

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

**In the Matter of:**

**CLAIMANT**

**and**

**FRANK D. LANTERMAN REGIONAL CENTER,**

**Service Agency.**

**DDS No. CS0033679**

**OAH No. 2026030554**

**DECISION**

Taylor Steinbacher, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter via videoconference on May 5, 2026.

Mirka Guerrero, Fair Hearing Coordinator, represented Frank D. Lanterman Regional Center (FDLRC).

Claimant's mother (Mother) represented Claimant, who was not present. Claimant's name and the names of his family members have been omitted to protect their privacy.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on May 5, 2026.

## **ISSUE**

Should FDLRC fund seven hours per week of personal assistant services (PAS) to assist Claimant while he is engaged in unstructured activities in the community?

## **EVIDENCE RELIED UPON**

Documents: FDLRC Exhibits 1–10; Claimant’s Exhibits A–B, E, G–H.

Witnesses for FDLRC: Hwang Min Yu, Petra Guinto.

Witness for Claimant: Mother.

## **FACTUAL FINDINGS**

### **Parties and Jurisdiction**

1. Claimant is a three-year-old boy who lives with Mother in the catchment area served by FDLRC.
2. FDLRC is a regional center designated by the Department of Developmental Services (DDS) to provide funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welf. & Inst. Code, § 4500 et seq.)

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3. Claimant receives services from FDLRC under the Lanterman Act with an eligible diagnosis of Autism Spectrum Disorder (ASD). On January 28, 2026, FDLRC issued a Notice of Action (NOA) to Claimant, stating that it was denying his request to fund PAS to support him while out in the community, such as during walks, while playing at the “kid’s gym,” and at the park. The reasons stated in the NOA for denial of Claimant’s request were: (1) funding of PAS services during unstructured activities is not permitted by FDLRC’s purchase of service policies for persons in Claimant’s situation; (2) Claimant does not need PAS services to meet the goals in his Individual Program Plan (IPP); and (3) supervision of Claimant during these unstructured periods is a parental responsibility. (Ex. 1.)

4. On January 29, 2026, Claimant filed a fair hearing request to appeal FDLRC’s denial of PAS services. (Ex. 2.) This hearing ensued.

## **FDLRC’s Evidence**

### **HWANG MIN YU**

5. Hwang Min Yu is Claimant’s service coordinator. Mr. Yu’s responsibilities as a service coordinator include helping create IPPs for FDLRC clients by having meetings with them and their families to assess their needs and goals. According to Mr. Yu, Claimant attends preschool in a classroom setting with one teacher to ten students. Claimant has an Individualized Education Program with his school district and receives speech and occupational therapy through school.

6. Claimant does not currently receive one-on-one assistance at school and does not have a behavior support plan while at school. Claimant was not hospitalized in the past year, and FDLRC is unaware of any special incident reports submitted by its

vendors that work with Claimant regarding any unusual or concerning incidents with Claimant while they have provided services to him.

7. FDLRC currently provides Claimant with the following services: (1) Early Start Denver Model (ESDM) training; (2) a wearable GPS tracker with tracking subscription; (3) respite services; and (4) gymnastics and swimming as social recreation activities. ESDM is an evidence-based behavior training that focuses on children one to five years of age. That training addresses challenging behaviors and teaches parents what to do when those behaviors occur. Regarding respite services, that service provides caregivers like Mother with short breaks from the responsibilities of supervising and caring for an FDLRC client. Claimant's grandmother is his respite provider, and Claimant receives 30 hours of respite services per month.

8. During a recent IPP planning meeting, Mother raised the possibility of receiving PAS for seven hours per week to support Claimant's need for community integration. Specifically, Mother requested PAS while Claimant engaged in unstructured activities such as taking walks, going swimming, going to the "kid's gym," and going to the park. (See Ex. 5.) Mother also requested FDLRC's purchase of service policies relevant to her request.

9. After discussing Claimant's request for PAS with his supervisor, Mr. Yu told Mother that FDLRC could not fund that service for Claimant. This was because, among other things, funding that service would be against FDLRC's purchase of service policies, and because supervising Claimant during these periods of unstructured activities is a parental responsibility no different from what the parents of a child without a developmental disability would have.

