

10-30-01

Barbara Shirs

AT

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

FILED

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THREASA L. GARRETT,

Petitioner,

CASE NO. 01-2462
RENDITION NO. DCF-02-007-FO

DIVISION OF
ADMINISTRATIVE
HEARINGS

v.

DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,
(DISTRICT 2)

FILED

BJS-CWS

JAN 09 2002

Respondent.

DCF Department Clerk

FINAL ORDER ADOPTING RECOMMENDED ORDER

THIS CAUSE is before me as the result of a Recommended Order that was issued by an Administrative Law Judge (ALJ) who had been assigned to hear the case by the Division of Administrative Hearings. The facts of the case reveal that Petitioner, a client of the Developmental Disabilities Program, was a participant in the Choice and Control Pilot Project. The purpose of this project is to allow families of developmentally disabled clients greater flexibility and a greater role in procuring and providing services for their developmentally disabled family members.

A key feature of the Pilot Program is that, with the approval of the Department, family members of the Developmental Services client can be paid to provide services to the client. In order to receive payment, the family member must sign and agree to abide by the terms of the Pilot Project agreement. In the instant case, Petitioner's mother signed the agreement and agreed to abide by its terms. The ALJ found, however, that the mother had violated the terms of the agreement by leaving Petitioner unsupervised, tethered to a couch, without food or water or access to a telephone, for a period of several hours.

After hearing all the evidence, the ALJ found that the mother's actions violated the terms of the Pilot Project agreement and that she should consequently not be paid. I concur.

The Recommended Order is attached to and incorporated herein by reference. I adopt its findings of fact and conclusions of law.

It is hereby **ORDERED** that the request for payment to Petitioner under the Choice and Control Pilot Project of the Developmental Disabilities Program is **denied** in Case No. 01-2462.

DONE and ORDERED this 7th day of January, 2002, in Tallahassee, Leon County, Florida.


KATHLEEN A. KEARNEY, Secretary
Department of Children and Family Services

Copies of this Final Order are being furnished to:

Bob Williams, District Administrator
District 2 Legal Office
Department of Children and Family Services
2639 North Monroe Street
Tallahassee, FL 32399-2949

Gary Holland
District 2 Legal Counsel
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Hilary Brazzell, State Coordinator (PDDS)
Choice and Control Pilot Projects
Department of Children and
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1317 Winewood Blvd., Bldg. 3
Tallahassee, FL 32399-0700

Barbara J. Staros
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1630

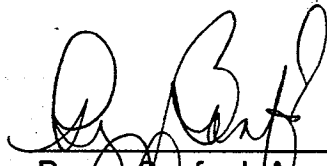
Theresa L. Garrett
C/o Donna Garrett
2612 Roche Road
Chipley, FL 32428

NOTICE OF RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, or with the District Court of Appeal in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.¹

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and copy of the foregoing **FINAL ORDER** has been sent by U.S. Mail or by hand delivery to each of the persons named above on this 14 day of January, 2002.



Peggy Sanford, Agency Clerk
Department of Children and Family Services
1317 Winewood Blvd. Bldg. 2 Room 204X
Tallahassee, FL 32399-0700

¹ The date of the "rendition" of this Final Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.