



# **Embrace Families**

Building Stronger Communities

## **Transition Planning for Youth with Special Needs – APD and Beyond**

**Gerry Glynn, Chief Legal Officer**

# Avoiding Coming into Care

Why this work is so important

Agency for Persons with Disabilities  
caseworker is Called Waiver Support  
Coordinator

- They are not full-time employees

Legal Aid Support to Families

- Another option is an attorney for the child (formerly known as AAL)

# How to pay for prevention services?

APD WSC is part of prevention team

- hourly contract

Legal advocacy with non-DCF funds

- United Way funds
- Green dollars

# What Embrace Families looks for APD Services:

One of the following diagnoses must be given

**PRIOR TO 18 YEARS OF AGE**

- Intellectual Disability – IQ under 69
- Cerebral Palsy
- Autism – must have delays in 3 areas of life
- Down Syndrome
- Spina Bifida
- Prader-Willi Syndrome
- Phelan-McDermid Syndrome
- High Risk Category for children 3-5 years

# What Embrace Families Looks to trigger Regis Little procedures:

If there is a judicial review required for the youth and they could qualify for a guardian or guardian advocate

- Not just APD
- Developmental Disabilities
- Any disability that would prevent them from making good decisions

# **Application Process for the Agency for Persons with Disabilities (APD)**

# Submitting an Application – How we do it

- Dedicated Network Resource Manager
- At any age
  - Case manager, or
  - Utilization manager reading the Comprehensive Behavioral Health Assessment (CBHA)
  - Identify a child that may qualify for APD.
- With the help of the Case Manager, the supporting documents are gathered.
- Network Resource Manager submits APD application

# Submitting APD application

- Applications are submitted directly to Embrace Families APD contact.

Turn around time is about 60 days.

Monthly calls to check on status of applications

Embrace Families is notified by mail of the child's eligibility either approved or denied.

Denials are reviewed by Legal Aid for possible challenge

**Waitlist vs. Waiver  
and Achieving Permanency for  
Children in Foster Care**

# Waitlist vs. Waiver for APD Services

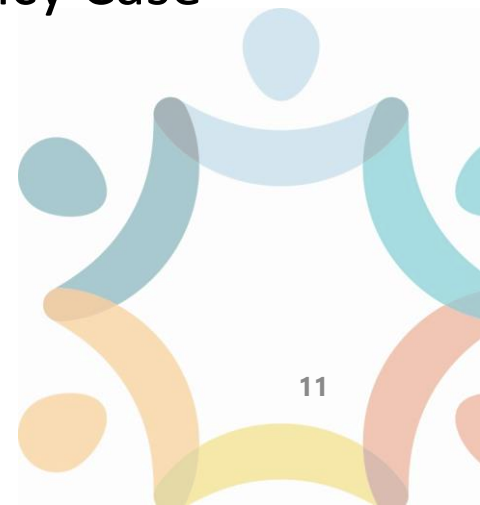
- Once deemed eligible, APD adds the child to the Waitlist
- The Waitlist is just that, the child is waiting to be able to access services from the Medicaid Waiver
  - There are seven statutory categories of the Waiver – 393.065(5)
- Medicaid Waiver is the funding stream



# Getting off the Waitlist

There are a few ways to be put onto the Waiver from the Waitlist:

- Crisis
  - Homelessness
  - Caregiver is unable to care – significant illness
  - Danger to self and others – significant DJJ or Baker Act History
- Achieving Permanency within the Dependency Case
  - \* Reunification with parents
  - \* Adoption
  - \* Permanent Guardianship
- There is room on the Waiver and an eligible individual is moved up



# Achieving Permanency

Statutes require APD to move children off waitlist when permanency is achieved

Embrace Families and APD locally work together when children are close to permanency

The Embrace Families' Operations Manager, review open cases every 90 days, will work with the Network Resource Manager on those identified APD cases could reach permanency

When a case is identified to be able to close, the Network Resource Manager will start notifying APD so that they can start their process to make sure services can go into the home. It is important communicate early on so that the Foster Care System is still in place while APD is setting up services.

# Achieving Permanency

Many cases are identified to be able to close, but the child is needing to remain within their current setting (often APD group home)

Operations Manager along with the Network Resource Manager, staff case with CLS and APD

- Discuss what was tried in the community before the child entered care
- Discuss why the child is best suited to remain in their current setting

Once permanency is achieved, the Network Resource Manager emails the court order to APD and the child is moved to the Waiver.

