

# Disability Law Center's Self-Advocacy Materials



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## DDS Services

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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### Funding

DLC receives funding from government grants, private foundations, and individual contributions.

For details about our funding and programs, please visit our website:

<https://dlc-ma.org>



## Eligibility For Adult Services And Supports From The Department Of Developmental Services (DDS)

### You Will Learn About:

- DDS Eligibility Of Services
- DDS Definitions For Eligibility Of Services
- After The Eligibility Decision

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

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# DDS Eligibility Of Services

The Department of Developmental Services (DDS) is the state agency in Massachusetts that serves children and adults with intellectual and developmental disabilities. When a person with an intellectual or developmental disability finishes special education, it is important to consider whether the person may need adult services and supports from DDS. These services and supports could include employment supports, day programs, family supports, residential supports and programs, self-directed services and more. However, the first step is determining whether or not the person is eligible for DDS services and supports.

## Who Is Eligible For DDS Adult Services?

A person who is 22 years old or older is eligible for DDS Adult Services if the person:

- is domiciled in Massachusetts and
- has an intellectual or developmental disability.

In this context, “domiciled” means the person lives in Massachusetts and plans to continue living in Massachusetts. People can file an application for DDS eligibility starting at age 17.5.

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## DDS Definitions For Eligibility Of Services

### How Does DDS Define Intellectual Disability?

DDS defines **Intellectual Disability** in a specific way. To qualify as a person with an Intellectual Disability, a person must have **significantly sub-average intellectual functioning** and **significant limitations in adaptive functioning**. The Intellectual Disability must have originated or **began before a person is 18 years old**.

**Significantly sub-average intellectual functioning** means an **IQ of approximately 70 or below**. In the past, DDS used a strict cut off score of 70 for the IQ requirement. That strict cut off at an IQ of 70 is not the rule anymore. Now, a person can have an IQ of 73, for example, and possibly still qualify for DDS services and supports as a person with an Intellectual Disability. The final determination would depend upon the person’s adaptive functioning and on a clinician’s clinical judgment.

DDS considers the following areas of **adaptive functioning**:

- areas of independent living and practical skills;
- cognitive, communication, academic and conceptual skills; and
- social skills.

### How Does DDS Define Developmental Disability?

Sometimes a person has an IQ that is higher than “approximately 70” but still has a lot of functional limitations. This person would not meet the DDS standard for Intellectual Disability. However, this person may still be eligible for DDS adult services as a person with a Developmental Disability. Please note that the DDS definition of Developmental Disability for adult services is limited to certain diagnoses.

DDS defines **Developmental Disability** as a severe and ongoing disability that:

- is due to a mental or physical impairment from **Intellectual Disability, Autism Spectrum Disorder, Prader-Willi Syndrome** or **Smith- Magenis Syndrome**;
- began before age 22;
- is likely to continue for the person's whole life; and
- results in **substantial functional limitations in three (3) or more areas of major life activities**.

DDS considers substantial limitations in these **areas of major life activities**:

- self-care
- receptive and expressive language
- learning
- mobility
- self-direction
- independent living
- economic self-sufficiency or a person's ability to support him/herself financially.

## Will All People With Autism Meet The DDS Definition Of Developmental Disability?

No. A person must have a primary diagnosis of Autism Spectrum Disorder and also meet each of the requirements listed above for Developmental Disability, including substantial functional limitations in three (3) or more areas of major life activities.

Also, for DDS eligibility, **Autism Spectrum Disorder has the same meaning as it does in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)***. The most recent edition is the DSM-5-TR. A person with an Asperger Syndrome or Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS) diagnosis from years past will need to show that they meet the Autism Spectrum Disorder criteria in DSM-5-TR. To show that you or your family member has an Autism Spectrum Disorder, you should provide DDS with supporting evaluation(s) or diagnostic assessment(s) from a qualified physician or psychologist.

A person with an Autism Spectrum Disorder may also have an Intellectual Disability. In that case, the person would meet the DDS standard for Intellectual Disability discussed above.

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## After The Eligibility Decision

### DDS Made Its Decision About Eligibility. What Happens Next?

If DDS determined that **you (or your family member) are eligible**, the next step is to figure out what services or supports you may need and what services or supports DDS may be able to provide. DDS provides services to people based on severity of need. This process is often referred to as "**prioritization**." After the prioritization process is complete, DDS should work with you to develop your **Individual Support Plan (ISP)**. There is more information about obtaining services and the ISP process in the "Services and Supports for Adults and the Prioritization Process" document on DLC's website.

If DDS determined that **you (or your family member) are not eligible**, you have the **right to appeal** this decision. For more information about eligibility appeals, see the document on "DDS Appeals" on

DLC's website. You may be eligible for services from a different state agency such as the Massachusetts Rehabilitation Commission (MRC) or the Department of Mental Health (DMH). You also may be eligible through MassHealth for services such as day habilitation, adult family/foster care, and personal care attendant services.