

INFORMATION SHARED FOR A HEARING

Information the regional center gives you before a hearing

The regional center must give you and the Hearing Office a written position statement two business days before the hearing. Business days means Monday through Friday, except for holidays when government offices are closed.

The position statement must be provided in your and your authorized representative's preferred language. It will be sent by email unless you tell the regional center you want to receive it some other way.

What is a position statement?

A position statement must include the following information.

- A summary of the facts of the case,
- The reasons for the regional centers or claimant's position.

The following information also must be provided:

- A list of witnesses that a party plans to have testify,
- General information about each witness's testimony, and
- All documents that are planned to be used at the hearing.

What happens if the regional center's position statement is not provided in your preferred language?

If the regional center cannot give you its position statement on time in your preferred language, it must do the following:

- Tell you and the Hearing Office it cannot timely translate the position statement.
- Provide you with a copy of the position statement in English.
- Request that the Hearing Office continue the hearing for no more than 10 days.
- Provide information about the steps it took to try to translate the position statement in time.

You decide if you want the hearing continued. If you don't want the hearing delayed, you should tell the Hearing Office. The Hearing Office will decide if the hearing is continued. This continuance cannot be for more than 10 days. If the



hearing is continued, the regional center must give you a translated copy of its position statement two business days before the new hearing date. Since this continuance was requested by the regional center, it will not extend the timelines for completing a hearing unless you sign a form agreeing to extend the timelines. Read more about the “Continuance” process here: <https://www.dds.ca.gov/wp-content/uploads/2023/07/Continuances-Fact-Sheet.pdf>

Information you must share before the hearing.

If you are not represented by an attorney, you must give the regional center and the Hearing Office this information two business days before the hearing:

- A list of your witnesses who will testify at the hearing. You must also briefly describe how they are related to you.
- Copies of any professional assessments or reports you will use.

You may provide the regional center and Hearing Office with copies of other documents before the hearing or at the hearing.

If you are represented by or are a California licensed attorney, you must give the regional center and Hearing Office a written position statement which includes the information in “What is a position statement?” above.

What happens when you or the regional center did not share the required information?

If the required information was not shared, the hearing officer may stop it from being used at the hearing. To make the hearing fair, the hearing officer may also allow testimony or documents to be considered.

If you are not represented by an attorney, the hearing officer may consider:

- If you understood the rules about sharing information,
- Disability-related reasons that made it hard for you to share the information, and
- If the information will help the hearing officer bring out relevant facts.

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/>

