



TEXAS CENTER
FOR THE JUDICIARY

2018 Child Welfare Judicial Conference

Resources for Children with Developmental Disabilities
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**Permanency Planning for Children with
Developmental Disabilities**

Section 531.152 Texas Government Code

"It is the policy of the state to strive to ensure that the basic needs for safety, security, and stability are met for each child in Texas. A successful family is the most efficient and effective way to meet those needs. The state and local communities must work together to provide encouragement and support for well-functioning families and ensure that each child receives the benefits of being a part of a successful permanent family as soon as possible."

Section 531.060 Texas Government Code

Tracking of children in facilities and creation of family-based alternatives



Children with DD Living in Facilities

Institution Type	Baseline Number 8/31/2002	Number as of 8/31/2017	Percent Change
Nursing Facilities	234	69	-71%
Small ICF/IID	418	158	-62%
Medium ICF/IID	39	34	-13%
Large ICF/IID	264	12	-95%
SSLC	241	173	-28%
DFPS – Licensed ID Inst.	73	45	-38%
HCS Group Home (3&4)	312	657	111%
Total	1,581	1,148	-27%
Total Excluding HCS	1,269	491	-61%

August 2017



EVERYCHILD – Family-Based Alternatives

www.everychildtexas.org

Assist children with developmental disabilities to live in families instead of institutions.
 Work directly with children, families, guardians to develop options for children who can't live at home
 Work with providers to develop alternate families
 Work with state agencies on development of policies

555

Number of children we have helped move or be diverted from institutions to families

36%

Percent of children EveryChild helped return home

64%

Percent of children EveryChild helped move to a Support Family

61%

Overall decrease in number of children with disabilities living in Texas institutions since 2002

Help every child grow up in a family
 Every child needs a family, and there is a family for every child.



Community Integration, Olmstead Supreme Court Ruling and Texas Promoting Independence Plan

On June 22, 1999, the United States Supreme Court held in *Olmstead v. L.C.* that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act.

<https://www.olmsteadrights.org/>



Community Integration, Olmstead Supreme Court Ruling and Texas Promoting Independence Plan

Two Evident Judgments

First, "institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life."

Second, "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."



Texas Promoting Independence Plan

Texas' Response to the Olmstead Decision – developed in 2002 to ensure individuals with disabilities have support to move from institutions to the community.

Priority Groups in Texas Promoting Independence Plan

- Children Living in DFPS General Residential Operations
- Children Aging Out of Foster Care
- Children in Crisis

<https://hhs.texas.gov/doing-business-hhs/provider-portals/resources/promoting-independence-pi>



Promoting Independence - Resources for Children in Conservatorship

Home and Community-Based Services (HCS) Waivers

Long Term Services in the Home

Host Home Services

Medicaid State Plan Services

Community First Choice



HCS- Home and Community-Based Services

Alternative to ICF group home for children and adults

Does not consider parental income

Developmental disability with IQ below 70 or a Related Condition and an IQ below 75

IQ not considered for those individuals who meet medical necessity for nursing facility

Key Services	
Host Home	3-4 Bed Group Home
Supported Home Living	Home/Vehicle Modifications
Respite	Behavioral Support including Applied Behavior Analysis
Supported Employment and Employment Assistance	Adaptive Aids
Nursing	Therapy



Medicaid State Plan Community First Choice

- Community First Choice was added to the Medicaid State Plan on June 1, 2015 and offers personal assistance services and habilitation for individuals who qualify including individuals with developmental disabilities.
- Individual must have Medicaid and meet eligibility criteria for a nursing facility, intermediate care facility, or residential treatment center.
- Children and young adults under the age of 21 contact STAR Health Service Coordinator. You can also contact LIDDA. <https://www.dads.state.tx.us/contact/search.cfm>



Children Living in General Residential Operations





Children Aging Out of Care





Children in Crisis and At Risk of Relinquishment



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