

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

In the Matter of:

CLAIMANT

and

TRI-COUNTIES REGIONAL CENTER,

Service Agency.

DDS No. CS0026302

OAH No. 2025050158

DECISION

Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter via videoconference on June 27, 2025, October 1, 2025, and October 2, 2025.

Testimony and documents were received in evidence. The matter was submitted for decision on October 2, 2025.

Azita Aslemand, Oxnard Adult Manager, represented Tri-Counties Regional Center (service agency or RC).

Claimant's Mother (mother) represented claimant. The names of claimant and his family members are omitted to protect their privacy and maintain the confidentiality of this proceeding.

On October 6, 2025, claimant submitted three additional documents to OAH. Since this matter was submitted for decision on October 2, 2025, those documents were not reviewed or considered by the ALJ. However, to have a complete record, those three documents were uploaded to CaseCenter and were marked for identification only as claimant's exhibits Y, Z, and AA.

ISSUE

Shall the service agency be ordered to fund the software application "Undivided" at a rate of \$115 per month, beginning June 2025?

EVIDENCE RELIED ON

In making this Decision, the ALJ relied on RC's exhibits 1 through 15, claimant's exhibits A through V, and the testimony of all witnesses.

FACTUAL FINDINGS

Jurisdictional Matters

1. The service agency determines eligibility and provides funding for services and supports for people with developmental disabilities under the Lanterman

Developmental Disabilities Services Act (Lanterman Act) pursuant to Welfare and Institutions Code (Code) section 4500 et seq.

2. Claimant is a 4-year-old male who is a consumer of the service agency based on the eligible category of fifth category, which is a disabling condition found to be closely related to intellectual disability or requiring treatment similar to that required for individuals with intellectual disability.

3. On April 24, 2025, the service agency sent a letter to claimant which denied claimant's request that the service agency fund the cost of the Undivided Application (UA). RC stated that, pursuant to Code section 4512, subdivision (b), "regional centers can only purchase services that are directly related to your child's developmental disability" and "services must be specifically provided to the child and must directly address his eligible diagnosis of 5th Category, and the Undivided App is unrelated to his eligibility." (Exhibit 3.) The service agency further relied on Code section 4659, which requires that RC consumers utilize all possible sources of funding, commonly known as "generic resources," prior to seeking funding from RC.

4. In the service agency's denial letter (Exhibit 3), the service agency listed generic services potentially available to assist claimant's family. Those services included:

- Family Resource Center which is staffed by parents who have children with special needs and provide information and parent-to-parent support.
- Community Navigator Program which is a program that helps individuals and families connect with resources and services within their communities. These navigators provide guidance, support, and referrals to local, state, and

federal resources, including special education, employment, and healthcare services.

- Parent Support Groups which are organized by the Family Resource Center and Rainbow Connections (Rainbow). These groups offer a space for guidance, shared experiences, and community support.
- Office of Clients' Rights Advocacy which provides free legal information, advice, and representation to regional center clients.
- Access Central Coast, formerly known as Independent Living Resource Center, which is a nonprofit organization dedicated to supporting individuals with disabilities and older adults to assist them in living independently and in their community of choice.
- Special Education Local Program Area (SELPA) is an entity that can coordinate special education services for students with disabilities.
- The service agency has an employee who acts as the Individuals with Disabilities Education Act (IDEA) specialist. The IDEA specialist can provide technical assistance to families regarding special educational services.

5. Claimant's mother initially requested funding for UA in April 2024. However, UA offered a free scholarship to claimant, which covered the expense of UA through May 2025. Mother requested that UA be added to claimant's Individual Program Plan (IPP) and that RC consider funding UA after the scholarship concluded.

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Regional Center Evidence and Contentions

6. Fatima Lopez, Early Childhood Manager for RC, testified that mother informed her that Rainbow was insufficient to meet mother's needs in advocating for her child.

7. Eulalia Apolinar (Apolinar), Assistant Director of Service and Supports for Early Childhood for RC, testified that UA is, in part, an advocacy tool, which could be utilized by claimant in a dispute involving his school district or SELPA. Apolinar testified that RC works closely with SELPA. Therefore, RC does not want to fund an advocacy tool that could be used "against" SELPA, with whom RC has a working relationship. However, RC did not raise this contention prior to hearing and it is not stated in RC's denial letter as a basis to deny claimant's request for funding. Additionally, RC did not provide any legal authority for its contention that RC's relationship with SELPA takes precedence over claimant's needs and is a valid reason to deny funding.

8. Roxanna Benavides (Benavides) is a RC employee and has been claimant's service coordinator since September 2024. Benavides testified that mother informed her that the generic services offered by RC did not meet mother's needs, especially since mother likes to review documents and work in the evening hours, when the generic resources are unavailable.

9. Alexandra Bass testified that RC recommends Rainbow for advocacy training, and that Rainbow could assist mother in advocating for her son.

10. Laurie Jordan (Jordan) has worked as the manager of Rainbow since 1989. Rainbow is a group of parents who have children with developmental disabilities. These parents assist other similarly situated parents. Jordan's testimony established

the facts stated below. In general, Rainbow is open from 9 a.m. to 5 p.m. However, at times, Rainbow is closed if they do not have enough staff or if staff is attending an outside event. Rainbow is not always able to provide one-on-one assistance to parents because of staffing issues.

11. Jordan acknowledged that many parents struggle with managing a notebook that contains all their child's medical and educational paperwork and documents. Therefore, Rainbow offers parents the option of using a digital notebook. Jordan acknowledged she is not knowledgeable regarding digital notebooks, but she testified that some parents are willing to assist other parents in creating a digital notebook. Jordan also testified that Rainbow does not track consumers' satisfaction with its services. Therefore, Jordan acknowledged that the effectiveness of Rainbow's offered services is unknown.

Claimant's Evidence and Contentions

12. Claimant's mother testified that, "I am a mother with a permanent disability and resulting lifelong deficits who is raising a young child with a disability. I am navigating this journey while recovering from three strokes, managing a 'new normal,' and supporting four children."

13. Claimant's mother testified that, "UA has provided me with tools, knowledge, and structure that no other system has. It gives me access to:

- A secure, centralized binder for [claimant's] documents, contacts, and histories.
- Specialist advice for education, insurance, and public benefits (which helped us appeal for diapers through Medi-Cal).

- Step-by-step guidance to ensure efficient and clear understanding through every application, request, and review process.
- Expert Navigators who are parents themselves and who can share insight, encouragement, and direct support; the UA staff provides a safe and informed space to discuss ideas, concerns, and challenges and while supporting solutions.”

14. Claimant’s mother has used UA daily since April 2024, and she has found it to be “foundational to my ability to effectively support [claimant].”

15. Mother suffered a stroke in 2024 which resulted in her having permanent weakness on her right side and makes it difficult for her to write. Mother can use her left hand to type on UA. The stroke also resulted in mother having what she described as “brain fog.” UA’s roadmaps and checklists enable mother to remember the progress she has made, or the steps she needs to complete, when she is attempting to obtain benefits for her son. UA is available anytime, which allows mother to utilize UA at night, when she feels most capable.

16. Susie Allison (Allison) is employed by UA as a Navigator. Allison has been assigned to support mother with using UA. Allison responds to mother’s texts as soon as she sees them on her phone, which is normally immediately during the day, or as soon as she sees them after office hours.

17. Seth Besse (Besse) has been the Corporate Executive Officer for UA since 2022. Besse testified that UA was designed to provide a comprehensive guide for parents who have children with a developmental disability. UA provides a roadmap and “goals checklist” approach for parents to follow at IPP meetings, Individualized Education Plan (IEP) meetings, and to obtain regional center and special education

benefits, as well as other benefits available through insurance or other public entities. UA provides a comprehensive digital platform that contains checklists and other information regarding each benefit. The digital binder allows a parent to easily upload documents, and to quickly email the uploaded documents to other parties. UA has a research library with is available 24 hours a day. UA adds resources as needed and is continually accepting feedback from parents who use UA. The parents' feedback results in UA being able to monitor parents' satisfaction, and to change UA as needed to meet the parents' needs.

18. UA provides a Zoom "office hour" once per week, which includes UA's experts who are available to offer advice or to answer a parent's specific question. UA's personnel include experts and advocates in the areas of public benefits, regional center benefits, special education benefits, and other related benefits.

Other Evidence Offered by the Parties

19. One regional center, namely Redwood Regional Center (Redwood), has already approved UA as a vendor. RC has not researched or inquired regarding the effectiveness of UA with consumers at Redwood. UA is currently in the process of applying to be an approved vendor with San Diego, Golden Gate, and San Andreas regional centers.

20. RC currently funds UA for several consumers whose services are funded by a Self-Determination Program (SDP). RC is not currently funding UA for any consumer with a traditional funding program.

21. The evidence presented established that UA provides mother with the support she requires to advocate for claimant in securing educational services from his school district, and other benefits to which he is entitled.

22. The evidence presented established that mother utilized, or made reasonable attempts to utilize, the generic services offered by RC. Thereafter, mother reported to multiple RC personnel that the generic services were insufficient to meet her needs to effectively advocate for claimant. Specifically, mother attempted to utilize RC's resource center. Mother found that the resource center's hours do not fit her schedule, her phone messages were not returned, and she was unable to schedule a one-on-one meeting. Mother also contacted SELPA, but SELPA staff informed mother that they were not attorneys and could not offer the information sought by mother.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. The standard of proof in this case is the preponderance of the evidence because no law or statute, including the Lanterman Act, requires 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.)

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, as set forth in Code sections 4700 through 4717. In this matter, claimant appealed RC's denial of funding for UA.

3. The party asserting a claim, or proposing to make changes to the status quo, generally has the burden of proof in administrative proceedings. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9.) In this case,

claimant is seeking funding for UA, a new service, and therefore claimant has the burden of proof.

Governing Law

4. Pursuant to Code section 4640.7, subdivision (a), regional centers are required to assist persons with developmental disabilities and their families in securing needed services and supports.

5. Code section 4647, subdivision (a), provides that the parties' service coordination includes the collection and dissemination of information, as well as monitoring implementation of an IPP to ascertain that objectives have been fulfilled and to assist in revising the IPP as necessary.

6. Code section 4512, subdivision (b), lists services that may be funded by a regional center under the Lanterman Act. One of the services listed is "advocacy assistance," which UA provides to mother.

7. However, Code section 4512, subdivision (b), requires RC to consider "the cost-effectiveness of each option." Regional centers are required to "identify and pursue all possible sources of funding for consumers receiving regional center services," pursuant to Code section 4659, subdivision (a). These other sources are generally known as "generic resources," and include school districts and private insurance.

Analysis and Disposition

8. Claimant contended that Code section 4685, subdivision (c), supports his request for funding for UA. That Code section states, in pertinent part, "[I]n order to provide opportunities for children to live with their families . . . regional centers shall

give a very high priority to the development and expansion of services and supports designed to assist families that are caring for their children at home, when that is the preferred objective in the IPP. This assistance may include . . . *advocacy to assist persons in securing income maintenance, educational services, and other benefits* to which they are entitled.” (Emphasis added.)

9. RC has funded UA for several consumers who have an SDP. UA is also an approved vendor with Redwood. The SDP plan allows consumers more flexibility in obtaining services, as compared to regional centers traditional funding plan where the regional center utilizes approved vendors to provide services and the regional center pays the vendor directly.

10. RC contended that the language of Code section 4685, subdivision (c), is only applicable to consumers who have an SDP, as compared to a traditional funding plan. However, RC did not provide sufficient legal support for this contention. Additionally, Code section 4512, subdivision (b), also states that funding may be provided for advocacy assistance. Therefore, the relevant law provides that RC is not prohibited from funding UA as an advocacy assistance tool for mother, to assist her in advocating for claimant. The service agency did not provide sufficient legal authority to support its contention that UA may only be funded when the consumer has an SDP.

11. Claimant established that mother attempted to utilize the available generic resources offered by RC and they are insufficient to meet his mother’s specific needs, based on her physical and mental limitations caused by a stroke.

12. For all these reasons, and because of mother’s specific limitations, it is appropriate to conclude that RC should fund UA.

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ORDER

Claimant's appeal is granted. Tri-Counties Region Center's denial of claimant's request for funding for the Undivided software application is reversed. Tri-Counties Regional Center shall fund the Undivided application for claimant, retroactive to June 2025, at a rate of \$115 per month.

DATE:

CHRIS RUIZ

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 within 15 days of receiving the decision, or appeal the decision to a court of competent jurisdiction within 180 days of receiving the final decision.