

Terry: Released to His Family

Terry weighs 380 pounds and wears a 6X shirt. He is 17 years old and resided in a psychiatric hospital (SIPP) in Orlando. Terry has been Baker Acted and has a variety of emotional problems. He has been in six different foster placements and was taken away from his mother because of her drug abuse. Terry made very little progress in the psychiatric facility. He did not want to participate in the program.

Casey, a PILC law student, was assigned to the case. That very first weekend, Casey drove from Tallahassee to Orlando to meet Terry. They clicked. Both Casey and Terry are into rap music and they started “to beat” (sing) together.

The law student discovered that Terry had gained 100 pounds (from 280 lbs. to 380 lbs.) since being placed at the psychiatric facility. The teachers at the facility used food as a behavioral motivator.

Casey brought the weight gain to the court’s attention. The judge ordered the facility to stop using food as a motivator and ordered an immediate physical examination.

With Casey’s advocacy, Terry has been released to his aunt. Terry is happy to be home with relatives and is now registered for school, and attending outpatient counseling. Casey and Terry still “beat.”

Brad: Employment at Goodwill

Brad is a 15-year-old boy who skipped school and ended up facing four and a half years in adult prison. While skipping school Brad was picked up by the police. Due to a condition of a previous juvenile probation order, he was placed in a juvenile detention center. At the detention center, the Department of Juvenile Justice took him off his medication. Brad is developmentally delayed. He has an IQ of 55 and has been diagnosed with lead poisoning. Brad also has a conduct disorder.

At his juvenile hearing, the judge found that Brad violated his probation and sentenced him to a juvenile facility. Still off of his medication, Brad blew up in the courtroom and knocked down the glass desk in front of him. The glass shattered throughout the courtroom. Two massive 300 pound guards jumped on 115 pound Brad and dragged him out of the courtroom.

The guards then placed Brad in their police car. While driving back to the juvenile detention center, Brad had a temper tantrum. He started crying and cursing. With his feet, he started kicking the back seat of the police car. He kicked the rear side window and it shattered. Brad grabbed a piece of the shattered glass and threatened to kill himself and the guards. The guards pulled over and called the police. When the police arrived, Brad calmed down and was escorted to adult jail without incident.

The State Attorney filed two felony counts of aggravated assault with a deadly weapon in adult court. The state offered Brad four and a half years in adult prison.

Two PILC students, Scott Herman and Leslie Lassigne, took the case to a jury trial. They argued that Brad, still off of his medication when he had a temper tantrum, did not hurt anyone and, given that he was shackled and handcuffed, the guards had no reason to be in fear. The guards testified that they were not afraid of Brad.

The jury found Brad not guilty. Brad now has a chance! The PILC contacted Goodwill and they agreed to provide Brad with training and a job. Also, Brad has a Medicaid Waiver, but has never received any services. We are now working to get him the needed health and educational services to live a productive life.

Amber Needs a New Home: An Appeal to the First District Court of Appeal

Amber is a 13-year-old foster child with mild mental retardation and a number of diagnosed disabilities. She is tall and looks old for her age, and has a history of being sexually exploited by her uncle and her cousin and by strangers. Amber has run away from foster placements dozens of times and has attempted suicide at least six times.

Amber is currently residing at a group home under contract with the Department of Children and Families (DCF) in Crestview, Florida. There, Amber does not receive any of the critical services she needs, such as anger management, speech therapy or intensive one-on-one counseling to address her past abuse. Since becoming a ward of the state, Amber has been moved from placement to placement, rarely staying in any foster home for more than a few months.

In October of last year, Amber's DCF caseworker applied to enroll Amber in the Developmental Disabilities Medicaid Waiver program. A Medicaid Waiver is a Medicaid-plus or super Medicaid. It pays for programs and services that regular Medicaid will not pay for. A Medicaid Waiver would provide funding for Amber to move to Carlton Palms, a group home near Orlando that provides services to children like Amber with multiple developmental disabilities and mental health diagnoses. At Carlton Palms, Amber would receive intensive therapeutic services.

