

# Transition to Adulthood: Access to Adult Services, Guardianship, and Benefits

## Trainers:

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# Presentation Overview

- The importance of planful and supported transitions for especially vulnerable youth
- The steps in supporting youth to transition successfully
- Resources available to assist with this process
- Building capacity within your district

# Introduction

- Importance of transition for vulnerable youth
- Policy requirements
- Data and case examples

# Importance of Transition for Vulnerable Youth

- Planning ahead

# Policy Requirements and Planning Ahead

- Transition to Adulthood (90-Day) Plan
- Providing Important Documents
- Appointing a Health Care Agent
- Social Security Insurance
- Developmental Services
- Adult Mental Health
- Adult Guardianship

*Youth must be at the forefront of decision-making and case planning activities. No single approach, accommodation, or plan will apply in all circumstances. Resources and supports must be identified for youth on a case-by-case basis, informed by the individual's needs.*

# Data and Case Examples

# The Steps in Supporting a Successful Transition

- Adult Services
- Guardianship
- SSI
- Special considerations for youth in residential
- Other details...

# Access to Adult Services Process Overview

- Checklist and timelines
- Definitions
- Eligibility



# Checklist and Timelines

<b>REQUIRED TASKS</b>	<b>Youth Age</b>	<b>Organization</b>
<b>FSW applies for Developmental Services</b>	17	DCF
<b>Designated Agency (DA) assesses or re-assesses for eligibility</b>	17	DA
<b>DA determines eligibility</b>	17.5	DA
<b>DA/SSA conducts Needs Assessment</b>	17.5	DA/SSA
<b>DA/SSA submits funding proposal</b>	17.75	DA/SSA
<b>DA notifies team of results</b>	17.75	DA

# Definitions

<b>Developmental Services</b>	Supports and services for individuals with developmental disabilities, provided by SSAs and DAs
<b>Needs Assessment</b>	An evaluation and determination of individualized needs and the services necessary to support an individual
<b>Funding Proposal</b>	A narrative of an individual's history, strengths, challenges, and needs, accompanied by a budget for funding the supports and services to meet needs
<b>DA or SSA</b>	Designated Agency or Specialized Services Agency
<b>OPG</b>	Office of Public Guardian
<b>REU</b>	DCF-Family Service Division's Revenue Enhancement Unit
<b>SSU</b>	DCF-Family Service Division's Specialized Services Unit

# The Role of Designated Agencies and Specialized Service Agencies

- DAIL designates one Designated Agency (DA) in each geographic region of the state as responsible for ensuring needed services are available through local planning, service coordination, and monitoring outcomes within their region
- DAs determine Clinical Eligibility for Developmental Disabilities Services for individuals, and provide/arrange services
- SSAs are smaller agencies that provide and coordinate Developmental Disabilities Services

# Eligibility for Developmental Disabilities Services

Based on clinical assessments and gathered documentation, Designated Agencies determine whether individuals are eligible to receive any Developmental Disabilities (DD) services. Clinical eligibility is based on a diagnosis of having a developmental disability.

- Diagnosis and adaptive functioning
- Application process and providing documentation
- Appeals and preventing denials

# Clinical Eligibility for DD Services

- Diagnosis of intellectual disability, OR an Autism Spectrum Disorder, AND
- Significant deficits in adaptive functioning, AND
- Onset of disability prior to age 18

# Home and Community-Based Services (HCBS) Funding Priorities

- Health and safety
- Public safety
- Preventing institutionalization (nursing facilities, psychiatric hospitals, and ICF/DD)
- Employment
- Parenting

*See Vermont System of Care Plan for Developmental Disabilities Services for a full description of these priorities*

# Guardianship

- What guardianship means and does not mean
- Checklist and timelines
- Guardianship by court system
- SA role and troubleshooting
- Supported-Decision Making model

# What Guardianship Means (and Does Not Mean)

- Legal status (ordered by a judge) of a person over 18 with cognitive impairment that causes them to be unable to manage personal and/or financial affairs
- Guardianship is NOT custody
- Extended Care is not custody or guardianship
- Can be time limited, to be used in the least restrictive way possible, with as much youth involvement as possible and when alternatives have been exhausted
- Youth maintain legal and civil rights such as ability to vote, procreate, visit with people of their choice, refuse treatment



# Checklist and Timelines

REQUIRED TASKS	Youth Age	Organization
The youth's team determines if the youth may need an adult guardian and the specific areas of need, if applicable, OR determine if the youth is a candidate for Supported Decision-Making	17	Team
Team identifies a responsible adult (private guardian)	17.5	Team
If a private guardian is identified, the team files a petition with Probate Court	17.5	Team
If there is no potential private guardian, the FSW completes the petition for public guardianship and submit to the State's Attorney (Family Court)	17.5	DCF
FSW checks on status (State's Attorney/Family Court or Probate Court)	17.5-17.75	DCF

