

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

In the Matter of:

CLAIMANT

And

TR-COUNTIES REGIONAL CENTER,

Service Agency

DDS No. CS0031865

OAH No. 2025110880

PROPOSED DECISION

Glynda B. Gomez, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on February 19, 2026, in Simi Valley, California.

Claimant was represented by his Mother.

Cesar Mendez, represented Tri-Counties Regional Center (TRC or Service Agency).

The matter was continued to February 25, 2026, to allow Claimant to submit additional documentary evidence and for TRC to submit objections, if any. Claimant's submission was received, marked and admitted as Exhibit H. TRC filed a statement of non-objection.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on February 25, 2026.

ISSUE

Are there any new facts and circumstances that would permit Claimant to use his existing Self-Determination Plan (SDP) funds to pay for video surveillance cameras in his home.

SUMMARY

The Service Agency denied Claimant's request to use his SDP funds to pay for video surveillance camera system. The preponderance of the evidence establishes that Claimant may not use his SDP funds to purchase the video surveillance system.

FACTUAL FINDINGS

Jurisdictional and Background Matters

1. The Department of Developmental Services (DDS) administers the Lanterman Developmental Disabilities Act (the Lanterman Act or the Act) to ensure that necessary services and supports are provided to persons with developmental

disabilities to help them lead more independent, productive, and normal lives. (Welf. & Inst. Code, § 4500.) Claimant participates in the Self-Determination Program (SDP). The SDP is a voluntary program under the Lanterman Act designed “to provide participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports” than the Act’s traditional model for delivery of services and supports. (Welf. & Inst. Code, § 4685.8, subd. (a).) The SDP allows participants and their families to have an annual budget for services and supports to meet the objectives of the participant’s Individual Program Plan (IPP). (Welf. & Inst. Code, § 4685.8.)

2. Claimant, 12 years old, is eligible for regional center services based upon his diagnosis of Autism. He transitioned from the traditional model of services to SDP on April 1, 2024. His second year of SDP began June 1, 2025. His current budget year is from June 1, 2025, through May 31, 2026.

3. Claimant is a bright young man. He is no longer in special education, but does have a section 504 plan which generally provides for his needs. There is no indication in the 504 plan that Claimant requires a one-to-one aide while at school. Mother testified at the administrative hearing that he does not have an aide at school.

3. Claimant resides in his family home with his parents and his two siblings, one of whom is also a regional center consumer, and his pet dogs. Claimant’s father works outside the home. Claimant’s mother, who is also his IHSS worker providing protective supervision services, has recently started attending law school in the evenings and is no longer available to provide assistance to father with evening child care tasks. Claimant previously requested that he be permitted to use SDP funds to purchase a video surveillance system, among other items, in 2024. TRC denied the request and issued a Notice of Action (NOA). Claimant appealed the NOA on February

22, 2024, and a hearing was conducted on May 17, 2024. In a decision adopted by DDS on June 16, 2024, the request to use SDP funds to purchase a hard-wired video surveillance system was denied (Prior Decision). It was determined that “funding cannot be ordered without modifying the IPP to provide for the requested items” and “[t]he requested items are not “specialized services and supports or special adaptations of generic services and supports” within the meaning of section 4512, subdivision (b)” and therefore not eligible for funding. (Ex. 3, p.8.)

4. The Decision acknowledges Claimant’s argument and position as follows:

Home security cameras were described as necessary for maintaining Claimant’s safety, “particularly given his elopement risks and zoning out episodes. (Ex. E, p. Z67.)

There are some cameras in place, but Mother indicated they have shortcomings and they should be upgraded.

(Ex. 3, p.8)

5. On September 7, 2025, after issuance of the Decision, Claimant’s mother renewed her request for TRC to allow allocation of SDP funds for purchase of a home security camera system.

6. On September 15, 2025, TRC served Claimant with a Notice of Action (NOA) notifying Claimant that it was “denying the reallocating of funds in [Claimant’s] Self Determination Spending Plan for the purchase [of] a home security system, the Reolink 16 Channel, 8 4K Wired Come Camera 4TB NVR Security Camera System for \$799.99 plus tax at via Costco, or the same item directly from Reoling for \$1099.99 plus tax.” According to the NOA, the denial was based upon the Prior Decision and a review of “the new information shared.” (Ex. 2.).

