

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

In the Matter of:

CLAIMANT

and

ALTA CALIFORNIA REGIONAL CENTER, Service Agency

DDS No. CS0034116

OAH No. 2026020970

PROPOSED DECISION

Hearing Officer Christopher W. Dietrich, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 1, 2026, by videoconference from Sacramento, California.

Jordan Cody, Legal Services Manager, represented Alta California Regional Center (ACRC).

Dominika Bednarska, Independent Facilitator represented Claimant, who was not present.

Evidence was received, the record closed, and the matter submitted for decision on April 1, 2026.

ISSUE

Is ACRC obligated to allow Claimant to reallocate funds in his Self-Determination Program (SDP) budget to purchase, train, and care for a service dog?

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is an 11-year-old ACRC consumer. He receives ACRC services through the SDP based upon his qualifying diagnoses of Autism Spectrum Disorder (ASD) and Intellectual Disability (ID). Additionally, Claimant is diagnosed with Cutis Marmorata Telangiectatica Congenita and Post-Traumatic Stress Disorder. His diagnoses cause disabilities in self-care, receptive and expressive language, learning, and self-direction. Claimant lives with his parents and two siblings.

Request to Purchase a Service Dog

2. Claimant's SDP budget and spending plan for September 1, 2025, to August 31, 2026, allocated \$34,152.34 in services to Claimant. Claimant was allotted funds to purchase counseling services, community living supports, a personal emergency response device (AngelSense), and participant-directed goods and services.

3. Charlie Ho, ACRC Service Coordinator, testified at hearing. Mr. Ho has been Claimant's assigned service coordinator since 2024. An Individual Program Plan (IPP) meeting was held on September 23, 2025. Mr. Ho and Claimant's mother were present at the meeting. Following the meeting, Mr. Ho prepared a written IPP setting

forth goals for Claimant and identifying services and supports to help Claimant achieve those goals. The IPP documents the following regarding Claimant's behaviors:

For safety awareness, [Claimant] requires close supervision in all settings to prevent any injury or harm. In the community, [Claimant] requires his hand held, as he would dart into traffic without looking for cars. When [Claimant] starts running, he tends to not stop when called by his parents or watch where he is going. [Claimant] is hyperaware when there are animals around him and is afraid of them. In the past, he has hurt animals due to his fear of them. [Claimant] also tends to elope when seeing animals due to his fear of them. Furthermore, [Claimant] has demonstrated other safety concerns, as he tends to climb and stand on tall objects, or would turn on the water and flood the bathroom or kitchen sink.

[¶] . . . [¶]

[Claimant] exhibits self-injurious behavior (picking own skin), emotional outbursts (screaming, crying, falling to the ground), aggression (hitting), running approximately a few times a week. His mother reported that behaviors typically occurs when [Claimant] is denied his electronics, is overstimulated, or when he has to transition to non-preferred activities.

(Grammar original.)

4. Claimant's goals, as stated in the IPP, are for him to continue to live in his family home and to maintain good physical and mental health. The IPP documented that Claimant received Applied Behavior Analysis (ABA) therapy funded by his health insurance, Occupational Therapy (OT) funded by his school district, and In-Home Supportive Services (IHSS). To support Claimant's IPP goals, ACRC agreed to include funds in Claimant's SDP budget to purchase respite care, community integration supports, and psychological services. On September 24, 2025, Claimant's mother signed the IPP indicating that she agreed to the services offered in the IPP.

5. On December 5, 2025, Claimant's mother contacted Mr. Ho requesting that ACRC permit Claimant to use SDP funds to purchase a service dog. Mr. Ho met with Claimant's mother to discuss the request. Claimant's mother sought a service dog to provide emotional support and prevent elopement. Mr. Ho reviewed the request with ACRC Client Services Manager Amy Silva. On January 30, 2026, Mr. Ho prepared a written IPP amendment regarding Claimant's request. The IPP amendment states in pertinent part:

The planning team discussed the family's request to use SDP funds for a service dog. [Claimant]'s mother reported that they would like to use a service dog to assist with [Claimant]'s anxiety, sensory needs, and safety. The team discussed the family's current generic resources (ABA, IHSS) and services (OT, Angel[S]ense, social coaching, etc.) Parent stated that they do not have a provider for the social coaching at the moment. The team could not identified [*sic*] an IPP Goal to support the need for a service dog.

(Grammar original.)

6. On February 3, 2026, Mr. Ho notified Claimant's mother by telephone that her request to use SDP funds to purchase a service dog was denied. Claimant's mother requested that ACRC issue a Notice of Action (NOA) so she could appeal ACRC's denial.

Notice of Action and Fair Hearing Request

7. On February 11, 2026, ACRC issued a NOA denying Claimant's request to use SDP funds to purchase a service dog for Claimant. On February 10, 2026, Claimant requested a fair hearing to contest ACRC's denial. In the NOA, ACRC explained the reasons for the denial as follows:

ACRC determined that [Claimant]'s behavioral, sensory, emotional regulation, and mental health needs are currently being addressed through existing services and supports already in place, including [OT], [ABA], and counseling services funded by ACRC.

Because these services are already addressing the identified needs, purchasing a service dog would duplicate services and supports currently available and being provided. Under the Lanterman Act, regional centers must utilize available generic and other applicable resources and may not purchase services that are otherwise available through those resources.

Accordingly, ACRC cannot authorize SDP Spending Plan funds for the requested service dog.

(Grammar original.)

ACRC's Additional Evidence

8. Mr. Ho explained that he understood that Claimant's mother requested to purchase an already trained service dog for Claimant. Per his understanding, regional centers may fund the purchase of trained service animals. However, per his understanding, regional centers cannot allow consumers to use SDP funds to purchase and train previously untrained animals. ACRC did not provide any documentary evidence to support this contention.

9. Jennifer Bloom, ACRC Director of Client Services, testified at hearing. She explained that regional centers are prohibited from funding duplicative services for their consumers. She contends that ACRC properly denied Claimant's request for a service dog as duplicative of his other services and supports. Specifically, ACRC provided funds for Claimant to purchase an AngelSense GPS monitor to prevent elopement. Additionally, Claimant's OT, ABA, and psychotherapy services are intended to address his emotional and sensory needs.

Claimant's Mother's Testimony

10. Claimant's mother seeks to reallocate \$10,000 from Claimant's community living supports budget to purchase and train a service dog. She has researched the cost of purchasing and training a service dog with multiple providers. She seeks \$3,500 to purchase a dog, \$5,000 to train the dog, and \$1,500 for the dog's care. Alternatively, she estimates that the cost to purchase a trained service dog is \$25,000.

11. Claimant's mother prepared a letter explaining Claimant's need for a service dog. She writes:

[Claimant] wanders. He does not do it to escape or because he is upset-he simply does not pay attention to where he is or what is around him. He will drift away from me in a parking lot, in a store, in our neighborhood, without any awareness that he is in danger. He cannot be trusted to stay nearby. I must hold his hand or stay close enough to grab him at all times. Sometimes he darts-suddenly, quickly, without warning. Sometimes it is excitement, sometimes a burst of energy, sometimes I do not know why. When it happens, I have seconds to respond.

At night, [Claimant] wakes several times a week. When he wakes, he does not come get me. He acts. He has turned on water faucets and caused flooding in our home. He has used the microwave unsafely-twice resulting in fires. He has peeled paint from cabinets. These are not minor incidents. These are safety events that happen while I am asleep.

Because of this, a parent is required to sleep on [Claimant]'s bottom bunk, while he sleeps on the top bunk, so that . . . he can be heard before he reaches the kitchen, the door, or anything else that could hurt him. This is not a long-term solution. It is what I do because there is nothing else in place to keep him safe at night.

(Grammar original.)

12. Claimant's mother explained that Claimant needs constant supervision to prevent elopement and prevent injury from his self-injurious behaviors. She seeks to train a service dog to alert her if Claimant stirs at night or attempts to elope. The service dog could also help guide Claimant when he is public settings. Additionally, the service dog could provide grounding and deep pressure support when Claimant has anxiety attacks or engages in self-injurious behaviors. She seeks the service dog to supplement, but not replace, her supervision by providing direct support to Claimant. She argues that a service dog will allow greater independence for Claimant as he moves into his adult life.

13. Claimant has negative reactions to untrained animals. On one occasion, Claimant injured an aggressive rooster. He has not otherwise injured animals. He has allowed trained dogs to sit on his lap without incident.

