

## **SECTION 2: Appendices**

### **Appendix A: Respite Fair Hearing Flow Chart**

**Request a Fair Hearing if:** (1) the regional center decides, without your agreement, to cut, reduce, or change respite services in your IPP; (2) you request respite services and the regional center denies your request.

**Question 1: Are you currently receiving respite services that the regional center wants to cut, reduce, or change?**

**YES >** File your request for hearing **within 10 days** of the date you received the regional center Notice of Action. Respite services will continue until there is a final administrative decision. GO TO Question 3

**NO >** You must file your request for hearing **within 30 days** of the date you received the regional center Notice of Action. GO TO Question 3

**Question 2: Were you denied respite services or an increase in respite services?**

**YES >** File your request for hearing **within 30 days** of the date you received the regional center Notice of Action. GO TO Question 3

**Question 3: Do you want to have an optional informal meeting?**

**YES >** An informal meeting must be held **within 10 days** of regional center's receipt of your request for a hearing, unless you agree to another date.

You must receive a written decision from the regional center **within 5 working days** of the informal meeting. GO TO Question 4

**NO >** GO TO Question 5 regarding optional mediation.

**Question 4: Are you satisfied with the regional center's decision?**

**YES >** Tell the regional center that you withdraw your request for Fair Hearing. Respite services agreed to in your informal meeting decision will begin **within 10 days** of receiving your withdrawal. GO NO FURTHER.

**NO >** GO TO Question 5 regarding optional mediation.

**Question 5: Do you want to have the optional mediation?**

**YES >** Does the regional center accept mediation? They must accept mediation **within 5 working days**.

If regional center accepts, mediation will be held **within 30 days** of the regional center's receipt of your request for a hearing, unless more time is approved by OAH. GO TO Question 6

If regional center does NOT accept mediation **within 5 working days**, your case proceeds to Fair Hearing. GO TO Question 7

**NO >** You may proceed to a Fair Hearing. GO TO Question 7

**Question 6: Did you reach an agreement in mediation?**

**YES >** Tell the regional center that you withdraw your request for Fair Hearing. Respite services agreed to in your written resolution will begin **within 10 days** of receiving your withdrawal. **GO NO FURTHER**

**NO >** You may proceed to a Fair Hearing. **GO TO** Question 7

**Question 7: Do you want to proceed with a Fair Hearing?**

**YES >** A Fair Hearing will be held **within 50 days** of the regional center's receipt of your request for a hearing, unless a judge grants longer time for good cause.

A Fair Hearing decision must be issued **within 10 working days** of the last day of the hearing and **within 80 days** after your initial request for hearing unless you waived the deadline by asking for a continuance

(postponement)

**GO TO** Question 8

**NO >** You may withdraw from the Fair Hearing by contacting OAH.

**Question 8: Are you satisfied with the Fair Hearing decision?**

**YES >** Respite services will be provided as decided in the Fair Hearing decision.

**NO >** You have **90 days** to file a Writ of Administrative Mandamus in superior court. You can contact Disability Rights California, Office of Clients' Rights Advocacy, or a private attorney for help.

**NOTE:** The regional center can proceed with a cut or a reduction in respite services **within 10 days** unless your attorney gets a court order to continue the services while the court decides on your appeal.