

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

In the Matter of:

CLAIMANT

and

**NORTH LOS ANGELES COUNTY REGIONAL CENTER, Service
Agency**

DDS No. 7912699

OAH No. 2025060066

DECISION

H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on July 18, 2025, via videoconference.

Claimant was represented by his mother and authorized representative.

The Service Agency was represented by Cristina Aguirre, Due Process Officer.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 18, 2025.

ISSUE

The parties agreed that the issue to be determined at hearing was whether the Service Agency must fund homemaker services for Claimant.

EVIDENCE RELIED ON

Documentary: Service Agency's Exhibits 1 through 11; Claimant's Exhibits A through U, W through GG, JJ through LL.

Testimonial: Marixa Lopez; Claimant's mother.

FACTUAL FINDINGS

1. Claimant is an 18-year-old male who qualifies for regional center supports and services by virtue of an autism spectrum disorder diagnosis. He resides with his mother, a single parent, who serves as his conservator and full-time caregiver. Claimant is transitioning into the self-determination program (SDP) for service delivery.

2. The Service Agency currently funds behavioral level personal assistance services, 86 hours of behavior level respite services monthly, adaptive skills training services, and camp and social recreational services for Claimant. He receives 283 hours per month in In-Home-Supportive Services (IHSS) plus 430 minutes per month of IHSS domestic services. Claimant's mother has chosen to serve as Claimant's IHSS provider. This is a voluntary position. She is free to engage a different domestic services provider.

3. In January 2025, Claimant's mother requested the Service Agency to fund homemaker/housekeeping services for the purpose of maintaining a clean and safe home environment. The Service Agency denied the request on grounds that the request was unrelated to Claimant's developmental disability, and that IHSS was available as a generic source for such funding. On March 20, 2025, the Service Agency issued a Notice of Action denying the request. Claimant's mother filed a timely appeal, and this action ensued.

4. At the hearing, Claimant's mother credibly explained that, due to Claimant's severe autism and speech/language impairment:

- a. the IHSS hours are insufficient to keep the house clean and safe. The IHSS hours work out to only approximately four hours per month or one hour per week.
- b. Claimant is messy in the house. He has pica, and he eats with his fingers, dropping crumbs on the couch and the floor.
- c. Claimant suffers from sensory overload and is unable to tolerate the sound of a vacuum cleaner, so his mother is able to use the vacuum cleaner only when Claimant is not present.
- d. Several people regularly come to the house, and Claimant's mother must keep the entry area carpet clean.
- e. Claimant suffers from insomnia. He goes to the back yard, the location of the swimming pool, late at night. Keeping him safe at night places additional pressure on his mother.

//

- f. Claimant's Personal Assistance Service providers never cleaned the house because they had to watch Claimant constantly because of his tendency to elope.
- g. Claimant's mother works as an online merchandiser in addition to her responsibilities caring for her son. That leaves her insufficient time to clean the house.

5. Claimant's mother further explained that Claimant can do certain chores, but only for himself. He can wash his fork and spoon, but he cannot wash pots and pans or launder sheets.

6. Marixa Lopez is a Consumer Service Supervisor with the Service Agency. She has been with the Service Agency for almost 10 years.

7. Ms. Lopez credibly explained:

a. Homemaker services include house cleaning services to the home. The services must be related to the consumer's disability. They would be appropriate were there an extraordinary circumstance such as if Claimant was immobile, but a showing of severe circumstances is required. Claimant has made no such showing and therefore does not qualify for homemaker services. Further, the type of house cleaning services Claimant is seeking involves general cleaning. It is not a specialized service.

b. The Service Agency's Service Standards were approved on July 29, 2024. They are based on the Lanterman Act and are used in the normal course of the Service Agency's business. According to those standards, a family must access generic resources. In this case, IHSS is the generic resource. IHSS has already awarded 283 hours per month plus an additional 430 minutes per month for domestic services.

c. According to his November 5, 2024 Individualized Program Plan (IPP) (Exhibit 2), Claimant has both needs and strengths. He is healthy and can complete tasks, but he needs help with self-care. He receives adaptive skills services and personal services to address safety concerns. No extraordinary housekeeping needs were reported in that IPP.

