



Bridging the Dangerous Gap in the Care of Highest-Risk Children

Foster youth with significant developmental disabilities, who cannot live independently when they turn 21, transition from the care of Maryland's Department of Human Resources (DHR) to the responsibility of the Department of Health and Mental Hygiene (DHMH). For these most vulnerable youth, a gap in services during this transition can be an issue of life and death.

For youth with such severe disabilities that at age 21 they transition from DHR's care to the care of DHMH, this legislation will:

- Allow the juvenile court to order the continuation of services the young person needs to ensure there is no gap in service that could endanger his life until DHMH gets services put into place
- Ensure those services remain in place until an Administrative Hearing/Judicial Determination is made that a change in services is warranted.

In re: Adoption/Guardianship of Dustin R., No. 24, September Term, 2015. This legislation codifies a 2015 Court of Appeals decision, which held that the juvenile court **does** have authority to order necessary bridge services to continue after the young person turns 21 and is no longer under the care of DHR.

Dustin has been described as the most medically fragile person in Maryland. His extensive medical needs necessitate 24 hour nursing care, but he has been able to live with the same foster parents since he was 2 years old. As Dustin neared his 21st birthday, there were concerns about ensuring that DHMH would continue to provide the services DHR was providing because any gap in those services could kill Dustin. DHMH argued that the juvenile court lacked the authority to order them to do anything once Dustin turned 21 by virtue of being the "juvenile" court. The Court of Appeals disagreed.

Dustin's parent's rights had been terminated, but that is not the case for all youth in need of these services - we must codify this opinion to ensure that all youth in foster care who have severe developmental disabilities and will transition to DHMH's care at age 21, receive this protection!

"Developmental Disability" is defined as a "severe chronic disability of an individual that: **(1)** is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments; **(2)** is manifested before the individual attains the age of 22; **(3)** is likely to continue indefinitely; **(4)** results in an inability to live independently without external support or continuing and regular assistance; and **(5)** reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual." (MD Code, Health- General § 7-101(f)).

Last year, this legislation passed unanimously through the full Senate and House of Delegates, but the versions were slightly different and the 2016 Legislative Session ended before they could be reconciled.

For more information or to sign as a co-sponsor, please call Senator Delores G. Kelley at (410) 841-3606, Delegate David Moon at (410) 841-3474, or Melissa Rock, Child Welfare Director, Advocates for Children and Youth at (202) 460-1219.