14. Claimant's mother expressed gratitude for the supports that Claimant receives through ACRC and other sources. However, she asserts that these services do not meet all of Claimant's needs. Claimant's AngelSense monitor will alert Claimant's parents if Claimant leaves predesignated areas. It does not provide Claimant's actual location or assist in deterring his elopement. Additionally, Claimant has not received psychotherapy since September 2025 as his prior therapy provider left his practice. Claimant's mother has been unable to locate a new provider for Claimant.

Claimant's Documentary Evidence

15. Claimant's OT provider wrote a letter regarding Claimant's need for a service dog. The letter states in pertinent part:

A trained service dog provides assistance that is distinct from, and not duplicative of school based [OT]. School-based [OT] is a related educational support service provided by trained professionals to help a student develop or improve specific functional skills that support access to and participation in the school environment. These Services include interventions targeting fine motor skills, visual motor skills, writing, sensory processing, self-regulation strategies, and other activities necessary for academic participation. [OT] is typically delivered during the school hours and focuses on teaching, practicing and developing skills over time. In contrast, a service dog is specifically trained to perform individualized tasks that directly assist the handler throughout their daily activities. These tasks may include, but are not limited to, providing physical support, retrieving items, interrupting harmful behaviors, assisting with balance or mobility, alerting to medical conditions, or supporting emotional regulation. The service dog's assistance occurs continuously across environments such as home and community settings. Since occupational therapy sessions occur periodically and focus on therapeutic progress, they cannot provide the ongoing immediate task assistance that a service dog is trained to deliver. The service dog therefore functions as a practical accommodation that supports the individual's independence, safety, and access to daily activities outside

of therapy sessions. For these reasons, the presence of a service dog should not be considered a duplication of school based [OT] services. Instead, the service dog compliments therapeutic interventions by enabling the individual to apply and maintain functional skills in real world settings.

(Grammar original.)

16. Claimant's Board Certified Behavior Analyst wrote a letter explaining Claimant's need for a service dog. The letter states in pertinent part:

ABA therapy is a clinical and educational intervention designed to teach and strengthen functional skills through evidence-based behavioral strategies. During ABA sessions/programs, a trained behavior therapist works directly with the individual to teach developmental skills such as communication, adaptive behaviors (i.e. toileting, brushing teeth, hygiene), modeling social skill lessons with peers, and reduction of maladaptive behaviors through teaching the client how to respond differently (i.e. saying "help please", "break"). These sessions occur in structured settings for limited periods of time and focus on teaching, practicing, and reinforcing new skills.

In contrast, a service dog provides continuous, task-based assistance that occurs outside of therapy sessions and across daily environments such as home, and the

community. A service dog is individually trained to perform specific tasks that mitigate the handler's disability.

Depending on the individual's needs, these tasks may include interrupting harmful behaviors, providing grounding during episodes of distress and anxiety, assisting with safety and spatial awareness, retrieving items, or supporting transitions and independence.

The service dog does not provide therapy or behavioral instruction. Instead, it serves as a functional support tool that assists the individual in real-time situations when therapists or caregivers may not be present. ABA therapy focuses on teaching and developing skills, whereas the service dog provides immediate assistance and practical support to help the individual safely navigate daily activities.

(Grammar original.)

17. Claimant's former psychotherapist wrote a letter explaining Claimant's need for a service animal. The letter states in pertinent part:

This service animal is in no way a duplication or replacement of services provided by individual or group therapy services with human clinicians. It is my clinical opinion that access to a service animal in the home setting will provide valuable support to the accomplishing of the goals of individual and group therapy but will in no way

duplicate the services from human therapists. This recommendation is made providing that all health and caretaking requirements providing for the safety of the service animal are met consistently.

(Grammar original.)

18. Claimant's physician wrote a letter explaining Claimant's need for a service dog. The letter states in pertinent part:

[Claimant] currently received [*sic*] ABA therapy, [OT] through his school, and has previously received psychological therapy for his trauma. While these services address skill-building and therapeutic goals in structured settings during daytime hours, they do not and cannot provide the following:

-Real-time safety interruption during elopement attempts.

-Nighttime alerting when [Claimant] wakes and begins to move toward danger, during hours when his mother is asleep.

-Immediate grounding and regulation support during nighttime anxiety episodes and nightmares.

-Continuous, around-the-clock safety monitoring that does not depend on a human caregiver being awake and present.

