

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

In the Consolidated Matters of:

CLAIMANT,

and

NORTH LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

DDS Nos. CS0028854 and CS0028855

**OAH Nos. 2025080318 (Primary) and
2025080323(Secondary)**

DECISION

Sandy Yu, Administrative Law Judge, Office of Administrative Hearings, State of California, heard these consolidated matters by videoconference on September 26, 2025.

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

Paul Mejia, Due Process Officer, represented North Los Angeles County Regional Center (NLACRC).

The ALJ received testimony and documentary evidence. The record closed and the matters were submitted for decision at the conclusion of the hearing.

An order dated August 28, 2025 consolidated these two matters for hearing and decision. Because these matters concern the same claimant, this single decision will be issued for both matters.

ISSUE

- (1) May NLACRC terminate Claimant's previously authorized respite services?
- (2) May NLACRC terminate Claimant's previously authorized personal assistance services?

EVIDENCE RELIED UPON

Documents: NLACRC Exhibits 1– 12, and Claimant's Exhibits A, E–G.

Witnesses: NLACRC– Stephanie Vargas and Marixa Lopez; Claimant – Claimant, Otis Broome, and Mother.

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FACTUAL FINDINGS

Background

1. Claimant is an unconserved, 19-year-old man who lives with Mother and his siblings in the catchment area served by NLACRC. Claimant receives services and supports from NLACRC based on a qualifying diagnosis of borderline intellectual disability.

2. NLACRC is a regional center designated by the Department of Developmental Services (Department) to provide funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welf. & Inst. Code, § 4500 et seq.)

3. On May 6, 2025, NLACRC Officer of the Day (OD) Specialist, Stephanie Vargas, and Service Coordinator, Katelyn Estrada, met with Claimant and Mother for Claimant's annual Individual Program Plan (IPP). At the time of the meeting, Claimant received the following services and supports from NLACRC: (1) 48 hours of respite services per month; (2) 20 hours of personal assistance services per week; and (3) 20 hours of adaptive skills training per month.

4. During the IPP meeting, Claimant completed the Client Development Evaluation Report (CDER), an assessment of consumer's skills for daily living using a five-point scale. The CDER rates a consumer's skills for daily living on a scale of 1 to 5. A score of 5 reflects a skill level that allows for independent living actions by the consumer, while a score of 1 reflects a skill level that requires care and supervision.

5. According to the CDER, Claimant scored 5.0 in practical independence, 4.60 in personal or social skills, 4.83 in challenging behaviors, 4.83 in integration level,

and 4.11 in well-being level. (Exh. 5, p. A106.) Based on Claimant's high CDER scores, Ms. Vargas determined that Claimant is currently self-sufficient in most areas of the CDER.

6. After discussing the matter with Claimant and Mother, Ms. Vargas and Claimant signed an agreement that NLACRC would terminate respite services, effective August 31, 2025. Ms. Vargas and Claimant also agreed to extend Claimant's personal assistance services through December 21, 2025. However, shortly after the IPP meeting on May 6, 2025, Mother emailed Ms. Estrada, expressing concerns that Claimant did not understand the agreement he signed.

7. On June 18, 2025, Ms. Vargas called Claimant and Mother, explaining that NLACRC's case management team had reviewed Claimant's CDER and determined that, based on Claimant's demonstrated level of independence, respite services were no longer identified as a current need and should be terminated.

8. During the call on June 18, 2025, Ms. Vargas also requested a copy of Claimant's In-Home Supportive Services (IHSS) award letter to reassess Claimant's need for personal assistance services. On July 21, 2025, NLACRC received Claimant's IHSS award letter dated September 1, 2024, stating Claimant received 47:58 hours per month of IHSS services with Mother as the IHSS provider. Based on NLACRC's finding that Claimant is currently self-sufficient, NLACRC determined that Claimant's personal assistance services from NLACRC duplicate personal assistance services provided through IHSS and thus, should be terminated.

