

Your Rights During an Appeal

Right to “Adequate notice”

You have the right to receive written notice that is in plain, clear, and nontechnical language. The notice must be provided in your preferred language and the language preferred by your authorized representative, if you have one.

Right to Receive Information by the Method You Choose

You have the right to receive information by mail, email, or other method that you choose.

Right to Appeal Regional Center’s Proposed Decision or Action

You have the right to file an Appeal if you disagree with a decision or action made by the regional center. The appeal request must be filed within 60 days of the notification of the decision or action.

Right to Keep Your Current Services

You have a right to continue your eligibility or the services you currently receive during an appeal. This is called “aid paid pending.” To keep your eligibility or services, your appeal request must be received by DDS or postmarked 30 days after you got your Notice of Action (NOA) and before the action takes place.

Right to Access to Your Records

You have the right to access the regional center's records about you. This means you can look at your regional center records. You also may get a copy of your records. Regional centers may charge you for the actual cost of making copies. If you cannot afford to pay for the records, tell your regional center and ask how to get copies of your records for no cost. You should get access to your records within 3 business days of your request.

Right to Decide Your Participation in the Appeal Process

You may select which part(s) of the appeals process you want to use. Your choices are informal meeting, mediation, or hearing. You may choose to use any or all of these parts. You also may choose how to attend an informal meeting, mediation or hearing: by phone, video or in-person. You may amend your appeal request at any time to use any or all of these processes.

Right to Choose a Convenient Time and Place

You have the right for your informal meeting, mediation, and hearing each to be at a time and place that you can attend.

Right to Help or Support

You have the right to have someone help or support you. It may be an attorney or another person. This person may be your authorized representative, or a friend or family member. If you agree, your authorized representative will receive information about your appeal.

You may ask an attorney or someone else to help you prepare for your appeal. You also may have an attorney attend any part of your appeal. You must tell the regional center beforehand if you will have an attorney attend an informal meeting, mediation, or hearing. The regional center cannot have an attorney attend any part of an appeal unless your attorney attends, or you are an attorney.

Right to Request More Time

If you need more time, you may request more time. This is called a continuance. A continuance may extend the time for resolving your appeal, and must be requested before the hearing occurs.

The first time you request a continuance, you do not need to give a reason. If you request any more continuances, you will have to give a reason (this is called "good cause") for your request.

Right to Request a Different Mediator or Hearing Officer

You may request a different Mediator or Hearing Officer if you think they cannot be fair. You must do this before the mediation or hearing starts and give a reason for your request.

Right to Attend the Appeal

You have the right to attend all parts of your appeal.

Right to Decide if the Hearing Is Open to the Public

Hearings are open to the public. If you do not want the public to attend your hearing, let the Hearing Officer know that you want the hearing closed. You can do this in writing before the hearing, or in writing or verbally at the hearing before it begins.

Right to an Impartial Hearing

You have the right to speak freely and openly at your hearing. The Hearing Officer will help you and the regional center share the facts.

Right to An Interpreter

If your preferred language is not English, you have the right to an interpreter that is able to interpret effectively, accurately, and neutrally. You may ask for an interpreter on your Appeal Request form. An interpreter will be provided for all parts of your appeal.

Right to Provide the Hearing Officer with Information

You may provide the Hearing Officer with information to support your appeal. This information is called evidence. You and other people you choose may verbally give the Hearing Officer information. These people are called witnesses. You also may provide the Hearing Office with written documents.

The regional center's Position Statement must be in your preferred language, and the preferred language of your authorized representative, if you have one. If the regional center cannot provide a translated version of these documents, they will notify you, provide a copy in English, and request a continuance with evidence of its efforts to translate the documents. You must receive this information at least two business days before your hearing.

Right to Ask Regional Center Witnesses Questions

The regional center may have witnesses testify at the hearing. You have the right to ask the regional center's witnesses questions.