

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

In the Matter of:

CLAIMANT

and

CENTRAL VALLEY REGIONAL CENTER, Service Agency

DDS No. CS0033162

OAH No. 2026010489

PROPOSED DECISION

Administrative Law Judge Brian Weisel, a Hearing Officer employed by the Office of Administrative Hearings (OAH), State of California, heard this matter on February 23, 2026, by videoconference from Sacramento, California.

Perla Ibal Mora, Fair Hearings and Appeals Coordinator, represented Central Valley Regional Center (CVRC).

Claimant's mother, who is also his conservator, represented claimant.

Evidence was received, the record closed, and the parties submitted the matter for decision on February 23, 2026.

ISSUE

Whether CVRC should be required to add funds to claimant's Self-Determination Program (SDP) budget for additional Personal Attendant (PA) services to supervise and support claimant, as needed.

FACTUAL FINDINGS

Background

1. Claimant is a 25-year-old man eligible for regional center services and supports based on his diagnoses of autism spectrum disorder and moderate intellectual disability. Claimant lives with his mother, stepfather, and brother. He enjoys listening to music and watching music videos. He takes a daily walk to a nearby gas station with his stepfather to purchase chocolate milk. He enjoys going for car rides and trips to the beach.

2. Claimant requires constant care. He requires help using the bathroom. He has trouble expressing his needs. Claimant becomes frustrated or anxious when his routine is disrupted or he is asked to do something he does not want to do. He bites his hand, acts aggressively, or destroys property. However, he does not hurt others when he is upset.

Claimant's 2026 IPP and SDP Budget

3. On October 20, 2025, claimant's mother, services coordinator, and other CVRC staff met to review and update claimant's Individual Program Plan (IPP) and SDP spending plan. They further updated the IPP on February 20, 2026. Both the IPP and

the SDP spending plan indicate that claimant shall receive 260 hours per month of PA services, 45 hours of respite services, and a small number of behavior intervention services.

4. Claimant also receives 283 hours per month of In-Home Support Services (IHSS), a generic resource. In total, claimant's PA and IHSS services collectively provide him support for approximately 16 hours per day, which fully comprise his daily waking hours as he sleeps approximately eight hours per day. The IPP states that claimant has "low safety awareness" and "no sense of danger." Claimant needs two- or three-on-one supervision to ensure claimant stays safe and does not elope.

5. Claimant's mother requested an additional 140 hours of PA services per month be added to claimant's SDP budget. On November 12, 2025, CVRC issued a Notice of Action (NOA) denying claimant's request. The NOA states CVRC denied the request because:

Total number of care/support hours requested exceed the number of hours left in the day that support can be billed/provided. There are 744 hours in a month – 283 hours of IHSS – 260 of PA – 30 hours of respite – 248 of sleep per month. . . . The need for the additional hours of PA has not been justified.

6. Maria Klassen, program manager for CVRC, testified at hearing. She stated that any additional hours that CVRC could provide for PA services would be used only when claimant is asleep. Also, to CVRC's knowledge, claimant's stepfather provides most of claimant's PA and IHSS services. CVRC contends that claimant's stepfather is providing services for 16 or 17 hours on certain days. CVRC argued it is

not feasible for claimant's stepfather to provide any more services than he already does.

7. On February 20, 2026, the Friday before this Monday hearing, CVRC contacted claimant's mother and informed her that CVRC may be able to provide behavioral respite services in lieu of additional PA hours. Claimant's mother declined at this time. She stated she wants to review the service. She is hesitant to allow a stranger into her home to provide significant care and support to claimant.

Behavioral Assessment

8. On February 6, 2026, Brianne Elizalde, a board-certified behavior analyst (BCBA) prepared a Behavioral Services Assessment Review on behalf of CVRC (assessment). In preparation for her assessment, Ms. Elizalde reviewed claimant's previous IPPs, his medication schedule, and statements from his caretakers. Ms. Elizalde also observed claimant in his home for more than three total hours over three visits in January 2026.

9. Ms. Elizalde observed claimant exhibit some self-injurious behaviors and property destruction. Claimant bites his hands when frustrated, breaking the skin and causing swelling. Claimant can punch or kick a hole in a wall. He may break objects like a window or a light fixture. Claimant shows aggression primarily to his stepfather when he asks claimant to do something claimant does not want to do.