# Guardianship by Court System

Court System	PROBATE COURT		FAMILY COURT
Type of Guardianship	PRIVATE Guardianship		PUBLIC Guardian
Vermont Statutes	Title 14		Title 18
Age of Person Who May Need Guardianship	18+		
Impairment	Cognitively impaired, including developmental disabilities	Cognitively impaired, but not determined to have a developmental disability	Developmentally disabled according to statutory definition AND per evaluation of psychologist
Type of Evaluation Required	Comprehensive Evaluation		
Voluntary or Involuntary	Voluntary OR Involuntary		Involuntary
Powers	General supervision Medical/dental Contracts Legal Financial		General supervision Medical/dental Contracts Legal NO financial power
Emergency Orders	Can order emergency private or public guardianship		No emergency guardianship

# Role of the State's Attorney and Local Implications

- DCF is not a party to the case, nor is the OPG
- DCF's role is to ask the State's Attorney to file a petition (there is a standard form)
- At the request of DCF, SA decides whether there is sufficient info to file and litigates the request
- DCF is often the main witness to testify to the need for public guardianship

*The statutes are not clear if petitions can be filed before youth turn 18 and some courts interpret this to mean they cannot. Often, if we wait until 18, we can lose the ability to support very vulnerable youth.*

# Troubleshooting

- When the process is not timely, youth will become their own guardian when they turn 18
- Interested persons and emergency orders
- Contact Ben Chater and Ashley Harriman

# Supported-Decision Making

- An alternative to guardianship that allows an individual to make their own life choices with the help of their support network
- Adults have a right to be their own primary decision maker
- All people need help making decisions, good decision making is a skill that can be learned, and adults have a right to try and fail without serious injury or loss of rights
- Decision making skills are not “all or nothing” - help may be needed in some areas but not others

# Reminders

- Guardianship should be used as little as possible and only as absolutely necessary
- The average 18-year-old may not possess adequate decision-making capacity
- Youth (including those with developmental disabilities) need to be given opportunities to practice, make mistakes, and learn!

# Social Security Benefits (SSI and SSA)

- Overview
- Checklist, timelines, and roles
- Representative payees
- Role of the youth

# Overview

To be eligible for Social Security:

- Youth must have a parent who is disabled, retired, or has died and is entitled to Social Security benefits, OR
- Youth must be considered disabled:
  - Medical condition, or combination of conditions, that seriously limit activities
  - Condition has been disabling, or is expected to be disabling, for at least 12 months, or is expected to result in death
  - Working/earning less than \$1220/month (or less than \$2,040 with blindness)



# Checklist and Timelines

<b>REQUIRED TASKS</b>	<b>Youth Age</b>	<b>Organization</b>
<b>FSW consults with DCF Central Office (REU and SSU) about the youth's needs and next steps for applying for SSI, if applicable</b>	16	DCF
<b>FSW coordinates with REU to apply for Social Security benefits</b>	17.5	DCF
<b>FSW checks with REU on status</b>	17.75	DCF
<b>Identify a representative payee</b>	17.75	Team
<b>FSW coordinates with REU to re-apply for Medicaid</b>	17.75	DCF

# Social Security Benefits, continued

- REU supports management of Social Security benefits for youth in custody and partners with FSW to complete timely redetermination paperwork to avoid lapses in benefits.
- While in custody, DCF is the representative payee for children/youth and SSI/SSA benefits are used by DCF to offset room and board costs. At 18 and/or after custody, youth will become their own payee unless a rep payee is appointed.
- At times, DCF may suspend SSI benefits while children are in care to enable IV-E reimbursement. SSI terminates after one year of suspension. DCF supports re-application of SSI benefits for these youth prior to case closure.
- Sometimes, at case closure, youth may receive a “refund” of conserved benefits if SSI/SSA benefits exceeded room and board costs.
- Youth must sign the medical release form (827).

# Special Considerations for Youth in Residential

- Roles of SSU and DAIL
- Structure of residential impacts assessment and eligibility for services
- Importance of having multiple reporters
- Transition across state lines (new state determines eligibility for local services)

# Everything else...

- Important documents
- Medicaid
- Credit repair
- ROIs
- Ed surrogates

*“It is so important for youth to have their vital records at 18 – it's impossible for them to safely and legally meet their very basic needs without these documents.”*

# Resources and Strategies for a Smooth and Supported Transition

- YOUTH!
- Act 264 meetings
- Youth Development Program
- Other resources

# When Does Transition Work Well?

- When done early!
- When youth have autonomy in decision-making
- When there are strong advocates on the team – like parents, long-term foster parents, or Guardians ad Litem

*“We need to plan, plan, plan with youth, and then have backup plans too.”*

# Empowering Youth to Lead their Transition

- Supported-Decision Making Model
- Ensure youth have practice with adult skills and decision-making
- Key life skills for all youth before they transition from care:
  - Transportation
  - Money management
  - Access to medical care
  - Healthy relationships

# Act 264 Meetings

- Act 264 requires that AHS and AOE work together, involve parents, and coordinate services for better outcomes for children and families
- Coordinated Services Plan (CSP)
- LIT and SIT meetings



# Youth Development Program

- Case management services
- Coordination with other (primary) case managers
- Role clarity and examples of ways YDP supports youth

# Building Capacity within Your District

- District Directors and Supervisors
- Central Office support
- Local community-based experts
- Importance of relationships

Questions?

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## Resources

[DCF-FSD Policy 160: Supporting Adolescents in DCF Custody](#)

Youth Development Program: <https://vtyouthdevelopmentprogram.org/>

Green Mountain Self Advocates

VT Legal Aid Disability Law Project