was documentary, including citation to parts of the Lanterman Act, as set out below. Claimant's evidence is voluminous, approximately 218 pages, but there are many duplications, in part because email strings duplicated documents included with other emails.

14. Claimant presented documents and correspondence from Get Safe, including an Intake Assessment Report from Get Safe with the Assessment Date of November 16, 2022. The report states, Exhibit A, page Z39: "Consumer was referred to Get Safe because Mother/Father noted Consumer has poor safety skills including inappropriate touching, slapping others, approaching strangers, and eloping." The report also describes how Claimant might benefit from Get Safe program sessions, stating on the same page, Z39: "Please see above for Module A training recommendations. Mother shared that Consumer would benefit from repetitive sessions with the addition visuals to reinforce learning and disclosed that Consumer is in the process of enrolling in a self-determination program." There were 17 categories of Module A training that were recommended: (i) "Prevention vs Reaction," (ii) "Conflict Avoidance," (iii) "3 Natural Weapons," (iv) "Safety Zone," (v) "Healthy Relationships," (vi) "Bullying Prevention," (vii) "Safe Sexual Expression," (viii) "Home Safety," (ix) "Phone

Safety," (x) "Internet Safety," (xi) "Neighborhood Safety," (xii) "Community Navigation," (xiii) "Police Interaction," (xiv) "Assertiveness," (xv) "Asking for Help," (xvi) "Emergency Response," and (xvii) "Self Defense vs Fighting." Mother contrasted these 17 categories to three categories of training Claimant completed in Module 3 sessions, described above and set out in Exhibit 12, page A57.

15. A Module Training Report regarding training sessions in October 2023 states, Exhibit A, page Z53: "Set Safe Advocacy and Training Specialist (ATS) recommends Module B training with a focus on all previously covered topics (three natural weapons, healthy relationships, assertiveness, and asking for help), in addition to prevention vs reaction."

16. A Module Training Report regarding training sessions in December 2023 states, Exhibit B, page Z67: "Get Safe Advocacy and Training Specialist (ATS) recommends Module C training with a focus on all previously covered topics in addition to home safety and police interaction."

17. In a January 8, 2024 email, Get Safe wrote Mother, with a copy to Area Manager Penalozza, stating, Exhibit B, page Z72:

I apologize for the delay in the response regarding your question about when [Claimant's] sessions will resume again for Module C. . . .

I did make sure to take the time to speak with my direct Supervisor Sheridan Simpson earlier last week in regard to expediting the report for previous Module B in effort to proceed with Module C sessions sooner, which is actively being worked on and will be promptly expedited today as

previously indicated by Sheridan. While I cannot provide a definitive date for when Module C sessions will resume, we definitely hope to do so soon, and are actively doing what we can to make that happen.

18. In a Re-Authorization Request dated March 27, 2024, the Service Agency noted, Exhibit B, page Z101: "Get safe is requesting an extension to allow them time to complete Mod C sessions."

19. In a May 9, 2024 email, Area Manager Penaloza wrote Get Safe, Exhibit B, page Z111: "Here is a copy of the new authorization for the 22 sessions. I will respond to an email in which mom is included letting her know that a copy of the authorization has been sent."

20. In a January 15, 2025 email, Area Manager Penaloza wrote Get Safe, Exhibit C, page Z129: "Just to confirm since the current Authorization has an end date of 4/30/2025. Based on the start and end date you have provided below, does this mean that Get Safe would be able to begin the next 22 sessions until 8/2025? I just want to make sure so I can communicate that with mom."

21. Get Safe wrote back in a January 17, 2025 email to Ms. Penaloza, Exhibit C, page Z131: "Yes, that is correct. Due to a staffing shortage and to be fair to other clients on our waitlist, we will not be able to resume trainings with [Claimant] until approximately 8/2025."

22. Claimant argued that the Service Agency could have acted more quickly and avoided any obstacle posed by Get Safe's recent staffing shortage, and that in any event the Service Agency should authorize 30 more sessions of the Get Safe program so that they may be available to Claimant without further delay.

LEGAL CONCLUSIONS

1. The party who seeks government benefits or services, Claimant in this case, bears the burden of proof. Thus the party that sought disability benefits was held to bear the burden of proof in *Lindsay v. San Diego Retirement Board* (1964) 231 Cal.App.2d 156, 161. The standard of proof Claimant must meet is proof by a preponderance of the evidence under Evidence Code section 115.

Principles of Law

2. At the hearing, Claimant referred to a Spanish language publication available from Disability Rights California, translated into English during the hearing, that states in part, Exhibit A, page Z10:

The law [the Lanterman Act] provides that it is important that each person [eligible for services] receives the services and supports that satisfy needs and choices [citing Welfare and Institutions Code sections 4501 and 4512, subdivision (b)]. The law recognizes that it is possible persons with developmental disabilities need assistance to lead a full and productive life.

The publication then quotes Welfare and Institutions Code section 4501 in part:

An array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life and to support their integration into the mainstream

life of the community. To the maximum extent feasible, services and supports should be available throughout the state to prevent the dislocation of persons with developmental disabilities from their home communities.

3. Welfare and Institutions Code section 4512, subdivision (b), states in part:

“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.

4. Welfare and Institutions Code section 4646, subdivision (a), states in pertinent part:

It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

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5. Welfare and Institutions Code section 4646.5, subdivision (a)(1), states in pertinent part:

(a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

(1) 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. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and . . . shall be taken from . . . providers of services and supports, and other agencies.

Analysis

6. Claimant's request for a set of 52 sessions exceeds Get Safe's recommendation that a set of 22 sessions be completed before there is evaluation and consideration whether more sessions should be provided. As the reports from Get Safe quoted above indicates, topics in one set of 22 sessions may differ from topics in another set of 22 sessions. Thus Claimant has so far received sessions with four different categories of topics, but there are altogether 17 categories of topics that may be provided. Get Safe sessions are not arbitrarily cut off after 22 have been provided. More may be provided, depending on an evaluation of progress.

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7. A recommendation for more sessions is Get Safe's established practice for its program. Get Safe, not the Service Agency, has dictated the curriculum for teaching personal safety skills. The curriculum is evidently designed to cover a broad variety of topics and skills, to ensure that learners acquire skills in a structured and effective program.

8. Both Claimant and the Service Agency must trust, and both agreed by means of the IPP, that Get Safe's curriculum design, in sets of 22 sessions, is adequate for completing the program and learning skills, and is an efficient use of resources. The Service Agency's decision to follow Get Safe's recommendations is, moreover, supported by pertinent sections of the Lanterman Act, including Welfare and Institutions Code sections: (i) 4646, stressing the importance of services being necessary and cost-effective; and (ii) 4646.5, subdivision (1), and its mandate that service agencies proceed by gathering information and conducting assessments to determine an individual's needs and goals over time.

9. Claimant's evidence did not establish that the Service Agency delayed in communications with Get Safe or Claimant and his family in a way that caused Claimant's Get Safe sessions to be interrupted. Even if the evidence had established this, however, it is not established that an appropriate remedy would be a demand to Get Safe that it immediately provide Claimant the 52 sessions Claimant is currently seeking. Both Claimant and the Service Agency's options are limited by Get Safe's personnel shortage.

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ORDER

Claimant's appeal is denied.

DATE:

THOMAS LUCERO

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025041047

Vs.

DECISION BY THE DIRECTOR

Regional Center Orange County

Respondent.

ORDER OF DECISION

On November 3, 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 November 25, 2025.

Original signed by:
KATIE HORNBERGER
Deputy Director
Division of Community Assistance and Resolutions