

DEVELOPMENTAL DISABILITY CHECKLIST FOR CHILDREN IN FOSTER CARE

Background: It appears that many children and youth in state care may have developmental disabilities that have not been formally recognized. It is critical to identify children and youth with these disabilities so they can obtain appropriate services.

Purpose: This checklist is intended to help caseworkers, GALs, lawyers and judges ascertain whether a child might have a developmental disability. This screen should alert you to whether a developmental assessment should be obtained for the child. **This checklist is a screening tool - it is not a list of items needed to prepare a successful application for APD services.**

Contents: This document contains a two page checklist, a list of documents that might help you answer the questions, and a fact sheet on services available to children and youth with developmental disabilities. At the end you will find a list of contacts for the Child Health Checkup program (formerly EPSDT).

Next Steps: If this checklist, or anything else, makes you think a child might have a developmental disability, please follow up with the appropriate staff in your system of care to make sure that all necessary evaluations are performed and that someone with knowledge of the developmental disability system prepares an application for APD waiver services.

Prepared by: The Disability Workgroup of Florida Bar Foundation Children's Legal Services Providers. For more information contact FCF@floridaschildrenfirst.org.

DEVELOPMENTAL DISABILITY CHECKLIST

1. Is the child receiving services from the Agency for Persons with Disabilities (APD), or on a wait list for such services?

- a) If the child is receiving services from APD and a Support Coordinator for the child is assigned, make sure the Support Coordinator is included in case planning and judicial reviews.¹
- b) If the child is on a waiting list for the APD Waiver and you don't know who the APD Support Coordinator is, check with the APD Area office to find out and include that person has been assigned. If not, identify who will follow up with APD to make sure one is assigned.
- c) If the child is on the waiver waiting list and is *in crisis*, has a request for crisis enrollment been made?²

If the answer to question 1 is yes, the checklist is complete. Otherwise continue.

2. Has an application been made for the child to receive APD Services?

- a) If yes and the application is *pending*, identify who is following up with APD to make sure it is addressed.
- b) If yes and services were *denied*, identify who is representing the child in proceedings to challenge the denial.

If the answer to question 2 is yes, the checklist is complete. Otherwise continue.

3. Has the child been diagnosed with: Autism, Mental Retardation, Cerebral Palsy, Spina Bifida or Prader-Willi Syndrome?

- a) If yes, a referral to APD should be made immediately. Check to see if someone is preparing an application for APD services?
 - (i) If yes, who?
 - (ii) If no, why not? Identify who should be preparing the application?

If the answer to question 3 is yes, the checklist is complete. Otherwise continue.

¹ See the Fact Sheet on Page 5 for more information on Support Coordinators

² See the Fact Sheet on Page 5 for more information on Crisis status.

4. Do any of the following apply to the child?

- a) Child has an IQ below 70;
- b) Child does not perform daily functions of life at an age appropriate level (bathing, dressing, toileting, feeding, communication);
- c) Child has excessive absenteeism due to health or behavioral problems;
- d) Child has medical condition that requires on-going use of equipment to sustain or improve life;
- e) Child has been hospitalized for a medical condition that has lasted or can be expected to last 12 months or more;
- f) If school-aged, cannot read or reads far below grade level;
- g) Receives exceptional student educational services (ESE or special ed) in school;
- h) Any care giver, teacher or other person familiar with the child has expressed concern about developmental ability.

5. If any of the statements listed in question 4 applied to the child, has the child received a formal evaluation for presence of developmental disability?

- a) If yes, review the evaluation for any findings consistent with questions #3 and #4. If findings are consistent with questions #3 and #4 an application for APD services should be made immediately.
- b) If no, identify who can obtain a developmental assessment.

Use the Child's Records in Your Review

To assist you in completing the checklist, it may be helpful to have the following information on hand, if available. If documents are not readily available, complete the checklist with what is on hand and review after additional documents are located.

- The child's medical history and medical records, including previous medical tests, psychological evaluations, mental health treatment, and parents' mental health and substance abuse history;
- Any medications the child is taking or has taken, including any history of psychotropic medication;
- Whether the child receives or previously received SSI benefits.
- Names and contact information for all schools the child has attended, as well as the dates attended;
- Names of teachers and any psychologists, counselors, speech and other therapists who have seen or treated the child;
- School records, including discipline and attendance, vaccinations, school health certificate, the Individual Education Plan (IEP) and psycho-educational evaluations completed by school psychologists.

If you are unable to determine the answers to any of the questions in the checklist, here are some things to look for in the child's records:

Health / Mental Health Care Records

- Is there any diagnosis of a disability?
- Are there any notes that indicate developmental concerns?
- What does the Comprehensive Behavioral Health Assessment say about development?

Education

- Does the child have an IEP? What is the disability noted on the IEP?
- Has an IEP for the child been requested?
- If the child is not doing well in school what is the poor performance attributed to?
- Is there a current educational assessment? If so, what does it say?

Fact Sheet

APD: The Agency for Persons with Disabilities is the Florida State agency that is responsible for delivering services to persons with developmental disabilities. Many people receive services through a federally funded developmental disability Medicaid waiver, others receive services from state-funded programs only.

Support Coordinators: Every person deemed eligible to receive services from APD is appointed a support coordinator. If the person is receiving funds under a waiver, they will have a "Waiver Support Coordinator." But if they are on the waiting list for waiver services they will have an "APD (or General) Support Coordinator."

