



HELPFUL TIPS ON HOW TO REPRESENT YOURSELF AT A STATE HEARING

WHAT YOU CAN SAY AND DO TO HELP GET THE BEST RESULTS FROM YOUR HEARING

1. WHAT IS THE LEGAL AID FOUNDATION?

- Legal Aid is a non-profit organization that provides legal services to low-income individuals in Los Angeles County.
- Legal Aid is NOT connected with the county or the state.
- Legal Aid's services are FREE to those who are eligible.

2. BE PREPARED.

- Do you have notices or other papers you want the judge to see?
- Have you made notes on what you want to say in the hearing?

3. KNOW THE "PLAYERS."

- The Administrative Law Judge (ALJ) is a state (not county) employee. His/her job is to find out the facts of your case. The ALJ will issue a written decision, a few weeks after the hearing, based on the law and the facts of your case.
- The Appeals Hearing Specialist is a **county** employee. His/her job is to show that the county's action was correct. At the hearing, the Appeals Hearing Specialist represents the **county, not you**.

4. BE CLEAR ON WHAT YOU WANT TO SAY IN THE HEARING. THINK ABOUT:

- Why did you ask for the hearing? Was it because of a notice of action? If yes:
- Was the notice "adequate?" Did it explain the reason for the action in a way that you could understand what happened and why? If not, tell the judge.
- Was the notice clear and correct? If not, tell the judge **why** it is not.
- What do you want the hearing decision to be?
- Tell the judge exactly what you want (what benefits and for what months, that you want an overpayment cancelled - if the county has no proof, or other - be specific).

5. DID YOU GET THE COUNTY'S "STATEMENT OF POSITION?"

- If yes, when? If it was today, did you have time to read it? If not, tell the judge and ask for time (right then) to read it and understand it.
- If no, tell the judge. If you want, you can postpone the hearing if you need more time to get evidence to show that the county's action was wrong. Or, you may choose to go ahead with the hearing. (The County must go forward even if it is not ready.)

6. IS THE COUNTY'S STATEMENT CLEAR AND CORRECT?

- Tell the judge anything in the statement of position you believe is wrong, and why it is wrong. Make yourself a list of each item, so nothing important is overlooked.
- If the statement of position is not clear, or you have trouble reading it, ask the judge to explain it. (He or she may ask the county to explain it, but it must be clear.)

7. DID THE COUNTY ASK YOU TO SIGN A CONDITIONAL WITHDRAWAL?

IF YES:

- What do they want you to agree to? Ask the county representative to explain it.
- Some tips on "good" and "not so good" words in a Conditional Withdrawal:
 - Good: it says the county will pay your benefits, or the county will rescind (cancel) your termination notice, repay lost benefits, etc.
 - Not so good: it says the county will "re-evaluate" your case, or the county will "suspend" collection of an overpayment.
- If you do not understand what the Conditional Withdrawal says or you do not agree with it, **do not sign it**. Go ahead with the hearing.
- If you agree, be sure the words on the form say just what you agreed to and the **date** the county will do what they say. If not, or the county representative says she/he will fill it out later, **do not sign it**. Go ahead with the hearing.
- If you agreed to a Conditional Withdrawal earlier, and then changed your mind, you have a right to go ahead with the hearing - it is **YOUR** hearing.

8. THE HEARING ITSELF.

- The hearing is somewhat informal. The judge will first ask the county representative to explain why s/he thinks the county is right. The judge will then ask you why you think the county is wrong.
- The judge will probably ask you questions. Answer them truthfully, as best you remember.
- You can ask the Hearing Specialist questions, or you can just tell the judge why you disagree with the county's position.
- First, tell the judge anything in the county's statement that is not correct.
- If the county says something you think is not correct, ask the Hearing Specialist to show you written evidence that supports what s/he is saying.
- If there is no written evidence to support what the Hearing Specialist is saying, then you should object to their position. A decision cannot be made against you unless there is some written document, such as a proper Notice of Action in your case file, to support what the county says at the hearing.
- The county is required to have your case file at the hearing. If the Hearing Specialist does not have it, or will not let you see it before the hearing, tell the judge.

