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To: CCB Executive Directors
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From: Jo Kammerzell, Program Specialist

Subject: Foster Care Transition Protocol

Date: January 21, 2005

Attached to this memo is a copy of the Foster Care Transition Protocol. This is a guide to be used by County Departments and Community Centered Boards in transitioning individuals from Foster Care/CHRP into the adult developmental disabilities system. It was developed at the request of CCBs and County Departments. Input from numerous people from CCBs and the County Departments was obtained prior to finalizing this protocol.

Should you have any questions regarding this protocol, please contact Kristie Braaten at (303) 866-7922 or Kristie.Braaten@state.co.us

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Transition Process for Youth with Developmental Disabilities: Foster Care to Adult Services ¹

January 17, 2005

This protocol outlines the transition process for youth with developmental disabilities who receive out of home residential services through the Child Welfare/County Social Service system who will transfer to the adult developmental disabilities system at age 21.

Background and Introduction

Since 1987, the Division for Developmental Disabilities (DDD) has worked with the Child Welfare system to assure funding and services for youth with developmental disabilities who need to transition at age 21 from one system to the other. The Division for Developmental Disabilities, which is the state office that manages services for persons with developmental disabilities, is responsible for developing and submitting budget requests to the legislature so that new funding needed for services for youth transitioning from foster care to the Community Centered Board (CCB) system may be appropriated. The Division for Developmental Disabilities has made a long standing commitment to request Comprehensive resources (funding for 24-hour residential and day program services) for youth who have been placed in out-of-home foster care and are transitioning into long-term services in the adult CCB system.

Since CCBs are the single entry point into the adult DD system, DDD can only request funding for youth that have been identified by them. In order to have accurate information, the County Departments of Social Services must work with the CCBs. The appropriation process takes a minimum of 14 months. In order that DDD requests the correct number of resources at the correct funding levels, it is imperative that DDD, Child Welfare, County Departments of Social Services and CCB's work together to identify youth who need to transition as well as their level of need within a timeframe that fits within the budget request process. This protocol will outline:

- Definition of Developmental Disability
- Identifying Youth Who May Be Eligible For Adult Developmental Disabilities Services in Colorado
- Coordination and When to Begin
- Annual Activities
- Step-by-Step Activities by Age

¹ This protocol includes requesting funds for youth transitioning from the Division of Youth Corrections (DYC) also, see page 3.

Definition of Developmental Disability

In order for a person to receive services from the adult Developmental Disabilities service system, the person must be determined to be eligible for services by a Community Centered Board (CCB). Community Centered Boards are the single point of entry into the developmental disabilities system and as such, are the only agencies authorized to make an eligibility determination. For the purposes of eligibility in the DDD service system, the Colorado definition of a developmental disability is outlined below per DDD rule 2 CCR 503-1, 16.120.

Developmental Disability means a disability that is manifested before the person reaches twenty-two (22) years of age, which constitutes a substantial disability to the affected individual, and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the federal definition of "Developmental Disability" found in 42 U.S.C. 6000, et seq., shall not apply.

- A. Impairment of general intellectual functioning means that the person has been determined to have an intellectual quotient equivalent which is two or more standard deviations below the mean (70 or less assuming a scale with a mean of 100 and a standard deviation of 15), as measured by an instrument which is standardized, appropriate to the nature of the person's disability, and administered by a qualified professional. The standard error of measurement of the instrument should be considered when determining the intellectual quotient equivalent. When a standardized instrument cannot measure an individual's general intellectual functioning, then the assessment of a qualified professional shall be used.
- B. Adaptive behavior means that the person has overall adaptive behavior which is significantly limited in two or more skill areas (communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work), as measured by an instrument which is standardized, appropriate to the person's living environment, and administered and clinically determined by a qualified professional.
- C. Similar to that of a person with mental retardation, in regard to adaptive behavior, means that a person's adaptive behavior limitations are a direct result of, or are significantly influenced by, the person's substantial cognitive deficits and may not be attributable to only a physical or sensory impairment or mental illness.

Initial Identification of Youth who May Have a Developmental Disability

Any youth a County Department of Social Services thinks may qualify for DDD services should be referred to the CCB for an eligibility determination (see Attachment A for a list

of CCBs by county of responsibility). In deciding whether to refer a person to their respective CCB, the youth's caseworker should consider the questions contained in the DD screen (see Attachment B for a copy of the DD Screen). If the answer is "yes" to any of the questions outlined, a referral to the CCB should be made.

