

Seniors and People with Disabilities

Corissa Neufeldt

**Authorized Signature**

**Number:** SPD-IM-11-051

**Issue Date:** 7/15/2011

**CORRECTED**

**Topic:** Developmental Disability Determination

**Subject:** Contested Cases for Children in DHS Custody

**Applies to (check all that apply):**

- |                                                                   |                                                                                                                       |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> All DHS employees                        | <input type="checkbox"/> County Mental Health Directors                                                               |
| <input type="checkbox"/> Area Agencies on Aging                   | <input type="checkbox"/> Health Services                                                                              |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities                                                         |
| <input checked="" type="checkbox"/> County DD Program Managers    | <input checked="" type="checkbox"/> Other (please specify): ODDS, DD eligibility specialists, DD service coordinators |

**Message:**

This joint transmittal is for both DHS Child Welfare and Developmental Disability Services, in order to clarify the process to be followed when a child in the State's custody is determined to be ineligible for developmental disability (DD) services.

**CW case workers and supervisors:**

In some instances, a CW case worker may wish to contest the determination. However, DHS employees are not permitted to dispute an internal agency decision. Therefore you may not act as the child's/claimant's representative in order to contest the DD eligibility determination.

However, as the child's legal guardian you have the right to discuss this determination with your local Community Developmental Disability Program (CDDP) office. The Eligibility Specialist (identified on the denial notice) will explain in better detail why services were denied or terminated and/or whether more information might support a new referral for DD services. If you still disagree with the eligibility determination and believe it should be contested, you must identify another resource to serve as the child's representative. Some suggestions are:

- a foster parent
- a relative of child
- CASA
- Disability Rights Oregon (503-243-2081 or 1-800-452-1694)
- the child's attorney

Community Developmental Disability Program (CDDP) office:

The attached document will be copied and attached to each ineligible Notice of Eligibility Determination/Notification of Planned Action, in which the Department of Human Services/CAF/CW case worker receives the notice as the legal guardian of a child.

*If you have any questions about this information, contact:*

<b>Contact(s):</b>	Kathy Steiner (CAF contact) - 503-945-6659 Chelas Kronenberg (SPD contact) - 503-945-6799		
<b>Phone:</b>		<b>Fax:</b>	
<b>E-mail:</b>	<a href="mailto:Kathy.Steiner@state.or.us">Kathy.Steiner@state.or.us</a> <a href="mailto:Chelas.a.Kronenberg@state.or.us">Chelas.a.Kronenberg@state.or.us</a>		

## **IMPORTANT - CW Caseworker Please Read**

The attached is a Department of Human Services (DHS) developmental disability (DD) eligibility determination. As a DHS employee you are not permitted to dispute an agency decision. Therefore you may not act as the child's/claimant's representative in order to contest this DD eligibility determination.

However, as the child's legal guardian you have the right to discuss this determination with your local Community Developmental Disability Program (CDDP) office. The Eligibility Specialist (identified on the denial notice) will explain in better detail why services were denied or terminated and/or whether more information might support a new referral for DD services. If you still disagree with the eligibility determination, you must identify another resource to serve as the child's representative. Some suggestions are:

- a foster parent
- a relative of the child
- CASA
- Disability Rights Oregon (503-243-2081 or 1-800-452-1694)
- the child's attorney

### **NOTE:**

If the child's DD services are scheduled to end, you may contact the CDDP eligibility specialist (identified on the front of the denial notice) to discuss the possibility of continuing benefits during the administrative hearing process.

The Representative must follow the Hearing Rights instructions on pg. 2 of the notice when requesting a hearing.