If you have any questions, call:
Legal Aid Foundation of Los Angeles
(213) 640-3901



**INFORMACION UTIL DE COMO REPRESENTARSE EN SU AUDIENCIA
COMO PREPARARSE, QUE PUEDE DECIR, etc.
PARA AYUDARLE A CONSEGUIR EL MEJOR RESULTADO
DE SU AUDIENCIA ESTATAL**

1. QUE ES LA FUNDACION DE AYUDA LEGAL?

- La Fundación de Ayuda Legal es una organización no lucrativa que provee servicios legales a personas de bajos recursos en el condado de Los Angeles.
- La Fundación de Ayuda Legal NO está relacionada al condado o al estado.
- Los servicios de la Fundación de Ayuda Legal son GRATIS a quienes son elegibles.

2. ESTE PREPARADO(A)

- Trae los avisos u otros documentos que debe ver el juez?
- Ha tomado notas de lo que quiere decir en la audiencia?

3. CONOZCA A LOS PARTICIPANTES DE SU AUDIENCIA

- El juez de leyes administrativas (ALJ) es empleado del estado, no del condado. Su función es informarse de los datos de su caso. El ALJ le decidirá por escrito, unas semanas después de su audiencia, basándose en la ley y datos de su caso.
- El especialista de Audiencias es empleado y representante del **condado**. Su función es demostrar que la acción tomada por el condado, con respecto a su caso, fue adecuada. En la audiencia el o ella representa al **condado, no a usted**.

4. SEA CLARO EN LO QUE QUIERE DECIR DURANTE SU AUDIENCIA. PIENSE EN LO SIGUIENTE:

- Porque pidió esta audiencia? Fue a consecuencia de haber recibido un aviso con respecto a sus beneficios? Si es así: Fue adecuado el aviso? Se le explico de manera adecuada y clara la razón por la cual sus beneficios han sido afectados? Si no es así, dígaselo al juez.
- Fue clara y correcta la información incluida en el aviso con respecto a su caso? Si no es así, dígaselo al juez y explique **porque**.
- Que resultado desea Usted de la audiencia?
- Dile al juez exactamente lo que quiere (cuales beneficios y por cuantos meses, o que Usted desea que cancelen el sobrepago – si es que el estado no tiene pruebas, o otra cosa – especifique lo que Usted esta pidiendo).

5. YA RECIBIO EL “INFORME DE LA POSICION” DEL CONDADO?

- Si es así, cuando lo recibió? Si fue hoy, ha tenido suficiente tiempo para leerlo? Si no, dile al juez y pida tiempo (en ese momento) para leerlo y entender cual es la posición del condado.
- Si no lo ha recibido, dile al juez. Si usted quiere, puede posponer la audiencia si necesita mas tiempo para obtener evidencia que comprueben que el condado se equivoco. O puede elegir seguir con la audiencia. (El Condado debe seguir adelante aun que no estén listos.)

6. EL INFORME DE POSICION DEL CONDADO ESTA CLARO Y CORRECTO?

- Dile al juez de cualquier información que usted cree que esta incorrecta y la razón por la cual usted cree que esta incorrecta. Haga una lista de cada punto para que no se le olvide.
- Si le es difícil entender o leer el informe de posición, pídale al juez que se lo explique. Tal vez el juez le pedirá al representante del condado que se lo explique, pero debe ser claro.

