

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

In the Matter of:

CLAIMANT

and

HARBOR REGIONAL CENTER, Service Agency

DDS No. CS0033626

OAH No. 2026020138

DECISION

Administrative Law Judge Kellie A. Brady, a Fair Hearing Officer employed by the Office of Administrative Hearings (OAH), State of California, heard this matter on August 25, 2026, by videoconference from Sacramento, California.

Latrina Fannin, Manager of Rights and Quality Assurance, represented Harbor Regional Center (HRC).

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

Evidence was received, the record closed, and the parties submitted the matter for decision on August 25, 2026.

ISSUE

Whether HRC is required to fund the purchase of a service dog to assist claimant with communication, emotional regulation, sensory requirements, and safety.

FACTUAL FINDINGS

Background

1. Claimant is a 10-year-old HRC consumer based on his qualifying diagnosis of autism spectrum disorder (ASD). He has received support and services from HRC since November 2018. He has disabilities in the areas of communication, emotional regulation, safety, and daily functioning. Claimant lives in Harbor City, California, with his mother and five siblings.

2. Claimant recently completed fourth grade at Normont Elementary in the Los Angeles Unified School District. Claimant is a fast learner and very independent. He enjoys playing with Legos, doing puzzles, playing games, and listening to music. He is considered non-verbal, although he speaks limited sentences. He mainly uses an augmentative and alternative communication (AAC) device to communicate. Because of his difficulty with communication, claimant struggles to interact socially with his peers.

Claimant's November 2024 IPP and January 2026 IPP

3. On November 5, 2024, claimant and claimant's mother met with HRC service coordinator, Julie Villegas, for the annual review of claimant's Individual Program Plan (IPP). In the meeting, the team discussed the ongoing services claimant

receives from various resources. He attends telehealth language and speech services, receives occupational therapy (OT) through his school, is approved for 15 hours of applied behavior analysis (ABA) therapy through Forta Health online services, and is allotted 203 hours of In-Home Supportive Services (IHSS).

4. During the planning period for the new annual IPP, claimant's mother sent a letter to HRC requesting they provide, among other things, funding for a service dog to assist claimant. At an in-person meeting on December 5, 2025, she shared that support from a service dog would benefit claimant's communication, emotional regulation, sensory needs, and safety concerns. At this meeting, HRC agreed to provide funding for a new AAC device with appropriate software to assist with claimant's immediate communication needs. Claimant's mother also requested assistance in securing in-person ABA services, OT, and speech therapy, as claimant currently only receives these services through telehealth.

5. The most recent IPP was agreed to on January 20, 2026. Although HRC denied the service dog request, they agreed to fund in-person ABA services until claimant can obtain it through his health insurance. HRC also agreed to provide claimant with AAC devices, software, and training, speech therapy services, access to Easter Seals technology to assist with communication, legal services for special education, and 105 hours a quarter of respite services.

Notice of Action and Appeal

6. On January 12, 2026, HRC issued a Notice of Action (NOA) denying claimant's request for a service dog. Although claimant's mother believes the service dog will assist with claimant's daily functioning, as explained in the NOA, HRC denied the request because:

ABA is a research-supported service that may help manage these behaviors while teaching or replacing them with more appropriate ones, alongside adult supervision. Additionally, the benefits of a service dog is [s/c] not tied to [claimant's] diagnosis with Harbor. Therefore, Harbor is unable to approve your request.

7. On January 28, 2026, claimant's mother sent HRC a Fair Hearing Request, appealing the denial. In it, she stated the reason for requesting a fair hearing was:

I disagree with the determination that the requested service is not appropriate or necessary. The decision does not fully consider [claimant's] documented functional needs related to safety, communication, emotional regulation, and daily functioning. The denial relies on proposed alternative services that do not adequately address or replace the specific supports provided by a task-trained service dog and do not sufficiently account for [claimant's] individual needs.

I am requesting review and reversal of this decision and approval of services that appropriately meet [claimant's] needs, as required under the Lanterman Act. This appeal is filed within the required timeline. Additional supporting documentation will be submitted.

HRC's Evidence at Hearing

8. Maria Suarez, HRC's Client Services Manager, testified at hearing. She explained that HRC cannot provide funding for a service dog because claimant is approved for 15 hours per week of ABA therapy through his medical insurance. Claimant's mother told HRC that a service dog would assist claimant with communication, emotional regulation, sensory requirements, and safety. Ms. Suarez explained that HRC cannot duplicate services and must utilize the most cost-effective method of providing services. Because ABA therapy addresses the same concerns as a service dog, HRC cannot fund it.

9. Ms. Suarez also explained that unlike ABA therapy, service dogs are not an evidence-based treatment option for individuals with ASD. In addition, there are generic resources that claimant must first exhaust before HRC can fund a service dog. Ms. Suarez stated claimant's mother provided no recommendations from medical professionals or any other proof that a service dog would assist claimant. Ms. Suarez stated HRC team members, including a board-certified behavior analyst, discussed the request and made the determination to deny funding of the service dog for claimant.

Claimant's Evidence at Hearing

CLAIMANT'S MOTHER'S TESTIMONY

10. Claimant's mother testified at hearing. She stated claimant is a kind, smart, independent child but he presents some concerns regarding his safety. She explained claimant is very trusting of people, to the point he is unaware of the dangers that strangers present. She said claimant is not social with other children.

11. Claimant's mother was unaware of the benefits a service animal could provide an individual with ASD until she spoke with a neighbor. The neighbor, who is diagnosed with ASD, was outside with his service dog and claimant immediately bonded with the dog. Claimant's mother started researching the benefits of service dogs for children with ASD, which is why she made the request.

