

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

In the Matter of:

CLAIMANT

and

HARBOR REGIONAL CENTER,

Service Agency.

DDS No. CS0026972

OAH No. 2025050859

PROPOSED DECISION

Administrative Law Judge Deena R. Ghaly, Office of Administrative Hearings (OAH), State of California, heard this matter on September 5 and October 28, 2025, at the Harbor Regional Center (HRC or service agency) offices in Long Beach, California.

Independent Facilitator Lourdes (Lulu) Aguilar represented Claimant, who was present. Claimant's mother (Mother) was also present. The names of Claimant and Mother are not used in this proposed decision to protect their privacy.

Latrina Fanin, HRC's Manager of Rights and Quality Assurance, represented HRC.

A Spanish interpreter was present on both hearing days to assist Ms. Aguilar and Mother.

Documentary evidence and testimony were received. The record closed and the matter was submitted for decision on October 28, 2025.

ISSUE

Should HRC add \$10,000 to Claimant's Self-Determination Plan budget for services to "coordinate advocacy supports?"

EVIDENCE CONSIDERED

Claimant's Evidence: Exhibits A – L (English translations only); testimony of Mother.

HRC's Evidence: Exhibits 1-14; testimony of Jimmy Silvestre, Client Services Manager, Ricardo Orozco, former Service Coordinator, and Antoinette Perez, Director of Children and Adolescent Services.

FACTUAL FINDINGS

1. The Department of Developmental Services (DDS) administers the Lanterman Developmental Disabilities Services Act (the Lanterman Act) (Welf. & Inst. Code, §4500 et. seq). (All other statutory citations are to the Welfare and Institutions Code unless otherwise designated.)

2. HRC is one of multiple nonprofit regional centers established by the Lanterman Act to evaluate potentially developmentally disabled individuals, and, if

they qualify for services under the Act, develop individually tailored plans for their care, and help find sources of services, subject to the strictures of the Lanterman Act and its regulations. (See *Shalghoun v. North Los Angeles County Regional Center, Inc.* (2024) 99 Cal.App.5th 929, 937.)

3. Claimant is a 15-year-old boy who is eligible for regional center services due to a diagnosis of intellectual disability. Claimant is in generally good health but has serious behavioral issues and delays in his educational development. Mother is Claimant's primary care provider and is also one of his In-Home Supportive Services (IHSS) caretakers. His sister is also an IHSS caretaker for Claimant. Spanish is the family's preferred language.

4. Claimant's latest IPP report, dated May 9, 2025, includes parent reports of difficult to control behavior, including Claimant's tendency to elope. (Exh. 4, p. A22.) The IPP reflects that HRC funds recreational classes in swimming and photography, 40 hours of personal assistance services when Claimant is out in the community, and some ABA training. (Exh. 4, p. A23.) HRC also recently provided funding to allow Mother and Claimant's father to attend a conference providing education for the families of children with disabilities. According to the IPP, Claimant is a Medi-Cal health insurance recipient and, in addition to providing health care coverage for him, Medi-Cal pays for transportation to take Claimant to and from medical appointments and for nutritional counseling. (Exh. 4, p. A25.)

5. Claimant is currently enrolled in Paramount High School's program for children with developmental disabilities. There, he receives occupational and speech therapies, adapted physical education, audiological services, behavioral intervention services, and a 1:1 aide. The school district also provides Claimant with transportation to and from school.

6. Claimant receives his supports through the Self-Determination Program (SDP), a voluntary program administered by DDS that gives participants more flexibility and choice in determining resources and desired services and supports. (§ 4685.8, subd. (a).)

7. Mother is Claimant's primary caretaker. According to a letter from a medical provider, Dr. Brooke Guerrero, she is a patient at a neurology clinic and "would benefit from a day of rest once per week from work when needed by patient to help her rest and recover." (Exh. D, p. B52.) Mother testified at the hearing and stated she suffers from a brain tumor and, between her illness, the extraordinary demands involved in caring for Claimant, and her non-English speaking status, she is unable to effectively advocate for and obtain the full array of services necessary to help Claimant thrive. Mother is particularly concerned about Claimant's education, noting that he has not progressed past kindergarten-level learning despite his age and about potential cuts to services HRC provides to Claimant.

8. Mother would like funds to retain a service or individual to assist her with the tasks involved in advocating for and securing Claimant's services. Mother wants such a person or persons to accompany her to meetings, evaluations, mediations, and hearings and provide interpretation and advocacy services. She also wants assistance with answering emails and preparing other correspondence and to explain and help her apply for governmental benefits programs, including IHSS, SSI, and transportation services.

9. Mother maintained she has accessed the assistance she feels she needs through regional center resources but they have not been effective. To wit, the service coordinator assigned to Claimant's case at the time, Ricardo Orozco was not available for one of Claimant's Individual Education Plan (IEP) meetings. For meetings he did

attend, Mother maintained Orozco did not actively advocate for Claimant. Mother also stated HRC's in-house special education attorney, Drew Brothers, only provides consultations regarding special education resources but does not provide legal representation. Mother noted that after their appointment, it took over two months for Brothers to send her a few links to internet sites with information about special education.

Claimant's Request for Services and HRC's Response

10. At his annual Individual Person-Centered Plan (IPP) meeting held on March 5, 2025, claimant's mother requested an additional \$10,000 be added to his SDP budget to pay the fees of individuals to help her advocate for services and supports. In its Notice of Action (NOA), HRC denied claimant's request, writing:

. . . we propose you utilize the many no cost options we have available such as support through your service coordinator, Special Education attorney, parent mentor services, and resources in the community such as the Office of Client Rights and Advocacy (OCRA). Also, we can help you explore allocating funds from your existing budget into your spending plan if a need for IEP support is present and you do not want to utilize the no cost resources that are available.

(Exh. 3, p. A12.)

11. HRC's NOA goes on to acknowledge Mother's concerns about claimant's school district falling short in meeting his educational needs but also noted her refusal to all HRC's resources. The NOA goes on to state:

. . . helping families access appropriate school and benefit services is a primary function of your service coordination team. When issues are complex, we work closely with our specialists to help us better support individuals and their families.

(Exh. 3, p. A12.)

12. Mother has sent lengthy communications to Orozco, Claimant's current SC, Vanessa Madrigal, and Client Services Manager Jimmy Silvestre, outlining her many requests for assistance. In these communications, Mother requests multiple meetings with both Orozco and Silvestre, pre-meetings to help her prepare for various proceedings, and that HRC personnel summarize, translate, file, organize and send copies of various documents to herself with copies to Aguilar, sometimes in multiple formats such as by email, text and hard copies through the mail, among other requests. One communication demonstrates the extent of Mother's requests:

My request has been and is that every document that refers to or has the name of [Claimant] be translated into Spanish and a copy sent to me as soon as possible to my email and printed at home. And also that a copy be placed in the files that the HRC keeps and/or maintains.

I also request that each note, ID note and any documents about or referring to [Claimant] send me a copy in English and when you have the translation into Spanish also send it to me in the same way be email and printed to my home.

Please confirm that you received this letter.

If you have questions or need something from me, please let me know in writing in a clear, concrete and specific way and please only one thing at a time and in advance, sending it printed to my house.

Please put this and all the letters I send you in [Claimant's] files. Please also print this letter, sign as received and send a copy to my home for my files as well as all previous ones that you or anyone from HRC has received and future ones that I send to you by any means whether by email, by regular mail, and those you receive in person.

I also authorize you to send me emails to expedite communications and I request as an accommodation that they all be printed and sent to me in print to my address to ensure that I received the communication and to keep them in my files and when I receive them printed at home I will respond to them.

Please always add Ms. Lulu Aguilar . . . in the communications as well as in phone calls and zoom meetings or in-person appointments.

(Exh. E, p. B73.)

13. At the hearing, Mother testified. She stated she does not understand any of the writings she receives for Claimant, such as the IEP, the IPP, documents about receiving special services, and emails and other communications from HRC. Although she sometimes signs these documents, she does not know what they contain. With

respect to the IPP, Mother stated she signs her approval because she knows none of the services will be provided anyway. Mother also stated she does not understand what service coordinators do. In her experience, the assigned SC comes to her home for a few minutes and then leaves. To the extent they attend school meetings, they are not helpful. In one instance, the SC came to a school meeting but left early.

14. Mother maintained she is willing to access the free advocacy and informational services available through HRC and has made multiple efforts to do so but found they were either unable to help or placed her on waiting lists. Mother also stated HRC's resources, including the SC did not participate in advocacy for Claimant, particularly during IEP meetings. Finally, Mother stated she needs day-to-day help to translate, explain, and navigate the various governmental and private programs from which Claimant may receive services. Mother envisions what she terms "hand-in-hand" services as occurring on a daily or near daily basis as Mother finds addressing Claimant's needs to involve a frequent influx of correspondence, meetings, evaluations, service sessions, and administrative adjudications. According to Mother, she needs in-person, individualized assistance with all these events and that this assistance would range from translation services to assisting with composing written communications and organizing the extensive resulting documentation to expert advice, education and instruction about the various governmental and private programs responsible for providing services to the disabled, to legal representation and advocacy.

15. Mother believes the service providers she could hire charge between \$150 and \$500 per hour, with attorneys charging an additional fee for mileage. Mother did not identify any particular individuals or firms who might be willing to take on this

work. No supporting evidence or explanation was provided regarding the \$10,000 amount requested.

HRC's Evidence

16. HRC presented evidence supporting its contention that it is already providing extensive assistance to Claimant's family to help access all services and supports for which Claimant is eligible and could do more if Claimant's family cooperated more. Silvestre testified at the hearing and stated service coordinators do make themselves available to attend school district meetings though they may need some notice of the meeting time. He also stated there are free legal resources such as HRC's special education attorney, Brothers and OCRA.

17. Silvestre acknowledged that, while SC's may attend school IEP meetings, they are there to empower and support the parents, not actively advocate. Similarly, Brothers provides education, not legal representation or advocacy. OCRA, however, will provide legal representation when its attorneys determine that would be appropriate.

18. Silvestre confirmed HRC refers consumers and their families to parent mentor groups to help them access IHSS and similar government programs. The groups help with initial IHSS applications but do not help with applying for increased hours funded, which is what Mother was seeking. HRC, however, could have assisted Mother more in applying for additional IHSS hours by preparing a "nursing report" but needed the correspondence Mother had received from the IHSS administrators and she declined to provide this documentation. Silvestre also stated HRC could help Claimant and his family apply for other programs such as Social Security Income (SSI)

but would need the family to provide supporting financial and health information and, so far, Claimant's family had not been willing to provide this information.

19. Orozco testified at the hearing. He maintained that, during the time he was Claimant's SC, he attended all meetings concerning Claimant both within and without HRC with one exception, a school meeting for which he was given a single day's notice. Orozco was unable to attend but gave Claimant's family multiple alternate dates and times.

20. Antoinette Perez, HRC Director of Children and Adolescent Services, testified at the hearing. She stated Claimant's family had been afforded opportunities to attend meetings at the most senior level with HRC executive staff members and the invitation to participate in such meetings remains outstanding. She further stated HRC staff are well-versed in the services and supports Mother states she wants to access and providing facilitation and education about these programs is the fundamental work of HRC and regional centers generally. Her own experience with Claimant's family is that, through Aguilar, they have refused, delayed, or failed to cooperate with, HRC's efforts to help.

21. Regarding language barriers, documents submitted at the hearing, including the IPP, correspondence between HRC personnel and Mother, and notices of hearings and related orders were all in both the Spanish and English languages. Perez testified it is HRC's practice to translate any documents prepared by HRC into consumers' preferred language. Orozco testified that trainings regarding programs and procedures at HRC were routinely offered in Spanish.

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LEGAL CONCLUSIONS

1. The purpose of the Lanterman Act is to rectify the problem of inadequate treatment and services for the developmentally disabled and to enable developmentally disabled individuals to lead independent and productive lives in the least restrictive setting possible. (§§ 4501, 4502; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384.)

2. The Lanterman Act provides that an “array of services and supports should be established . . . to meet the needs and choices of each person with developmental disabilities . . . and to support their integration into the mainstream life of the community.” (§ 4501.) Section 4502.1 sets forth the consumer’s and families’ rights. Section 4512, subdivision (b) defines services and supports.

3. As set out in section 4416, DDS is the state agency responsible for carrying out the laws related to the care, custody, and treatment of individuals with developmental disabilities under the Lanterman Act. As set out in section 4620, to comply with its statutory mandate, DDS contracts with private, nonprofit agencies called regional centers.

4. Sections 4640 through 4659.2 set out regional centers responsibilities to their consumers. Section 4646.4, subdivision (a) requires regional centers to establish an internal process to ensure compliance with federal and state laws and regulations when purchasing services and supports. It also requires regional centers to consider generic resources and the family’s responsibilities for providing services and supports when purchasing services and supports for consumers and look to the most cost-effective choices. (§ 4646, subd. (a)(2) &(4).

5. Section 4685.8, subdivision (a) establishes the SDP and requires it to be available in every regional center catchment area and to provide participants and their families with “an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP” Under section 4685.8, subdivision (c)(7), budget funds may only be used to purchase goods, services and supports necessary to implement their IPP. Despite the increased flexibility of the SDP program, it does not allow for funding supports and services not otherwise allowed under the Lanterman Act and its regulations. (§ 4685.8, subd. (m)(A)(ii)(iii).)

6. Section 4710.5 permits consumers or their representatives to appeal regional center decisions with which they do not agree. A consumer seeking to obtain additional funding, as is the case here, bears the burden of proof. (See e.g., *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn.9.) The standard of proof is preponderance of the evidence. (Evid. Code, § 115.)

7. Claimant failed to prove by a preponderance of the evidence that he is entitled to an additional \$10,000 to pay for services to facilitate Mother’s accessing services and supports for him. Nothing in the record established the comprehensive “hand-in-hand” services even exist much less that the \$10,000 requested would be sufficient or would be more or less than necessary.

8. Mother’s conceptualization of what she believes she needs is extensive – involving everything from translating and/or composing every piece of written communication received or sent regarding Claimant’s programming to attending every meeting, evaluation, mediation or hearing and providing translation services and advocacy at each one to uploading documents intended to be introduced at all hearings to providing expertise on the panoply of public services and funding available

and more. However, no evidence was presented supporting the contention that any individual or firm actually offers the full array of services Mother described. At a minimum, there would need to be dedicated team translators, coaches, education and government benefits specialists, and lawyers standing at the ready.

9. Regarding the cost of such services, each provider would presumably have their own rate, either by project or as an hourly amount. Having them available when and as needed may involve paying a retainer. Mother's assertions of rate amounts ranging from \$150 to \$500 an hour are not corroborated by any other evidence and she provided no explanation for how she arrived at these amounts. Similarly, the \$10,000 figure is not supported by any evidence or explanation. Such an award would undermine and violate the principles of good stewardship of public funds inherent in the Lanterman Act's provisions.

10. Moreover, even if the funds requested were supported by proposed service providers and their fees, Claimant has not provided evidence that these services and supports are necessary to implement his IPP. Mother has stated she believes Claimant is not reaching his full potential because she is unable to adequately understand and interface with the various systems providing his supports; however, it is not clear from the evidence presented that Claimant is not already receiving specialized services from both his school and HRC. Claimant's IEP reflects that he receives multiple services as does his IPP. Additionally, Mother is already paid as Claimant's IHSS worker. It is speculative to determine there are additional services that could or would be awarded to Claimant but for Mother's limitations in acting as his advocate. Further, Mother's presumptions that she will not be able to successfully advocate for anticipated reductions in the services HRC is providing is premature and also speculative. The appeals process is intended to be informal and user-friendly, as

with this matter, interpreters are provided free of charge to the claimants. Proposed decisions are interpreted in the claimants' preferred language.

11. Similarly, generic resources for family assistance are replete throughout the procedures for the programs Claimant needs to access. Claimant's IEP is translated into Spanish and, although he may not have exhibited all the attributes Mother hoped for, the services coordinator assigned to Claimant, Orozco, is Spanish-speaking and available in most instances to attend both Claimant's IEP-planning meetings at his school and HRC meetings. Communications between Mother and HRC have been predominantly in Spanish.

12. As to other government services, it is a matter of common knowledge that the agencies administering these programs provide information online and in publications translated into many languages, including Spanish. Finally, regional centers themselves are the key generic resources for the sort of assistance Mother maintains she requires. As credibly testified to by Perez, HRC has provided extensive, individualized assistance to Claimant's family and will continue to do so if they allow it.

13. Further militating away from granting Claimant's request is testimony from Perez and others indicating Mother has not cooperated with HRC's attempts to assist her and Claimant. Mother denies this and in fact argues the opposite, that HRC resources have not been effective or even available. Corroborating HRC's version of events, however, is Mother's own requests including, for instance, that emails she writes to HRC personnel be printed, signed and mailed back to her with copies to her representative. These requests appear to be without any evident purpose related to advancing Claimant's interests and attempt to place such a burden on HRC staff, they corroborate HRC's general defense that Mother is making it impossible or near impossible to help her and thus, in turn, Claimant.

14. Under these circumstances, Mother's request for additional funds to pay for outside assistants is unsupported by the evidence or any legal argument and therefore must be denied. Mother has not established the funds she seeks are necessary to secure the supports Claimant needs because no generic resources are available to meet these needs. On the contrary, HRC itself is a generic resource available to Claimant and his family and can provide support and information if Mother cooperates with its personnel. To the extent that the parties cannot agree on necessary services and supports, the appeals process is accessible and available to Claimant and his family.

ORDER

Claimant's appeal of HRC's proposed action denying adding \$10,000 to his SDP budget for translation, advocacy and similar services for Mother is denied.

DATE:

DEENA R. GHALY
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025050859

Vs.

DECISION BY THE DIRECTOR

Harbor Regional Center

Respondent.

ORDER OF DECISION

On November 7, 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 December 1, 2025.

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