

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

In the Matter of:

CLAIMANT

and

SAN GABRIEL/POMONA REGIONAL CENTER, Service Agency.

DDS No. CS0036410

OAH No. 2026050146

DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, served as the hearing officer in this matter on July 24, 2026, by videoconference.

Claimant's parent appeared representing claimant.

Appeals and Resolutions Manager Daniel Ibarra appeared representing the San Gabriel/Pomona Regional Center.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 24, 2026.

ISSUE

Must the San Gabriel/Pomona Regional Center (SG/PRC) pay the purchase price and monthly service charge for a specialized mobile telephone (a "Bark Phone") for claimant?

FACTUAL FINDINGS

1. Claimant is 14 years old and is a SG/PRC consumer because of substantially disabling autism spectrum disorder. Claimant lives with his family.
2. SG/PRC funds social and recreational activities and social skills training for claimant. Claimant soon will undergo an assessment to evaluate whether he might benefit from formal adaptive skills training as well.
3. Claimant asked SG/PRC to include funding in his individual program plan for him to purchase a specialized mobile telephone, and for the monthly service cost for this telephone. SG/PRC denied this request, on the ground that this device and service would not meet any need that arises from claimant's qualifying disability. Claimant timely appealed this denial.

Claimant's Need for a Telephone, and Limits in Using One

4. As claimant's independence increases, claimant and his parents would like claimant to have a mobile telephone. He would use it, for example, to contact his parents or caregivers in emergencies, or if his activity schedule changes at the last minute. Claimant also could use a mobile telephone's mapping application to find his way independently, or to identify his location if he is somewhere unfamiliar.

5. Because of his disability and his age, claimant is very unsophisticated about protecting himself from telephone- and Internet-related hazards. He already has fallen victim to password theft, and he struggles in general to distinguish safe from unsafe people and situations. His parent testified, credibly and persuasively, that claimant currently could use a mobile telephone safely and positively only if his parents exercise strict control over the functions that are active and the people with whom claimant communicates.

The Bark Phone

6. To address the concerns summarized in Finding 5, claimant has identified a device called the Bark Phone. The Bark Phone is a mobile telephone that comes with robust parental controls and monitoring.

7. According to product information from the seller and service provider, the Bark Phone's parental controls are "tamper-proof." Parents can limit the applications available on the child's telephone, as well as the contacts with whom the child can exchange telephone calls, text messages, or social media communications. Parents also can limit telephone use to specific time windows or to total daily screen time.

8. The Bark Phone also offers remote parent monitoring. Through an application on a parent's device, or through text messaging to a parent, the Bark Phone service can alert a parent to potentially dangerous telephone use by the child, such as messaging with unsafe people or accessing inappropriate media.

9. When claimant made his request to SG/PRC, the monthly cost to him of a Bark Phone would have been \$81, before taxes. This cost comprises \$25 per month toward the purchase price of the device, \$49 per month for service including

communications and parental monitoring, and \$7 per month for device protection. The evidence does not establish how this monthly cost compares to the monthly cost of other mobile telephones commonly used by claimant's peers.

10. Claimant's parents are optimistic that claimant's safety skills will increase as he learns and matures, and that eventually he will be able to use a mobile device as safely as his similar-age peers. They believe that he would need a Bark Phone for a few years, but their goal for claimant is for him to become able to manage an ordinary, age-appropriate telephone by the time he finishes high school (in four years).

SG/PRC Purchase of Service Policy

11. SG/PRC's Purchase of Service Policy specifies that SG/PRC may purchase items and services that allow its consumers, despite disability, to "approximate the pattern of everyday living of a nondisabled person of the same age." It also states that SG/PRC will "take into account the family's responsibility for providing similar services to a child without disabilities."

12. SG/PRC concurs that a mobile telephone is age-appropriate for claimant, but contends that an ordinary, commercially available telephone with standard parental controls would serve claimant's needs.

LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code, § 4500 et seq.) entitles claimant to an administrative fair hearing to review SG/PRC's service decisions. (Welf. & Inst. Code, § 4710 et seq.) Claimant bears

the burden in this matter to prove that the Lanterman Act requires SG/PRC to deliver the services and supports he requests.

2. The Lanterman Act generally requires SG/PRC to fund services that meet claimant's disability-related needs but that are not available elsewhere. (Welf. & Inst. Code, § 4648.) The Lanterman Act permits SG/PRC to decline funding, however, for services that would be an ordinary or typical family responsibility regardless of disability. (*Id.*, § 4646.4, subd. (a)(4).)

3. The evidence establishes that a mobile telephone with parental controls is necessary and age-appropriate for claimant. The evidence does not establish, however, that claimant's needs for a mobile telephone or for parental controls are unusual, by comparison to his peers.

4. Moreover, the evidence does not establish that the Bark Phone meets these needs any more effectively than would any other mobile telephone. Rather, the evidence establishes only that the Bark Phone service provider packages the most common or popular parental controls into its service plan.

5. The Lanterman Act and SG/PRC's Purchase of Service Policy limit SG/PRC to purchasing devices and services that specifically meet disability-related needs, and that do not duplicate items or services that a claimant would need regardless of disability. Under the Lanterman Act and its Purchase of Service Policy, and for the reasons summarized in Legal Conclusions 3 and 4, SG/PRC appropriately denied claimant's request for SG/PRC to pay the cost for him to have a Bark Phone.

ORDER

Claimant's appeal from SG/PRC's denial of his request to include purchase of and service for a Bark Phone in his SG/PRC individual program plan is denied.

DATE:

JULIET E. COX

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.