A trained service dog, specifically task trained for psychiatric support and safety alerting, would address each of these gaps directly. The tasks would include nighttime alerting, elopement interruption, deep pressure therapy, and grounding during anxiety and trauma responses . These are disability-specific tasks that no current funded service and provides.

(Grammar original.)

Community Living Supports SDP Service Definition

19. The Department of Developmental Services (DDS) defines the service category of "Community Living Supports" as "services that facilitate independence and promote community integration for participants, regardless of the community living arrangement." Available supports include "the acquisition, use, and care of canine or other animal companions specifically trained to provide personal assistance. . . ."

Analysis

20. Claimant bears the burden of proving by a preponderance of the evidence that he is eligible to reallocate funds in his SDP spending plan to purchase, train, and care for a service dog. He must establish that these services support his IPP goals and are not duplicative of his existing services and supports.

21. The evidence established that purchasing and training a service dog is consistent with Claimant's IPP goals. A service dog can alert Claimant's parents if Claimant wakes in the night or attempts to elope. Additionally, a service dog can provide grounding and emotional support when Claimant suffers from anxiety attacks

or engages in self-injurious behaviors. These services support the goals stated in Claimant's IPP for him to continue to live in his family home while maintaining good physical and mental health.

22. Claimant established that purchasing a service dog is not duplicative of his existing services and supports. Claimant's existing OT, ABA therapy, and psychotherapy services benefit Claimant's mental health and help to ameliorate the impacts of his ASD and ID. His AngelSense monitor alerts his parents if Claimant leaves predesignated areas. However, a service dog would provide greater direct support to Claimant than what is offered by his existing services. Specifically, a service dog would alert Claimant's parents to potentially hazardous behaviors occurring in the home and would provide immediate emotional support to Claimant. The real-time support offered by a service dog is not duplicated by Claimant's other services and supports. Additionally, the evidence did not establish that there are other generic resources available to fund the purchase, training, and care of a service dog.

23. At hearing, ACRC argued, without citing law or a DDS directive, that regional center funds cannot be used to purchase and train a previously untrained dog. Additionally, ACRC argued that purchasing a dog for Claimant would be contrary to his interests due to his documented fear of animals. When a regional center denies a service or support, it must provide claimants with "adequate notice" of its decision, including "[t]he reason or reasons for that action" and "[t]he specific provision or provisions of law, regulation, or policy supporting that action." (Welf. & Inst. Code, §§ 4685.7, subd. (p); 4701, subd. (a)(2), (4); and 4710, subd. (b).) ACRC deprived Claimant of adequate notice of these bases for its decision by failing to include these arguments in its NOA. As such, ACRC cannot deny Claimant's request on these grounds.

24. Claimant established that ACRC should permit Claimant to include the cost of purchasing, training, and caring for a service dog in his SDP spending plan. Therefore, his appeal shall be granted.

LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act) governs this case. (Welf. & Inst. Code, § 4500 et seq.) An administrative fair hearing to determine the rights and obligations of the parties is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.)

2. Claimant has the burden of proving by a preponderance of the evidence that he should be permitted to reallocate funds in his SDP spending plan to purchase and train a service dog. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [the party seeking government benefits has the burden of proving entitlement to such benefits]; Evid. Code, § 115 [the standard of proof is preponderance of the evidence, unless otherwise provided by law].) Proof by a preponderance of the evidence means “more likely than not.” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387.)

3. Under the Lanterman Act, the State of California is responsible for providing individuals with developmental disabilities with 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).) To comply with this mandate the Department of Developmental Services contracts with nonprofit agencies called regional centers to provide services and supports for individuals with developmental disabilities. (Welf. & Inst. Code, § 4620.)

4. To determine what services a regional center consumer needs, 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; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 389.) The planning process includes “gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the [consumer].” (Welf. & Inst. Code, § 4646.5, subd. (a)(1).) The IPP must set forth goals and objectives for the consumer, provisions for acquiring services, 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, subd. (a)(1), (2), & (4); 4646.5, subd. (a)(2); 4512, subd. (b); & 4648, subd. (a)(6)(E).)

