

ROSIE D., et al.,)	
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Plaintiffs)	
)	
v.)	Civil Action No.
)	01-30199-MAP
DEVAL PATRICK, et al.,)	
)	
Defendants)	
)	

I, Leslie Lockhart, hereby state as follows:

1. I am the Intake Coordinator for the Massachusetts Advocates for Children (MAC), a private, non-profit organization dedicated to being an independent and effective voice for children who face significant barriers to equal educational and life opportunities. MAC works to overcome these barriers through system reform, legislative advocacy and individual representation. Current MAC initiatives include the provision of community-based services for youth with Autism Spectrum Disorder, addressing the educational and emotional needs of youth experiencing trauma, and the implementation of Section 19 of the Children's Mental Health Law of 2008. Pursuant to this law, MAC is actively participating in the development of a framework and other statewide recommendations for the development of supportive school cultures. These recommendations include schools' ability to effectively support youth with behavioral health needs and coordinate with community-based resources, including *Rosie D.* remedial services.
2. I have worked at MAC for the past seven years. During this time, I have spoken to thousands of families across the state about their experiences with special education and other treatment issues affecting children with disabilities, including children with serious emotional disturbance (SED). From September, 2009 to September 2010, MAC's intake line responded to calls from more than 900 individuals and families, offering advice, referrals and short-term assistance on a range of issues related to special education and the needs of youth with disabilities. Many families call because they are struggling to access appropriate


services for youth with SED and complex behavioral support needs, including the new remedial services ordered by the Court. Often these issues exceed the school system's capacity or families' ability to respond, resulting in loss of instructional time due to hospitalization, disciplinary action and school exclusion, or the need for placement in residential school settings.

II. Families Continue to Report Barriers in Accessing Remedial Services, Including the Existence of Waiting Lists

3. Since December, 2009, MAC has been a member of the Center for Public Representation's Legal Network, a group of statewide legal service programs trained to advise and represent *Rosie D.* class members. As Intake Coordinator, I maintain a database of callers, including basic contact information, a summary of legal issues presented, and the immediate outcome of the intake process. During the past 12 months, MAC has provided information and advice to almost 50 families who were interested in, or actively trying to seek, or appeared to be eligible for remedial services.
- 4) While our intake data does not reveal all possible treatment issues, or track outcomes for families who seek care, many of our callers have reported difficulty accessing the new Medicaid home-based service system. For example, I have spoken with families who were confused about their entitlement to services under *Rosie D.*, families who were unsure how to access services from local providers, and families who were struggling to navigate the intake process so that they could receive necessary treatment in a timely manner.
- 5) Several families who have contacted us complained about delays and problems in accessing needed mental health services, and particularly the new remedial services.
- 6) I have spoken with several families who said they called their Community Service Agency (CSA) seeking Intensive Care Coordination (ICC), but were told they were ineligible as recipients of MassHealth Family Assistance. These families did not receive any information from the CSA regarding their potential eligibility for ICC under CommonHealth.
- 7) Other families said that they were rejected or referred elsewhere after their initial contact with the CSA because their child's only documented diagnosis was Autism Spectrum Disorder. These families reported being bounced from one agency or provider to another without a full assessment or help determining whether their child's symptoms met other mental health diagnostic criteria which could have demonstrated a medical need for services.
- 8) In all these examples, families did not get beyond the initial intake process for ICC. As a result, they were not counted on any waiting list for services despite their potential eligibility and expressed interest in receiving care.

- 9) Recently I spoke with a parent whose child was clearly eligible for ICC services. She had successfully accessed her local CSA, but was told there was a long wait before services could begin. This family was desperate for care and struggling to keep their child at home. The school had filed a CHINS petition due to ongoing behavioral problems. The child's attorney feared that the Department of Children and Families (DCF) would attempt to take custody if his behavioral health needs could not be more effectively addressed in the community. When I last spoke to this parent, she had been waiting more than four weeks for a face-to face meeting. She re-contacted the CSA to follow-up and to say that she had found a job with insurance. With little or no discussion, the CSA removed her from the waiting list. The only information the family received regarding possible, continued entitlement under CommonHealth came from the MAC intake line.
- 10) In my work at MAC, I have seen the suffering and harm students experience when access to appropriate mental health services is delayed. I also have witnessed the pain and frustration of families who cannot find the behavioral health services and treatment their child needs outside the school day. Without appropriate home and community-based supports, students' risk of regression and of more restrictive educational placement increases while their ability to make effective progress and to generalize skills across environments is diminished. Families already face tremendous hurdles navigating the special education system. Intake barriers and delays in access to remedial services only exacerbate this confusion, delay access to needed care and clinical expertise, and further jeopardize children's potential to succeed in the community.

Signed under the pains and penalties of perjury.



Leslie Lockhart

Dated: October 15, 2010