



TRANSFER FACT SHEET

What is a Notice of Intent to Transfer?

An individual who resides in a residential facility that is operated, licensed or funded by the DDS may be transferred to another residence by the Commissioner or Regional Director when it is in the individual's best interest. At least 10 days before this occurs, the department must provide written notification of the intent to transfer to the individual and his or her parent, guardian, conservator or other legal representative.

What is the purpose of the Notification of Intent to Transfer?

The notification provides an opportunity for the individual and his or her parent, guardian, conservator or other legal representative to object to the transfer.

Is a transfer notification required in cases when the individual is moving from one unit in STS to another, or one unit at a regional center campus to another?

No. The notification is not required when transfers are made between residential units in the same facility. However, notification is required when transfers are made between one community living arrangement (CLA) and another, even if both CLAs are operated by the same agency.

What will happen if I object to the transfer to another residence?

In the event that you object to the proposed transfer, the Commissioner or designee will conduct a hearing and the transfer shall be stayed pending the final outcome of the hearing. The department will schedule a date and time for the hearing which is convenient for you.

Are there any exceptions to the transfer notification process?

Yes, in cases when the transfer is necessary to avoid a serious or immediate threat to the physical or mental health of the individual or others residing in the residential facility. In these situations, the emergency transfer may occur without prior notification. However, a written notification will be sent to the individual and his or her parent, guardian, conservator or other legal representative and if requested, a hearing will be held within 10 days following the emergency transfer.

Are there any resources for me to contact if I have more questions about my rights to a transfer hearing?

Yes. The "Notice of Intent to Transfer" will include the address and telephone number of the Office of Protection and Advocacy for Persons with Disabilities.