# APD Medicaid Waiver

Medicaid Wavier pays for things based on an individual budget (ibudget) - created by Waiver Support Coordinator

- dependent on the needs of the individual
  - based on QSI (Questionnaire for Situational Information)
- can change throughout the individuals life.
- decisions on budget can be appealed

# What does Medicaid waiver pay for?

- \* Life Time Benefits!
- \* Wavier Support Coordination, other services can include:
- \* Life Skills (Companion, Supported Employment, Adult Day Training)
- \* Personal Supports in own home or family home
- \* Supported Living Coaching in own home
- \* Supplies and equipment
- \* Residential Services in Licensed Facilities
- \* Therapeutic Supports and Wellness
- \* Transportation
- \* Dental Services for Adult

**Post - 18**

# Post 18 services

- Applications can be submitted for our Post-18 children
  - documentation of disability needs to be prior to 18
- Preference is to place before the age of 18
- If turn 18 in foster care, qualify to go on waiver
  - Move as quickly as possible
  - Identify six months in advance on monthly calls
  - Move for payment
- Use Aftercare – not EFC as transition



**Regis Little**

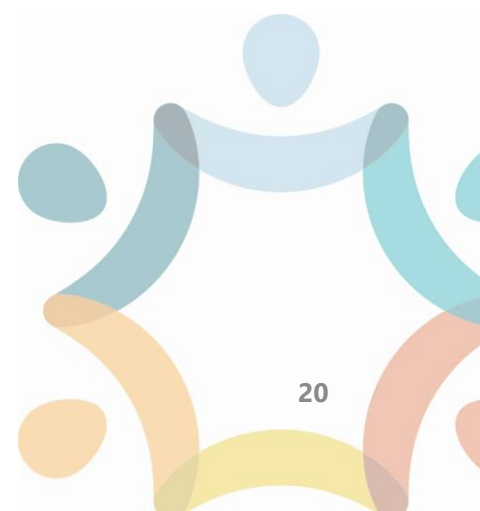
# Regis Little – Why the name?

- Story of Regis Little
- What motivated the legislation
  - Important to remember the goal
  - No youth should enter adulthood without the ability to make decisions or someone to make those decisions for him or her
  - No more tragic deaths



# Tension with rights for persons with disabilities

- Goal is protection
- While protecting – don't take away freedoms
- Persons with disabilities should be able to make decisions for themselves



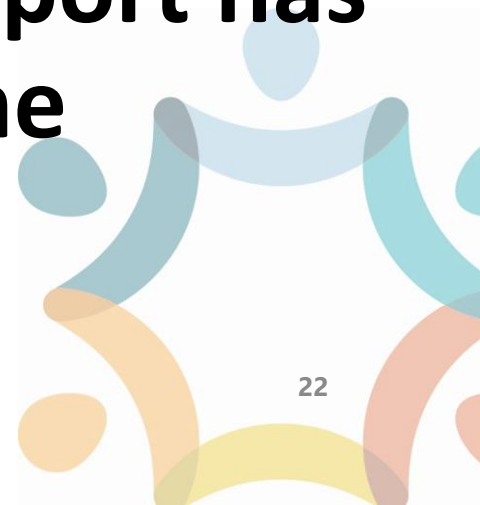
# Extra Steps Required

- Do everything you would do for an older foster youth (YTM, ID, Bank, etc.)
  - Don't stop looking for a forever family
- At 17 also do:
  - Assessment
  - Updated case plan
  - Recruit Guardians
    - This is the goal – keep your eyes on this



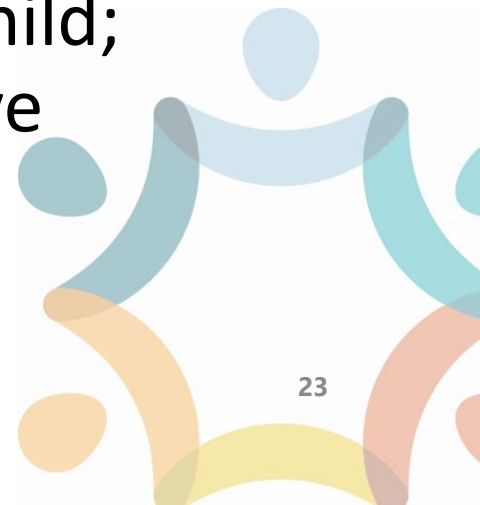
# Assessment

- Fla. Stat. 39.701 (3)(b)(2)(a) The department shall complete a multidisciplinary report which must include, but is not limited to, a psychosocial evaluation and educational report **if such a report has not been completed within the previous 2 years.**



# Updated Case Plan

- Fla. Stat. 39.701 (3)(b)(1) For any child who may meet the requirements for appointment of a guardian pursuant to chapter 744, or a guardian advocate pursuant to s. 393.12, the updated case plan must be developed in a **face-to-face** conference **with the child**, if appropriate; the **child's attorney**; any court-appointed **guardian ad litem**; the temporary **custodian** of the child; and the **parent**, if the parent's rights have not been terminated.



