



# OLR RESEARCH REPORT

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## **DISCONTINUATION OF SERVICES BY DEPARTMENT OF DEVELOPMENTAL SERVICES CLIENTS**

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This report briefly describes what action the Department of Developmental Services (DDS) can take if a person chooses to discontinue services, but the department determines that doing so is not in the person's best interest.

### **SUMMARY**

If a DDS client, or his or her parent or guardian (if applicable), chooses to discontinue services and the department determines that doing so will negatively affect the person's health or safety, the department can apply to probate court for an emergency order to involuntarily place the person under DDS care ([CGS § 17a-274](#)).

The law also allows DDS to take immediate custody of someone when the commissioner determines there is reasonable cause to believe (based on an individual or agency's report to DDS) that the person's safety or welfare is not being provided for by a family member or guardian. The commissioner must then file an application for placement with the probate court within 24 hours ([CGS § 17a-274](#)).

### **INVOLUNTARY DDS PLACEMENTS**

By law, any interested party can apply to probate court for an involuntary DDS placement. The court may order such placement if it finds there is clear and convincing evidence that the person has an intellectual disability and:

1. has no family or guardian able to provide care;
2. is unable to obtain adequate appropriate services enabling him or her to receive care, treatment, and education or habilitation without court placement;
3. is unable to provide him- or herself with at least one of the following: education, habilitation, physical and mental health care, meals, clothing, safe shelter, and protection from harm; and
4. (a) is unwilling to be placed or (b) the person's guardian requested voluntary admission and such admission was opposed by the person or his or her family ([CGS § 17a-274](#)).

The court must make this finding after (1) holding a hearing within 30 business days of receiving an application for such placement and (2) reviewing the pre-hearing psychological evaluation conducted by a licensed psychologist provided by the Office of the Probate Court Administrator ([CGS § 17a-274](#)).

After the probate court issues a placement order, DDS must place the person's name on a waiting list for appropriate facilities, based on an interdisciplinary team's evaluation of the person's needs. The probate court may also order, on its own, immediate, temporary DDS placement if it determines that such immediate placement is critical to the person's needs.

The law also allows DDS to take immediate custody of someone when an individual or agency submits a report to the department claiming it believes that the person to be placed is in immediate need of care and treatment for his or her safety and welfare and it is not being provided by the person's family or guardian. The DDS commissioner must promptly determine whether there is reasonable cause for such belief. If so, he may take custody of the person but must file an application for placement with the probate court within 24 hours. The person must be placed in the least restrictive setting within available funding ([CGS § 17a-274](#)).

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