

KEEPING YOUR CURRENT SERVICES DURING THE APPEAL PROCESS

How to Keep Your Current Services During Your Appeal?

You can keep your current services during your appeal. This is called aid paid pending. If you are asking for a new service, you are not eligible for aid paid pending. To keep your current services, you must follow specific rules and meet deadlines.

There are deadlines for requesting an appeal. There also are deadlines to say you want to continue your appeal after each step of the appeal process.

1. Deadline to Request an Appeal and Keep Your Current Services

Your Appeal Request Must Be Made on Time.

To get aid paid pending and keep your current services during your appeal, your appeal request must be postmarked or received by the Department of Developmental Services (DDS), no later than:

- 30 days after you received a Notice of Action
- Not later than the date the regional center told you your services would end. The date the regional center will end the services is in your notice of action.

How the regional center will send you a Notice of Action (NOA)

When you receive your NOA is used to determine your eligibility for aid paid pending. The regional center will ask you at your Individual Program Plan (IPP) meeting how you want to receive any NOA. You can choose to get your NOA by email, regular U.S. mail or certified mail. The regional center will send your NOA the way you requested to receive it.

Steps To Take If You Received a NOA and Want to Keep Your Current Services

On your appeal request form, you should answer the following questions:

1. "Did you receive a document from the regional center that you would like to appeal?" Select NOA and provide the date you received the NOA.
 - For a NOA that is emailed, it will be the date you received the email.
 - For a NOA sent by regular U.S. mail, it will be the date you received the mailed NOA.
 - For a NOA sent by certified mail, it will be the date you signed for the certified mail.
2. "What is the proposed effective date of the Regional Center action?"
This date should be in the NOA. See the sample NOA form here:



<https://www.dds.ca.gov/wp-content/uploads/2023/02/DS1820-Notice-of-Action-NOA.pdf>

Answering these questions will help DDS decide if you are eligible for aid paid pending.

Steps to Take If You Received a Good Faith Belief Letter and Want to Keep Your Current Services

If the regional center believes you agreed with their decision, they must send you a letter. This is called a Good Faith Belief letter. More information about mutual consent and good faith belief is here: <https://www.dds.ca.gov/wp-content/uploads/2023/03/MUTUAL-CONSENT-Fact-sheet.pdf>

If you received a Good Faith Belief letter you can tell the regional center you disagree. The regional center will send you a NOA.

Steps to Take If You Disagree with The Regional Center's Decision but Did Not Receive a NOA or Other Document.

You also can file an appeal if you did not receive a NOA or other document from your regional center. Information about how to do this is here: <https://www.dds.ca.gov/wp-content/uploads/2023/07/Requesting-an-Appeal-Without-an-NOA-Fact-Sheet.pdf>

2. Steps to Take to Keep Your Current Services During the Appeals Process.

At the end of each part of the appeal process, you decide if you agree with what happened. You also decide if you want to use another part of the appeal process. If you want to use another part of the appeal process, there are deadlines you must follow to get aid paid pending and keep your current services.

Informal Meeting.

- Your aid paid pending ends 10 days after the date you receive the Informal Meeting Decision unless you continue to appeal. You must tell your regional center and DDS that you want to use another part of the appeal process. Contact DDS by email at appealrequest@dds.ca.gov or by telephone at (833) 538-3723. The deadline for doing this is no later than 10 days after the date you receive the Informal Meeting decision.

Mediation

- Your aid paid pending will end 10 days after the date you received the mediation agreement. If you and the regional center did not make an agreement, your aid paid pending will end 10 days after your mediation ends, unless you continue to appeal. You must tell the mediator, the



regional center, and DDS. Contact DDS by email at appealrequest@dds.ca.gov or by telephone at (833) 538-3723 that you want to use another part of the appeal process. The deadline for doing this is no later than 10 days after you received your mediation agreement or the date of your mediation.

Hearing

- Your aid paid pending ends 10 days after the date you received the hearing decision.
- Your aid paid pending continues if you make a written request for a reconsideration. More information about reconsideration is online here: <https://www.dds.ca.gov/wp-content/uploads/2023/07/Reconsideration-Fact-Sheet.pdf>. Your decision will tell you how to request reconsideration. The deadline for requesting a reconsideration is 15 days after the date the hearing officer made the decision, not the day you received it.

Reconsideration

- If you timely requested a reconsideration your aid paid pending will continue for 10 days after the reconsideration decision or the new hearing decision.

Appeal to Court

- Your aid paid pending ends 10 days after the date you received the final hearing decision or reconsideration decision.
- You can appeal a final hearing decision in court not later than 180 days of the date you received a decision. The court must decide if your aid paid pending will continue.

How to Get Help

You may get help to understand your appeal rights. Some agencies that may be able to help are found by clicking the "Getting Help" tab at:

<https://www.dds.ca.gov/general/appeals-complaints-comments/fair-hearings-complaint-process/lanterman-act-appeals-information-packet/>

