

## TIPS FOR LAWYERS

### HOW TO ACCESS DENTAL AND MEDICAL CARE FOR YOUTH LIVING IN THE CARE OR CUSTODY OF DCF

**My client needs extensive dental work and/or has medical needs that must be addressed. How do I ensure that she receives appropriate care in a timely manner?**

DCF has an obligation to assess the treatment needs of children in their care. Treatment needs includes dental and medical care.

Connecticut Statute § 17a-101g(e) provides that even during the initial 96 hour hold, DCF has an obligation to provide the child or youth with “all necessary care” even without the consent of the child’s parent or guardian (provided DCF made reasonable attempts to obtain consent.)

A child placed in an out-of-home placement shall, within 72 hours of removal, receive an initial medical screening evaluation if the child has an acute health need or a chronic health condition that requires medication to be administered within that timeframe. DCF Policy § 21-5.

DCF policy provides that each child in out-of-home placement shall undergo a Multi-Disciplinary Evaluation (MDE). DCF Policy § 21-5. The MDE is intended as a comprehensive physical that will assess the child’s medical, emotional and developmental status and offer recommendations for appropriate treatment. The MDE will assess dental needs and indicate whether a child is in need of immediate dental care.

A child in out-of-home placement must receive health supervision and well child care including prevention services consistent with Early Periodic Screening, Diagnosis and Treatment. DCF Policy § 21-5.

Additionally, foster parents and other placement providers should work with DCF staff to assess a child’s ongoing needs for medical and dental care. DCF must give foster parents (or appropriate placement staff) the date and findings of the child’s last physical, dental or other examinations and plan with foster parents for required follow-up on recommendations, shots, subsequent examinations, etc. See DCF Policy §21-5.

## **How does DCF pay for medical care for a child?**

Payment for medical care of children placed by the Department is made through the Title XIX medical program administered by the Department of Social Services. See DCF Policy § 21-5.

## **Where will DCF document the child's medical and dental needs?**

The child's MDE will contain a list of all diagnoses and recommendations. Lawyers may obtain a copy of the MDE by making a written request for DCF records pursuant to Conn. Gen. Stat. § 17a-28. DCF will also identify the child's diagnoses and treatment recommendations in the child's Case Plan. See Conn. Gen. Stat. § 17a-15; DCF Policy § 21-5. Each child and youth in DCF custody is entitled to a treatment plan which, among other things, documents the child's need for medical care and appropriate treatment. DCF Policy § 21-5.

## **Whose responsibility is it to make appointments for the child and transport the child to those appointments?**

It is DCF's responsibility to work with foster parents and placement staff to ensure that a child's needs are met through appropriate appointments. DCF policy indicates that foster parents are generally responsible for arranging transportation for appointments, although DCF is ultimately responsible for ensuring the health and welfare of children in state care. DCF Policy § 21-5/

## **What can I do to ensure that my client gets timely dental care?**

Ask for a copy of the child's MDE about 40 days after the child is placed in care. The MDE should indicate what follow up care the child needs. You can then follow up with DCF staff, foster parents and your client to ensure that your client has been scheduled for appropriate follow up care.

Additionally, participate in your client's treatment plan reviews, and obtain a copy of the treatment plan. DCF must notify the child's attorney not less than 21 days prior to the date of any administrative hearing to review the plan. The plan should address all necessary appointments. If a client is not receiving the care identified in their treatment plan, you can bring the issue before an administrative hearing officer or a judge. Conn. Gen. Stat. § § 17a-15; 17a-16.

**Settlement of a class action seeking better access to dental care for kids on HUSKY A / Medicaid requires that DSS actively help with locating, scheduling and, if necessary, transportation to regular dental care appointments.**