10. Claimant previously adhered to a regular sleep schedule between approximately 6:00 p.m. and 3:00 a.m. He would stay in his bed and watch videos for one or two hours before getting out of bed and beginning his day.

11. However, over the last few months claimant's sleep schedule became increasing erratic. At times, claimant stays awake all night and naps throughout the day. At other times, he falls asleep at 6:00 p.m., wakes up for several hours in the middle of the night, then returns to sleep at 2:00 or 3:00 a.m. Claimant generally still sleeps approximately 8 hours in any given 24-hour period, albeit on an unpredictable schedule.

12. Amy Patterson is a BCBA employed by CVRC. Ms. Patterson testified at the hearing. She reviewed the assessment and claimant's CVRC file to form an opinion as to what services are appropriate for claimant in this case.

13. Ms. Patterson stated that claimant exhibits multiple high-risk behaviors. She noted his aggression, self-injurious behaviors, property destruction, and recent sleep schedule changes are causes for concern. Ms. Patterson stated that behavioral respite services can be helpful for claimant. She noted that currently, CVRC contracts with only one primary vendor and one occasional secondary vendor that provides those services. She noted it is difficult to find any vendor willing to provide significant services in the middle of the night. Ms. Patterson opined that claimant needs support and supervision "at all times."

Claimant's Evidence

14. Claimant's mother testified. Claimant's stepfather provides most PA and IHSS services to claimant. Claimant's brother also provides respite care and some IHSS services to supplement claimant's stepfather when he needs a break.

15. Claimant's mother agreed that claimant's stepfather does care for claimant for 16 hours or more per day. She stated both claimant and his stepfather are in the home all day together which makes constant care possible. If claimant receives

the requested additional PA hours, claimant's mother or brother would work the additional PA hours to care for claimant.

16. Claimant's mother argued that CVRC denied claimant's request for additional PA hours despite agreeing with the need for additional support. She believes CVRC denied the request only because CVRC did not want to approve additional hours when claimant might be asleep or claimant's stepfather might be over capacity. This is contrary to CVRC's own assessment that claimant requires constant supervision and care. In claimant's mother's opinion, "constant" care and supervision includes the time claimant is asleep.

17. Claimant's mother is open to considering behavioral respite services, but she is hesitant to allow a stranger into her home. She learned about the option only days before the hearing. She will continue to discuss the service option with CVRC. Without more information, she does not wish to pursue that service at this time.

Analysis

18. After reviewing the assessment, Ms. Patterson credibly opined that claimant requires 24-hour support. Claimant engages in aggression, self-injurious behaviors, and property destruction. Claimant's most recent IPP provides that claimant has low safety awareness and no sense of danger. Claimant needs constant supervision to ensure claimant stays safe and does not elope.

19. According to the reason for CVRC's denial in the NOA, claimant already receives sufficient PA, respite, and IHSS service hours to satisfy his needs. Claimant's stepfather already provides services to claimant for approximately 16 hours per day. Any additional hours would necessarily cover only the time when claimant is asleep. Therefore, CVRC argues that the need for additional PA hours has not been justified.

20. However, claimant's needs have changed and increased. His previous sleep schedule was predictable. Claimant slept for eight hours during the night without incident and did not require additional care or support while asleep. Now, if claimant wakes up in the middle of the night or stays up all night, he will need someone to care for, support, and supervise him to keep him from eloping, hurting himself, or destroying property at night. Ms. Patterson opined claimant needs supervision "at all times." When all the evidence is considered, claimant's request for 140 additional PA hours, which, in addition to his current PA and IHSS hours, would fully cover 24-hour care and supervision, is appropriate and justified.

21. CVRC recently discovered additional behavioral respite services that may be appropriate for claimant. Nothing in this proposed decision should be read to discourage review of those services, or any other services that may be beneficial for claimant. If claimant and CVRC find those services can appropriately replace PA hours, they may discuss that option in the future.

22. CVRC also argued that claimant's stepfather already serves as claimant's PA or IHSS service provider for 16 or more hours per day. CVRC argued it is not feasible for claimant's stepfather to care for claimant for any more hours than he already does. These reasons for denial were not provided in the NOA. Therefore, they were not considered. (Welf. & Inst. Code, §§ 4701, 4710.)