# Special Transition Planning

Fl. Stat. 39.701(3)(b) has specific requirements for these transition meetings:

- face to face with the child
- must include attorney for child, GAL, temporary custodian and parent if not post-TPR

Before assessment and confirmation of need

Combine with school meeting?



# Who should be a guardian?

- \* Family members
  - Do Family Finder
  - Doesn't have to live in Florida
  - Need court approval
- \* Parents
  - Need court approval
- \* Friends
- \* Mentor
- \* Teacher
- Former foster parents
- Former case managers
- GAL
- Professional guardians
  - Unlikely choice
- Any one who knows and supports the youth

# Who cannot be a guardian?

- A felon
- Someone who has abused or neglected a child
- Some people with a conflict of interest
  - Own a group home where a child will live



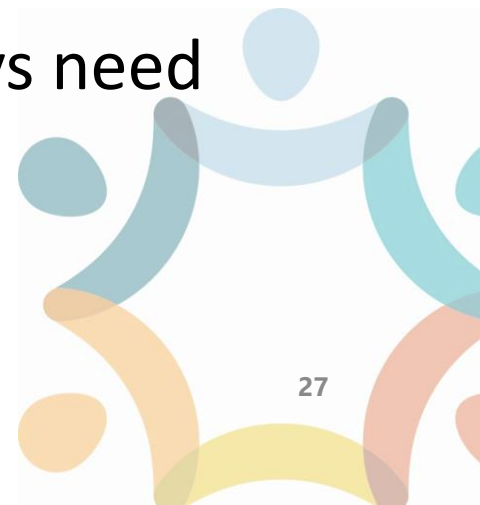
# Types of Guardians

## Guardian Advocate

- Fla. Stat. 393.12
- Developmental disability
  - Needs assistance in decision making
- Don't need a lawyer

## Guardians

- Fla. Stat. Chap. 744
- Proof of incompetence
  - Examined by 3 evaluators
- Plenary or limited
- Almost always need a lawyer



# Commitment of Guardians

- Help make decisions
  - Court will allow the ward (what the youth will be called) as many rights as they can retain
- Training after the court hearing
- Annual reporting (unless only income is social security)
- Life long commitment – until released by the court

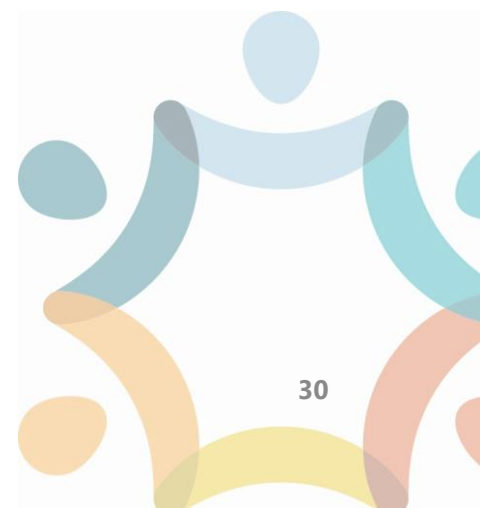


# Guardianship Procedures

- Not in the juvenile court – must be filed in probate court
- Lawyers will represent the proposed guardian
- Can be filed at 17 ½ years of age
  - Special exception for foster youth
  - Takes effect at 18 years old

# Other Considerations

- Florida's Children First Material
  - Dated re Youth Services & diplomas
- Continue to look for forever family
- APD services
  - Apply early
  - Aftercare if turn 18
- Continuing in Foster Care
  - Transition plan
- Social Security
- Educational Transition Planning
- Voc Rehab



Gerry Glynn  
Chief Legal Officer  
Embrace Families

[Gerry.Glynn@EmbraceFamilies.org](mailto:Gerry.Glynn@EmbraceFamilies.org)

321-441-1572

