

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

In the Matter of:

CLAIMANT

and

HARBOR REGIONAL CENTER, Service Agency.

DDS No. CS0027057

OAH No. 2025060021

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on September 4, 2025, by videoconference.

Attorney Wendy Dumlao appeared representing claimant. Claimant's parents, but not claimant, were present.

Attorney Julie Ocheltree appeared representing service agency Harbor Regional Center.

The record closed and the matter was submitted for decision on September 4, 2025.

ISSUE

Must Harbor Regional Center (HRC) add funds to claimant's self-determination program (SDP) budget for 25 hours per week of personal assistance services?

FACTUAL FINDINGS

1. Claimant is four years old and is an HRC consumer because of substantially disabling autism spectrum disorder.
2. Claimant lives in his family's home, with both his parents. He has two elder and two younger siblings. Claimant's eldest sibling is eight years old and his youngest is one year old.
3. Since August 1, 2025, claimant has received services from HRC through SDP.
4. In updating claimant's Individual Program Plan (IPP) and developing claimant's SDP budget, claimant and HRC disagreed regarding several components. Claimant timely appealed. Through further negotiation, claimant and HRC resolved these disagreements, with one exception that is the topic of this appeal and that is identified above.

Claimant's Relevant Needs

5. Claimant needs constant direct supervision, day and night. He makes frequent attempts to leave his family's home alone, and has succeeded on occasion. He is unpredictable and sometimes physically aggressive toward his siblings, particularly his younger siblings.

6. Claimant sleeps poorly, resisting sleep at the end of the day and waking often during the night. To prevent him from disturbing the other children, wandering the house, or escaping, a parent must sleep with him. His restlessness does not allow his parent sufficient sleep, however.

7. Although claimant has age-appropriate physical ability to dress and to feed himself, he resists both activities and often requires significant assistance from an adult. Similarly, claimant requires significant adult assistance in toileting.

8. Claimant strongly resists abandoning activities he likes, and transitioning from one activity to another. He does not cooperate with his siblings, and is indifferent to their needs or preferences when his needs or preferences conflict with theirs. He expresses resistance and unhappiness through tantrums, sometimes involving self-injury.

Supervision Services Claimant Receives

9. Claimant attends preschool nine hours per day, five days per week. He receives Applied Behavior Analysis (ABA) therapy at school. He receives this therapy at preschool, rather than at home, because his ABA provider generally has therapists available only between 8:00 a.m. and 6:00 p.m. on weekdays.

10. Claimant receives almost 59 hours per month of In-Home Supportive Services (IHSS) through the County of Los Angeles, primarily for protective supervision. Claimant's mother is claimant's IHSS provider. She testified, credibly and without contradiction, that she has interviewed potential IHSS providers for claimant who are not family members, but has been unable to hire anyone willing to serve claimant for the IHSS wage.

11. Claimant and HRC have agreed on an SDP budget that includes funding for 126 hours per quarter, or 10 hours per week, of behavioral respite services.

12. The services summarized in Findings 9 through 11 provide about 19 hours per day of supervision for claimant on weekdays, and about 8 hours per day on weekends.

Basis for Claimant's Request

13. Claimant's father is an emergency medicine physician. Since the year of claimant's birth, his father has traveled extensively for his work, which involves supporting medical groups around the United States in using healthcare technology. Most weeks, he spends Monday through Friday away from home, leaving claimant's mother to provide housekeeping and child care for two school-age children, two preschool-age children (claimant and a sibling), and an infant.

14. Claimant's mother struggles to provide adequate care for all her children and for herself. Preparing her children's meals, transporting them to and from school and extracurricular activities, helping them at home with homework and baths, tending to their emotional needs, and performing household chores such as shopping and cleaning would be challenging full-time work for claimant's mother even if claimant were a neurotypical four-year-old. Because he is not, claimant's mother sleeps poorly (due to claimant's overnight needs, as summarized in Finding 6), and must give claimant nearly full attention while he and his siblings are awake. Claimant's mother reasonably finds these circumstances overwhelming.

15. Claimant's parents also believe reasonably that claimant's siblings are receiving inadequate care and support because claimant's needs demand so much parental attention. Even with the significant attention claimant's mother and his

behavioral respite providers give to claimant, he irritates, frightens, and sometimes injures his siblings.

16. Claimant asks HRC to add 25 hours per week of personal assistance services to claimant's service plan. His parents propose to use these services on weekdays, in the mornings and late afternoons, to assist and supervise claimant while claimant's mother attends primarily to the other children.

Basis for HRC's Service Denial

17. In combination with the services summarized in Finding 12, the personal assistance services claimant proposes would result in his having a paid service provider for all 15 non-preschool weekday hours (five personal assistance hours, two behavioral respite hours, and eight IHSS hours provided by his mother).

18. HRC's policy regarding personal assistance services states that such services are appropriate for consumers with "significant safety, social deficits or behavioral challenges." For young children such as claimant, "the need for personal assistance/care services is seen as a typical parental responsibility, and only under exceptional circumstances would HRC authorize personal assistance/care services for a minor child."

19. As an example of such "exceptional circumstances," HRC's guidelines for implementing this policy describe a "single parent with multiple children." Although claimant's mother characterizes herself as effectively a "single parent," the matters stated in Finding 13 show that this circumstance is a family choice, not an unavoidable hardship.

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20. The evidence does not establish that claimant's parents would require HRC-funded personal assistance for claimant if claimant's father also were present at home on some or all weekdays. The evidence also does not establish that claimant's mother would be able comfortably to meet all her and her children's needs alone every weekday even if claimant did not have the unusual needs described above in Findings 5 through 8.

LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code, § 4500 et seq.) entitles claimant to an administrative fair hearing to review HRC's service decisions. (Welf. & Inst. Code, § 4710 et seq.) Claimant bears the burden in this matter to prove that the Lanterman Act requires HRC to fund the personal assistance services he requests.

2. In determining what services to offer, HRC must consider claimant's and his family's "preferences and choices" as well as "the cost-effective use of public resources." (Welf. & Inst. Code, § 4646, subd. (a).) HRC also must evaluate whether and to what extent non-HRC resources are available to meet claimant's needs. (*Id.*, subd. (d)).) This evaluation may reflect "the family's responsibility for providing similar services and supports for a minor child without disabilities," as well as "the consumer's need for extraordinary care, services, supports and supervision." (*Id.*, § 4646.4, subd. (a)(4).)

3. Because of the matters stated in Findings 12 through 20, claimant has not established that his unusual disability-related needs require support that his family

cannot provide. HRC did not err in denying claimant's request for personal assistance services to supplement the other supervisory services he receives.

ORDER

Claimant's appeal is denied.

DATE:

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025060021

Vs.

DECISION BY THE DIRECTOR

Harbor Regional Center

Respondent.

ORDER OF DECISION

On September 10, 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 October 8, 2025.

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