



# In-Home Supportive Services (IHSS) Fair Hearing Process

Recent legislation will soon result in either a reduction in hours or a complete loss of eligibility for certain IHSS consumers. If you receive a Notice Of Action (NOA) stating that you will be impacted by these changes, you **have the right to request a state hearing to appeal the decision.**

## **I. Requesting a Fair Hearing:**

If you decide to appeal a reduction of IHSS hours or a loss of benefits, you should request a fair hearing before the NOA's effective date. If you request the hearing before this date and request "**Aid Paid Pending**", you will be able to continue receiving services while the case is being reviewed. Even if you lose your appeal, you will not have to pay for any services you received while your case was being decided. (This could take several months.)

Hearings can be requested verbally or in writing. To request a hearing verbally, call **800-952-5253** or TDD: **800-952-8349**. To request a hearing in writing, complete the form on the back of the NOA and fax it to **916-229-4110**, or send it by registered mail to either the address on the NOA or to:

*California Department of Social Services - State Hearing Division  
PO Box 944243, Mail Station 19-37  
Sacramento, CA 94244-2430*

Be sure to keep copies of any documents that you submit, including both sides of the NOA.

### ***Know why you are filing an appeal***

You do not have to give a specific reason for your appeal when you first request a hearing, but should state that you disagree with the change in your services. However, during the hearing you will need to explain to the judge why you disagree. Examples of why you might appeal include

- Your needs have changed since your last assessment
- Your last assessment was over 12 months ago
- You feel your needs have been underestimated by your social worker
- You believe that you should be exempt from the new cuts because you receive *protective supervision, paramedical services, and/or* receive 120 or more hours a month

## **II. Preparing for the Fair Hearing:**

When preparing for your hearing, you should gather any documentation that will be helpful to your case including

- Doctors' statements explaining your conditions and physical limitations
- A copy of your last two county assessments and SOC 293 forms\*
- Copies of any paramedical forms or doctor's reports that are in the your case file\*
- A copy of the county's Position Statement\*

*\*You will be sent a notice with the name and contact information of the county appeals representative assigned to your case. All county documents related to your case can be obtained from this individual.*

You may also bring to the hearing any evidence or witnesses to prove your need for services including

- Current or past providers who can testify about how much time is required to perform certain tasks
- A time-for-task schedule that shows how long it takes your provider to perform certain tasks
- A worksheet that describes your ability to complete tasks on your own

## **III. The Hearing Process:**

The appeals representative may try to resolve the dispute before the hearing and may ask you to consider a "conditional withdrawal" so that a new assessment can be done. If you agree, you still have the right to have the hearing re-scheduled if you are not satisfied with the results.

After the hearing, the judge will render a decision that will become effective immediately. If you disagree with the decision, you can request a rehearing by following the instructions on the State Hearing Decision papers.

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For additional information on the fair hearing process, you can visit Disability Rights California at [www.disabilityrightsca.org](http://www.disabilityrightsca.org) and download a copy of the *IHSS Fair Hearing and Self-Assessment Packet*. If you do not have Internet access you may contact PASC at 877-565-4477 to request a printed copy.