

# Demystifying Civil Commitments to State Supported Living Centers

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## What is an Intellectual Disability (ID)?

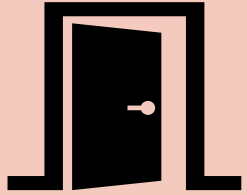
- a condition characterized by significant limitations in reasoning, learning, problem-solving, and practical and social skills
- formerly described by the term “mental retardation” (now considered disrespectful)
- often evident at birth or in early childhood and must have occurred before age 18



## What is a Developmental Disability (DD)?

- a severe, chronic condition, results in substantial functional limitations, onset before age 22

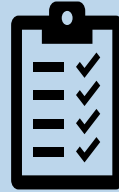
# What is a Local IDD Authority?



Entry point to  
community IDD  
services



Unit of local  
government led  
by Board  
appointed by  
local elected  
officials



Statutorily  
authorized  
functions  
delegated by  
the State




Contracted with  
the Texas  
Health and  
Human  
Services  
Commission  
(HHSC)



Each Local IDD  
Authority has a  
designated  
local service  
area comprised  
of one or more  
Texas counties

# How People with IDD Interact with the Courts

- Most people with IDD live in the local community and interact with the judicial system in the same way as any other person.
- Individuals with IDD are more likely to be victims of crimes, including abuse and neglect.
- Distinct intercept points for people with IDD include:
  - When a person with IDD lacks appropriate supports, they may face interactions with law enforcement (homelessness, behavioral crises, trafficking)
  - Family circumstances may require out-of-home placement of a child or teen with disabilities
  - A parent or other interested person may seek:
    - guardianship or alternatives to guardianship for an adult loved one with IDD
    - civil commitment (placement in a residential setting that requires a court order) 

## Texas' Philosophy Concerning Continuum of Care for People with Intellectual Disabilities

The state will “maintain a balanced and effective service delivery system that affords a full range of services and supports to individuals and their families.”

*26 TAC 904.7(a)*

Residential services in a State Supported Living Center are intended to serve individuals with:

- severe or profound intellectual disability and
- those individuals with intellectual disability who are:
  - medically fragile or
  - who have high behavioral needs

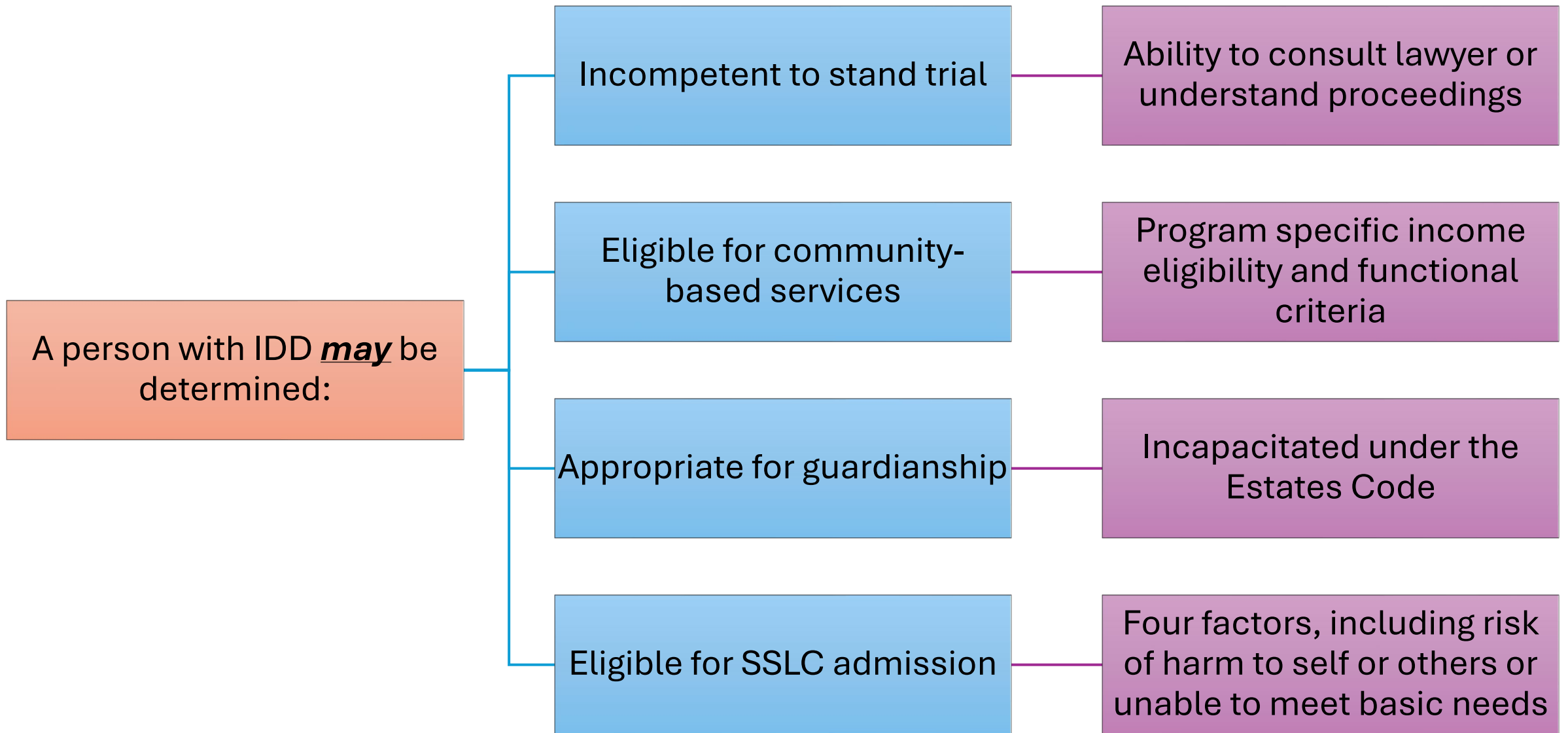
*26 TAC 904.7(a)(2)*



# 13 State Supported Living Centers (SSLCs)



- Thirteen SSLCs across the state provide comprehensive, campus-based residential care for approximately 2,500 individuals with intellectual disabilities.
- Often, due to lack of legal capacity, an individual cannot voluntarily consent to admission. Texas state law lays out the involuntary commitment process and establishes jurisdiction in county courts. *Texas Health & Safety Code Sec. 593.041(c).*
- Due to resource limitations, capacity is limited and the application process, even with a court order in place, can take several months.



SSLCs are a limited resource

## New Admissions by Type Fiscal Years 2013-2023



Fiscal Year	Voluntary Admissions			Involuntary Admissions		Total Admissions
	Emergency	Regular	Respite	Regular	Other*	
2013	6	0	0	100	76	182
2014	7	0	0	123	66	196
2015	6	0	0	125	55	186
2016	4	0	0	111	45	160
2017	3	0	0	97	39	139
2018	3	0	0	91	55	149
2019	4	0	0	74	51	129
2020	1	0	0	48	40	89
2021	6	0	0	61	37	104
2022	1	0	0	69	48	118
2023	4	0	0	80	49	133

\*Family Code Evaluations, Code of Criminal Procedure Evaluations, Code of Criminal Procedure Extended Admissions

# SSLC Admissions: Residents' Setting Prior to Admission

Source: HHSC Data,  
FY22-23 – July 28, 2023

Correctional Facility	79	33.9%
Home and Community Based Services (HCS)	61	26.2%
State Hospital	42	18.0%
Home	24	10.3%
Intermediate Care Facility (ICF)	11	4.7%
Hospital	8	3.4%
Child Protective Services Setting	4	1.7%
Nursing Facility	3	1.3%
Homeless	1	0.4%
Total	233	

# How do people access SSLCs?

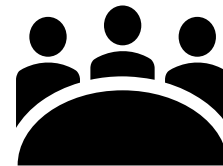
Effective September 1, 2023,  
Senate Bill 944,  
88<sup>th</sup> Legislature

A parent or legal guardian  
may apply to the court directly

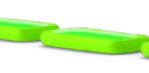
The Court **may** make an eligibility  
determination without requiring an  
interdisciplinary team meeting and  
written report/recommendation



Optional



Required



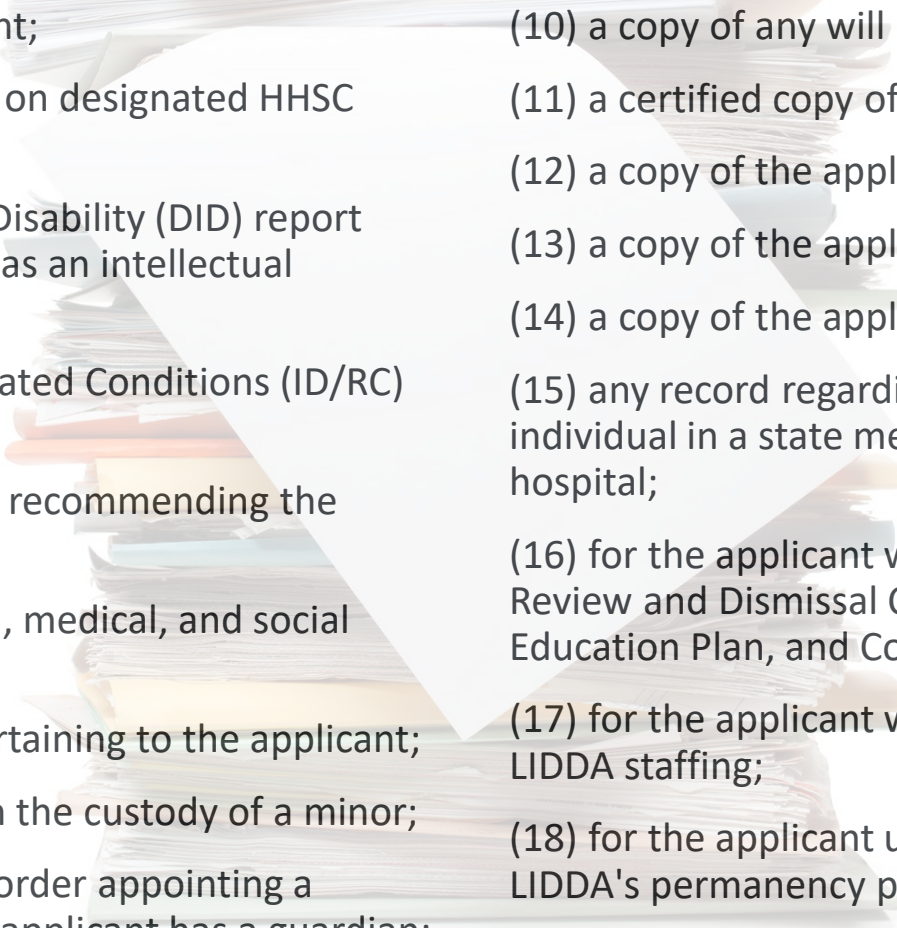
Court makes  
eligibility  
determination

Any interested person may  
seek a recommendation for  
an SSLC admission for a  
person with ID through the  
Local IDD Authority

The Local IDD  
Authority  
convenes an  
interdisciplinary  
team meeting

The team submits a  
recommendation  
to the court

# SSLC Application Materials

- 
- (1) the original order of commitment;
  - (2) a completed, signed application on designated HHSC form;
  - (3) a Determination of Intellectual Disability (DID) report with statement that the applicant has an intellectual disability;
  - (4) an Intellectual Disability and Related Conditions (ID/RC) Assessment form and booklet;
  - (5) an Interdisciplinary Team report recommending the commitment;
  - (6) copies of available psychological, medical, and social histories for the applicant;
  - (7) a copy of any divorce decree pertaining to the applicant;
  - (8) any legal document dealing with the custody of a minor;
  - (9) current letters of guardianship, order appointing a guardian, and related orders, if the applicant has a guardian;
  - (10) a copy of any will naming the applicant as a devisee;
  - (11) a certified copy of the applicant's birth certificate;
  - (12) a copy of the applicant's immunization record;
  - (13) a copy of the applicant's social security card;
  - (14) a copy of the applicant's Medicare and Medicaid card;
  - (15) any record regarding care and treatment of the individual in a state mental health facility or a psychiatric hospital;
  - (16) for the applicant who is school eligible, the Admission, Review and Dismissal Committee report, Individual Education Plan, and Comprehensive Assessment;
  - (17) for the applicant who is a minor, results of the CRCG or LIDDA staffing;
  - (18) for the applicant under 22 years of age, results of the LIDDA's permanency planning process, and
  - (19) any documents concerning the applicant's immigration status.

Myth: a person must have tried and failed in a community setting before they can be determined eligible for an SSLC

Fact: the TAC sets a standard for determining the least restrictive setting for a person that takes into account that person's individual needs

“the adult cannot be adequately and appropriately habilitated in an available, less restrictive setting, as demonstrated by documentation that alternative settings have been identified, evaluated, and determined to be unavailable or unable to meet the adult's identified needs” 26 TAC 904.25

# Areas for Future Collaboration and Improvement

- Individuals and families benefit from good information about available supports and services early and often
  - Local entities can work together to ensure information about local resources is available to individuals and families at every intercept point
- Further training and defined processes for parents/guardians approaching the court directly without involvement of the Local IDD Authority
  - Example: Texas Council and other IDD stakeholders conducted an IDD-related training at the Texas Association of Counties Probate Academy

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