

**STATE OF NEW YORK  
OFFICE FOR PEOPLE WITH  
DEVELOPMENTAL DISABILITIES**

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**IN THE MATTER OF the Determination of**

**THE OFFICE FOR PEOPLE WITH  
DEVELOPMENTAL DISABILITIES**

**To Implement a Proposed Placement  
Or Plan or Services for**

**NOTICE OF HEARING**

**(NAME), Objecting Party**

**Pursuant to 14 NYCRR 633.21**

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To:

**PLEASE TAKE NOTICE THAT:**

A hearing will be held in accordance with the request of [Objecting Party], in connection with OPWDD's determination that the attached offer of services is appropriate to meet the adult needs of [individual] and is available or is available on a date certain,

The hearing shall be held at the time and location noted below and at any such other adjourned date, time and place as the Hearing Officer may deem necessary:

DATE:  
TIME:  
PLACE:

The name and contact information for OPWDD's representative at the hearing is:

[NAME]

The Hearing Officer designated by the Commissioner of OPWDD to preside over this matter is:

[NAME]

The Hearing Officer shall be responsible for conducting the hearing and taking evidence on the following issues:

1. whether the proposed placement or services are appropriate to the needs of the individual; and
2. whether the proposed placement or services are available or will become available on a specific date.

The jurisdictional basis for the hearing is Title 14 NYCRR 633.21;

The Objecting Party may be assisted by an attorney or any other representative;

The Objecting Party may make any statement, or provide the Hearing Officer with any document, evidence, or other information in support of his/her objection to the proposed placement or services;

The failure to appear at a hearing or to participate in the appeal as directed will result in a recommendation of default by the Hearing Officer absent good cause shown;

Interpreter services are available for deaf or non-English speaking witnesses or parties, at no charge, upon written request to the DDRO Director at least five (5) business days prior to the hearing;

There is no pre-hearing discovery;

No later than five (5) business days prior to the hearing date, each party shall provide to the Hearing Officer and to the other party all documents and evidence, or information that it intends to present at the hearing;

No later than five (5) business days prior to the hearing date, each party shall provide to the Hearing Officer and to the other party a list of the witnesses whom it intends to present at the hearing;

No later than five (5) business days prior to the hearing date, the Objecting Party shall notify the Hearing Officer and the other party of the name and contact information of his/her attorney or representative at the hearing, if any;

OPWDD and the objecting party will be permitted a maximum of two (2) days each to present their case and/or arguments, although, the hearing officer may permit the parties additional time upon good cause shown (e.g., the necessity of rebuttal witnesses); and

Requests for adjournments will only be granted upon good cause shown and, absent extraordinary circumstances, the objecting party shall be granted no more than one (1) adjournment; and

A stenographic record of the proceedings shall be made. Such record and all other relevant evidence presented, as well as the Hearing Officer's recommendations on the above issues shall be forwarded to the Commissioner for consideration in his/her final determination.

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Director, DDRO

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Date