

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

In the Matter of:

CLAIMANT

and

TRI-COUNTIES REGIONAL CENTER, Service Agency

DDS No. CS0032611

OAH No. 2025120837

DECISION

Administrative Law Judge Marcie Larson, with the Office of Administrative Hearings (OAH), State of California, serving as a hearing officer, conducted a fair hearing in this matter by videoconference on May 6, 2026, from Sacramento, California.

Elvia Contreras, Services and Supports Manager, represented Tri-Counties Regional Center (TCRC).

Claimant was represented by his mother. Claimant was not present at the hearing. The names of claimant and his mother are omitted to protect their privacy.

Evidence was received, the record closed, and the matter submitted on May 6, 2026.

ISSUE

The issue in this matter is whether TCRC is required to grant claimant's mother's request to fund a pool perimeter safety fence and alarms for some doors and windows in her home.

FACTUAL FINDINGS

Background

1. Claimant is an eight-year-old boy who lives in Simi Valley, California with his mother, twin sister and maternal grandmother. Claimant receives TCRC services based on his autism diagnosis.

2. On or about October 21, 2025, claimant's mother requested that TCRC fund the cost of a pool perimeter safety fence and alarms for some doors and windows at a home they were moving into in November 2025.

3. On October 25, 2025, TCRC denied claimant's mother's request because it was determined that the cost of a pool perimeter safety fence is required to be paid by the parent or homeowner. Additionally, TCRC explained that:

We understand that [claimant] has some history of elopement. To help address that need, there are both TCRC-funded services in place and generic resources either

in place or available. We are funding an Angel Sense GPS tracking device as an added safety measure if he was to elope either from the home or while out in the community. To the best of our knowledge, he is also receiving 232 hours per month of In-Home Support Services, which helps in providing both support and direct supervision beyond what all parents would be expected to provide. In addition, in order to help address risks of elopement behaviors, ABA [Applied Behavior Analysis] services are available through your insurance and can be highly beneficial in addressing this behavior. We have encouraged you to take advantage of that generic resource available for [claimant] and offered to assist you in the process. Some parents, both of those with and without disabilities may choose to obtain door or window alarms as an added level of safety or security. Thank you for providing examples of the types of fencing and alarms that you are considering for your home. It should be noted, though, that all homeowners who have children, whether served by the regional center or not, are expected to ensure the safety of their children in the home and/or around the pool.

4. Claimant's mother appealed the denial. Claimant's mother contends that claimant's history of elopement requires TCRC to fund the cost of a pool perimeter safety fence and alarms for some doors and windows at claimant's home.

Claimant's 2024-2025 Individual Program Plan

5. In May 2024, claimant's Individual Program Plan (IPP) was prepared by claimant's mother and Jody Bruno, claimant's service coordinator, who testified at hearing. The IPP listed claimant's goals for the year and the services he and his family received to support those goals. Concerning claimant's behavior, claimant's mother shared that she "consistently redirected him, but he had a difficult time responding to the redirection." She also explained that claimant "has no safety awareness." When out of the home "he will run into the street if his hand is not held and has almost been hit by cars." Claimant's mother also explained that claimant tried to elope from the apartment they lived in, so she installed "safety locks high up on the front door."

Ms. Bruno discussed with claimant's mother the option of Applied Behavior Analysis (ABA) services to address claimant's eloping behavior. Claimant's mother explained that claimant participated in ABA services when he was three years old, "but found the provider to be young and inexperienced." Ms. Bruno offered to assist claimant's mother in obtaining appropriate and effective ABA services. Claimant's mother declined.

6. The IPP noted that TCRC funded the Angel Sense GPS tracker and the yearly renewal cost. Angel Sense is a wearable device that tracks an individual's location and movements. TCRC funded Angel Sense to help address claimant's eloping behavior. Claimant also received 30 hours of respite per month, with an agreement to review a request for additional hours. TCRC also funded semi-private swim lessons for claimant and agreed to consider claimant's mother's request for private swim lessons. Claimant also received In-Home Support Services (IHSS) funded through Medi-Cal.

7. In September and December 2025, amendments were made to claimant's IPP to add private swim lessons and to increase claimant's respite to 50 hours per week.

Claimant's October 2025 Request for Funding

8. On October 21, 2025, claimant's mother contacted Ms. Bruno to discuss whether TCRC would fund an alarm system for the doors and windows, as well as a fence around the pool at a home she had purchased. Ms. Bruno explained that typically TCRC would not fund the requested items because they were "utilized by all parents to keep their children safe and is not necessarily directly related to [claimant's] eligibility." However, Ms. Bruno agreed to speak to her manager, Sabrina Smith, regarding whether TCRC could fund the request.

TCRC Decision to Deny Funding

9. Ms. Smith is the Services and Supports Manager for the Children's Unit at TCRC. Ms. Smith testified at hearing that Ms. Bruno informed her of claimant's mother's request that TCRC fund a pool perimeter safety fence and alarms for some doors and windows at her home. Ms. Smith reviewed the request and the relevant portions of the Lanterman Act set forth in the Welfare and Institutions Code. Ms. Smith also reviewed a Health and Safety Code provision relating to swimming pool safety requirements.