7. On November 13, 2025, Claimant filed an Appeal Request Form contesting the denial. On November 21, 2025, TRC filed a Motion to Dismiss Claimant's appeal contending that the Prior Decision already addressed and resolved the same issue underlying the appeal and thus no new hearing was warranted. The Motion to Dismiss was denied based upon "the presence of new facts and circumstances" asserted by Claimant and acknowledged by TRC. According to the order "Claimant therefore is entitled to a new hearing to present any new circumstances or facts that have occurred since ALJ Montoya issued the Proposed Decision. No other circumstance or facts shall be considered." (December 5, 2025 Order Denying Motion to Dismiss.)

8. Claimant offers the following as new facts to support the purpose:

- Claimant's updated IPP reflects ongoing safety concerns, supervision needs, and documented limitations in safety awareness and independence within the home. (Ex. B.)
- TRC has documented parents' report of elopement risk on its April 28, 2025 Client Development Evaluation Report (CDER). (Ex. C.)
- Claimant now receives IHSS protective supervision hours. (Ex. D.)
- The September 15, 2025 NOA acknowledges that Claimant needs supervision. (However, it specifically states that "there is no documentation of the types of behaviors or severity of behaviors that would potentially warrant a system beyond the proactive supervision that we would expect of parents and/or caregivers.") (Ex. E.)

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- Claimant has found a Floortime therapy provider who will provide therapy without requiring the camera to be turned off. (Mother's testimony.)
- Mother is not available to assist Father in the evenings due to her new law school schedule. (Mother's testimony.)
- Parents will be able to use the camera system as an intercom to give verbal prompts and reminders to Claimant. (Mother's testimony.)
- Parents will be able to check on Claimant when he is outside using his TRC funded basketball hoop. (Mother's testimony.)

9. Claimant's February 26, 2025 IPP (the most recent IPP) contains goals in the areas of community participation, home life/housing, personal emotional growth, and supports at home. Claimant's mother signed the IPP, but noted on the IPP that her signature reflects "only signing that I attended IPP meeting today." (Ex. 6.)

- The community participation goal is not relevant to the issue in dispute here.
- The home life/housing goal provides: "[Claimant] will continue to develop independence in daily living activities while receiving the appropriate support to ensure his safety, emotional well-being, and success in carrying out essential routines at home." (Ex. 6.)
- The home supports goal provides "[Claimant] will have access to readily available and easily accessible physical activities that support his sensory needs in a safe and adaptive environment. These activities will serve as a means for him to regulate his emotions, manage physical restlessness, and transition more effectively between home, community, and social settings. The family has expressed that ensuring [Claimant] has access to these

supports will allow him to engage in daily life with greater comfort, focus and success, providing him with opportunities for participation and independence as his peers." (Ex. 6.)

- The personal emotional growth goal provides that "[Claimant] will develop flexibility, resilience, and self-regulation through adaptive skill-building in varied settings, ensuring he can successfully navigate changes, manage sensory input, and engage meaningfully with peers and community activities." (Ex. 6.)

10. Claimant receives a variety of supports and services from TRC and generic resources to accomplish the stated goals also known as "desired outcomes." The services and supports included in the IPP and SDP budget include: social recreational activities, camping services, adaptive skills training, 25 hours per month of personal assistant, and 30 hours per month of in-home respite. (Ex. 9.) Claimant has also previously used SDP funds for the purchase of a basketball hoop and an AngelSense GPS monitor. The IPP does not include a video camera system as a necessary support for the stated goals/desired outcomes.

11. Claimant has not used the personal assistant or in-home respite hours because of concerns about having outsiders in the home and a sense that their presence would complicate the home dynamic. According to Mother's credited testimony, the AngelSense GPS tracker is not reliable because of the inconsistency in signal strength in their community. Accordingly, most of Claimant's SDP funds are utilized for social/recreational types of services and supports. Claimant was not able to access his Applied Behavioral Analysis (ABA) services due to the provider refusing to provide services while the existing video cameras were recording. According to Mother, and with TRC approval, ABA adaptive skills training has been replaced with

Floor-Time services by a provider who assured Mother that that the video cameras would not be a barrier to service.

12. As of July 1, 2025, Claimant has been awarded 227 hours and 59 minutes of In-Home Support Services (IHSS), (maximum 57 hours per week), by Ventura County. According to the award letter (Ex. D), the IHSS hours are to be used for bathing, oral hygiene, grooming, bowel and bladder care, dressing, feeding, and protective supervision. Of the awarded hours, 168 hours are designated as "Protective Supervision" which is described as "when an IHSS provider watches a person who is mentally impaired or mentally ill on a continual basis to prevent them for doing things which will cause them to get hurt." (Ex. D.)

