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Florida Budget Includes Legal Help For Foster Children In Nursing Homes

By News Service of Florida

Florida lawmakers set aside more than \$300,000 in the new state budget to provide legal help to foster children who have complex medical needs and are in nursing homes.

The money, \$323,000, will pay for what are known as "attorneys ad litem" to represent the foster children.

"We focused on the ones in foster care because they don't have families to advocate for them," said Christina Spudeas, executive director of the advocacy group Florida's Children First. "Logically, these kids needed counsel."

Spudeas spearheaded the drive to win the allocation after an investigation and report last year by the Justice Department alleged the state had improperly placed children in nursing homes, rather than pay for services that would allow them to stay in their homes and communities.

The state Agency for Health Care Administration, which oversees the nursing homes, has disputed the Department of Justice findings. The federal Americans with Disabilities Act requires states to care for people with disabilities in the least restrictive settings — such as in family homes and communities.

Spudeas said the budget item became part of her group's legislative agenda after media reports about the DOJ findings, including charges that the children weren't getting proper educational services.

"Some of these children have an illness that affects their bodies, but not their minds," Spudeas said. "For them to be in a nursing home — it's just abhorrent."

Lawmakers included the \$323,000 in the fiscal year 2013-14 budget, along with \$3.8 million for the broader Florida Guardian ad Litem program to recruit more volunteers to represent dependent children in court.

Alan Abramowitz, executive director of Florida Guardian ad Litem, said part of the \$323,000 for attorneys ad litem may also cover training for more attorneys and Guardian ad Litem staff in disability law.

The training for lawyers representing foster children in nursing homes is highly specialized, according to Spudeas, and includes how to keep children out of nursing homes in the first place. "You can actually do a lot more in the beginning" of a child's case, she said.

"Starting July 1, we'll find the right attorneys for these children," Abramowitz said.

According to the state Department of Children and Families, the number of foster children in nursing homes is down to 15, half the number there last fall.

The number of all children with complex medical needs in nursing homes has dropped from 221 in September 2012 to 195 in February to 191 as of May 9, the Agency for Health Care Administration says.

Meanwhile, AHCA Secretary Liz Dudek pushed back against a Miami Herald report earlier this month that a recent inspection of a nursing home with child patients had significant shortcomings.

In a Tampa Tribune op-ed piece published Tuesday, Dudek said the shortcomings had been identified by a nurse care coordinator working with her agency and remedied by AHCA staff.

The addition of nurse care coordinators was part of the "enhanced" care plan adopted by AHCA, DCF and the state Department of Health in January to provide more frequent case reviews.

"I am proud of the systems the Agency for Health Care Administration and our partners have implemented in the past year to ensure that medically complex children residing in pediatric nursing facilities, and their families, have our nurse care coordinators as another set of eyes and ears in the health-care setting chosen by the parents," Dudek wrote.