9. On June 23, 2025, NLACRC sent a Notice of Action proposing to terminate its funding of respite services for Claimant. Subsequently, on July 28, 2025, NLACRC sent a Notice of Action proposing to terminate its funding of personal

assistance services for Claimant. On August 7, 2025, Mother filed fair hearing requests on Claimant's behalf, appealing the termination of respite services and personal assistance services. This hearing ensued.

Hearing

NLACRC'S EVIDENCE

10. NLACRC contends Claimant's respite services should be terminated because of Claimant's current level of self-sufficiency and independence. NLACRC called two witnesses to testify in support of that contention. First, Ms. Vargas testified that Claimant reported he was self-sufficient in most areas of the CDER, in that he can drive himself to school and does not require any supervision when at home. Ms. Vargas documented Claimant's reported goals and needs for services in an IPP report dated May 30, 2025. (Exh. 12.)

11. Second, NLACRC Consumer Services Supervisor, Marixa Lopez, testified she oversees Claimant's case management. Ms. Lopez reviewed Claimant's CDER and determined Claimant's high scores indicate he is independent, and although he may need reminders to do tasks, he does not need any assistance from another person.

12. NLACRC also contends Claimant's personal assistance services from NLACRC should be terminated because they duplicate personal assistance services provided through IHSS, and Claimant reported being self-sufficient on the CDER, which included daily living activities. Ms. Vargas stated that based on Claimant's IHSS award letter dated September 1, 2024, Mother is assisting him with his daily living activities, including meal preparation, laundry, shopping for food, bowel and bladder care, dressing, and bathing. (Exh. 9, A210.) Ms. Lopez testified that NLACRC's case management team received a semi-annual progress report from Passport to Learning,

Inc. (Passport to Learning), a vendor that provides adaptive skills training to Claimant. According to the progress report, Claimant can complete his chores without prompting about four days a week, cook for himself about four times a week, and buy his own groceries himself. Based on Claimant's CDER, IHSS award letter, IPP report, and Passport to Learning's progress report, Ms. Lopez agrees with Ms. Vargas that Claimant's personal assistance services from NLACRC are no longer needed and should be terminated.

CLAIMANT'S EVIDENCE

13. Claimant testified that during the CDER evaluation, Ms. Vargas asked him closed-ended questions that did not allow him to give additional details. He did not recall agreeing to the termination of his respite services. Claimant explained that Ms. Vargas instructed him to sign a document without explaining its contents, and he subsequently signed the document agreeing to the termination without understanding what he signed. Claimant contended he needs respite services and personal assistance services because they have been helpful.

14. Otis Broome, Claimant's mental health therapist, testified in support of Claimant's needs for respite services and personal assistance services. He previously worked with Claimant from 2020 to 2022 to address Claimant's behavioral issues. Mr. Boome testified that although Claimant has made progress, Claimant still needs assistance with his daily activities, such as reminders with hygiene care.

15. Mother also testified in support of Claimant's needs for respite services and personal assistance services as these services provide assistance with cooking, feeding, cleaning, laundry, setting reminders, and making doctors' appointments. Mother disputed NLACRC's contentions that Claimant no longer needs these services

because he is self-sufficient and independent. Mother explained that although Claimant has a driver's license and can drive, Claimant does not drive alone because he recently received a citation for running a stop sign. Mother also stated that he is only left alone at home sometimes, and for no more than an hour. Mother also added that respite services offer a break for her as Claimant's caregiver.

16. Mother testified that although she was present during the IPP meeting on May 6, 2025, she wanted Claimant to make decisions and speak for himself. However, Mother testified during the meeting, Ms. Vargas did not explain her closed-ended questions to Claimant or follow up with open-ended questions that allowed Claimant to explain his answers. Mother also stated that following the meeting on May 6, 2025, when she was discussing with Claimant about the termination of respite services, Claimant responded that he did not tell Ms. Vargas to terminate his respite services nor agree to the termination. Mother argued that because of Claimant's diagnosis of borderline intellectual disability, Claimant has limitations in understanding things and making decisions.

17. Mother also testified that during the IPP meeting on May 6, 2025, NLACRC informed Claimant and Mother that personal assistance services would continue until December 2025. However, Mother was informed that in June 2025, NLACRC had decided to terminate personal assistance services. Mother disputed NLACRC's reliance on Passport to Learning's progress report findings. Mother testified that Claimant did not have a consistent staff at Passport to Learning, due to high staff turnover and questioned Passport to Learning's information about Claimant.