7. LE HA PEDIDO EL CONDADO QUE FIRME UN RETIRO CONDICIONAL? SI ES ASI:

- Cuál es el acuerdo de tal documento? Pídale al representante del condado que se lo explique.
- Los siguientes son consejos de lo que significan ciertas palabras en un Retiro Condicional:
Positivas: Que el condado le dará sus beneficios, o que el condado va a cancelar su aviso de terminación o va a cancelar el sobrepago.
No tan positivas: Que el condado "reevaluará" su caso, o que el condado va a "suspender" la colección de algún sobrepago.
- En caso de que usted no entienda lo que está escrito en el Retiro Condicional, o no esté de acuerdo con lo que dice, **no lo firme**. Siga con la audiencia.
- Si está de acuerdo, verifique que lo que está escrito coincida con lo acordado y cuando se hará. Si no es así, o si el representante del condado dice que completará cierta información después y en su ausencia, **no lo firme**. Siga con la audiencia.
- Si acordó firmar un Retiro Condicional anteriormente, y cambio de parecer, tiene derecho de seguir adelante con la audiencia – es **su** audiencia.

8. LA AUDIENCIA.

- El procedimiento de la audiencia es informal. El juez le pedirá al representante del condado que explique porque cree que la acción tomada por el condado fue correcta. Después le pedirá a usted que explique porque cree que la acción tomada por el condado fue incorrecta.
- Tal vez el juez le hará una serie de preguntas. Contéstelas honestamente y de acuerdo con lo que usted recuerde.
- Usted puede hacerle preguntas al representante del condado o solamente puede explicar porque lo que dice el condado no es cierto.
- Usted puede presentar testigos que confirmen su posición.
- Primero explique lo que no es cierto de la declaración de posición del condado.
- Si el condado ha hecho una declaración la cual usted no cree que sea cierta, pídale al representante del condado que le muestren pruebas que apoyen lo que han escrito.
- Si no hay pruebas, por escrito, que apoyen lo que dice el Especialista de Audiencia, entonces usted necesita oponerse a la posición del condado. No pueden tomar decisión en su contra sin pruebas de documentos, como Aviso correcto en su expediente que apoya lo que dice el condado.

Si necesita mas información llame a
La Fundación de Ayuda Legal
(213) 640-3901



HELPFUL TIPS ON WITHDRAWALS AND CONDITIONAL WITHDRAWALS [DPA Form 315 - see reverse]

REMEMBER: You have a right to a hearing, and a county worker cannot urge or even ask you to give up that right.

CONDITIONAL WITHDRAWAL

Be careful: When you sign a Conditional Withdrawal, you are giving up your right to a hearing while you wait to see if the county does what they have promised to do. If the county doesn't do what they promised, then you have to request a new hearing.

Before you agree/sign, ask yourself:

1. Does the conditional withdrawal order the county to do what I asked for in my hearing request?
2. Do the words clearly say what I believe the county and I agreed to?
3. Did the county worker sign it? (It is not final until both of you sign it.)

If the answer to any of these questions is "No" or "I don't know," you should go ahead with your hearing.

Some words to watch out for:

Be careful if the Conditional Withdrawal says the county agrees (or "stipulates") to suspend collection activity or re-evaluate your case!

- "**Suspending**" collection just means the county will stop collecting - temporarily. If the county does not have proof, do not agree to a Conditional Withdrawal. Go to your hearing!
- "**Re-evaluate**" your case just means the county will look at your case again. The decision will probably be the same, so this will just delay a final decision. Sometimes the county does this so it has more time to look for additional evidence against you!

******If you already verbally agreed to a Conditional Withdrawal, you can still change your mind! Just call the worker to say so, and then come to your scheduled hearing.******

WITHDRAWAL

A withdrawal is different than a conditional withdrawal. Here the county isn't promising to do anything. If the "withdrawal" box is checked, and you sign the form:

- You are giving up your right to a hearing and you cannot request a new hearing on the same issue!

You should ONLY agree to this when the county has already done whatever you asked for, and you are completely satisfied. When in doubt, do not sign - go to your hearing!

- **If the county has promised to do something and has not done it yet, don't sign a withdrawal!**
However, a *conditional withdrawal* ordering the county to do what it has promised may be okay.