An Innovative Approach to Meet the Civil Legal Needs of Young Adults With Disabilities

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Background

The Maryland Center for Developmental Disabilities (MCDD), Maryland's University for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD), is situated within Kennedy Krieger Institute, in Baltimore, Maryland. For much of its history, Kennedy Krieger was known as a pediatric hospital serving children and adolescents with a wide range of disorders of the brain and musculoskeletal system. However, in recent years, young adults with disabilities have made up approximately 15 percent of the patient population. In an effort to help young adults successfully transition to the adult world, including healthcare and postsecondary programs and services, MCDD developed an innovative approach to meeting their civil legal needs through collaboration with the University of Baltimore School of Law and Conti Fenn & Lawrence LLC, a private law firm in Baltimore.

Barriers

Lack of Legal Understanding

- Whether guardianship or a less restrictive alternative needs to be considered
- What the less restrictive alternatives are

Confusion About Educational and Medical Decision-Making Age

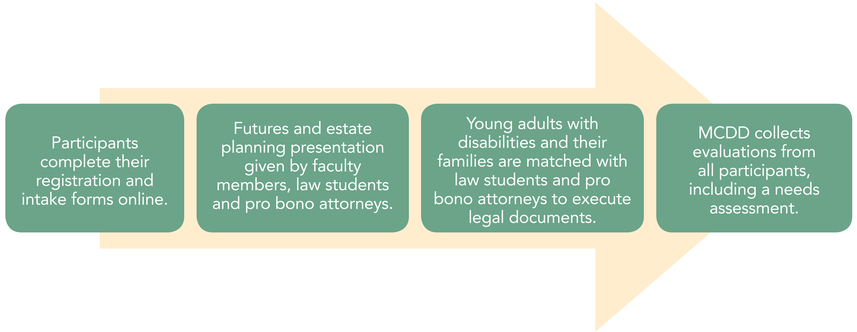
- Many children and young adults with disabilities are unaware of their legal rights when they reach the age of majority.
- For example, children with disabilities who receive special education and related services under the Individuals with Disabilities Education Act may access services until the age of 21. In Maryland, the parents or legal guardians of children with disabilities retain educational decision-making capacity. However, when those same children with disabilities reach the age of 18, they are responsible for making their own healthcare decisions, and they do not have to include their parents or guardians unless they choose to do so.
- This can be confusing for young adults with disabilities and their families, and may result in young adults not having proper legal documents in place when they transition to the adult healthcare system.

Cost/Access to an Attorney

- Families are often not able to afford to consult with or retain an attorney.
- There are few attorneys with expertise in futures planning for young adults with intellectual and developmental disabilities.

Futures Planning Seminar

- To respond to the needs of the patients and students, and their families, at Kennedy Krieger, MCDD hosts a free legal seminar each spring focused on futures and estate planning needs for young adults with disabilities and their families.
- MCDD provides a resource table with resources from Kennedy Krieger, our sister organizations, community partners and state agencies.



Data

Service	2016	2017	2018	2019
Advance Directive (Young Adult)	Data not collected	Data not collected	8	2
Advance Directive (Parent/Guardian)	Data not collected	Data not collected	6	11
Advance Directive (Total)	**11**	**13**	**14**	**13**
Advance Directive for Mental Health (Young Adult)	Data not collected	Data not collected	5	1
Advance Directive for Mental Health (Parent/Guardian)	Data not collected	Data not collected	1	6
Advance Directive for Mental Health (Total)	**4**	**3**	**6**	**7**
Statutory POA (Young Adult)	Data not collected	Data not collected	8	3
Statutory POA (Parent/Guardian)	Data not collected	Data not collected	7	11
Statutory POA (Total)	**12**	**12**	**15**	**14**
Legal Advice	Data not collected	Data not collected	19	20

"The training was excellent, and the students assigned to the program were all professional and well-versed in the area of law. The most rewarding aspect of the program was working with the clients, who were all clearly in need of pro bono assistance and incredibly appreciative."

– Anthony Conti, partner at Conti Fenn & Lawrence LLC

"It was such a great experience for me as a student to see how we can help make an impact and assist people by making the legal process clearer."

– Second-year law student

Replication

This collaboration exposes more than 20 volunteer attorneys and law students each year to the legal needs of individuals with disabilities. The collaboration provides a rewarding and collegial pro bono opportunity and gives law students a unique opportunity to work with practicing attorneys (modeling pro bono service) and to work directly with young adults with disabilities and their families, who need critical access to legal services.

MCDD would like to expand the model to two seminars/clinics per year, replicate it in other areas of our state, and inspire other UCEDDs to consider this opportunity for replication.

Limitations

- MCDD did not implement an online registration and intake form until 2018.
- There is variation in the data collection from year to year. In 2018, MCDD began collecting data on whether a young adult or their parent(s)/guardian(s) executed the legal documents.

Conclusion

MCDD, the University of Baltimore School of Law, Conti Fenn & Lawrence LLC, and other pro bono attorneys from law firms collaborate to address the unmet civil legal needs of a vulnerable population—young adults with disabilities and their families. To address the needs of the population and provide access to free legal services to more young adults with disabilities, MCDD took the lead in partnering with a local law school and law firm. The collaboration provides much-needed education and resources to young adults and their families, and a service that is not otherwise available for free in our community. In the future, MCDD will evaluate the cost savings for participants who access these free legal services.

CFL
Conti Fenn & Lawrence

University of Baltimore School of Law

Maryland Center for Developmental Disabilities
at Kennedy Krieger Institute
Building Partnerships. Changing Lives.

For more information, visit our website at **MCDD.KennedyKrieger.org**