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10. Notwithstanding FDLRC's decision to deny funding for PAS for Claimant during unstructured activities, FDLRC offered to fund PAS while Claimant participated in structured social recreation activities, provided that Mother provided a letter of need from the service provider. (Ex. 10.) The letter conveying this offer to fund PAS for Claimant during structured activities noted that FDLRC could not identify a policy that only provides for PAS during structured activities because such a policy did not exist. (*Ibid.*)

### **PETRA GUINTO**

11. Petra Guinto is the Regional Manager for the Central Los Angeles Early Childhood Unit at FDLRC. In that role, she oversees service coordinators, including Mr. Yu, and is familiar with FDLRC's purchase of service policies, including those that are relevant to funding PAS for its clients.

12. Guinto testified that, when read together, multiple FDLRC purchase of service policies prohibited FDLRC funding PAS for Claimant in these circumstances. These policies include the following:

General Purchase of Service Policy, which requires FDLRC to take into consideration a parent's responsibility to provide for a child as they would for a child without a disability (Ex. 6, p. A41);

Social-Recreation and Camp Activities Policy (Social Rec Policy), under which FDLRC acknowledges that it funds social recreation activities for its clients to promote community inclusion and engagement with peers of similar ages (Ex. 7);

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Supplemental One to One for Vendored Services Policy, which, when read together with the Social Rec Policy, permits FDLRC to fund one-to-one services during certain structured activities where there is a documented need for supplemental behavior support (Ex. 8, pp. A48–A49); and

Inclusion Support Standard, which reiterates that FDLRC will fund “inclusion support” for its clients to allow them to engage in “group activities in typical settings with their non-disabled peers,” where “extra support [is needed] to participate in such activities.” This policy notes that such support is only temporary because “it aims to help staff within typical community programs develop the capacity to support the child with disabilities without outside assistance” (Ex. 9, p. A50).

13. Guinto testified that Claimant’s request for PAS was not permitted under these policies. This was because FDLRC generally does not fund PAS for three-year-olds during unstructured activities because FDLRC considered that to be a parental responsibility attendant to parents of most children that age. Guinto clarified that if Claimant were older, FDLRC’s position on this issue could be different, because it expects that children over the age of six do not need constant parental vigilance and supervision while out in the community. Guinto also testified that if Claimant had documented behavioral difficulties, such as a need for one-to-one assistance in school, a behavior support plan while at school, unusual incidents giving rise to a special incident report while receiving services, or recent hospitalizations related to concerning behaviors, then FDLRC may have considered providing PAS for Claimant even though he is only three years old. But absent corroborating evidence, FDLRC was not permitted to fund PAS for Claimant in unstructured settings under these circumstances.

## **Claimant's Evidence**

### **MOTHER'S TESTIMONY**

14. Mother testified that, in addition to being diagnosed with ASD, Claimant has also been diagnosed with Global Development Delay and language disorder. Claimant has recently been approved to receive a "disabled person placard" from the California Department of Motor Vehicles. (Ex. B.)

15. According to a Client Development Evaluation Report issued by DDS, Claimant "requires constant supervision during waking hours to prevent injury/harm in all settings," and Claimant exhibits "disruptive behavior interfering with social participation" and "running/wandering away" every day or almost every day. (Ex. E, p. B15.)

16. Mother submitted in evidence a 2002 publication from DDS regarding PAS. That publication defines PAS as services "used to help a person with a disability do tasks that he or she would normally do if there was no disability," and that PAS can include services to assist "with inclusion in social and recreational activities[.]" (Ex. G, pp. B22, B30.)

17. During her testimony, Mother claimed that a typical three-year-old does not require constant supervision to prevent harm, but that Claimant needs continual hands-on support. Claimant's IPP acknowledges that he has "high energy that needs to be expended through some sort of activity," and his IPP funds social recreation activities to expend that energy. Mother noted, however, that separate from structured social recreation activities, Claimant enjoys being outdoors and in the community, but exhibits difficulties with elopement during those times. According to Mother, the

ESDM services Claimant receives do not address the behaviors and real-time safety risks and issues that Claimant exhibits.

18. Mother expressed frustration that, although Claimant was authorized to receive 69 hours of ESDM services per month, he does not actually receive all the allotted time for that service due to provider unavailability. She also expressed frustration that Mr. Yu could not identify the FDLRC policy that specifically states it could not fund PAS for children who are three years old. And Mother expressed additional frustration that, after being told FDLRC would fund PAS during structured social recreation activities if it received a letter of need from the service provider, no one at FDLRC could give her an example or form letter to request those services. Because of this, Mother has been unable to claim the PAS hours offered by FDLRC during those activities.