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LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Where a change in services is sought, the party seeking the change bears the burden of proving that a change in services is justified. (See Evid. Code, § 500.) In this case, NLACRC is proposing to change Claimant's services, and thus NLACRC has the burden of proof. As no other statute or law specifically applies to the Lanterman Act, the standard of proof in this case is a preponderance of the evidence. (See Evid. Code, § 115.) The term preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1388.)

Applicable Law

2. The Lanterman Act provides services and supports to meet the needs of persons with developmental disabilities, regardless of age or degree of disability. (Welf. & Inst. Code, § 4501.)

3. "Services and supports for persons with developmental disabilities' means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of an independent, productive, and normal life." (Welf & Inst. Code, § 4512, subd. (b).) The determination of Claimant's services and supports "shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals

stated in the individual program plan, and the cost-effectiveness of each option.”
(*Ibid.*; see also Welf. & Inst. Code, § 4646, subd. (a).)

4. One such service and support is in-home respite, which is “intermittent or regularly scheduled temporary nonmedical care and supervision provided in the client’s own home, for a regional center client who resides with a family member.” (Welf. & Inst. Code, § 4690.2, subd. (a).) In-home respite is designed to assist family members in maintaining a disabled person at home, provide appropriate care and supervision to ensure safety in family members’ absence, relieve family members from the constant demands of caring for the person, and attend to the person’s basic self-help needs and other activities of daily living. (*Id.*, subd. (a)(1)-(4).) According to NLACRC Service Standards, the regional center will “typically purchase respite services when the care and supervision needs of a consumer exceed that of an individual of the same age without a developmental disability.” (Exh. 8, p. A155.) The need for respite “often correlates to the consumer’s increasing need for care and supervision.” (*Ibid.*)

5. Another service and support is personal assistance, which is “support in the following areas of activities of daily living, including bathing, grooming, dressing, toileting, meal preparation, feeding, and protective supervision.” (Exh. 8, p. A157.) Personal assistance services are intended to “provide adult consumers with appropriate care and supervision and assist consumers in maintaining community living arrangements, including a living arrangement in the family home.” (*Ibid.*)

6. The determination of which services and supports are necessary for each regional center client is made through the IPP process with the regional center. (§ 4512, subd. (b).) This determination “shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer’s family, and shall include consideration of a range of service options proposed by [IPP] participants, the

effectiveness of each option in meeting the goals stated in the [IPP], and the cost-effectiveness of each option.” (*Ibid.*; § 4646, subds. (a), (b) [noting that the IPP is developed through an “individualized needs determination” that includes the client as well as their parents, guardians, or authorized representatives, and should reflect “the needs and preferences of the consumer, and, as appropriate, their family.”].)

Analysis

7. NLACRC failed to meet its burden of proving that termination of Claimant’s respite services is warranted at this time. Claimant lives at home with Mother, who is his caregiver and IHSS provider. The evidence established that although Claimant can do some tasks by himself, Claimant still requires assistance with daily living activities from his mother or another provider. The purpose of respite services is to provide periodic relief to caregivers, like Mother, from ongoing care and supervision. Therefore, NLACRC shall continue to fund 48 hours per month of respite services for Claimant.

8. However, NLACRC met its burden of proving that termination of personal assistance services from NLACRC is warranted. In addition to receiving 20 hours of personal assistance per week from NLACRC, Claimant was also receiving 47:58 hours per month of IHSS services with Mother as the provider. The evidence established that there are overlaps in services in the areas of meal preparation, laundry, bowel and bladder care, dressing, and bathing. To continue funding for personal assistance services from NLACRC would be a duplication of the services provided by IHSS. Therefore, NLACRC correctly proposed to terminate its funding for personal assistance services for Claimant.

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ORDER

Claimant's appeal is granted in part. NLACRC shall continue to fund 48 hours per month of respite services for Claimant. The appeal is otherwise denied.

DATE:

SANDY YU

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.