DCF, which is responsible for the administration of the Medicaid Waiver program, told Amber that, because she was not "in crisis," she was being placed at the end of the waiting list for a Medicaid Waiver—a waiting list with more than 14,000 developmental services applicants ahead of her.

The PILC requested a hearing on this decision with a Medicaid hearing officer. At that hearing, Amber's Guardian ad Litem testified that during the three years that she had known Amber, Amber had been Baker Acted at least six times for attempting suicide and for threatening to kill others.

Amber's DCF caseworker testified that the Florida foster care system has been unable to provide Amber with the services, safety and stability that she needs.

The PILC hired a psychologist who testified as an expert at the hearing, stating that if Amber is not provided with the services that she can only get with a Medicaid Waiver, "I could see her possibly getting in a situation where she can get hurt, maybe get raped, maybe get killed."

The Hearing Officer affirmed DCF's determination that Amber was not in crisis. The hearing officer reasoned that because Amber is a foster child, the state foster care system is responsible to provide her with the services she needs. Therefore, the state funds used for the Medicaid Waiver program could not be used for Amber.

The PILC has appealed the decision to the First District Court of Appeal. The PILC is attacking the unwritten policy that foster children cannot receive Medicaid Waivers. If the PILC succeeds in this appeal, the door will be open for many other foster children in Florida to receive extensive medically-related independent living services.

Michael Finally Got the Help He Needed: A State Inpatient Psychiatric Program

Michael is a 17-year-old boy who has been in foster care for nearly five years since his parents' rights were terminated due to neglect and drug abuse. Michael has been in more than a dozen foster homes and is diagnosed with multiple mental health conditions. He has a number of juvenile delinquency charges on his record including arson, theft, battery and cruelty toward animals.

Michael's latest charge stemmed from a shoplifting incident which was a violation of the probation that Michael was serving at the time. The court system was fed up with Michael's criminal behavior and made it clear that Michael was on the verge of being sent to adult prison.

The PILC negotiated with the State Attorney's Office for Michael to be placed in a State Inpatient Psychiatric Program (SIPP) rather than in a prison. The plea agreement was premised on the idea that Michael's behavior is tied to his obsessive compulsive disorder, which can be treated at a SIPP. Michael was placed at Manatee Palms.

At the time of Michael's last offense, he had been residing with an aunt. Michael's aunt couldn't handle his behavioral problems anymore. She asked the PILC to pick up Michael's belongings so that when he was transferred to a SIPP, he could take them with him. An intern picked up Michael's things, which were stored in three large black garbage bags. The intern took the bags to the DJJ detention center where Michael was awaiting placement at the SIPP, but the DJJ staff later claimed they could not locate the bags. After much pressuring and repeated phone calls, a PILC intern was finally able to locate Michael's belongings at the detention center. Michael's belongings are now sitting

on top of Prof. Annino's file cabinets in his office, waiting to be reclaimed after Michael's release from Manatee Palms. At his release, the PILC will advocate for Michael to be placed in a foster home near his family.

The PILC successfully kept Michael out of prison. Now he is receiving the counseling and psychological services that he needs.

Amanda: A Medicaid Waiver Victory

Amanda is a developmentally disabled 14 year old with behavioral problems whose mother came to the PILC office a few years ago for assistance with acquiring a Medicaid Waiver. We represented Amanda in this matter and since then she has been residing at Carlton Palms where she has been receiving the necessary services for her disabilities.

In September of this year, Amanda's mother returned to the PILC office, knowing that she had previously found advocates within this organization for her daughter. Her mother was distressed over the fact that an independent agency, Maximus Inc., who had never met or spoken with Amanda had decided she no longer needed these integral services and was going to withdraw all funding. The PILC stepped in and once again took on Amanda's case.

After we filed our notice of appearance and demanded all the records that Maximus Inc. relied on to terminate Amanda's Medicaid Waiver services, the agency did an about face and reinstated all of Amanda's services. Without legal representation this independent agency felt they could take away these services from a disabled child and get away with it, but since Amanda had the PILC in her corner they reversed this decision without the need for any further litigation.