19. Mother also asserted that, under Welfare and Institutions Code sections 4646, 4501, and 4502, it is inappropriate for FDLRC to deny funding for PAS solely based on Claimant's age.

## **LEGAL CONCLUSIONS**

### **The Lanterman Act**

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) (All further undesignated statutory references are to the Welfare and Institutions Code.) The Legislature enacted the Lanterman Act to provide a pattern of facilities and services sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. 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, 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. (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

2. DDS is the state agency charged with implementing the Lanterman Act; DDS, in turn, contracts with private, non-profit community agencies called “regional centers” to provide developmentally disabled persons with access to the services and supports best suited to them throughout their lifetime. (§§ 4416, 4620.)

3. Under the Lanterman Act, an administrative proceeding, also known as a “fair hearing,” is available to determine the rights and obligations of regional centers and claimants when claimants disagree with a regional center decision. (§§ 4700-4717.)

4. Claimant requested a fair hearing under the Lanterman Act, and thus, jurisdiction for this case was established. (Factual Findings 1–4.)

### **Standard and Burden of Proof**

5. The party proposing a change in existing services or asserting a new claim holds the burden of proof in administrative proceedings. (See, e.g., *In re Conservatorship of Hume* (2006) 140 Cal.App.4th 1385, 1388 [the law has “a built-in bias in favor of the status quo,” and the party seeking to change the status quo has the burden “to present evidence sufficient to overcome the state of affairs that would exist if the court did nothing”].) The standard of proof for these proceedings is the preponderance of the evidence because no other law or statute, including the Lanterman Act, provides otherwise. (Evid. Code, § 115.) This 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.)

6. Here, Claimant bears the burden of proving by a preponderance of the evidence that FDLRC's decision to deny funding for PAS was incorrect.

### **Individual Program Plan Process**

7. The determination of which services and supports are necessary for each regional center client is made through the IPP process with the regional center. (§ 4512, subd. (b).) This determination "shall be made on the basis of 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 [IPP] participants, the effectiveness of each option in meeting the goals stated in the [IPP], and the cost-effectiveness of each option." (*Ibid.*; § 4646, subs. (a), (b) [noting that the IPP is developed through an "individualized needs determination" that includes the client as well as their parents, guardians, or authorized representatives, and should reflect "the needs and preferences of the consumer, and, as appropriate, their family"].)

8. The IPP process includes "[g]athering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities" and should include a review of the "needs of the child and the family unit as a whole." (§ 4646.5, subd. (a)(1).) This information gathering process allows the regional center to "identify and pursue all possible sources of funding for consumers receiving regional center services." (§ 4659.)

9. When providing services and supports to its clients, regional centers must: (1) ensure they have conformed with their purchase of service policies (which are

approved by DDS); (2) utilize generic services when appropriate; and (3) utilize other sources of funding as listed in section 4659. (§ 4646.4, subd. (a).) Regional centers also must consider typical parental responsibilities for maintaining a safe home environment for young children, with or without disabilities, and may not replace those responsibilities with publicly funded services absent a demonstrated need or hardship. (§ 4646.4, subd. (a)(4); Cal. Code Regs., tit. 17, § 54326, subd. (d)(1).)

## **Analysis**

10. Here, Claimant has not met his burden to show that seven hours of PAS per week while Claimant engages in unstructured activities is warranted for now. Guinto identified multiple FDLRC policies relevant to whether Claimant can receive PAS under the circumstances. Those policies show that FDLRC must take into consideration parental responsibility before funding PAS for a client. Although Claimant has shown that he has difficulties with high energy and elopement while out in the community, Claimant did not show that these behaviors are so atypical or dangerous as compared to a typical three-year-old that PAS is currently warranted. Guinto's testimony that Claimant does not receive one-to-one services at school, does not have a behavior support plan while at school, has not had any unusual incidents while receiving other services, or recent hospitalizations related to these behaviors, was persuasive on the issue of whether additional services are currently needed. Guinto's testimony also demonstrated that FDLRC does not deny PAS to clients merely because of their age, but it also considers whether the client demonstrates a need with corroborating evidence. Claimant has not met his burden to show that need.

11. Although Claimant's appeal will be denied, this does not mean that Claimant is prohibited from seeking PAS in the future, for example, if Claimant can document a need for PAS as Guinto discussed in her testimony. Alternatively, Claimant

may become eligible for PAS if he continues to require constant supervision after the age of six.

## **ORDER**

Claimant's appeal is denied.

DATE:

TAYLOR STEINBACHER  
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.