LEGAL CONCLUSIONS

1. Claimant, as the party advocating a change in government benefits or in the status quo, has the burden of proof. (*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 and 500.) The standard is met when the party bearing the burden of proof presents evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

2. The Lanterman Act, sets forth a regional center's obligations and responsibilities to provide services to individuals with developmental disabilities. As the California Supreme Court explained in *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388, the purpose of the Lanterman Act is twofold: "to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community"

and "to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community."

3. A regional center is required to secure services and supports that meet the needs of the consumer, as determined in the consumer's IPP. (Welf. & Inst. Code, § 4646, subd. (a)(1).) The determination of which services and supports are necessary for each consumer shall be made through the IPP process. "Services and supports" means "specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the achievement and maintenance of an independent productive, and normal life." (Welf. & Inst. Code, § 4512, subd. (b).) The determination shall be based on 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 the IPP participants, the effectiveness of each option in meeting the goals stated in the IPP, and the cost-effectiveness of each option. (Welf. & Inst. Code, § 4512, subd. (b).)

4. When purchasing services and supports, regional centers shall (1) ensure they have conformed with their purchase of service policies; (2) utilize generic services when appropriate; and (3) utilize other sources of funding as listed in section 4659. The Service Agency is also required to consider the family's responsibility for providing services and supports for a minor child without disabilities. (Welf. & Inst. Code, § 4646.4.)

5. Welfare and Institutions Code section 4695.8 governs regional center consumers participating in the SDP. The purpose of the SDP is to provide consumers (also referred to as participants) and their families, within an individual annual budget,

increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPPs. (*Id.*, subd. (a).)

6. The Lanterman Act contemplates that the provision of services shall be a mutual effort by and between regional centers and the consumer and the consumer's family. The foundation of this mutual effort is the development of a consumer's IPP. As explained in Code section 4646, subdivision (d):

Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer, or if appropriate, the parents, legal guardian, conservator, or authorized representative at the meeting.

7. The SDP is an alternative model of service delivery provided under Welfare and Institutions Code section 4685.8. A regional center consumer who has been deemed eligible for, and has voluntarily agreed to participate in, the SDP is referred to as a "participant." (Welf. & Inst. Code, § 4685.8, subd. (c)(5).) "A participant may choose to participate in, and may choose to leave, the Self-Determination Program at any time." (Code, § 4685.8, subd. (d).)

8. "Self-determination" means "a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP." (Welf. & Inst. Code, § 4685.8, subd. (c)(6).) The SDP shall only fund services and

supports that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation." (Welf. & Inst. Code, § 4685.8, subd. (c)(6).)

9. A participant must comply with the requirements of Welfare and Institutions Code section 4685.8, subdivision (d)(3). Among other things, the participant shall use the services and supports available within the SDP only when generic services and supports are not available; the participant shall only purchase services and supports necessary to implement their IPP and shall comply with all terms and conditions for participation in the SDP; and the participant shall manage SDP services and supports within the participant's individual budget. (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(B), (C), (D).)

10. When developing the individual budget used for the SDP, the IPP team determines the services, supports, and goods necessary for each participant, based on the needs and preferences of the participant, and when appropriate the participant's family, the effectiveness of each option in meeting the goals specified in the IPP, and the cost effectiveness of each option, as specified in Welfare & Institutions Code section 4648, subdivision (a)(6)(D). (Welf. & Inst. Code, § 4685.8, subd. (b)(2)(H)(i).) A participant must comply with the requirements of section 4685.8, subdivision (d)(3). The completed individual budget shall be attached to the IPP." (Welf. & Inst. Code, § 4685.8, subd. (0).) "The participant shall implement their IPP, including choosing and purchasing the services and supports allowable under this section necessary to implement the plan." (Welf. & Inst. Code, § 4685.8, subd. (k).)

11. The IPP team shall determine the initial and any revised individual budget for the participant using the methodology specified in Welfare and Institutions Code section 4685.8, subdivision (m). "'Individual budget' means the amount of regional center purchase of service funding available to the participant for the purchase of

services and supports necessary to implement the IPP." (Welf. & Inst. Code, § 4685.8, subd. (c)(3).) For a participant who is a current consumer of the regional center, their individual budget shall be the total amount of the most recently available 12 months of purchase of service expenditures for the participant. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(i).)

12. Pursuant to Welfare and Institutions Code section 4685.8, subdivision (m)(1)(A)(ii), an adjustment may be made to the individual budget if both of the following requirements, designated herein as Requirement I and Requirement II, occur:

(I) The IPP team determines that an adjustment to this amount is necessary due to a change in the participant's circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures, or the IPP team identifies prior needs or resources that were unaddressed in the IPP, which would have resulted in an increase or decrease in purchase of service expenditures. When adjusting the budget, the IPP team shall document the specific reason for the adjustment in the IPP.

