

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

In the Matter of:

CLAIMANT

and

NORTH LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

DDS No. CS0026156

OAH No. 2025041138

PROPOSED DECISION

Taylor Steinbacher, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter via videoconference on August 14, 2025.

Karin Ahdoot, Due Process Officer, appeared and represented North Los Angeles County Regional Center (NLACRC).

Melissa Lander, Claimant's Authorized Representative, appeared and represented Claimant. Claimant's mother (Mother) was also present throughout the hearing.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on August 14, 2025.

ISSUES

(1) May the regional center terminate previously authorized personal assistant (PA) services for a consumer who refuses to provide the regional center with an In Home Support Services (IHSS) Award Letter stating the number of hours of IHSS services the Department of Social Services (DSS) has approved for the consumer?

(2) May the regional center prohibit a consumer from transitioning to the Self-Determination Program (SDP) if the consumer refuses to provide an IHSS award letter to the regional center?

EVIDENCE RELIED UPON

Documents: NLACRC Exhibits 1–2, 4–15, 18–19; Claimant’s Exhibits A-B.

Witnesses: For NLACRC– Kevin Gaede, Gerald Calderone; For Claimant – Mother.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is a 17-year-old boy who lives with Mother in the catchment area served by NLACRC. Claimant receives services and supports from NLACRC based on a qualifying diagnosis of autism spectrum disorder.

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

3. On April 11, 2025, NLACRC sent Claimant a Notice of Action, stating it planned a “reduction and/or termination of personal assistance services currently funded traditionally as well as denial of [PA] services through [SDP] funding due to lack of documentation of [IHSS] Award Letter being provided to Consumer Services Coordinator.” (Ex. 1, p. A7.) The notice added that the proposed action would occur on May 11, 2025. (*Id.* at p. A6.)

4. On April 21, 2025, NLACRC received a fair hearing request from Claimant appealing its decision to reduce or terminate Claimant’s PA services and to deny Claimant’s request to transition to SDP. (Ex. 1, pp. A1–A4.) This hearing ensued.

NLACRC’s Evidence

5. Claimant has received PA services from the regional center since at least 2020, as reflected in his Individual Program Plan (IPP) from that year. (Ex. 2, p. A13.) At the time of that IPP, Claimant was also receiving 283 hours per month of IHSS with Mother as the provider. (*Id.* at p. A12.) As of a 2023 addendum to Claimant’s IPP, he was approved to receive five hours of PA services, seven days per week, through May 31, 2024. (Ex. 4, p. A30.) As of Claimant’s 2024 IPP, it was again noted he was receiving 283 hours per month of IHSS with Mother as the provider and he was approved to receive the same level of PA service he received the year before. (Ex. 5, pp. A35–A36, A50–A51.)

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6. In connection with an IPP addendum in August 2024, Claimant's service coordinator asked Mother to provide a revised weekly schedule to show how she planned to use Claimant's PA hours. (Ex. 7, p. A58.) The weekly schedule Mother provided proposed to have Claimant receive up to seven hours of PA per day during the weekdays, up to eight hours on Saturdays, and up to three hours on Sundays. (Ex. 7, p. 58.) The regional center approved Mother's request and agreed to fund PA for Claimant at those levels through June 30, 2025. (*Id.* at p. A59.)

7. In February 2025, a request was made on Claimant's behalf to transition him to SDP. (Ex. 10, p. A78.) In advance of a meeting scheduled for March 4, 2025, to discuss the transition, Claimant's Consumer Services Coordinator, Kevin Gaede, emailed Mother asking for a copy of Claimant's IHSS Award Letter. (*Id.* at p. A72.) According to the email, the IHSS Award Letter was required to ensure Claimant was receiving an appropriate amount of services from NLACRC. (*Ibid.*)

8. The IHSS program is administered by each county, with oversight provided by DSS. (Ex. 15, p. A187.) The purpose of IHSS is to allow eligible people to live safely in their own homes and avoid the need for out-of-home care. (Ex. 12.) Once approved, a letter is sent to the applicant specifying what services have been approved, how much time is authorized for each service, and how many total monthly hours have been approved. (*Id.* at p. A117; see also Ex 13 [example letter approving IHSS services].)