d. Claimant's current IPP is dated May 27, 2025. (Exhibit 3.) It is in transition because Claimant is moving into the SDP. The IPP reflects that Claimant is healthy and stable, and he has no special housekeeping needs. He is supervised 24 hours per day by various sources. He requires a personal assistant. His mother receives 86 hours of respite services per month. Personal assistance and respite providers are specially trained to address Claimant's behavioral problems. Accordingly, they provide a specialized service.

e. Adaptive skills training services enable Claimant to become more independent. They include self-care tasks and daily living skills such as doing laundry and washing dishes. Those skills assist in maintaining a clean home. According to an Adaptive Skill Training Partner Report, dated March 20, 2025 (Exhibit 6), Claimant is almost average in the "clean living" area. He is strongest in "home living," his level of functioning inside the home. Claimant has progressed and has satisfied many goals including laundry, bathroom chores, kitchen trash, and clearing the eating area. Wiping down that area is 83 percent toward goal. He still requires reminders and support from his providers. He does not manifest extraordinary circumstances that would necessitate extraordinary care.

f. Claimant attends school and participates in several recreational activities outside the home. His mother can run the vacuum cleaner while Claimant is away. His mother could also hire a housecleaner with the funds from IHSS. She is not

required to clean the house herself. Her employment is considered a basic need, unrelated to Claimant's autism.

g. Claimant's pica and insomnia are medical conditions that are addressed behaviorally. They are not part of his disability, and they do not qualify for regional center services.

LEGAL CONCLUSIONS

1. The Service Agency is not required to fund homemaker services for Claimant.

2. Claimant bears the burden of proof in this case. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) The standard of proof is a preponderance of the evidence. (Evid. Code § 115.)

3. A consumer's regional center supports and services and, where appropriate, those of his or her family, are determined by the IPP process. (Welf. & Inst. Code § 4646, subd. (a)(1); Welf. & Inst. Code § 4512, subd. (b).) (All statutory references are to the Welfare and Institutions Code.)

4. Section 4646.4, subdivision (a) states in pertinent part:

(a) Regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer's individual program plan developed pursuant to Sections 4646 and 4646.5, or of an individualized family service plan pursuant to Section 95020 of the Government

Code, the establishment of an internal process. This internal process shall ensure adherence with federal and state law and regulation, and if purchasing services and supports, shall ensure all of the following:

(1) Conformance with the regional center's purchase of service policies, as approved by the department pursuant to subdivision (d) of Section 4434.

(2) Utilization of generic services and supports if appropriate, in accordance with all of the following: [1] . . . [1]

(B) The individual program plan team under Section 4646 may determine that a medical service identified in the individual program plan is not available within 60 calendar days through the family's private health insurance policy or health care service plan or under the Medi-Cal program and therefore, in compliance with paragraph (1) of subdivision (d) of Section 4659, will be authorized for purchase-of-service funding by the regional center.

(C) For purposes of this paragraph, a regional center shall authorize the provision of medical services through the purchase of services during any plan delays, including the appeals process.

(3) (A) Utilization of other services and sources of funding as contained in Section 4659. [1] . . . [1]

(4) Consideration of 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.

5. Although regional centers are required to identify and pursue all possible sources of funding for consumers receiving regional center supports and services, including governmental entities and programs required to pay the cost of providing services. (§ 4659, subd. (a)(1)), regional center funds "shall not be used to supplant the budget of any 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)).

6. Claimant's mother is seeking housekeeping services. Such services are a common, unextraordinary task to be performed in the households of all families. It is true that she faces additional challenges as Claimant's caretaker and sole provider, but those needs do not rise to the level of "extraordinary." She is assisted by respite providers and personal assistance providers, and she could utilize the housekeeping services of others through the funding provided by IHSS, which is a generic source through which she could seek additional funding for such services. To the extent that Claimant is unable to tolerate the sound of a vacuum cleaner, that would be the case regardless of whether his mother or a housekeeper performed the task of vacuuming

the house. Further, Claimant is out of the house a significant part of the day. Vacuum cleaning can be performed during that time.

7. IHSS is a generic source available to Claimant to secure housekeeping services. Accordingly, regional center funding is not available for that purpose absent extraordinary circumstances. Such circumstances do not exist in this case. To find otherwise would run contrary to the Service Agency's Purchase of Service Standards and the Lanterman Act.

ORDER

The Service Agency is not required to fund homemaker services for Claimant.

DATE:

H. Stuart Waxman
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.