12. Claimant's mother tried to use the school district resources to obtain a service dog but was denied. She requested claimant's doctor prescribe or recommend a service dog for claimant, but he refused. Instead, he provided a referral for claimant to see a psychiatrist before any recommendation is made. Claimant is on a wait list for a psychiatrist appointment.

13. Claimant's mother admits HRC provided her with information regarding non-profit organizations that could assist with a service dog. However, when she tried to use the resource, she learned the organization only provides training for a dog to become a service animal but does not provide the animal itself. She tried to obtain an untrained dog through an alternate source, but the individuals she contacted scammed her.

14. Claimant's mother agreed that claimant does not have a recommendation or prescription for a service dog from a medical professional. She researched using a service dog for ASD and believes it would benefit claimant. However, she acknowledged she did not provide her research to HRC, nor did she provide it at hearing.

CLAIMANT'S BROTHER'S TESTIMONY

15. Claimant's brother testified at hearing. He is 23 years old and lives at home with his mother and siblings. He assists with claimant's care and helps with the AAC devices claimant uses to communicate.

16. Claimant's brother believes a service dog will benefit claimant because he calms down around animals. He stated the service dog will assist with claimant's tantrums, emotional regulation, and elopement issues. He also believes the service dog is needed to keep claimant safe while at school.

CLAIMANT'S SISTER'S TESTIMONY

17. Claimant's sister testified at hearing. She is 18 years old and lives at home with her mother and siblings. She assists with claimant's care when needed.

18. Claimant's sister believes claimant's behavior is improving but she does not believe he can independently function. She believes a service dog will alleviate the safety concerns she has. She stated elopement is an issue with claimant and believes a service dog can help. She also believes the dog will assist with claimant's tantrums by redirecting him.

Analysis

19. HRC contends claimant's request to fund a service dog must be denied. For the reasons discussed below, the law supports HRC's position.

20. When a regional center develops an IPP for a client, it must follow "a process of individualized needs determination." (Welf. & Inst. Code, § 4646, subd. (b).) Among other things, the process of developing an IPP must ensure "utilization of

generic resources and supports if appropriate.” (*Id.* at § 4646.4, subd. (a)(2).) That is because “regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.” (*Id.* at § 4648, subd. (a)(8).) Instead, the process of developing an IPP must ensure “utilization of other services and sources of funding,” such as “governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal.” (*Id.* at §§ 4646.4, subd. (a)(3)(A), 4659, subd. (a)(1).)

21. Although the school district already denied claimant’s request for a service dog, claimant’s mother testified that her request through her medical provider is still pending. His doctor referred claimant to a psychiatrist before he would recommend or prescribe a service dog. The psychiatrist appointment is outstanding. Therefore, claimant has not yet exhausted the generic resource of his Medi-Cal insurance to fund a service dog.

22. Additionally, although claimant is entitled to services and supports to assist with his functional needs, the Lanterman Act prohibits regional centers from funding, “experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown.” (Welf. & Inst. Code, § 4648, subd. (a)(17).) Claimant’s mother stated she researched service dogs for individuals with ASD but did not provide any of her findings to HRC for their consideration. In addition, she presented no evidence at hearing that service dogs are scientifically proven to be an effective therapeutic intervention for children with ASD.

23. Claimant may benefit from the assistance of a service animal. However, at this time, claimant has not presented sufficient evidence to show HRC is required to

fund the service animal. Claimant has not exhausted generic resources and has not shown that a service dog is a scientifically proven therapeutic intervention for children ASD. As such, there is no legal basis to grant claimant's appeal.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The party seeking government benefits or services has the burden of proof. (*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 HRC is required to fund a service animal. (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 Statutes

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]." (*Assoc. 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; *Assoc. 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 participation by the consumer and/or his representative. The regional center must gather information and assessments from a variety of sources, including providers of services or supports. (Welf. & Inst. Code, § 4646.5, subd. (a)(1).)

4. 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, §§ 4646, subds. (a) & (b), 4646.5, subd. (a), 4512, subd. (b), 4648, subd. (a)(6)(E).) The regional center must then "secure services and supports that meet the needs of the consumer" within the context of the IPP. (*Id.* at § 4648, subd. (a)(1).)

5. Regional centers are mandated to provide a wide range of services to facilitate implementation of a consumer's IPP but must do so cost-effectively. (Welf. & Inst. Code, §§ 4640.7, subd. (b), 4646, subd. (a).) They must "identify and pursue all possible sources of funding for consumers receiving regional center services." (Welf. & Inst. Code, § 4659, subd. (a).) This includes "[g]overnmental 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." (Welf. & Inst. Code, § 4659, subd. (a)(1).) It also includes "[p]rivate entities,

to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.” (*Id.* at subd. (a)(2).) Additionally, regional centers shall not purchase any service that would otherwise be available from an alternate resource “when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage.” (Welf. & Inst. Code, § 4659, subd. (c).)

6. A regional center is not required to provide every service a consumer or family may request. Regional centers are prohibited from purchasing “experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown.” (Welf. & Inst. Code, §§ 4648, subd. (a)(17).)

Conclusion

7. As explained above, when all the evidence and applicable laws are considered, claimant failed to meet his burden of establishing by a preponderance of evidence that HRC must fund a service dog to assist with his communication, emotional regulation, sensory requirements, and safety. The evidence failed to establish that a service dog is a clinically determined or scientifically proven effective therapeutic intervention for children with ASD. In addition, claimant has not exhausted the generic resources that may be available to assist with acquiring a service dog. Accordingly, claimant’s appeal must be denied.

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ORDER

Claimant's appeal from Harbor Regional Center's January 12, 2026, Notice of Action proposing to deny claimant's request to fund a service dog is DENIED.

DATE: September 2, 2026

KELLIE A. BRADY

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.