

CF OPERATING PROCEDURE
NO. 160-7

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, April 4, 2001

Developmental Services

APPOINTING A CLIENT ADVOCATE

1. Purpose. This operating procedure establishes procedures for appointing client advocates to assist clients to learn about, understand and evaluate options and make decisions that affect their residential placement, and where and how supports and services are provided by the developmental services program.
2. Scope. This operating procedure applies to any employees (select exempt, career service and other personal services staff) who deal with independent contractors, service providers, family members or family friends, or any other persons who participate as a member of a client's support planning. To the extent that this operating procedure requires actions by third parties, it shall be the responsibility of the department employee or representative to make the third party aware of the needed action or activity and ensure that the third parties comply with the operating procedure.
3. References.
 - a. Section 393.0651, Florida Statutes.
 - b. Section 393.063(6), Florida Statutes.
 - c. Section 393.12, Florida Statutes.
4. Definitions. For the purposes of this operating procedure, the following definitions shall be understood to mean:
 - a. Guardian. A person who has been appointed by a court of law under Chapter 744, Florida Statutes, to act on behalf of the ward's person or property or both exercising some or all of the ward's legal rights and powers.
 - b. Guardian Advocate. A person who has been appointed by a court of law under Section 393.12, Florida Statutes, to make decisions for an individual who has difficulty in certain identified areas such as the choice of the least restrictive, appropriate placement.
 - c. Client. Any person determined eligible by the Department for Developmental Disabilities Program Office services.
 - d. Client Advocate. A friend or relative of the client or of the client's immediate family who advocates for the best interest of the client in any proceedings under Chapter 393, Florida Statutes in which the client or his/her family has the right or duty to participate. (See Sections 393.063(6) and 393.12, Florida Statutes.)
 - e. Support Coordinator. A person designated by the department to assist clients and families in identifying desires, capacities, needs, necessary supports and services; coordinating the delivery of

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supports and services; advocating on behalf of individuals and their families; maintaining records, and monitoring and evaluating delivery of supports and services.

f. Support Planning Team. A team consisting of the client, a representative of the Developmental Services District Office, support coordinator and anyone else the client wishes to include, including any professionals or service providers who are providing services to the client.

g. Consent. Agreement given by a person with legal authority to consent to any plans or services, such agreement being voluntarily given based on sufficient knowledge and comprehension of an individual's support plan and the individual's service needs.

h. Individual Support Plan. An individualized plan of supports and services that identifies the preferences, interests, talents, attributes and needs of a client of the department. The plan is developed or assessed at least annually and identifies and authorizes specific supports, resources and services necessary to meet the preferences and needs of the plan's subject.

5. Procedures.

a. Clients who do not have guardians or guardian advocates may request assistance in making decisions regarding the development of the support plan for their future, services needed, or plans for the provision of services. District staff is responsible for providing information to the client about the role of a client advocate in decision-making. This procedure may be conveyed to the client by the support coordinator, any district staff, or any person knowledgeable of the requirements of Section 393.0651, Florida Statutes.

b. If the client has a guardian or guardian advocate who cannot be located, the Department must immediately notify the court that the guardian is not meeting the client's needs as ordered by the court in the guardianship order.

c. Client advocacy should be considered an option any time the client requests assistance in decision-making.

(1) When it is apparent that the client advocate's assistance will be helpful to the client, members of the support planning team should suggest to the client that they request a client advocate.

(2) The client should be given the opportunity to select a client advocate at least each year at the time of the annual review of the support or habilitation plan.

d. A client advocate must be a relative of the client, a friend of the client or a friend of the immediate family, and must have no conflict of interest. An individual who provides services to an individual with developmental disabilities, who is employed by a provider, or who is a family member of a provider or an employer of a provider would have a conflict of interest which would preclude appointment as a client advocate. If there is a conflict of interest, the client will be asked to select another client advocate.

e. It is the responsibility of the Support Planning Team to affirm and formalize the client's selection by appointing that person as the client advocate.

f. The responsibility of the client advocate is to advocate for the best interest of the client in any proceedings in which the client or his or her family has the right to participate. (See Section 393.063(6), Florida Statute.)

g. Upon request for appointment of a client advocate, a Support Planning Team shall be convened. This team must consist of at least:

- (1) The client;
- (2) The person the client wishes to have appointed the client advocate;
- (3) The support coordinator;
- (4) Any other individuals the client wishes to have present; and,
- (5) A representative of the Developmental Disabilities District Office.

h. The support planning team shall make every effort to appoint the person the client wishes to have appointed as client advocate. The client advocate must be someone who:

- (1) Can assist the client with decisions about services and the most appropriate, least restrictive living arrangements;
- (2) Is willing to discuss options presented regarding the provision of services with the client and learn his/her views about those options;
- (3) Understands options and outcomes of selecting each option and can enable the client to understand them;
- (4) Has indicated a willingness to ensure that enough information is made available to the client for the client to make appropriate decisions; and
- (5) Will help the client understand the purpose of the request for consent and the related outcome(s), and will ensure that the client's decision is made freely, voluntarily and knowledgeably, based on all relevant information available.

6. Role of the Client Advocate.

a. The role of the client advocate is to:

- (1) Ensure that the client is provided with sufficient information presented in a manner understandable by the client;
- (2) Help the client identify and evaluate all options available, taking into account the client's desires and best interests;
- (3) Ensure that the choice of the client is based on all relevant, available information, is made voluntarily and freely given, without force or coercion; and,
- (4) Support the client's decisions.

b. The client advocate does not have authority to access confidential information without a signed consent from the client specifically authorizing the client advocate's access to such information.

7. Role of the Department. The role of the department is to:

a. Notify the client advocate of any meetings in which the client is entitled to participate.

b. Provide sufficient information to the client advocate for the client advocate to inform the client in language he/she understands, discuss options and give advice regarding which option would be in the best interest of the client.

8. Length of Appointment. A person may serve up to two years as the appointed client advocate, and may be reappointed every two years. This reappointment should occur at the annual review of the individual support plan. However, either the client or the client advocate may change this appointment at any time.

9. Letter of Appointment. In order to perform all necessary duties, each client advocate shall be given a letter of appointment which contains at least the client advocate's name, an identification number, the client's name, statutory reference for authority, date of appointment, date of appointment review, and a statement that "This appointment does not authorize access to confidential information without written consent from (name of client)." Such letters must become part of the client's central record.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

ROBERT B. WILLIAMS
Assistant Secretary for Programs