Waiver Support Coordinators are similar to case managers, their job is to assist individuals and families in accessing supports and services on their own, they should be part of the child's case planning team.

APD (or General) Support Coordinators usually are not as involved in the child's s as waiver support coordinators, but they can and should be used as a resource to identify services while a child is on a waiting list.

Crisis Status: Children can be moved off of the APD waiting list if they are deemed to be in crisis. Children meet the criteria for "crisis status" if they are: currently homeless; dangerous to themselves or others, or their caregiver is under extreme duress and unable to provide for the child's health and safety. A request for crisis enrollment should be made through the APD Area Office in the service area where the child resides.

EPSDT and Waivers for Persons with Developmental Disabilities: Children in state care who receive Medicaid and have developmental disabilities may receive medical and related services under two separate but related Medicaid programs, EPSDT and a developmental disability "waiver."

EPSDT is the set of rules that governs the medical and related services for all children on Medicaid, it is an entitlement - so if a child needs an EPSDT covered service, Medicaid will pay for it. In contrast, waiver programs are not entitlements, and enrollment is limited by the availability of funds. The federal government allows Florida to "waive" some of the traditional requirements of Medicaid in order to provide services that will allow some people to live in the community rather than in institutions.

Services Available Under the Medicaid EPSDT Program: Many supports and services provided under the APD waiver are also available under federal Medicaid law through the EPSDT program, if they are *necessary to correct or ameliorate* the child's diagnosed condition. Such services include but are not limited to: personal care services, private duty nursing services, durable medical equipment, speech, occupational and physical therapies, and other diagnostic, screening, preventive and rehabilitation services, including medical or remedial services, recommended for the maximum reduction of physical or mental disability and restoration of an individual to the best possible functional level.

If, under the APD waiver, the child is denied, terminated, suspended, or reduced services that are necessary to correct or ameliorate the child's condition, or if the child needs such services while waiting for the APD waiver to be processed, seek Medicaid coverage immediately for these services from the Agency for Health Care Administration (AHCA) through the local Medicaid area office.

Medicaid Area Child Health Check-Up Contacts
(Formerly known as EPSDT)

Area 1 –Charlotte Stubbs

(Escambia, Okaloosa, Santa Rosa, Walton)
160 Governmental Center, Room 510
Pensacola, FL 32502
(850) 595-0523
Fax: (850) 595-5718

Area 2A –Juanita French

(Holmes, Jackson, Washington, Bay, Gulf, Franklin)
651 W. 14th Street, Suite K
Panama City, Florida 32401
(850) 872-7690
1-800-226-7690
Fax: (850) 747-5456

Area 2B –Mehran Abbey

(Calhoun, Gadsden, Liberty, Leon, Wakulla, Jefferson,
Madison, Taylor)
2727 Mahan Drive
Building 2, Mail Stop 42
Tallahassee, FL 32308
(850) 414-9855
Fax: (850) 921-0394

Area 3 –Andrea Atkins

(Hamilton, Suwannee, Columbia, Lafayette, Dixie, Gilchrist,
Union, Bradford, Alachua, Dixie, Levy, Marion, Putnam,
Citrus, Sumter, Lake Hernando)
14101 NW Highway 441, Suite 600
Alachua, Florida 32615-5669
(386) 418-5620
Fax (386) 418-5370

Area 4 –Stephanie Perry

(Baker, Nassau, Duval, Clay, St. Johns, Flagler, Volusia)
921 North Davis Street
Building A, Suite 160
Jacksonville, FL 32209-6806
(904) 798-4643
1-800-273-5880
Fax: (904) 353-2164

Area 5 –Joyce Carpenter

(Pasco, Pinellas)
525 Mirror Lake Drive North, Suite 510
St. Petersburg, Florida 33701
(727) 552-1191
Fax: (727) 552-1216

Area 6 –Lawanda Davis

(Hillsborough, Polk, Manatee, Hardee, Highlands)
6800 North Dale Mabry Highway, Suite 220
Tampa, FL 33614-3979
(813) 871-7600 x121
1-800-226-2316
Fax: (813) 673-4591

Area 7 –Paulette Thompson

(Seminole, Orange, Brevard, Osceola)
Hurston South Tower
400 W. Robinson St., S-309
Orlando, FL 32801
(407) 316-4850
Fax: (407) 245-0847

Area 8–Joseph Martinez

(Sarasota, DeSoto, Charlotte, Glades, Lee,
Hendry, Collier)
P.O. Box 60127
Ft. Myers, FL 33906-0217
(239) 338-2831
Fax: (239) 338-2927

Area 9–William Albury

(Indian River, St. Lucie, Okeechobee, Martin, Palm
Beach)
1655 Palm Beach Lakes Blvd,
Bldg. C, Suite 300
West Palm Beach, FL 33401
(561) 616-5255
1-800-226-5082
Fax: (561) 616-1547

Area 10 –Jose Rodriguez

(Broward)
1400 W. Commercial Blvd., S-110
Ft. Lauderdale, FL 33309
(954) 202-3291
Fax: (954) 202-3220

Area 11–Lisa Simmons–Pinckney

(Dade, Monroe)
The Koger Center
8355 NW 53rd Street, 2nd Floor
Miami, FL 33166
(305) 499-2135
1-800-953-0555
Fax: (786) 845-0537

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