

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

In the Matter of:

CLAIMANT

and

HARBOR REGIONAL CENTER,

Service Agency.

DDS No. CS0031088

OAH No. 2025101030

DECISION

Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter at the Harbor Regional Center (RC or Regional Center), on December 4, 2025.

Latrina Fannin, Manager of Rights and Quality Assurance, represented RC.

Claimant's Grandmother (GM) and Grandfather (GF) represented Claimant. Titles are used to protect the privacy of claimant's family.

Testimony and documents were received as evidence. The record closed and the matter was submitted for decision on December 4, 2025.

ISSUE

Is Claimant eligible to receive services from RC pursuant to the Lanterman Developmental Disabilities Services Act (Lanterman Act)?

EVIDENCE RELIED ON

Exhibits 1-9 and A-E; Testimony of Dr. Juan Carlos Aguila, Maria Magdaleno, and GM.

FACTUAL FINDINGS

Jurisdictional Matters

1. Claimant is a four-year-old male who will have his fifth birthday in April 2026. Claimant has been receiving services from RC under the Early Start program. After age three, Claimant was found provisionally eligible for Lanterman Act services under a Language Disorder diagnosis. Since Claimant will soon be age five, RC recently reassessed Claimant for permanent RC eligibility.

2. On September 12, 2025, RC sent a Notice of Action letter to Claimant notifying him he was found ineligible for RC services after he turns five years of age. RC concluded that Claimant has a Language Disorder, but does not have a qualifying

developmental disorder diagnosis, which is required in order for Claimant to receive services from RC.

3. On October 16, 2025, Claimant appealed RC's decision denying eligibility by submitting a Fair Hearing Request (FHR).

Most Recent Assessment of Claimant

4. In July and August 2025, Claimant was evaluated by Twila Clark, Ph.D., BCBA, a licensed clinical psychologist. Claimant has a history of prenatal drug exposure and developmental delays.

5. For Claimant to be eligible to receive services from RC, he must have a qualifying diagnosis which results in substantial disability in three or more areas of major life activity. Under Welfare and Institutions Code (Code) section 4512, subdivision (a)(1), the five diagnosis that may qualify a person for RC eligibility are: autism, cerebral palsy, epilepsy, intellectual disability, or disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability (commonly referred to as the Fifth Category).

6. Pursuant to Code section 4512, subdivision (1), if a person has a qualifying diagnosis, that developmental disability must result in "substantial disability," which means significant functional limitations in three or more of the following areas of major life activity: Self-care, Receptive and Expressive language, Learning, Mobility, Self-direction, Capacity for Independent Living, and Economic Self-Sufficiency. The regional center determines whether a significant functional limitation exists for each category, as appropriate to the age of the person.

7. In this case, RC concluded that Claimant has a Language Disorder, and possibly Attention-Deficit/Hyperactivity Disorder. Neither of these diagnoses qualify Claimant to receive RC services. Therefore, RC concluded that Claimant is not eligible to receive services.

Other Evidence

8. GM has worked for many years as an early childhood professional. GM testified that Claimant has limitations in the area of self-care. For example, Claimant is unable to dress himself. Claimant also has delayed expressive and receptive language abilities, deficits in self-direction, and difficulty regulating his emotions.

9. GM and GF are doing everything possible to ensure that Claimant has access to all available resources to help Claimant's development. GM and GF adopted Claimant and they provide him with a loving home.

10. Claimant provided medical reports from Dr. Robert Tran and Dr. Bonnie Wise. However, neither of these reports diagnosed Claimant as having a qualifying developmental disability. Therefore, Claimant was not able to establish, at this time, that he has a qualifying developmental disability which could potentially qualify him to receive services from RC.

LEGAL CONCLUSIONS

1. The Lanterman Act (Code, § 4500 et seq.) provides a framework for the provision of services and supports to individuals with developmental disabilities.

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2. Individuals who disagree with regional center determinations, such as in this case, may appeal the determination through a fair hearing process. (Code, §§ 4700-4716, and Cal. Code Regs., tit. 17, §§ 50900-50964).

3. Because Claimant seeks to establish his eligibility for services, he bears the burden to demonstrate his eligibility, and that the RC's decision to deny eligibility is incorrect. (See Evid. Code §§ 115.)

4. Code section 4512, subdivision (a), defines a developmental disability as "... a disability which originates before an individual attains age 18; continues or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual." The sole qualifying disabilities are: "intellectual disability, cerebral palsy, epilepsy, and autism. . . [and] disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature." (*Id.*)

5. In determining eligibility, "the Lanterman Act and implementing regulations clearly defer to the expertise of the DDS (California Department of Developmental Services) and regional center professionals' determination as to whether an individual is developmentally disabled." (*Mason v. Office of Administrative Hearings* (2001) 89 Cal.App.4th 1119, 1127.) In this case, RC assessed Claimant for eligibility and reviewed all information submitted by Claimant.

6. GM and GF are understandably concerned about obtaining whatever assistance is available to help Claimant.

7. Claimant did not establish RC's decision finding him not eligible for Lanterman Act services and supports is incorrect. While Claimant has deficits in

multiple areas, the evidence presented did not establish that Claimant has a qualifying diagnosis, and that such a diagnosis is causing a substantial disability in three or more areas of major life activity, both of which are required before Claimant can be found eligible to receive RC services. For these reasons, Claimant's appeal must be denied.

8. Therefore, RC's determination must be upheld at this time. However, Claimant's situation changes, or if additional relevant information becomes available, Claimant may request that RC re-evaluate him for eligibility and consider all available information at that time.

9. For all the above reasons, RC's decision is affirmed.

ORDER

Claimant's appeal is denied. Claimant is not eligible to receive services from Harbor Regional Center, pursuant to the Lanterman Developmental Disabilities Services Act.

DATE:

CHRIS RUIZ

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.