9. The day after the March 4 meeting, Gaede again asked Mother for the IHSS Award Letter; he also noted Claimant's proposed daily schedule had him receiving PA hours on Tuesdays and Thursdays at times in which he would be expected to be in school and therefore covered by a generic resource. (*Id.* at pp. A71–A72; see also Ex. 14 [schedule showing Claimant receiving seven hours of PA service on

Tuesday and Thursday during school hours].) Gaede also noted it was being recommended to him that Claimant's schedule moving forward should include "Family Time without supports," as there were no periods in Claimant's schedule in which he was not receiving some kind of service or support. (*Id.* at p. A72.)

10. On March 12, 2025, Gaede sent Mother another follow-up email asking for the IHSS Award Letter. (Ex. 10, pp. A70–A71.) Mother responded that day, stating she had called the IHSS help line to request it and had not yet received it, but she would forward it to Gaede once she received it. (*Id.* at A70.) Gaede again followed up with Mother on April 8, 2025, about the IHSS Award Letter. (*Id.* at p. A69.) There are no further email communications in the record in which Mother provided the IHSS award letter to Gaede or noted she received it after requesting it from the help line.

11. Following an IPP meeting on May 20, 2025, an IPP addendum was created noting that Claimant would receive his current level of PA hours through July 31, 2025. (Ex. 9, p. A66.) The addendum noted that NLACRC's IPP Team agreed to extend its authorization for Claimant to receive PA hours through the end of July 2025 "pending Mediation." (*Id.* at p. A67.) On July 10, 2025, NLACRC again extended that authorization through August 31, 2025. (Ex. 19, p. A230.) As of August 31, 2025, NLACRC intends to no longer provide any PA services to Claimant.

12. According to DDS's website

Regional centers have a mandate not only to serve persons with developmental disabilities, but to provide services in the most cost-effective manner possible. They are required by the Lanterman Act to use all other sources of funding and services before using regional center funds to provide

services. Persons who receive services from a regional center and are eligible for IHSS are expected to use IHSS services available to them.

(Ex. 15, p. A187.)

13. Concerning PA services, NLACRC's Service Standards provide that

Personal assistant services are to assist with bathing, grooming, dressing, toileting, meal preparation, feeding, and protective supervision is a typical parental responsibility for minor children. Personal assistant services for minor children will be considered on an exception basis when the needs of the consumer are of such a nature that it requires more than one person to provide the needed care. There may be exceptional circumstances as a result of the severity and/or intensity of the developmental disability that may impact the family's ability to provide specialized care and supervision while maintaining the child in the family home. Eligibility and/or use of generic services such as [IHSS] will be explored and accessed where possible prior to NLACRC funding as an exception.

(Ex. 11, p. A123.)

14. Both Gaede and his supervisor, Gerald Calderone, testified that receiving Claimant's IHSS Award Letter was necessary to accurately assess whether, and in what amount, Claimant should receive PA services from NLACRC. Without the ability to verify the number of hours authorized for IHSS, the regional center risks allocating

unnecessary PA hours to its consumers, which the Lanterman Act prohibits. Calderone testified that because the regional center was unable to properly gather information to do an assessment of Claimant and his family's needs. According to Calderone, the regional center is required to terminate funding for services in which a Claimant's need cannot be substantiated. This can occur, for example, when a Claimant refuses to cooperate with the regional center such that it can properly assess whether the Claimant still requires that service.

15. Calderone also explained he previously exercised his authority as a supervisor to exempt Claimant from providing the IHSS Award Letter following the death of Mother's daughter—Claimant's older sister—in 2023. Calderone considered a year to be a sufficient period for this bereavement exemption but would have considered a further exemption if Mother or Claimant had requested one.

16. On cross-examination, both Gaede and Calderone admitted they were unaware of certain specific rules and procedures of the IHSS program, such as how much time DSS will allocate to a recipient based on their functional abilities, or what household tasks DSS expects a recipient to be able to perform based on their age. (See Exs. A, B.) But it was not established that Gaede or Calderone's lack of understanding of minute details of the IHSS program means they did not understand the elements of the program that were relevant to NLACRC's determination about Claimant's eligibility for PA services.

