

CONTINUANCES

What is a continuance?

A continuance moves your appeal out into the future. If the dates you are given don't work for you, you may request a continuance for any part of your appeal. If your request for a continuance is approved the timeline for completing the appeal process is extended.

The regional center may also request a continuance. If the regional center requests a continuance, the appeal timeline is not automatically extended.

You may be asked to sign a "Waiver of Timeline" form. Signing this form means you agree to extend the timeline for completing your appeal. If you don't sign the form, the timeline will not be extended.

Timelines for Holding Your Informal Meeting, Mediation or Hearing

There are timelines to complete each step of the appeal process. If you need more time to complete any step of the appeal process, you may request a continuance.

You can learn about the timelines for each step of the appeal process:

- In the Appeal Process Information packet, found here: <https://www.dds.ca.gov/general/appeals-complaints-comments/fair-hearings-complaint-process/lanterman-act-appeals-information-packet/>
- Or, in the Appeals Process Flow Chart and Deadlines, found here: <https://www.dds.ca.gov/wp-content/uploads/2023/02/Appeals-Timeline.pdf>

You must decide if you want to use another part of the appeal no later than 60 days after you received your Informal Meeting decision or the date of the mediator's notice of the outcome of the mediation. If you don't decide within 60 days your appeal will be considered withdrawn. This means that you will not be able to continue with your appeal.

How To Request a Continuance

- Informal Meeting Continuance:
 - If you want the date of your informal meeting to be continued, tell your regional center. The regional center will work with you to find another date.
 - The meeting must be at a time and place that is reasonably convenient to you.
 - Continuing your Informal Meeting will extend the time for completing the appeals process.

- Mediation Continuance:

- If you want the date of your mediation to be continued, you must complete and submit a Hearing Office Request for Continuance Form.
 - You can find the form and information about how to submit the form here: <https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Forms/Page-Content/DDS-Forms>
- You should also tell your regional center you are requesting a continuance.
- If it is your first request for a continuance, it will be granted.
- If you request another continuance, the Hearing Office has the discretion to grant or deny your request for continuance.
 - If the Hearing Office grants your continuance request, the timeline for completing the appeals process will be extended.
 - If the Hearing Office grants a regional center's request for a continuance, that does not automatically extend the appeals timeline.
- You may be asked to sign a "Waiver of Time" form.
 - Signing this form means you agree to extend the timeline for completing your appeal.
 - If you don't sign the form, the timeline won't be extended.

- Hearing Continuance:

- If you want to continue your hearing, you must complete and submit a Hearing Office Request for Continuance form.
 - You can find the form and information about how to submit the form here: <https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Forms/Page-Content/DDS-Forms>
- You should also tell your regional center you are requesting a continuance.
- If your request for a continuance is granted, the timeline for completing your appeal will be extended.

Reasons for a Continuance

There are certain rules about continuing a hearing:

- The first time you ask for a continuance of a hearing, you do not have to give a reason.
- If you make another request for a continuance, you must show good cause. Good cause means the continuance is made for a reason listed in the law.
- The regional center may also request a continuance for good cause.
- If the regional center's request for continuance is granted you may be asked to sign a "Waiver of Time" form.

- a. You can find this form here: <https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Forms/Page-Content/DDS-Forms>
- b. Signing this form means you agree to extend the timeline for completing your appeal.
- c. If you don't sign the form, the timelines won't be extended.

Good cause for a continuance means that you, your authorized representative, or the regional center's representative had one of the following happen:

- Death of a spouse, parent, child, brother or sister, or grandparent
- Illness or injury
- Sudden or unexpected emergencies
- Unavailability of a witness or evidence that causes serious prejudice to the party. Prejudice means that the hearing won't be fair without this person's testimony.

Other reasons a hearing may be continued:

- You can request a hearing continuance if you have not had a mediation and want a mediation before your hearing. If this continuance is granted, it will extend the timelines for completing your appeal.
- The regional center must request a continuance if they can't give you the position statement in your preferred language two business days before your hearing. You and the Hearing Office will get a copy of the request for a continuance.

You can decide if you want to agree to a continuance. The continuance cannot be for more than 10 days. If there is a continuance, the regional center will give you a copy of a translated position statement two business days before the new hearing date.

Agreeing to this continuance does not automatically extend the timeline for completing the hearing. You may be asked to sign a "Waiver of Time" form. Signing this form means you agree to extend the timeline for completing your appeal. If you don't sign the form, the timelines won't be extended. You can find the form here:

<https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Forms/Page-Content/DDS-Forms>

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/>