10. Ms. Smith explained that the pool fence and alarms are not directly related to claimant's disability of autism. Rather, they are for general use of the home. Ms. Smith explained that the Lanterman Act provides that it is a family's responsibility to provide service and support in the least restrictive and most appropriate setting. Concerning the pool fence, Ms. Smith explained that claimant's mother is responsible

for providing a safe home environment. The risks associated with having a pool are “universal.” Ms. Smith explained that the installation of a fence around the pool or other safety measures to prevent drowning should be put in place regardless of whether you have child with a disability. Ms. Smith opined that as the homeowner and claimant’s parent, it is claimant’s mother’s responsibility to pay for the cost associated with ensuring pool safety.

11. Ms. Smith also reviewed the services and supports claimant receives. This includes TCRC funding for the Angel Sense GPS tracker, 50 hours per month of respite services, two years of private swim lessons, and 232 hours per month of protective supervision through IHSS. Ms. Smith concluded that the combination of TCRC support along with IHSS services are addressing claimant’s supervision and safety needs.

12. Additionally, Ms. Smith explained that TCRC has recommended to claimant’s mother that she access ABA support, which could help address the underlying cause of claimant’s eloping behaviors. ABA could also help teach claimant to follow simple commands. Ms. Smith explained that Ms. Bruno has also offered to provide claimant’s mother with assistance in accessing ABA services. Claimant’s mother has declined this offer.

Claimant’s Mother’s Testimony and Evidence

13. Claimant’s mother explained that claimant does not have awareness of danger and cannot follow safety rules. He requires regular redirection. Claimant’s mother explained that she takes her responsibilities seriously, but she cannot supervise claimant 100 percent of the time. She is concerned that a brief lapse in supervision could result in harm to claimant. Claimant’s mother explained that the pool fence and

door and window alarms will provide an extra layer of safety in the event claimant elopes.

14. Claimant's mother explained that the services TCRC and IHSS provide are helpful, but they are not physical safety barriers. The services cannot prevent claimant from leaving his home. Claimant's mother explained there have been several occasions when claimant has attempted to leave the home and has been stopped. He has also jumped in the pool fully clothed at least four times. Claimant's mother has been present for these incidents, but she is concerned that there will be a time when she is not present to help claimant. Claimant's mother submitted a letter from claimant's respite provider that confirms his eloping behavior.

15. Claimant's mother does not believe ABA services will address claimant's eloping behavior. He participated in ABA services for several months in 2021. The services were not helpful, and claimant's mother is not interested in utilizing ABA services again.

Analysis

16. Under the Lanterman Act, claimant's mother is responsible for ensuring claimant's safety. Claimant's mother purchased a home with a pool. All homeowners who have children, whether served by a regional center or not, are expected to ensure the safety of their children near a pool. As a result, claimant's mother is responsible for the cost of ensuring claimant's pool safety, whether that be through the installation of a pool fence or supervision.

17. Additionally, the evidence established that claimant receives several services to address his need for supervision and safety. These include the Angel Sense GPS tracker, 50 hours per month of respite services, two years of private swim lessons,

and 232 hours per month of protective supervision through IHSS. TCRC has agreed to assist claimant's mother with finding ABA services to help address the cause of claimant's eloping. She has declined to pursue this option.

18. When all the evidence is considered, claimant's mother did not establish that TCRC must fund a pool perimeter safety fence and alarms for some doors and windows in her home. Therefore, claimant's appeal must be denied.

LEGAL CONCLUSIONS

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) Under the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities. The Lanterman Act "seeks to integrate developmentally disabled Californians into mainstream life and to ensure they are accorded equal access to programs receiving state funds." (*Tri-Counties Association for Developmentally Disabled, Inc. v. Ventura County Public Guardian* (2021) 63 Cal.App.5th 1129, 1137; see also Welf. & Inst. Code, §§ 4501, 4502.)

2. The Department of Developmental Services 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. (Welf. & Inst. Code, § 4620, subd. (a).)

3. An administrative "fair hearing" to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.) The burden of proof is on the party seeking government benefits or services. (*Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) Claimant has the burden of proving TCRC must pay for a pool perimeter safety fence

and alarms for some doors and windows in his home. The standard of proof required is a preponderance of the evidence. (Evid. Code, § 115.) A preponderance of the evidence means proving something is more likely to be true than not true. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

4. Welfare and Institutions Code section 4646.4 subdivision (a)(4) provides that:

(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:

(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. Welfare and Institutions Code 4659, provides in relevant part that:

(a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

[¶]...[¶]

(c) Effective July 1, 2009, notwithstanding any other law or regulation, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. If, on

July 1, 2009, a regional center is purchasing that service as part of a consumer's individual program plan (IPP), the prohibition shall take effect on October 1, 2009.

6. As set forth in the Factual Findings as a whole, claimant did not show that TCRC is required to fund a pool perimeter safety fence and alarms for some doors and windows in his home. As a result, claimant's appeal is denied.

ORDER

Claimant's appeal is DENIED. Tri-Counties Regional Center's denial of funding for a pool perimeter safety fence and alarms for some doors and windows is SUSTAINED.

DATE: May 8, 2026

MARCIE LARSON
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.