Respondent's Evidence

17. Mother is a special needs advocate who has acted as an authorized representative in fair hearings under the Lanterman Act before. As a special needs advocate, Mother is familiar with the IHSS award and appeal process, as well as the

provision of services to people with developmental disabilities under the Lanterman Act.

18. Mother testified she requested the IHSS Award Letter from DSS after calling the IHSS help line and waiting on hold for several hours, but she still has not received it. She claimed it is typical to wait as long as eight months for DSS to provide documents requested by IHSS recipients. But Mother also admitted she would not provide the IHSS Award Letter to NLACRC even if she had a copy of it. Mother's hesitation about providing the letter stems from her belief that Gaede and other regional center employees would not know how to interpret it correctly.

19. Mother testified she did her best to offer other information to the regional center about Claimant's IHSS award short of providing the actual letter to the regional center. According to Mother, Claimant receives the maximum amount of IHSS hours allowable, which is 283 hours per month. Mother asserted that the number of IHSS hours Claimant receives has not changed since he was approved to receive IHSS in 2017 or 2018.

20. Claimant's bad behaviors increased after his sister passed away in 2023. Moreover, Claimant's grandmother was diagnosed with Stage 4 lung cancer and moved into the family home, changing the family dynamic and causing additional stress to Claimant. According to Mother, there have been no changes in Claimant's family circumstances that would warrant a reduction in his PA hours.

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LEGAL CONCLUSIONS

The Lanterman Act

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) (All further undesignated statutory references are to the Welfare and Institutions Code.) The Legislature enacted 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.)

2. DDS is the state agency charged with implementing the Lanterman Act; DDS, in turn, contracts with private, non-profit community agencies called "regional centers" to provide developmentally disabled persons with access to the services and supports best suited to them throughout their lifetime. (§§ 4416, 4620.)

3. Under the Lanterman Act, an administrative proceeding, also known as a "fair hearing," is available to determine the rights and obligations of regional centers and claimants when claimants disagree with a regional center decision. (§§ 4700-4717.)

4. Claimant requested a fair hearing under the Lanterman Act, and thus, jurisdiction for this case was established. (Factual Findings 1-3.)

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Standard and Burden of Proof

5. The party proposing a change in existing services or asserting a new claim holds the burden of proof in administrative proceedings. (See, e.g., *In re Conservatorship of Hume* (2006) 140 Cal.App.4th 1385, 1388 [the law has “a built-in bias in favor of the status quo,” and the party seeking to change the status quo has the burden “to present evidence sufficient to overcome the state of affairs that would exist if the court did nothing”].) The standard of proof for these proceedings is the preponderance of the evidence because no other law or statute, including the Lanterman Act, provides otherwise. (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.)

6. Here, NLACRC bears the burden of proving by a preponderance of the evidence that its proposal to reduce or terminate Claimant’s current PA hours is justified. On the other hand, Claimant bears the burden of proving by a preponderance of the evidence that NLACRC is required to allow him to transition to the SDP program.

Individual Program Plan Process

7. The determination of which services and supports are necessary for each regional center client is made through the IPP process with the regional center. (§ 4512, subd. (b).) This determination “shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer’s family, and shall include consideration of a range of service options proposed by [IPP] participants, the effectiveness of each option in meeting the goals stated in the [IPP], and the cost-

effectiveness of each option.” (*Ibid.*; § 4646, subds. (a), (b) [noting that the IPP is developed through an “individualized needs determination” that includes the client as well as their parents, guardians, or authorized representatives, and should reflect “the needs and preferences of the consumer, and, as appropriate, their family.”].)

8. The IPP process includes “[g]athering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities” and should include a review of the “needs of the child and the family unit as a whole.” (§ 4645.5, subd. (a)(1).) This information gathering process allows the regional center to “identify and pursue all possible sources of funding for consumers receiving regional center services.” (§ 4659.) Regional centers gather this information in part to ensure that a consumer is using “generic services and supports if appropriate.” (§ 4646.4, subd. (a)(2).) This is because regional center funds may not be “used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services” (§ 4648, subd. (a)(8).)

9. If no generic agency will fund a service specified in a consumer’s IPP, the regional center must fund the service to meet the goals outlined in the IPP. In this way, a regional center is considered the “payer of last resort.” (§§ 4648, 4659, 4659.10.) These cost control measures are in place to conserve resources that must be shared by many consumers. (See, e.g., §§ 4640.7, subd. (b), 4651, subd. (a), 4659.)

10. When selecting the types of services and supports appropriate for inclusion in a regional center client’s IPP, the regional center must consider

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).)

11. The IPP process should be a collaboration among the regional center, consumer, and parents. (§§ 4646, 4646.5, subd. (a)(4).) This is in part because the responsibility for and towards a consumer is shared between the regional center and the consumer's parents. (See Fam. Code, §§ 3900, 3910; Welf. & Inst. Code, §§ 4620, 4685, subd. (a).) An important goal of the Lanterman Act is to foster improved coordination and cooperation between system participants, including regional centers and families. (§ 4511, subd. (b).) Thus, a fair reading of these provisions is that consumers and their parents have the reciprocal obligation to help the regional center meet its mandate, especially by sharing information. Put another way, a person who seeks benefits from a regional center should also bear the burden of providing information and cooperation. (See, e.g., Civ. Code, § 3521 ["He who takes the benefit must bear the burden."]; see also *Department of Veterans Affairs v. Duerksen* (1982) 138 Cal.App.3d 149, 154–156 [defendant not entitled to reap the advantages of a program designed to assist veterans without also being bound by other rules of the program].)

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Self-Determination Program

12. The SDP allows participants and their families to have an annual budget for services and supports to meet the objectives of the participant's IPP. (See § 4685.8.) SDP is an alternative to the regional center's traditional IPP planning and service provision process and it requires the client's opt-in to participate. (*Id.*, subd. (d).) "'Self-determination' means 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." (*Id.*, subd (c)(6).)

13. The SDP "shall be available in every regional center catchment area to provide participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP." (§ 4685.8, subd. (a).) A regional center "shall not require or prohibit participation in the [SDP] as a condition of eligibility for, or the delivery of, services and supports otherwise available" under the Lanterman Act. (*Id.*, subd. (d).)

14. A regional center consumer may participate in SDP if he or she meets all the following eligibility criteria: (1) the participant has a developmental disability; (2) the participant does not live in a licensed long-term health care facility; and (3) the participant agrees to certain terms and conditions of the SDP program. (§ 4685.8, subd. (d).) Those terms and conditions include the agreement to "utilize the services and supports available within the [SDP] only when generic services and supports are

not available” and to “only purchase services and supports necessary to implement their IPP” (*Id.*, subd. (d)(3)(B), (C).)

Analysis

15. Both witnesses for NLACRC provided persuasive testimony that Claimant’s IHSS Award Letter was a critical piece of information the regional center needed to determine what services and supports it could provide to Claimant and to ensure it was complying with its obligation to ensure Claimant was using all generic resources available to him. (Factual Finding 14.) Calderone further testified that the regional center had not previously asked for the letter as a one-time exception due to the death of Claimant’s sister in 2023. (Factual Finding 15.) Although Mother testified she did not have a current version of the IHSS Award Letter even though she requested it from DSS, her admission she would not provide that letter to NLACRC even if she had it moots her alleged inability to obtain the letter.

16. No consumer should benefit by withholding information or by refusing to cooperate with the regional center. A claimant who withholds information or refuses to cooperate deprives the regional center of the ability to make informed decisions about what services, and the level of those services, are necessary to help consumers meet their IPP goals. (Legal Conclusions 7–11.)

17. Mother’s refusal to provide the IHSS Award Letter, and her admission she would not provide that letter even if she had it, thwarts NLACRC’s ability to effectively monitor the progress and appropriateness of Claimant’s IPP, such as how many PA hours the regional center should fund. NLACRC’s service standards require that the regional center’s funding of PA hours will only be provided “as an exception,” once generic services such as IHSS have been explored and accessed. (Factual Finding 12.)

This is consistent with DDS's guidance that regional center consumers should use all IHSS hours awarded to them. (Factual Finding 13.) Without the IHSS Award Letter, NLACRC cannot accurately assess whether Claimant still qualifies to receive PA hours as an exception to its service standards. (Factual Finding 14.) The regional center has therefore met its burden to show by a preponderance of the evidence that it was justified in terminating Claimant's PA hours unless and until it can confirm that service is still appropriate for him.

18. For the same reason, Claimant failed to meet his burden to show that the regional center should have allowed him to enter SDP. Transitioning from the traditional funding model to SDP is contingent on the Claimant's agreement to "utilize the services and supports available within the [SDP] only when generic services and supports are not available" and to "only purchase services and supports necessary to implement their IPP" (Legal Conclusion 14.) Mother's refusal to cooperate with the regional center by providing the IHSS Award Letter suggests that she, as Claimant's parent, does not agree to only use SDP funds when generic services and supports are not available and would not agree to only purchase services and supports necessary to implement Claimant's IPP. Accordingly, as Claimant does not currently meet all of the eligibility requirements to transition to SDP, NLACRC did not err by refusing to allow that transition.

ORDER

Claimant's appeal is denied in its entirety. NLACRC may reduce or terminate Claimant's PA services.

If Claimant provides the regional center with the IHSS Award Letter, or other evidence sufficient to satisfy the regional center that Claimant is exhausting all generic resources related to PA services, the regional center may reassess whether, and to what extent, Claimant should receive those services again. In that event, the regional center may also reassess whether Claimant meets all requirements to transition to SDP.

DATE:

TAYLOR STEINBACHER

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant,

OAH Case No. 2025041138

vs.

DECISION BY THE DIRECTOR

North Los Angeles County Regional Center,

Respondent.

ORDER OF DECISION

On August 22, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

After a full and independent review of the record in this case, and for the reasons explained below, the attached Proposed Decision is ADOPTED in part and REJECTED in part as follows:

1. The ALJ's ruling that North Los Angeles County Regional Center (NLACRC) may reduce or terminate claimant's Personal Assistant (PA) service hours if claimant fails to provide in-home support services (IHSS) Award Letter is ADOPTED. NLACRC demonstrated that claimant's IHSS Award Letter is a critical piece of information needed to determine what services and supports, including how many PA services hours, it could provide claimant to meet claimant's Individual Program Plan (IPP) goals and needs. (see Welfare and Institutions Code Section 4512, subdivision(b).).

2. If claimant provides NLACRC with the IHSS Award Letter, or other evidence sufficient to satisfy NLACRC that claimant has exhausted all generic resources related to PA services, NLACRC may reassess whether, and to what extent, claimant should receive PA services again.

3. The ALJ's ruling that NLACRC may prohibit claimant from transitioning to the Self Determination Program (SDP) if claimant fails to provide the IHSS Award Letter is REJECTED. Welfare and Institutions Code Section 4685.8, subdivision (d)(3)(B), requires SDP participants to exhaust generic resources before receiving services under SDP. Claimant's failure to provide the IHSS Award Letter impacts his ability to receive PA services under SDP, as claimant was not able to show whether he exhausted the generic resource of IHSS services. However, claimant's failure to provide IHSS Award Letter may not impact his ability to join SDP and receive other services and

supports that do not need NLACRC knowing how many IHSS service hours claimant receives. Thus, claimant could still transition to SDP and receive other requested services and supports without the IHSS Award Letter if all other SDP requirements are complied with for those other requested services and supports.

4. Page 15, paragraph 18, shall be modified to read: “transitioning from the traditional funding model to SDP may be contingent on the claimant’s agreement to “utilize the services and supports available within the [SDP] only when generic services and supports necessary to implement their IPP.”

5. The last sentence of the proposed decision on page 16 that reads “in that event, the regional center may also reassess whether Claimant meets all requirements to transition to SDP” is stricken.

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: September 17, 2025.

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