(II) The regional center certifies on the individual budget document that regional center expenditures for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program.

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13. Welfare and Institutions Code section 4685.8, subdivision (n), provides that SDP participants may transfer funds between service codes and budget categories upon approval of the regional center or the participant's IPP team. The regional center shall provide timely authorizations to the participant's Financial Management Service.

14. Welfare and Institutions Code section 4659.10 provides that the Service Agency remains the "payer of last resort" meaning that funds in an Individual Budget for services and supports may not be disbursed by a participant if there is available funding from a source other than the Service Agency.

15. It is the intent of the Legislature that "the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources. (Welf. & Inst. Code, § 4646, subd. (a).)

16. Welfare and Institutions Code section 4646.5, subdivision (a)(8), provides the planning process for the IPP described in Welfare and Institutions Code section 4646 shall include: "A schedule of regular periodic review and reevaluation to ascertain that planned services have been provided, that objectives have been fulfilled with the times specified, and that consumers and families are satisfied with the individual program plan and its implementation."

17. DDS's July 8, 2024 Directive, entitled "Self-Determination Program: Updated Goods and Services" provides that SDP is part of a federal government Medicaid waiver. SDP funds can only be used for goods and services that have been approved by the Federal Center for Medicare and Medicaid Services, and are not available through other funding sources (e.g. Medi-Cal, In-Home Supportive Services, schools, etc.). (Ex. 8.) Enclosure A provides a framework for analysis of whether a good

or service should be included in the SDP budget, Enclosure B provides a detail of goods and services for which funding is prohibited. Enclosure B references “[a]daptions or improvements to the home that are of general utility and are not related to the disability-related needs of the participant” as prohibited (Ex. 17.) Enclosure C of the Directive provides a flow chart to determine when a participant may be allowed to fund goods or services through “Participant-Directed Goods and Services (Service Code 333).”

18. “Participant Directed Goods and Services” under Service Code 333 is described as:

Participant-Directed Goods and Services Participant-Directed Goods and Services consist of services, equipment or supplies not otherwise provided through the SDP Waiver or through the Medicaid State plan that address an identified need in the IPP (including accommodating improving and maintaining the participant’s opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; promotes interdependence, and inclusion in the community ; and increase the person’s safety in the home environment; and the participant does not have the personal funds to purchase the item or services and the item or service is not available through another funding source. The participant-directed goods and services must be documented in the

participant's Individual Budget. Experimental or prohibited treatments shall not be provided.

(Ex. 17.)

19. Enclosure C to the July 8, 2024 Directive contains a flow chart for analysis of the use of Service Code 333. It directs that the analysis start with the question: "Is the need or goal identified in the IPP?" The need for video cameras is not specified in Claimant's IPP. However, the need for supervision is clear. The next question posed is "Will the good or service directly link to an identified IPP need or goal?" In this case, the answer is no. Accordingly, the next step is for the Service Agency to "Assist consumer to seek other funding source."

20. Had the answer been "yes", The next step would have been to "determine: "Is the good or service included in another service definition?" The answer to that question is "no." The next step, is to determine "[i]s there a generic community resource available to provide the good or service?" In this case, the answer is "yes." Claimant asserts a need for care and supervision with the video camera as a tool for provision of that care and supervision.

21. Claimant has IHSS protective supervision hours which have been designated for direct supervision. Claimant may have his mother serve as his IHSS worker or find another person to provide his protective supervision. Additionally, Claimant has personal assistant and in-home respite hours allocated which have not been used and may be used to provide supervision. Additionally, Claimant's parents have some responsibility for the supervision of a minor child. Since the video camera system is not related to an IPP goal and there are generic resources available to provide for Claimant's need, TRC's duty is to assist Claimant in obtaining generic

resources to meet his need. Because generic resources (i.e. IHSS protective supervision and parental responsibility) supplemented with TRC funded in-home respite and personal assistance are available to meet Claimant's needs and any related IPP goal, the analysis ends.

22. Additionally, the hard-wired video camera surveillance system is not a "specialized service or support" within the meaning of Welfare and Institutions Code section 4512, subdivision (b), and is prohibited pursuant to Enclosure B of the July 8, Directive as a generic home modification.

23. For the reasons set forth above, Claimant's appeal is denied.

ORDER

1. Claimant's appeal is denied.
2. Claimant may not use SDP funds to purchase the video camera surveillance system.

DATE:

GLYNDA B. GOMEZ
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025110880

Vs.

DECISION BY THE DIRECTOR

Tri City Regional Center

Respondent.

ORDER OF DECISION

On March 9, 2026, 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 March 24, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions