

# COMMUNICATION & CONSIDERATIONS WHEN A PERSON WITH IDD OR ASD ENTERS THE JUSTICE SYSTEM

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*The great majority of people with ID or ASD  
are law-abiding citizens  
who have a strong sense of right and wrong.*

# AUTISM SPECTRUM DISORDER

- People with ASD are seven times more likely to intersect with the law than non-ASD people
- Behavior interpreted by society as antisocial
- They have difficulty picking up social cues and interpreting gestures, sarcasm, jokes and nuanced conversation
- Understanding tends to be literal
- They have restricted, repetitive behaviors—mannerisms and movements—that tend to become more pronounced under stress and can escalate to aggression to escape the situation
- Perceived lack of empathy
- Sensory reactions, such as sensitivity to noise or touch

# IDD: WHAT WE SEE...WHAT TO DO...

## Significant deficits in common skills

- Learning ability
- Reading
- Writing
- Verbal conversation
- Practical math; e.g., making change
- Understanding abstract concepts
- Learning is situational: skill learned in one place may not generalize to another

## Suggestions

- Present concepts in multiple ways; i.e., visual & auditory, using signs, small reminders etc.
- Check for understanding
- Break communication into component steps
- Use repetition—and allow time to process a request before repeating.

## Concrete thinking

- Difficulty or inability to grasp concepts
- Difficulty or inability to process more than one or two instructions at a time, thus appearing noncompliant
- Difficulty distinguishing reality from speculation

## Suggestions

- Avoid hypothetical questions
- Use short, direct, simple requests.
- Avoid multiple instructions at the same time.
- Wait for completion of each step, and reinforce each completion.

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## Trying to avoid the stigma of being “retarded”

## Suggestions

- Avoid diagnostic verbiage
- Ask about special education history—but remember most special education students do not have ID or ASD
  - What was did the classroom look like?
  - Tell me about the other kids in your class.
  - How old were you when you graduated? (Check the age given with birthdate)
- Get developmental records

## Acquiescence and “yea-saying”

- More likely to agree with a questioner, increasing chances of false confession
- Desire to please and be part of a group, increasing exploitation by others

## Suggestions

- Ask questions in different ways
- Repeat questions at different points in the exchange
- Ask open-ended questions instead of yes/no
- Avoid punishing, harsh tone
- Observe for imitation of others who are seen as leaders

## Naivete

- Lack of understanding of motives and being exploited
- Leads to considering everyone a “friend”

## Suggestions

- Ask about friends
  - Who are they?
  - How many do they have?
  - Do they get together?
- Research record, test results to understand level of emotional development (“mental age”)

# RESOURCES FOR THE JUDICIAL SYSTEM

[Judicial Spectrum Primer: What Judges Need to Know About Children with Autism Spectrum Disorders](#)

[Autism Information for Advocates, Attorneys, and Judges](#)

From: <https://www.autismspeaks.org/judicial-system>

# [HTTPS://HHS.TEXAS.GOV/ABOUT-HHS/FIND-US/WHERE-CAN-I-FIND-SERVICES](https://hhs.texas.gov/about-hhs/find-us/where-can-i-find-services)

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If you are looking for services such as WIC, SNAP, TANF or Medicaid, please visit [211Texas.org](https://www.211Texas.org).

The search below will help you locate offices that can help you with aging, disability, behavioral health and intellectual or developmental disabilities services.

If you know what type of service you need, please enter your county in the box below and select your service office type to get the contact information.

If you are unsure how HHS can help you, call 855-937-2372 to talk to a trained professional.

### Office Search

County names are case sensitive. Do not include County in the name.

Example county name: Travis. Not travis or Travis County.

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Find Offices

Office	Address	Service	Counties Served
<a href="#">Houston-Galveston AAA</a>	3555 Timmons Lane Suite 120 Houston, Texas 77027 713-627-3200	AAA	Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Liberty, Matagorda, Montgomery, Walker, Waller, Wharton
<a href="#">Tri-County Behavioral Healthcare</a>	1506 Old Montgomery Rd. Conroe, Texas 77304 936-334-3275 (City of Liberty)	LIDDA, LMHA	Liberty, Montgomery, Walker

AAA = Area Agency on Aging  
ADRC = Aging and Disability Resource Center  
LIDDA = Local Intellectual and Developmental Disability Authority  
LMHA = Local Mental Health Authority



# THE LOCAL INTELLECTUAL AND DEVELOPMENTAL DISABILITY AUTHORITY LIDDA

Maria Quintero-Conk, Ph.D

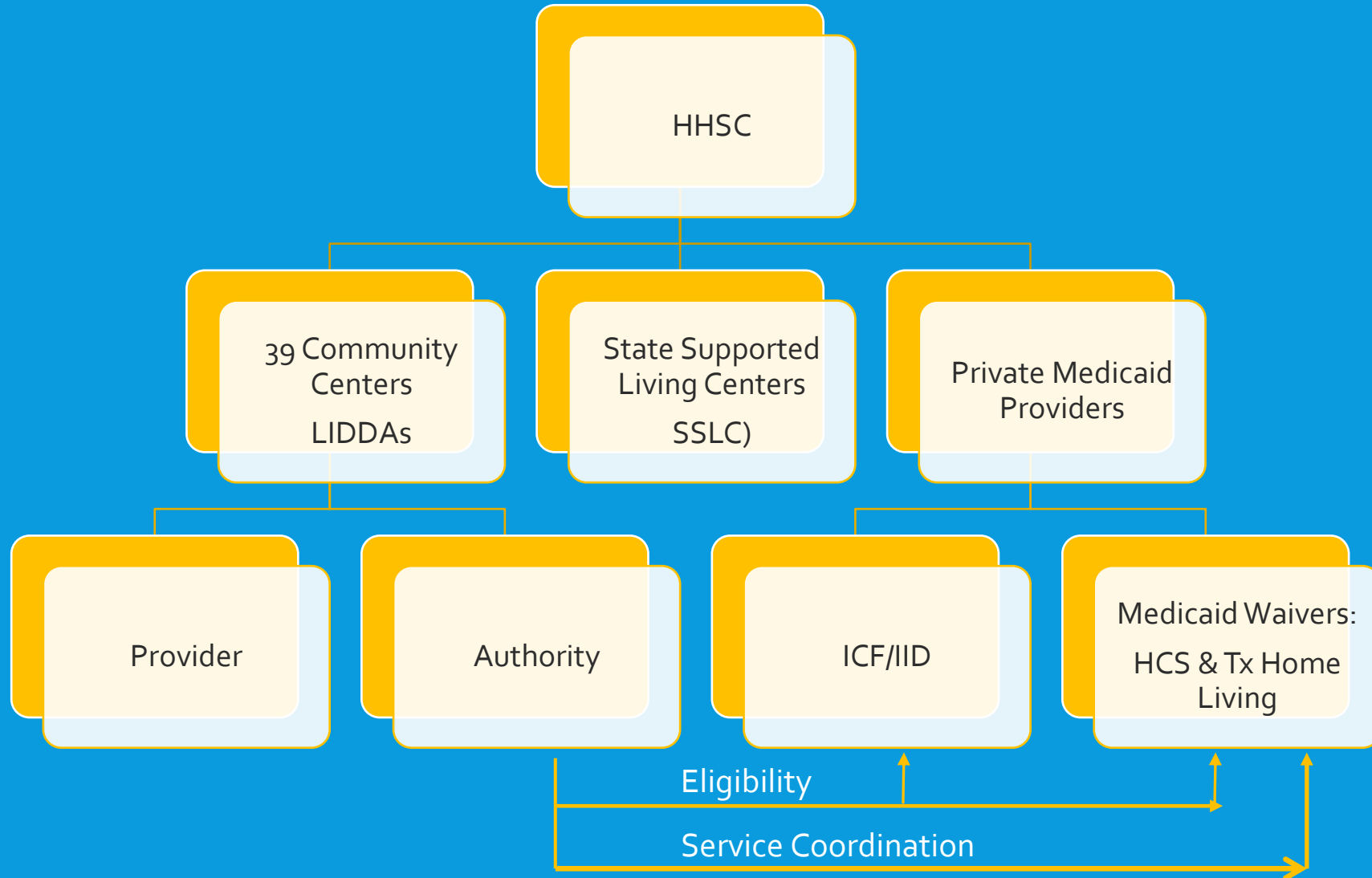
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# LOCAL INTELLECTUAL AND DEVELOPMENTAL DISABILITY AUTHORITY (LIDDA)

- The LIDDA serves as the single point of access for certain publicly funded intellectual and developmental disability (IDD) programs for the residents within the LIDDA's local service area.
- The state is required to contract with the designated LIDDAs and provides funding for the delegated functions and for required community-based services to be provided in each service area.

The LIDDA is part of a Public-Private community system of care.



# THE LIDDA: AUTHORITY AND PROVIDER

- The Authority must provide:
  - Eligibility Determinations
  - Authorization of services funded by state dollars
  - Service Coordination
  - Linkage and Referral
  - Continuity of Service
    - Transition from institutional care
  - Respite
  - IDD Crisis Intervention and Crisis Respite
  - PASRR Nursing home services
- The Provider may provide:
  - Direct services as a public option
  - Direct services when no other option exists
  - Service array – Most services are optional
    - Variable from one center to another
    - Cannot duplicate services paid by another agency, such as TEA

# HOW CAN A LIDDA HELP? IDD CRISIS RESPONSE SYSTEM

- Every center received funding for
  - Crisis Intervention Specialist (CIS)
  - Crisis Respite



# DUTIES OF THE CIS

- Among several other duties, The CIS:
  - Provides education about the manner in which to engage persons with IDD and their unique needs to law enforcement
  - Collaborates with local law enforcement and correctional institutions to review jail match reports and assisting in discharge planning for persons processed into correctional institutions who have been identified as receiving services from the LIDDA in the past three years

[HTTPS://HHS.TEXAS.GOV/DOING-BUSINESS-HHS/PROVIDER-PORTALS/LONG-TERM-CARE-PROVIDERS/LOCAL-IDD-AUTHORITY-LIDDA](https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/local-idd-authority-lidda)

## **Explanation of Services and Supports**

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**Intellectual and Developmental  
Disabilities**



**TEXAS**  
Health and Human  
Services





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## Contact HHS

### Local Intellectual and Developmental Disability Authorities Directory

**Alamo Local Authority**

8700 Tesoro Drive, Suite 700

San Antonio, TX 78217

Intake Phone: 210-832-5020

Main Phone: 210-362-5200

Crisis Phone: 210-362-5200

Website: <https://www.aacog.com/66/Intellectual-Developmental-Disability-Se>

**County served:**

Bexar

**Anderson-Cherokee Community Enrichment Services (ACCESS)**

913 N. Jackson St.

Jacksonville, TX 75766

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# ELIGIBILITY FOR IDD SERVICES

# THREE PATHS TO ELIGIBILITY

- Intellectual Disability
- Autism Spectrum Disorder
- Qualifying Related Condition

# INTELLECTUAL DISABILITY

- Intellectual Disability
  - Deficits in general mental abilities
    - In TX, IQ below 70
  - Impairment in adaptive functioning for the individual's age and sociocultural background
    - In TX, must use adaptive behavior test; can't estimate
  - All symptoms must have an onset during the developmental period
    - In TX, before age 18

# AUTISM SPECTRUM DISORDER

- Neurodevelopmental Disorder
- Diagnostic criteria as defined in the DSM-5
  - Problems with social communication and reciprocity
  - Restricted, repetitive behaviors

# RELATED CONDITION

- Some specific medical diagnoses that occurred before age 22
- Defined by federal law
- HHSC publishes a booklet with the list of Qualifying Related Conditions
  - <https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/providers/health/icd10-codes.pdf>

*Note: Some wounded war veterans may be eligible for IDD services under Related Conditions*





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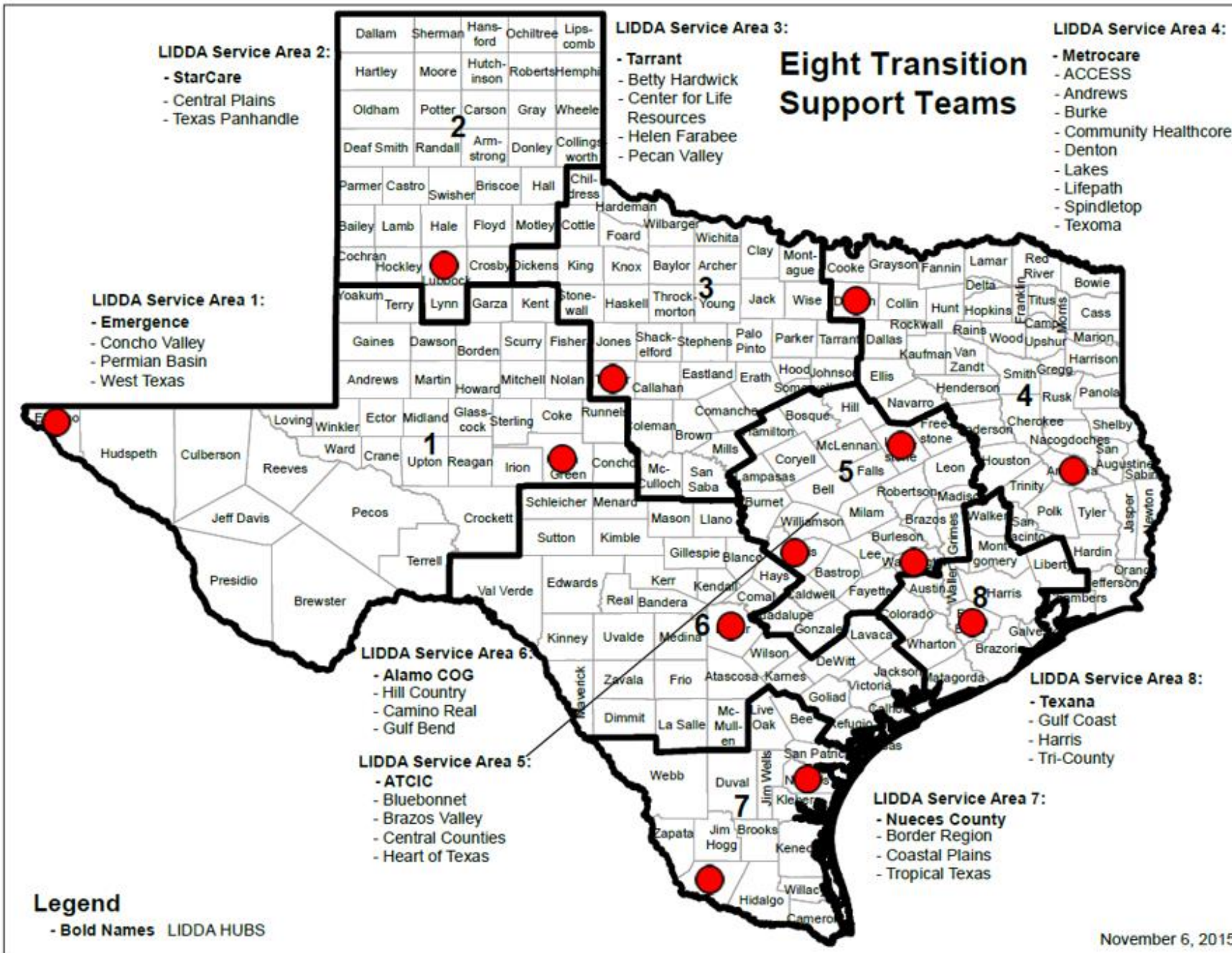
# State Supported Living Centers

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**Clair Benitez,**  
**Continuity of Care Coordinator**



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Red Dot  
Designate  
SSLC  
Campus

Region  
Lines  
Designate  
LIDDA  
Service  
Areas

November 6, 2015

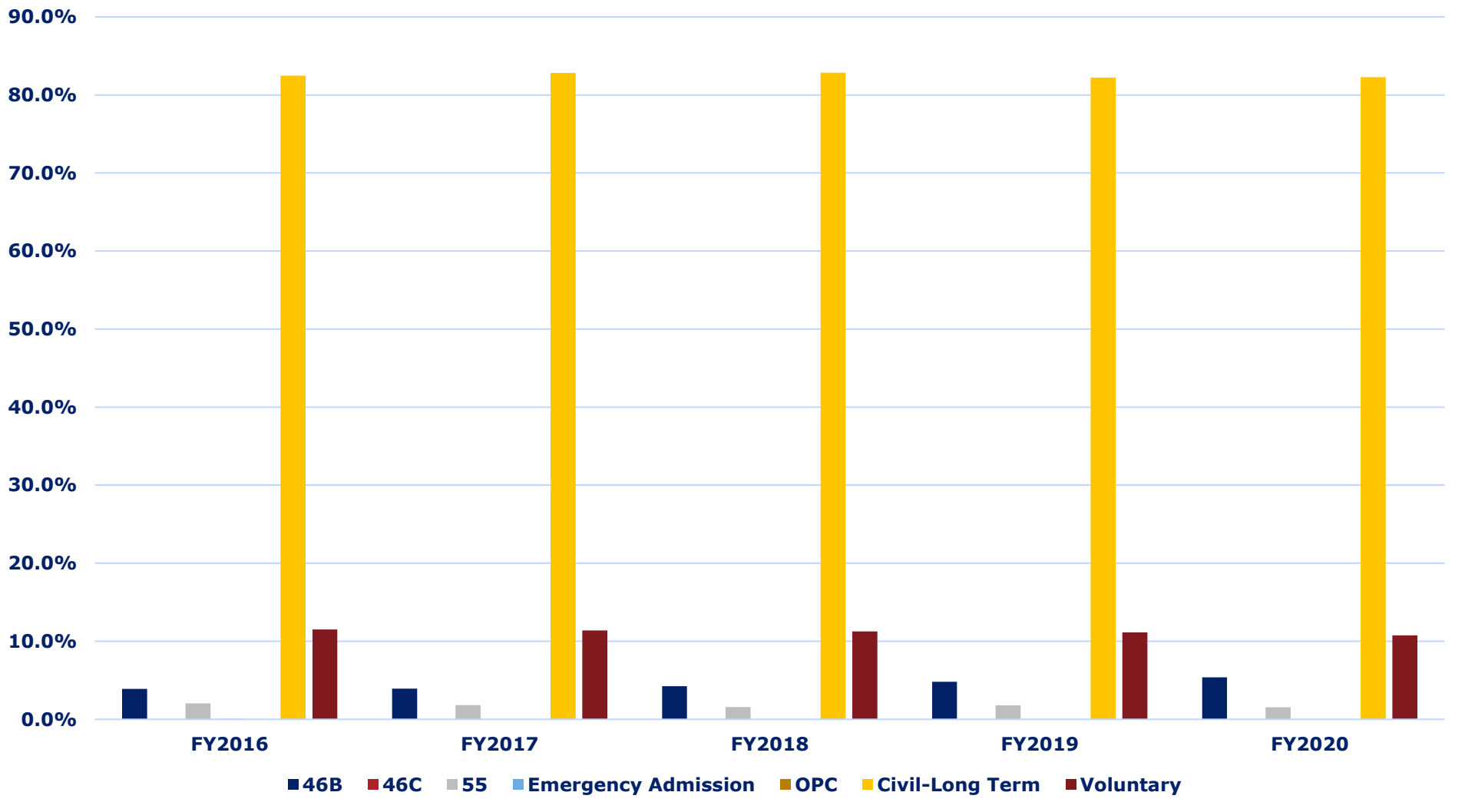
# SSLC Snapshot



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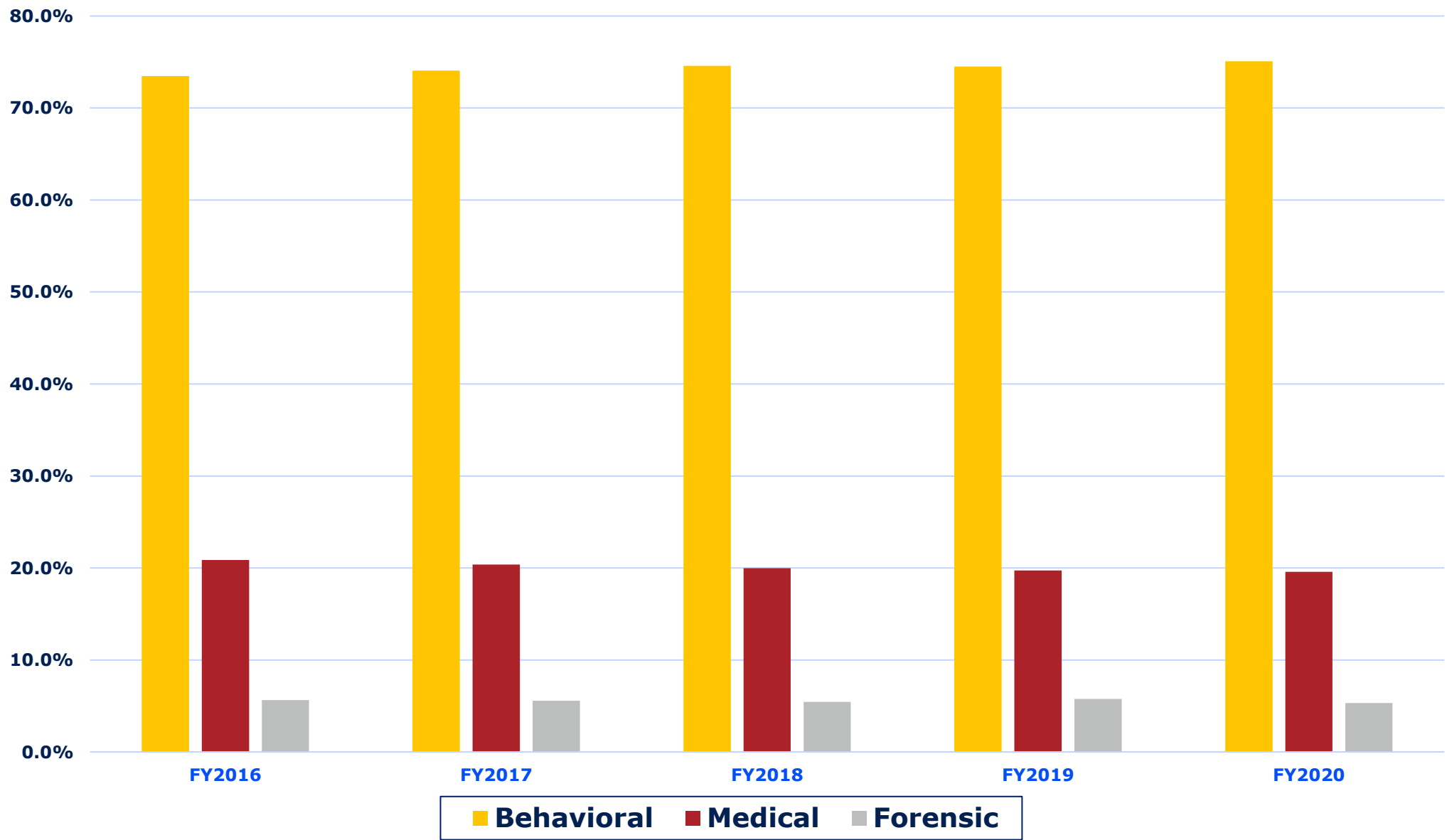
- 13 Intermediate Care Facilities
- Residential; 24 hour care
- Local IDD Authority (LIDDA) facilitates admission/assists with Transition
- Serves Adults & Minors with Intellectual Developmental Disabilities (IDD), many also have co-occurring mental health disorders.
- Complex behavioral or medical needs; beyond the ability of the community to serve and/or at request of the legal guardian
- Comprehensive Services: Doctor, Psychiatry, Behavioral Health, Vocational, Active Treatment, Habilitation Therapies, etc.

# Current Population Commitment Type





# Rationale for Admission

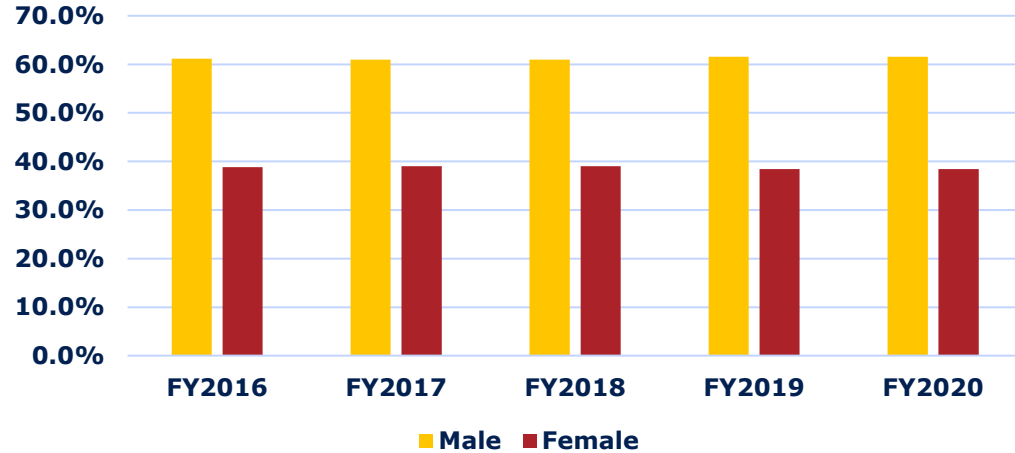


# Overall Population vs. Forensic Population

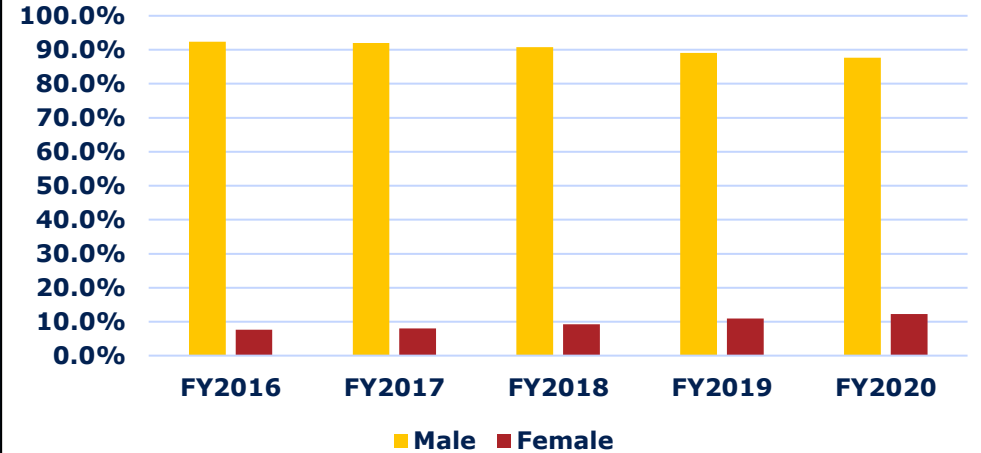


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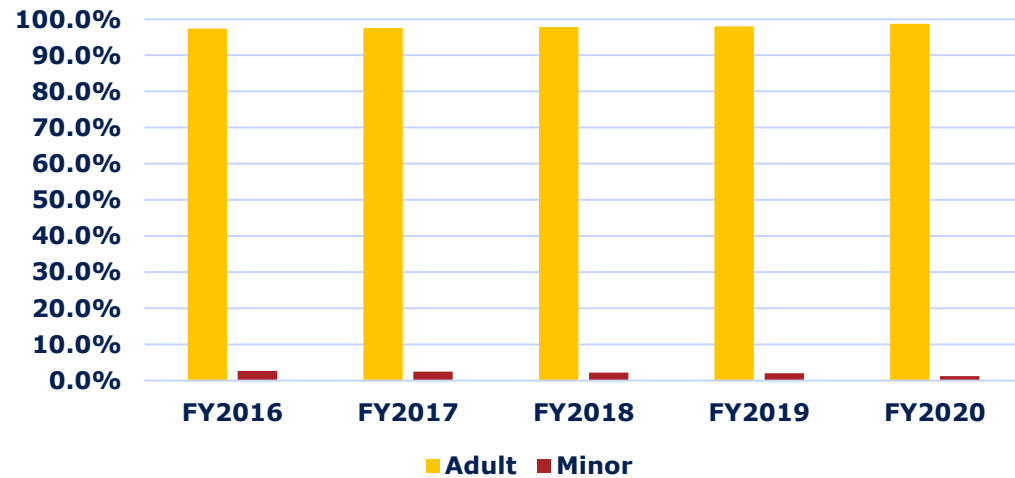
### Gender Distribution for Overall Residents



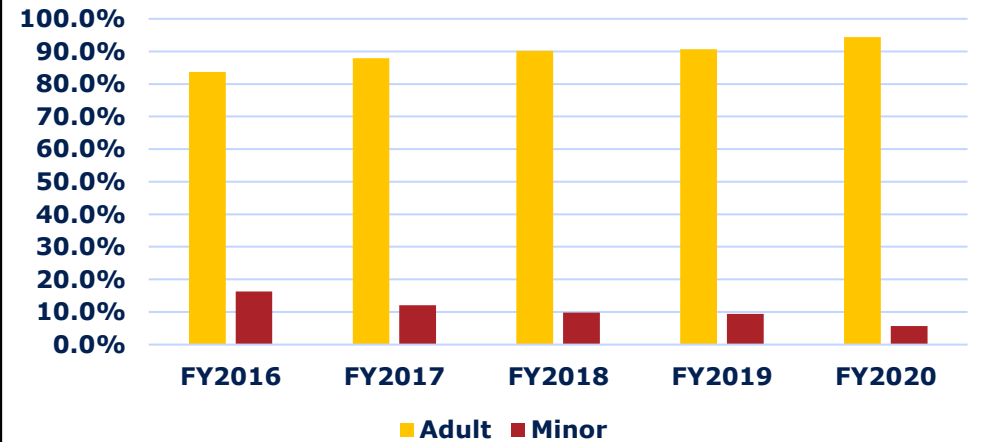
### Gender Distribution for Forensic Residents



### Adult/Minor Distribution for Overall Residents



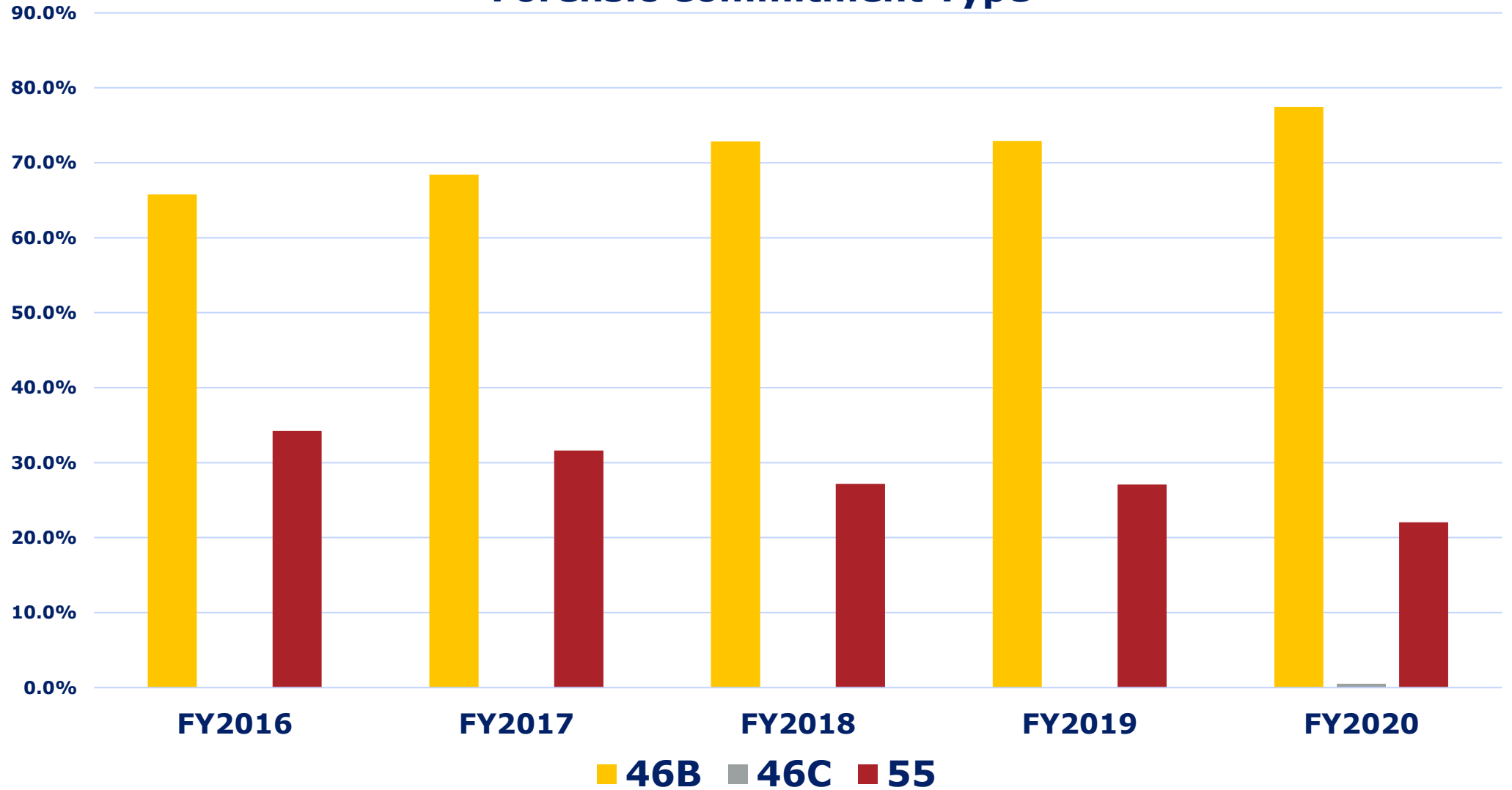
### Adult/Minor Distribution for Forensic Residents





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## Forensic Commitment Type



# Takeaways



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- Intermediate Care- Not forever homes.
- Regulated by CMS- Not lockdown facilities.
  - Active treatment and skill acquisition equal value to medical care/behavioral intervention.
- Ensure Efforts to serve in the community have been offered/attempted/exhausted
- Court Commitment Details
  - Advocate for personal rights
  - Limitations or specifications to serving the individual
  - Requirements to the court
- Best Commitment Type for Individual
  - Impact of individuals with serious justice involvement being served on campuses with more vulnerable populations
- Consider Prioritization/Early Intervention for Individuals in Jail/Justice Involvement
  - Identify folks with IDD in jails quickly to get them in the right line as soon as possible.
- IDD/IQ Linked to Service Availability
  - Impact of a DID being overruled

## Questions?





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# Thank you

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