If the youth is not placed into foster care until sometime after their 14th birthday, then the County Department should refer the youth as soon as they are in foster care placement. **In order to ensure that funding is available on their 21st birthday, DDD and the CCBs must know about the youth at least 18 months before their 21st birthday. Otherwise, the youth will not have been included in the planning and budget cycle and resources will not be available to provide services after the youth turns 21.**

Coordination and When to Begin

It is recommended that each County Department and Community Centered Board establish a working relationship that will help facilitate coordination in the referral of individuals and ensuring a smooth transition for eligible youth. If there are overlapping counties and CCBs involved with a particular eligible youth, meetings should be arranged wherein all involved counties and CCBs can work together toward a smooth transition and agree on which CCB will take the lead on planning for services for the youth.

Once a youth is determined eligible, the transition process should begin as early as possible. (Although individuals can be referred for developmental disabilities services at any time, ideal transition planning will begin when the youth is 14 years of age. This timeframe also coincides with transition planning through the school districts under the Individuals with Disabilities Education Act (IDEA).)

Annual Activities

- The County Department reviews all youths from the age of 14 through age 20 who are placed in foster care that are suspected of having a developmental disability using the screen - Attachment A. The purpose of this review is to assure that all persons potentially eligible for DD services are identified and referred to the appropriate CCB. For any person with a "yes" answer to one of the questions in the screen, a referral to the CCB should be made.
- CCBs must notify DDD by early January of each year of all youths they are aware of who will turn 21 in the fiscal year following the upcoming fiscal year for budget planning purposes (i.e. at least 18 months prior to their 21st birthday, possibly up to 29 months prior). This includes youth in foster care, as well as youth served by the Division of Youth Corrections. The Level of Need (LON) checklist (if required) should be submitted at this time also. DDD will send out a survey to CCBs requesting this information in early December.
- In addition, CCBs must also review by early January of each year, past information submitted to DDD of all youths who will need a resource in the

coming fiscal year (i.e. youths who will turn 21 in the fiscal year starting July 1st). DDD will send out a survey to CCBs requesting this information in early December.

- The Individualized Plan (IP) and placement on the waiting list for any youth from age 14 through 20 must be reviewed by the CCB at least once every 12 months. The County Department and the CCB should consider whether an annual **face-to-face meeting** would be appropriate to discuss current needs of the youth and transitional planning.

Service and Support Options

- Services to adults with developmental disabilities are coordinated through the CCB and are available through either the CCB-operated community system or through state-operated Regional Centers (RC). The information below is intended to provide a brief overview of the services available through the DD system. More detailed information can be obtained through the respective local CCB.
- It should be noted that the *majority* of DD system services (both community and state operated) are Medicaid funded. Depending on where the youth is being referred; the CCB or the RC should take the lead in completing the application for Supplemental Security Income (SSI)/Medicaid. The application process should be initiated at the time placement into a community or RC setting is being considered.
- When appropriate resources are available, CCB's can provide or arrange for services to persons through one of two types of DD services (Comprehensive Services or Supported Living Services). The type of service selected will depend on the needs of the individual and other non-DD community support options that may be available. Service and support needs will be delineated in the IP.

Comprehensive Services – Comprehensive Habilitation and Supports provide a full day (access to 24 hour supervision) of services and supports to ensure the health, safety and welfare of the individual, and to provide training and habilitation services or a combination of training (i.e., instruction, skill acquisition) and supports in the areas of personal, physical, mental and social development. These services are also aimed at promoting independence, self-sufficiency and community inclusion. The vast majority of persons with developmental disabilities who require Comprehensive Services can be appropriately served in community operated Comprehensive Services, which include group homes and individualized settings (serving 3 or fewer persons). However, there are a few persons whose Comprehensive Services needs may best be met through state-operated services (see below).

Regional Center Comprehensive Services -These state operated Comprehensive Services are reserved for individuals who are unable to have their service and support needs met through the CCB community-operated system including private community provider agencies. This is typically due to the person being a danger to themselves or others and/or their need for a combination of services and supports is so extensive as to preclude CCB community placement. Regional Center campus facilities are reserved for individuals who pose a significant safety risk to themselves and/or the community. Referral to a Regional Center will be made by the coordinating CCB based on the needs outlined in the IP. CCB's will use the RC Admission and Discharge Criteria dated April 23, 2003 when making decisions on appropriateness for RC services. Any person being admitted to a RC on a long-term basis must have an Imposition of Legal Disability (ILD) as defined in CRS 27-10.5-110.

Supported Living Services (SLS) – Supported Living Services for adults (18 years or older) are intended to provide the necessary assistance and support to meet the daily living and safety needs of persons who are responsible for their own living arrangements in the community. The person may be living in their own home or with family members. These support services do not provide access to on-going 24-hour care and do not generally provide enough support for persons transitioning from out of home services through Child Welfare or DYC. Services may include:

- Personal Assistance
- Supported Employment Services
- Pre-Vocational Services
- Day Habilitation Services
- Home Modification
- Transportation
- Dental Services
- Assertive Technology
- Vision/Hearing Services
- Professional Services
- Behavioral Services
- Supported Living Consultation
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Step-by-Step Activities by Age

Age 14

1. **Referral** – County Departments of Social/Human Services are responsible for making a referral for adult services by contacting the local CCB (see Attachment B for a list of CCBs by county of responsibility). All youths suspected of having a developmental disability should be referred for an eligibility determination. As the single entry point for the developmental disabilities system, only CCBs can make a determination of eligibility for services. Even if a youth has a medical

diagnosis from a physician of a developmental disability, it is still the responsibility of the CCB to determine eligibility for services through the DD system. The County Department is responsible to provide all available information to the CCB. This generally includes:

- Application for services
 - Psychological Testing
 - Current Individualized Education Plan (IEP)
 - Medical Records
 - Therapy Evaluations
 - Copy of Social Security Card
 - Copy of Birth Certificate
 - Copy of Medicaid Card
2. **Eligibility** – The CCB is responsible to determine eligibility for services and to notify the County Department in writing of the decision.
3. **Individualized Plan** – The CCB is also responsible to develop an Individualized Plan (IP) for eligible youth, in conjunction with the County Department, local school district, guardian ad litem, if involved, and others as appropriate. This planning should also consider whether the biological parent(s), should be involved. (While involvement of the parent(s) should be considered, thought should be given to the unique circumstances of each youth and the appropriateness of parent involvement. The County Worker should provide information to the CCB regarding this issue). The IP will identify the specific services that are necessary to address the long-term needs of the youth (i.e. what type of adult services are needed).

The CCB resource coordinator/case manager will schedule an initial Individualized Plan (IP) meeting within 30 days of eligibility determination. During this meeting an IP will be developed based on current assessments. This document, at a minimum, will include:

- A description of the individual’s unique strengths, abilities, preferences and desires;
- Identification of the specific services and supports appropriate to meet the needs of the eligible youth.
- The decisions made by the interdisciplinary team (IDT) planning process (e.g., rights suspension, the actions necessary for the plan to be achieved, a description of the services and supports to be provided and a description of the results to be obtained from the provision of services and supports);
- A list of the IDT participants and their relationship to the person receiving services; and,

- A statement of agreement with the plan signed by the person receiving services or other such person legally authorized to sign on behalf of the person and a representative of the community center board.
- As part of the IP process, the team may need to discuss benefits the individual receives. The County should apply for SSI for the individual and ensure the individual applies for the appropriate benefits as an adult, when the person becomes 18 years of age.

4. **Waiting List** – The CCB is responsible to ensure that the necessary internal processes, such as a review by the Referral and Placement Committee (RPC), take place so that the youth’s name can be placed on the appropriate waiting list for adult services. Placement on the waiting list must also include information about the level of need of the youth (i.e. anticipated funding level – Specialized, Enhanced, Mid-range, High Need). The CCB is also responsible to update the electronic Community Contract and Management System (CCMS) database with this information.
5. **Status Updates** – The County Department, CCB, Child Welfare, and DDD are all jointly responsible to ensure that any updates to the youth’s situation are appropriately communicated in a timely manner.

Note: For youth who are placed in foster care after the age of 14, all of the above steps should apply at the time they are placed into foster care...do not wait. Even if there are fewer than 18 months before the youth ages out (i.e. turns 21), the County Department should make the referral to the CCB as soon as possible. The CCB should then notify DDD as soon as they receive this information.

Age 18

1. The County Department and CCB will verify continued eligibility for developmental disabilities services. This is more of a preventive measure, but there have been examples where a youth’s abilities and skills have changed such that they no longer meet the developmental disabilities criteria.
2. The County Department and CCB will jointly work to find out if there are any financial concerns that might impact Medicaid eligibility or other services, such as:
 - ü A trust
 - ü Any life insurance
 - ü Any stocks or bonds
 - ü A burial plan
 - ü Other disability or parent retirement benefits for which the youth may qualify
3. The County Department will verify Medicaid disability eligibility with Disability Determination Services (or the current contracted provider), because some youth are only Medicaid eligible due to foster care placement and they may not meet the disability criteria.

Recommendation: Any Medicaid applications that are denied should be appealed. There is a very high success rate for overturning a denial during an appeal.

4. If the youth is Medicaid eligible, the County Department should begin reviewing the youth's long-term medical and care needs for items that are currently covered under Early and Periodic, Screening Diagnosis and Treatment (EPSDT). At age 21, EPSDT will no longer be available to the youth.
5. If not already Supplemental Security Income (SSI) eligible, the County Department will apply for SSI benefits for the youth by contacting the Social Security Administration.
6. The County Department, and biological parent(s), if appropriate, involved and available, will begin considering the long-term guardianship or conservator needs if the youth is not able to make decisions for themselves. (Reminder: the current foster parents may wish to remain as the host home provider; however, if they do, they cannot be the legal guardian)
7. The County Department, CCB, school district, biological parent(s), (if appropriate, involved and available), and others will review the need for Vocational Rehabilitation (VR) services and work opportunities. VR services can begin as early as age 16, if the student is ready for employment services.
8. The County Department should help the youth to register to vote. Males must register for the Selective Service.

Age 20

Please note, approximately 18-19 months before the fiscal year that the youth will transition out of foster care, DDD will survey the CCBs to assure individuals are identified for planning purposes.

1. **Twelve months** prior to transition:
 - The County Department and CCB will jointly review the Individualized Plan to delineate roles and responsibilities to facilitate the final transition process.
 - The County Department and CCB will jointly discuss with the youth where he or she would like to reside and which CCB will have ultimate responsibility if the youth would be moving to a new service area.

Note: If the plan is to remain in the current setting, be sure to request a waiver, if applicable (see CCB letter; Waiver Procedure - Adults & Children Receiving Residential Services in the Same Setting dated December 3, 2003 and Agency Letter; EXCEPTIONS TO RULES FOR LIVING ARRANGEMENTS FOR YOUTH WITH DEVELOPMENTAL DISABILITIES IN FOSTER CARE WHO ARE TRANSITIONING TO ADULT SERVICES dated December 8, 2003 in Appendix B).

- The CCB should complete or update the LON checklist and submit to DDD, if requesting a resource higher than a specialized.

2. **Six months** prior to transition:
 - The County Department and CCB will begin communicating at least monthly and involve the youth.
 - The CCB will ensure Medicaid eligibility is not tied only to the foster care placement.
 - The County Department and CCB will verify SSI and Medicaid eligibility.
 - ü If the youth had not previously applied, the County Department will help the youth to apply for SSI and complete the Colorado Medicaid Disability Application form, if necessary.
 - ü The CCB will obtain copy of most recent SSI annual increase letter; SSI award letter.
 - ü The CCB will send out Request for Proposals (RFP's) to adult service providers for residential and/or day programs for youth who may be especially challenging to serve.

3. **Three months** prior to transition:
 - The CCB will review (possibly hold a transition meeting) with the County Department, school district, biological parent(s), if involved and available, and others as appropriate to review the transition plan and ensure that any unassigned activities, roles and responsibilities are assigned for the final transition.
 - The CCB will either verify in the CCB file or obtain updated information from the County Department which includes, at a minimum the following documents:
 - ü Copy of Social Security Card
 - ü Copy of Birth Certificate
 - ü Copy of Medicaid Card
 - ü Current Individualized Education Plan (IEP) and reports
 - ü Psychological Testing
 - ü Medical Records
 - ü Therapy Evaluations
 - ü Guardianship papers (if applicable)
 - The CCB will send out Request for Proposals (RFP's) to adult service providers for residential and/or day programs.
 - The County Department and CCB will jointly assist individual/team in touring possible placements and making service option decision.
 - The County Department and CCB will jointly assist individual/team in applying for a waiver if the individual will remain in the current setting and there are other children living in the home.
 - The CCB will request 3 months of wage stubs, if applicable.

- The County Department and CCB will jointly work to verify if there are any changes to the youth's financial status since age 18 that might impact Medicaid eligibility or other services, such as:
 - ü A trust
 - ü Any life insurance
 - ü Any stocks or bonds
 - ü A burial plan
 - ü Other disability or parent retirement benefits for which the youth may qualify
4. **Two Months** prior to transition:
- The CCB will schedule a Pre-Admission meeting with all appropriate parties.
 - If not already done at age eighteen, the County Department, CCB, biological parent(s) if involved and available, and others, as appropriate will review the long-term guardianship or conservator needs if the youth is not able to make decisions for themselves.

Age 21

Please note, approximately 6-7 months before the fiscal year that the youth will transition out of foster care, DDD will survey the CCBs to assure individuals are identified for resource allocation purposes. The allocation of resources is subject to appropriations approved.

1. The County Department terminates the youth from the Child Welfare system the day before the individual's 21st birthday.
2. The local school district (if still involved) terminates the youth from public education on the individual's 21st birthday, or pursuant to district policy (i.e. end of the semester).
3. The CCB begins services in the developmental disabilities system **ON** the 21st birthday.
4. The CCB enters the necessary updated data into CCMS.
5. If not done at age 18, the CCB, biological parent(s), if appropriate, involved and available, or other family members should review the need for long-term guardianship or conservator needs if the person is not able to make decisions for themselves.

(Reminder: the current foster parents may wish to remain as the host home provider; however, if they do, they cannot be the legal guardians)