5. The Self-Determination Program provides regional center consumers “an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement” a consumer’s IPP. (Welf. & Inst. Code, § 4685.8, subd. (a).) Self-determination is designed to give the participant greater control over which services and supports best meet their IPP needs, goals, and objectives. (Welf. & Inst. Code, § 4685.8, subd. (b)(2)(B).) One goal of the SDP is to allow participants to innovate to achieve their goals more effectively. (*Id.* at § 4685.8, subd. (b)(2)(G).)

6. “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).) “Individual Budget” means the amount of regional center purchase-of-service funding available to the participant to purchase

services and supports necessary to implement the IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(3).) The regional center can adjust the individual budget if it determines it is necessary due to a change in circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures or if the IPP team identifies a prior unmet need that was not addressed in the IPP. (*Id.* at § 4685.8, subd. (m)(1)(A)(ii).)

7. The SDP requires a regional center, when developing the individual budget, to 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, and the cost effectiveness of each option. (Welf. & Inst. Code, § 4685.8, subd. (b)(2)(H)(i).)

8. The SDP requires participants to "only purchase services and supports necessary to implement their IPP." (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(C).) The SDP specifically obligates the participant to "utilize the services and supports available within the Self-Determination Program only when generic services and supports are not available." (*Id.* at § 4685.8, subd. (d)(3)(B).)

Conclusion

9. Considering all the evidence, Claimant established that ACRC should permit him to include the cost of purchasing, training, and caring for a service dog in his SDP spending plan. Therefore, his appeal shall be granted.

ORDER

Claimant's appeal from Alta California Regional Center's February 11, 2026 Notice of Action denying his request to use SDP funds to purchase a service dog is GRANTED. ACRC shall modify Claimant's spending plan to permit him to use his community living supports budget to purchase, train, and care for a service dog.

DATE: April 7, 2026

CHRISTOPHER W. DIETRICH
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026020970

Vs.

DECISION BY THE DIRECTOR

Alta California Regional Center

Respondent.

ORDER OF DECISION

On April 7, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter. Given the unique circumstances of the case, after review of the record the Department adopts the Proposed Decision but modifies as follows:

1. The evidence established that the claimant may reallocate funds in the spending plan for a service dog. However, per claimant's September 23, 2025, Individual Program Plan (IPP) it is documented that claimant is afraid of animals, and his behavior is impacted by this fear, including past attempts to hurt animals and elopement upon sight of animal. Thus, to ensure the health and safety of claimant is consistent with Welfare and Institutions Code sections 4502, subdivision (b)(8) and 4685.8, subdivision (j), and to ensure that claimant's IPP goals and needs are met by the service animal pursuant to Welfare and Institutions Code sections 4512, subdivision (b), 4648 and 4685.8, subdivision (d)(3)(C), the following shall occur before Alta California Regional Center (ACRC) allows the reallocation of funds on the spending plan for any purchase, training, or care of a service animal for claimant:
 - a. Within 30 calendar days of this Order of Decision, claimant and/or their authorized representatives(s) and ACRC shall hold an IPP meeting, consistent with Welfare and Institutions Code sections 4646 and 4648, to coordinate a time and date where both parties together can meet with a service animal trainer, service animal from the trainer, and a behaviorist to evaluate whether claimant can safely interact with a service animal and whether the service animal services to claimant are consistent with claimant's IPP goals and needs. ACRC shall fund, outside of claimant's SDP budget, an evaluation performed by a behaviorist based on the observation of the

claimant and service animal trainer and animal. Based on the behaviorist's evaluation, ACRC shall document in claimant's IPP whether claimant still is afraid of animals, whether claimant can safely interact with service animals, and whether claimant's IPP goals and needs can be met with the use of a service animal.

If it is determined by the behaviorist that claimant can safely interact with service animal and that claimant's IPP goals and needs can be met with the use of a service animal, ACRC shall continue the reallocation of funds in the spending plan for the purchase, training, and care of the service animal. ACRC shall ensure that the purchase, training, and care of the service animal is cost-effective consistent with Welfare and Institutions Code sections 4646, subdivision (a) and 4685.8, subd.(b)(2)(H)(i)

ORDER

Claimant's appeal is GRANTED but MODIFIED as outlined above. Claimant is permitted to use reallocated funds from their SDP budget for the purchase, training, and care of a service animal consistent with this Order of Decision. This order does not prevent claimant from filing an appeal pursuant to Welfare and Institutions Code section 4710.5 if ACRC issues a future notice of action related to this issue.

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 May 5, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions