

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0027096

OAH No. 2025060069

DECISION

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, heard this matter on September 23, 2025, by videoconference.

James Elliott, Executive Director's Designee, represented San Andreas Regional Center, the service agency.

Claimant was represented by her parent. Claimant was not present at hearing.

The matter was submitted for decision on September 23, 2025.

ISSUE

Did the San Andreas Regional Center (SARC) improperly deny claimant's request to fund an AngelSense GPS tracking and communication device and subscription plan?

FACTUAL FINDINGS

1. SARC issued a notice of action on April 28, 2025, denying claimant's request to fund AngelSense. Claimant submitted an appeal request on May 28, 2025. This hearing followed.

Background Information about Claimant and SARC-Funded Services

2. Claimant is a 14-year-old girl who receives services from SARC due to her autism. Claimant lives with her mother, who has sole custody and is her primary caregiver. Claimant's father occasionally takes claimant for outings but is not otherwise involved in her support and care. The family's primary language is Vietnamese.

3. Claimant's verbal communication abilities are very limited, to sentences of two or three words. She also communicates with simple gestures, leading by hand, and pointing.

4. Claimant is fully ambulatory. As of July 2024, when claimant was 13 years old, she was 65 inches tall and weighed 181 pounds.

5. Claimant is home schooled and receives some special education services from her school district, including visits from a home school instructor. The instructor currently provides five hours of service weekly (two visits of two and a half hours each).

The most recent educational document provided at hearing was an Individualized Education Program (IEP) supplemental review dated January 12, 2024, which noted claimant was eligible for special education due to intellectual disability and autism.

6. Claimant previously attended middle school in a special day class, but was assaulted by another student in early 2023 and refused to go back to school. She was home schooled for some months while awaiting another school placement. In late November 2023, claimant was placed at a non-public special education school. However, after the placement review meeting, claimant's mother returned claimant to home schooling, due to problems with aggressive male students.

7. Claimant's mother described claimant as being traumatized by these school bullying incidents, having regressed in her adaptive functions, and being more fearful (including fears of animals and boys) and inclined to isolate herself at home.

8. Claimant's current Individual Program Plan (IPP) for regional center services is dated July 18, 2024, and includes information obtained in meetings from July to December 2024.

The IPP reflects concerns about claimant's safety skills. Claimant is unaware of potential dangers, behaves impulsively, and requires close supervision at all times. Claimant is afraid of animals and when outside, she will bolt if she sees or hears dogs or cats. She also has a tendency to disrobe in public, which is a safety concern. One of the IPP outcomes relates to supporting claimant at home and in the community with daily living skills and safety awareness, to maximize her independence and allow her to participate in her community.

The IPP also includes outcomes for increasing claimant's communication and pragmatic social skills, and participation in community social recreational activities.

9. SARC is funding personal assistance (PA) hours, currently provided through vendor Alegre Home Care, to address claimant's needs for supervision and care. The quarterly PA hours were recently increased. Claimant's mother stated that claimant receives three PA hours daily, which includes whatever time is required for the PA to travel to and from community locations with claimant and her mother.

10. SARC has offered to fund in-home respite services, but these are not currently being used by claimant. SARC also funds social recreational activities.

11. Claimant receives IHSS (In-Home Supportive Services) funded by the county. Claimant's mother is the sole IHSS provider.

12. Claimant receives ABA (applied behavioral analysis) therapy services through Easterseals Northern California.

Claimant's Eloping Behaviors and Request for AngelSense

13. AngelSense is a watch-sized wearable device that includes GPS tracking and a speakerphone for two-way communication. The device costs \$229, plus a subscription plan (\$50 per month with a one-year contract, \$45 per month for an annual plan paid in advance, or \$65 on a month-to-month basis with no contract). Claimant's mother reports that the AngelSense device also works in the water.

14. According to interdisciplinary client notes in SARC's files, claimant's mother has been requesting funding for AngelSense since February 2025 due to claimant's eloping behaviors and her being "nearly non verbal." Claimant's mother noted that the device would not only monitor claimant's location but would allow the parent to listen and hear what is being said to claimant.

15. At about 6:00 p.m. on April 4, 2025, claimant was with her mother and PA while they were running errands. Claimant saw a dog and immediately took off, running into the street. Fortunately, there were no cars in the road at that time and the PA was able to get claimant back onto the sidewalk. The PA reported the incident and expressed concern for this worsening behavior, writing:

I want to emphasize this as a recurring issue where [claimant's] extreme fear for dogs puts her in sometimes a compromising and dangerous situation as she becomes physically reactive and immediately takes off – not accounting for which direction she's taking off in as a means to escape or put a grave amount of distance between herself and the dog. There are a fair amount of times where we are in a confined space (take a park, quad area, enclosed spaces within the complex, the inside of a store), but the same also applies for public spaces where roads and cars are present. To add, we are actively trying to work on correcting this behavior or minimizing how heightened her emotions can get regarding dogs.

16. Claimant's pediatrician, Prabhjot Kaur Sandhu, M.D., wrote a letter dated April 9, 2025. Dr. Sandhu wrote that claimant:

has a history of autism and is at high elopement risk and also is getting big and strong for her age and has a strong phobia for dogs. For these 2 situations, it would be helpful for her to have 2 personal assistants assigned and to also have access to an AngelSense since she is somewhat verbal

and mom is able to communicate with her. [¶] [Claimant] is currently home school[ed] and her only interaction with the outside world is through outings to local places (such as the park, community market and the gym) and these experiences are very important for her to learn basic living and social skills.

Dr. Sandhu has treated claimant for more than 10 years, and claimant's mother has reported all of claimant's incidents to Dr. Sandhu.

17. On April 24, 2025, Easterseals Northern California, claimant's ABA provider, completed an addendum report. The report noted that caregiver-mediated treatment is clinically indicated at a level of 8 to 12 mid-level supervisor and 3 to 6 high-level supervisor hours monthly. The report added a new treatment goal based on claimant's eloping behaviors, noting the caregiver's report that claimant elopes in 100 percent of outings, providing an operational definition of what constitutes elopement, listing strategies for preventing and addressing the behavior, and setting quantifiable targets for reduced frequency.

18. On July 6, 2025, claimant was nearly drowned at a private residence swimming pool. Claimant left her mother and eloped into the pool within the space of about two minutes. There was no PA present at that time. Claimant sank into the water instead of floating. The homeowner and other parents helped claimant's mother pull claimant out of the pool. Claimant had a bump on her forehead and was purple and unresponsive. Her mother performed CPR and another parent called 911. Claimant was hospitalized for several days due to water in the lungs and unstable oxygen levels and heart rate.

19. Peter H. Ly, Psy.D., wrote a letter dated September 19, 2025. Dr. Ly is claimant's treating psychologist, and sees her twice weekly. He confirmed claimant's autism diagnosis and that her significant impairments include being verbally limited and requiring constant supervision. Dr. Ly also noted claimant's "history of traumatic incidences in the community that has negatively affected her routines and mental well-being." He found she meets criteria for Unspecified Trauma and Stressor-Related Disorder. Dr. Ly wrote:

[Claimant] has anxiety and fear of being out in public. Notably, she has a chronic phobia of dogs starting in her early age and would constantly be hypervigilant of her surroundings. It has been difficult for [claimant] to overcome this phobia despite behavioral interventions. When faced with fear, [claimant] often elopes from her caregivers, and her reaction can be unpredictable. Mother indicated that a monitoring device such as the "Angel Sense" would be beneficial to communicate and keep track of [claimant's] whereabouts. She would like [claimant] to be safe and have the independence in the community as she continues to manage her fears.

SARC's Denial of Funding for AngelSense

20. On April 28, 2025, SARC issued a notice of action, denying claimant's request to fund AngelSense. The notice listed the following reasons for the denial:

Client is with a care provider at all times and is never left unattended. The regional center has not received any

information documenting attempted or successful elopement, nor of elopement of sufficient distance and duration to make this device an appropriate service. Furthermore, the recipient is a minor for whom the care, supervision, and monitoring thereof is reasonably a responsibility of the parent.

The notice cited the following legal authorities in support of the denial:

- Welfare and Institutions Code¹ section 4646, subdivision (a) [regional center services are intended to be effective in meeting IPP goals, reflect the consumer's preferences and choices, and reflect the cost-effective use of public resources];
- Section 4646.4, subdivisions (a)(1) and (a)(4) [IPP internal process shall ensure compliance with regional center's purchase of service policies, and consideration of the family's responsibility for providing similar services and supports for a minor child without disabilities, taking into account the consumer's need for extraordinary care, services, supports, and supervision];
- Section 4647, subdivision (a) [service coordination includes all activities necessary to implement an IPP, including assurance that the planning team considers all appropriate options for meeting each IPP objective]; and

¹ All statute references in this decision are to the Welfare and Institutions Code.

- SARC Purchase of Service Policy. (The policy was not provided at hearing or described in witness testimony, so its relevance here is not clear.)

21. At hearing, SARC did not discuss the statement in the notice of action that claimant is a minor that the parent would reasonably be expected to supervise. That reason for denial is deemed abandoned. Furthermore, the evidence established that claimant has special needs for supervision and monitoring that are well beyond those of most 14-year-old children.

22. SARC argued at hearing that there is insufficient information about the frequency and severity of claimant's elopement to support a finding that AngelSense is an appropriate service, and that the request relies solely on the mother's reporting.

23. Corina Bobeda testified at hearing. Bobeda is the District Manager for the "school age 3 unit" in SARC's San Jose office, which serves clients up to age 23. She supervises claimant's service coordinator.

24. None of the clients in Bobeda's unit receive funding for AngelSense. For clients who elope, Bobeda has authorized respite care and personal assistance hours to provide additional supervision, and the "If I Need Help" safety kit. That kit includes items like tags, bracelets, or patches to attach to the client (these items do not have tracking or communication functions). Claimant's mother questioned whether any bystander would approach claimant, a teenager, to look at such a tag. Bobeda believes they would. Bobeda has also suggested to families that they purchase Apple AirTags to use as tracking devices. Notes from the service coordinator also state she offered claimant's mother a free app called Life 360, but this app was not discussed by any witness at hearing, so it is unclear what it is.

25. In Bobeda's opinion, SARC has not received sufficient information to show that AngelSense is an appropriate and cost-effective intervention for claimant. Bobeda emphasized that claimant is always supervised, and does not independently access the community for outings, stating that if claimant did have that level of independence, GPS tracking might be considered. The possibility of something happening is not typically enough to authorize a service or support. SARC wants to see a documented history of behaviors increasing over time.

26. Bobeda stated that SARC had not received the original ABA provider's report, only the April 2025 addendum adding elopement as a behavior of concern. It was not clear why having the first report was necessary. However, it does appear that SARC received it. A note is in claimant's file stating the service coordinator received the ABA report on May 27, 2025, which is consistent with the testimony of claimant's mother that she sent it to the service coordinator.

27. SARC has a director's exception process, through which the regional center can decide to fund an item or service that falls outside the items typically funded. Bobeda did not use this process to take claimant's request to her supervisor, because she did not find sufficient documentation to justify the service.

Claimant's Additional Evidence and Arguments

28. Claimant's mother discussed two incidents of conduct toward claimant by other people in 2024 that led her to contact the police department.

(a) On January 6, 2024, claimant's mother reported to the police an incident with claimant's male home school instructor, in which the instructor tried to fix a button on claimant's sweater, claimant pushed him away, and he tried to grab claimant. Claimant's mother stated at hearing that this instructor had previously

engaged in unwelcome behaviors toward her (the mother), asking her out on dates, hugging her tightly from behind, and sneaking into her bedroom. The instructor was reassigned after claimant's mother complained to the provider.

(b) On September 14, 2024, claimant was accompanied by her mother and PA to the swimming pool at City Sports. The PA was supervising claimant while the mother was in the gym's bathroom. While claimant was in the pool, she had moved into another swimmer's lane. The other swimmer shouted at claimant, grabbed her arm, and pushed her. The PA did not initially tell claimant's mother about the interaction but then the mother observed the other swimmer shouting at claimant. The mother went to find a manager at the gym and the swimmer again aggressively interacted with claimant. At hearing, claimant's mother expressed her dissatisfaction with the PA's ability to keep claimant safe and failure to promptly tell claimant's mother about the problem.

29. Claimant requires constant supervision, but only has 3 PA hours daily and the home school instructor visits for five hours weekly. Claimant has dangerously eloped when in the community with her mother, and also when the two of them are accompanied by a PA. Claimant is adult-sized, and her mother and the PA are not strong enough to always hold her back when she runs off.

30. Claimant's mother also finds that the PA's are not always reliable and dependable in helping her supervise claimant, sometimes failing to pay sufficient attention to claimant when they are in public places. For example, the mother and PA lost claimant in a market, because the PA was distracted. The PA also played with other children in a park and not claimant, with claimant's mother having to grab claimant.

31. Claimant's mother does not believe that the "If I Need Help" tag would be sufficient, because claimant is a teenager and bystanders may not approach her to look at the tag. Claimant has very limited verbal skills, and her mother is the person who can communicate with her and calm her down.

32. Claimant's mother believes that the AngelSense two-way communication feature would assist her in communicating with claimant when claimant elopes. It would also allow the mother to hear the surrounding noises and what other people around claimant are saying during an elopement, and allow her to ask bystanders to help claimant. Claimant's mother believes this feature would also help in teaching claimant how to advocate for herself, because people often tease claimant, and the mother could review information she heard through the device with the ABA therapist.

33. Having the AngelSense device would provide more security while allowing claimant to continue with her goals to access the community and build independence.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act, § 4500 et seq.). 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.) The purpose of the Lanterman Act is to prevent or minimize the institutionalization of persons with developmental disabilities and their dislocation from family and community; and to enable persons with

developmental disabilities to approximate the pattern of everyday living of nondisabled persons of the same age and lead more independent and productive lives. (§§ 4501, 4685.)

2. The Department of Developmental Services (Department) is the state agency charged with implementing the Lanterman Act. It contracts with regional centers that are responsible for providing persons who have developmental disabilities with access to services and supports best suited for them. (§ 4620, subd. (a).)

3. The Lanterman Act entitles claimant to an administrative hearing to review a regional center's decisions about services and supports. (§ 4710 et seq.) Claimant bears the burden of proof in this matter and the standard of proof required is a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

4. To determine how a consumer is to be served, a regional center conducts a planning process that results in development of an IPP. (§ 4646.) The IPP is developed by an interdisciplinary team with participation by the consumer and/or the consumer's representative. The IPP must state the consumer's goals and objectives, and state the services and supports that will be purchased by the regional center or obtained from generic resources. (§§ 4646, 4646.5 & 4648.)

The determination of which services and supports are necessary is made after analyzing the needs and preferences of the consumer, the range of service options available, the effectiveness of each option in meeting the IPP goals, and the cost of each option. (§§ 4512, subd. (b), 4646, 4646.5 & 4648.)

5. SARC argues that there is insufficient documentation of elopement apart from the report of claimant's mother, but that argument is not persuasive. The evidence established that claimant is prone to dangerous eloping behaviors, as

corroborated by her pediatrician, psychologist, and PA, in addition to her mother. The PA described claimant's elopement as a recurring concern. The ABA provider deemed elopement a behavior of concern and added it as a treatment goal.

SARC also argues that claimant does not require the AngelSense device because she is always supervised by her mother or a service provider. However, the evidence established that claimant has dangerously eloped even while accompanied by her mother and/or a PA, and that claimant is large and strong enough to be difficult to physically control. These circumstances, coupled with claimant's very limited ability to communicate with others, provide sufficient evidence to support the appropriateness of the AngelSense device. The evidence did not show that the device and service are not cost-effective, or that funding is available from generic resources.

Claimant's request for funding of the AngelSense device should be granted.

ORDER

Claimant's appeal is granted.

DATE:

HOLLY M. BALDWIN

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 a 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.