

Access to Adult Disability Services for Youth Leaving Foster Care

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Subject: disability services; youth aging out of care; adult guardianship; out-of-home care

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Any information referenced within this document is considered to be a part of this policy with the exception of the “related resources” section.

Summary:

Ongoing case management agencies are responsible for completing a referral to secure long-term care for youth with disabilities, age 17 or older, who are exiting out-of-home care, pursuant with Wisconsin Statutes [§55.043](#). Wisconsin’s Family Care program provides long-term care to adults with disabilities and is administered by the Wisconsin Department of Health Services in compliance with Wisconsin Statutes Chapter 46 (§46.2805-§46.2895)

Policy:

A youth or young adult with a disability that makes him or her unable to arrange necessary food, clothing, shelter, or services (Wisc. Stats. [§55.043](#)) may be eligible for disability services provided by Milwaukee County Disability Services Division (DSD) when they are no longer in foster care (under a CHIPS or court order). Ongoing case management agencies are responsible for ensuring that qualified youth are connected with disability services. If the disabled adult does not have the ability to make financial, health, and other life-care decisions, the OCM must pursue obtaining a guardian for the adult.

The procedures below detail how to determine disability service eligibility, submit a referral, and, if applicable, how to pursue a guardian for the young adult.

Procedures:

When a youth in out-of-home care turns 17 years old, the assigned OCM must consider if the young adult would be eligible for long-term care disability services and if the youth's disabilities require an appointed guardian. The OCM must consider if the youth is eligible several months before the youth's court order expires to ensure the youth receives services. Adult long-term care disability services cannot be provided until the youth's court order expires and the youth is age 18 or older.

Generating the Referral

1. Eligibility: an OCM must assess if a youth with disabilities in out-of-home care may be eligible for adult long-term care provided through Milwaukee County DSD. The OCM should consider generating a referral if the youth has any one or more of the following:
 - a. An IQ of 70 or lower
 - b. cerebral palsy
 - c. autism
 - d. brain injury
 - e. physical disability
 - f. epilepsy
2. If the OCM determines that the youth may be eligible for disability services, the OCM must consult their supervisor and the point of contact (POC) at their agency to determine if they should generate a referral and if a psychological evaluation should be obtained.
 - a. A psychological evaluation is required with the referral form and must be generated within the 6 months prior to the submission of the referral. The psychological evaluation must include a psychologist report ([Form GN 3130](#)) which indicates if adult guardianship is recommended by the psychologist.
 - b. If the psychologist recommends the youth have an adult guardian, the court date for the adult guardianship is required on the referral form. *See the "pursuing guardianship" heading on page 2 of this policy for further guidance.*
3. If the OCM's supervisor and POC advise the OCM to proceed, the OCM must complete the following and submit it to the POC for review:
 - a. The DMCPD Referral for Adult LTC (Long term care) form part I and II.
 - b. An updated psychological evaluation and the psychologist report ([Form GN 3130](#)).
 - c. Any other documentation that supports the youths need for services related to their disability.
4. Once reviewed by the POC for completeness, the POC will submit the referral.

Pursuing guardianship

1. If the psychologist is recommending an adult guardian, the OCM must request a Guardian ad litem (GAL) at the next permanency planning review hearing or by contacting Milwaukee County Children's Court.
2. If the Ongoing agency has or has not identified a suitable guardian that must be shared with the appointed GAL. The GAL will then secure a guardianship court date for the youth.
3. If despite diligent efforts, no suitable guardian is identified by the OCM, the OCM must work with the POC. The POC will contact DSD and DSD will take further action.

Determination

1. If DSD determines the youth is eligible for services (after completing [Options Counseling](#)), the OCM will staff with their supervisor to determine if a revision to the CHIPS order is needed to end the order early or if the order expiration date is sufficient.
2. If the youth is not eligible for services (after DSD completes [Options Counseling](#)) or if the guardian opts out, then the OCM will need to staff with supervisor to determine if other referrals or community resources are appropriate.

Responsibilities:

OCM, OCM's Supervisor, and Point of Contact at each contracted Ongoing agency

Related Resources:

[Ongoing Services Standards](#)

[DMCPS Forms](#)

- Milwaukee County's [Adult Long-Term Care Referral Form Part I](#) and [Part II](#)
- [Examining Psychologist's Report GN 3130](#)