23. However, claimant is advised that additional PA hours are meant to provide support and supervision for claimant to keep him safe. Even if claimant is asleep, the person providing support and supervision to claimant must be awake and alert to provide meaningful PA services should claimant wake up. As claimant's mother administers claimant's SDP, she shall manage claimant's increased PA services consistent with his needs.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. 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.) In this case, claimant bears the burden of proving, by a preponderance of the evidence, that CVRC is required to include additional funding for PA hours in his SDP budget. (Evid. Code, § 115.)

Applicable Law

2. Under the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities and pays for the majority of the "treatment and habilitation services and supports" to enable such persons to live "in the least restrictive environment." (Welf. & Inst. Code, § 4502, subd. (b)(1).) "The purpose of the statutory scheme is twofold: to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community [citations], and to enable them to approximate a pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community [citations]." (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

3. To determine how an individual consumer is to be served, regional centers are directed to conduct a planning process that results in an IPP designed to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646, subd. (a); *Assn. for Retarded Citizens v. Dept. of Developmental Services, supra*, 38 Cal.3d at p. 389.) The IPP is developed by an interdisciplinary team and must include the consumer

and/or their representative. (Welf. & Inst. Code, § 4646, subd. (b).) Among other things, the IPP must set forth goals and objectives for the consumer, contain provisions for the acquisition of services (which must be based upon the consumer's developmental needs), contain a statement of time-limited objectives for improving the consumer's situation, and reflect the consumer's particular desires and preferences. (Welf. & Inst. Code, §§ 4512, subd. (b); 4646, subds. (a) & (d); 4646.5, subd. (a)(2); & 4648, subd. (a)(6)(E).)

4. "The regional center shall secure services and supports that meet the needs of the consumer . . . within the context of the [IPP]." (Welf. & Inst. Code, § 4648, subd. (a)(1).) "The services and supports provided by the regional center should assist each consumer in achieving their personal outcomes and life goals" and "be effective in meeting the goals stated in the [IPP]." (Welf. & Inst. Code, § 4646, subd. (a).) They must be "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).)

5. One method of delivering services and supports is the SDP. The SDP is "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 services and supports provided "are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion." (*Ibid.*)

6. The SDP provides "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 to implement their IPP.” (Welf. & Inst. Code, § 4685.8, subd. (a).) The individual budget is the amount of regional center funding provided “for the purchase of services and supports necessary to implement [the consumer’s] IPP.” (*Id.* at subd. (c)(3).) “[W]hen developing the individual budget, [the IPP team must] determine the services, supports, and goods necessary for each consumer based on the needs and preferences of the consumer, and when appropriate the consumer’s family; the effectiveness of each option in meeting the goals specified in the IPP; the effectiveness of each option . . . ; and the utilization of available generic services” (*Id.* at subd. (b)(2)(H)(i).) The consumer creates a spending plan allocating how he will spend his budgeted funds. (*Id.* at subd. (c)(7).)

Conclusion

7. Claimant established he needs an additional 140 hours per month of PA services to achieve his personal outcomes and life goals consistent with his IPP and his behavioral assessment. Therefore, his request to include 140 additional PA hours per month in his SDP budget is granted.

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ORDER

Claimant's appeal of Central Valley Regional Center's November 12, 2025, Notice of Action is GRANTED. Claimant's personal attendant hours shall be increased by 140 hours per month. The corresponding funds shall be added to claimant's SDP budget.

DATE: March 4, 2026

BRIAN WEISEL

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant,

OAH Case No. 2026010489

vs.

DECISION BY THE DIRECTOR

Central Valley Regional Center,

Respondent.

ORDER OF DECISION

On March 4, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

After a full and independent review of the record in this case and for the reasons explained below, the attached Proposed Decision is MODIFIED as follows:

1. The claimant met their burden of proof that an increase in Personal Assistant Services (PAS) in their SDP budget is necessary. However, there was insufficient evidence provided in the record to justify the 140 hours per month of PAS.

2. Within 30 calendar days of this Final Decision, claimant and/or their authorized representative(s) and the regional center shall hold an Individual Program Plan (IPP) meeting, consistent with Welfare and Institutions Code sections 4646 and 4648, to determine the following: (1) what is an appropriate number of hours to increase PAS per month to meet claimant's needs in light of claimant's documented aggressive, self-injurious, property destruction, and recent sleep schedule changes; (2) whether behavioral interventions, including but not limited to behavioral respite, are more appropriate for claimant; (3) the benefit of behavioral training services to claimant's providers; and (4) whether other generic resources related to PAS hours for claimant are available.

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 25, 2026.

Original signed by:
Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions