



Florida  
Developmental  
Disabilities  
Council, Inc.

# Legislative Platform 2023



## Foster Care Recommendations for Individuals with Intellectual and Developmental Disabilities

### Position Statement

The Council supports a foster care system that includes individuals with intellectual and developmental disabilities (I/DD) and has the capacity to meet their unique needs. Foster care diversion programs and family settings are the best options for children with I/DD and their families.



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## Issue

This year the Florida Developmental Disabilities Council (FDDC) has heard from foster care providers and other advocates about the needs of foster children with intellectual and developmental disabilities (I/DD). The system includes diversion programs to keep children from being placed in foster care.

Universal issues are challenging parents and caregivers in providing consistent and quality care for children with intellectual and developmental disabilities. Families have had difficulty navigating resources for assistance and services, and many families are unaware that there is a state agency that can help them.

Parents have difficulty navigating a complex service system. Services such as applied behavior analysis (ABA); Speech, physical, and occupational therapies; as well as mental health services are provided by the primary insurance but usually not at the levels that children with disabilities may require.

If a child is fortunate enough to be approved for services through a private insurance company or Medicaid, then finding a provider becomes the next challenge. There is a shortage of behavioral providers and therapists that will work for Medicaid rates, and even those who can afford to pay more for a therapist have difficulty finding one in their geographic area.

Educationally relevant therapies and academic supports can be requested through the school system. However, not all students are enrolled in public schools and even if they are, parents have difficulty knowing how or what to request without an advocate.

Another source of help can come through the Agency for Persons with Disabilities (APD). There are many parents who are not familiar with the agency and what services can be provided, or they were discouraged and did not apply due to the length of the waitlist. The application process for services through the iBudget waiver can be overwhelming, and the supplemental documents required lead to a longer application process.

Unfortunately, without therapy services, children can have a behavioral, mental, or physical health crisis that gradually escalates and can lead to a Baker Act. The Baker Act enables someone to request emergency mental health services for a person who can't or won't request help for themselves. These crisis situations may have been avoided if therapeutic care for children with disabilities was easier to access. Through the dedication of professionals who work for the State, many children have been diverted from group residential care and extended foster care. However, there continue to be ongoing service issues for children with I/DD in all aspects of the foster care system with increased frequency. This makes the process of supporting these families and children more difficult.

## Recommendations

**Individuals in foster care who apply for APD services at age 18 are having to wait over a year to be placed on the waiver, even if the application process begins 6 months prior to their 18th birthday.** This can result in several issues including living in hotels, especially if the individual can no longer live in the foster home in which they were previously placed due to being 18. Updating the application and crisis process timeframes and applying targeted case management can expedite services.

**Families in crisis and diversion who are not on the APD waitlist may not even know about the agency.** Those who are not in APD's system face a lengthy application, crisis determination process, and waiver enrollment for services that are needed immediately. A possible solution is to provide information about APD and the application process to each family who may be eligible at the end of each Individual Education Plan meeting.

**Teenagers with severe behavior issues who are a danger to themselves, and others are left in a critical care unit after a Baker act incident because parents do not believe it is safe for the individual to return home.** A behaviorally intensive group home is often the most appropriate setting for an individual with I/DD exhibiting behaviors that are a danger to themselves or others. Families are often encouraged to try ABA therapy in the home. However, families cannot get a provider, or they cannot return the individual to the home due to the danger presented to a sibling or a vulnerable adult. Baker Acts are on the rise because families and providers are unable to care for those in crisis at home.

The state needs to initiate active recruitment and priority processing of Intensive Behavioral (IB) and Behavior-Focused (BF) foster homes (group homes for men and women should be considered for older, eligible teenagers). Also, there should be active recruitment of behavior providers and a larger rate differential implemented for those with extreme behaviors typical in an IB group home placement. Another recommendation is to waive the requirements of specified ABA attempts in the home first for extreme situations.