

**FINAL DECISION**

Sent via email [REDACTED]

Certified Mail [REDACTED]

July 24, 2025

[REDACTED]

RE: Final Decision

Dear [REDACTED]

On **May 29, 2025**, the proposed decision of the hearing officer regarding the eligibility of [REDACTED] to receive services of the Department of Developmental Services was sent to you and all parties. Parties had ten (10) business days from receipt of the proposed decision to submit comments in support or opposition. Comments were not submitted by the petitioner. No comments were submitted on behalf of DDS.

After reviewing the proposed decision, the record, including exhibits submitted at the hearing, I agree with the hearing officer, adopt the Proposed Decision as the Final Decision, and find that [REDACTED] is ineligible for services of the Department of Developmental Services pursuant to Connecticut General Statute section 1-1g.

If you do not agree with this decision, you have the right, in accordance with Section 4-183 of the Connecticut General Statutes, to appeal to the Superior Court. Such an appeal must be submitted within forty-five (45) days of the mailing of this final decision.

  
Jordan A. Scheff  
Commissioner

Enclosures

cc: Attorney Frank Forgione, Hearing Officer  
Kathleen Murphy, Ph.D., Director, Eligibility Unit  
Margret Rudin, Ph.D., Psychologist Eligibility Unit  
Marjorie O. Wakeman, Esq., Director, Legal & Government Affairs

STATE OF CONNECTICUT  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
PROPOSED MEMORANDUM OF DECISION

**ELIGIBILITY HEARING**

IN RE: [REDACTED]

May 28, 2025

**Introduction:**

A remote hearing via Microsoft Teams commenced on January 15, 2025 and resumed on May 21, 2025 to determine the eligibility of the Petitioner, [REDACTED], for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes, Section 1-1g.

The following individuals were present at the hearing held on January 15, 2025:

[REDACTED]	Conservator/Mother of [REDACTED]
[REDACTED]	Father of [REDACTED]
Dr. Margaret Rudin	DDS Psychologist

The following individuals were present at the hearing held on May 21, 2025:

Dr. Margaret Rudin	DDS Psychologist
[REDACTED]	Conservator/Mother of [REDACTED]

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial Letter 3/21/2022 with 11/16/22 Addendum
Hearing Officer 2	Second Review 3/22/22 with 11/21/22 attachment
Hearing Officer 3	Notice of Hearing 1/5/2023
Hearing Officer 4	Notice of Hearing 4/20/2024
Hearing Officer 5	Notice of Hearing 4/20/2024
Hearing Officer 6	Ruling On Request For Continuance 5/28/24
Hearing Officer 7	Notice of Hearing 9/19/2024
Hearing Officer 8	Notice of Hearing 1/15/202
DDS 1	DDS Application 1/31/2022
DDS 2	DDS Denial Letter 3/21/2022 with Addendum 11/22/2022
DDS 3	DDS Second Review 3/20/2022 & 11/21/2022
DDS 4	Psychological Evaluation, report 3/28/2012
DDS 5	Psychological Evaluation, report 1/3/2018
DDS 6	Psychological Evaluation, revised report 6/12/2020

DDS 7	Neuropsychological Evaluation, 11/11/2020
DDS 8	[REDACTED]
	Neuropsychological Evaluation 10/20/2021
DDS 9	Vineland-3 Adaptive Behavior Scales 12/14/2021
DDS 10	Dr. [REDACTED] 45 pages, faxed 2/15/2022
DDS 11	Clinical Notes, 47 pages
DDS 12	IEP, Planning and Placement Team (PPT) 6/3/2020

Petitioner 1	Dr. [REDACTED] 5/6/2024
Petitioner 2	Medication List
Petitioner 3	Probate Court Decree, Appt. of Conservator, 11/28/2022
Petitioner 4	Provider List
Petitioner 5	Dr. [REDACTED] Report Date 5/16/2024
Petitioner 6	[REDACTED] LCSW 1/3/2020
Petitioner 7	[REDACTED] LCSW 1/3/2020 with attached emails from [REDACTED]
Petitioner 8	Clinical Summary, [REDACTED] 7/9/2019
Petitioner 9	Progress Notes 4/27/2018
Petitioner 10	Psychiatry Evaluation, Dr. [REDACTED] 6/27/2018 with Addenda 6/28/2018 & 7/26/2018 (6 pages)
Petitioner 11	[REDACTED] Arrival 8/24/2018
Petitioner 12	[REDACTED] Clinical Summary 7/9/2019
Petitioner 13	[REDACTED] Dr. [REDACTED] 1/3/2020
Petitioner 14	[REDACTED] LCSW 9/10/2018
Petitioner 15	Dr. [REDACTED] 12/19/2019
Petitioner 16	Dr. [REDACTED] 4/10/2019 with attached Brain MRI 2/17/2018
Petitioner 17	Dr. [REDACTED] 8/15/2018 with attached Brain MRI 2/11/2016
Petitioner 18	[REDACTED] 6/17/2020 with attached documents
Petitioner 19	MRI Brain 7/11/2019
Petitioner 20	MRI Brain 2/11/2016
Petitioner 21	MRI Brain 2/27/2018
Petitioner 22	MRI Abdomen
Petitioner 23	MRI Brain 2/11/2024
Petitioner 24	[REDACTED], Dr. [REDACTED] 3/7/2024
Petitioner 25	MRI Abdomen and Pelvis 2/11/2024
Petitioner 26	MRI Abdomen and Pelvis 2/11/2024
Petitioner 27	MRI Abdomen and Pelvis 2/11/2024
(Petitioner's 26 & 27 on Exhibit List are both marked Petitioner's 26 and are the same)	
Petitioner 28	MRI Brain 2/11/2016
Petitioner 29	MRI Brain 2/27/2018

Petitioner 30	MRI Brain 11/13/2022
Petitioner 31	MRI Brain 2/11/2024
Petitioner 32	MRI Brain 2/11/2024
Petitioner 33	MRI Orbits & Brain 10/20/2014
Petitioner 34	██████████ 2/6/2023
Petitioner 35	Neuropsychological Assessment 1/6/2025 & 2/3/2025
Petitioner 36	Dr. ██████ 4/9/2025
Petitioner 37	Dr. ██████ 4/7/2025
Petitioner 38	Dr. ██████ 4/11/2025

Statement of the Issue:

Is ██████ eligible for DDS services pursuant to Connecticut General Statutes, Section 1-1g?

Findings of Fact:

1. ██████ resides with his parents, ██████ and ██████, in ██████ Connecticut.
2. ██████ date of birth is ██████
3. ██████ is the Conservator of the Person and Estate for ██████
4. On March 15, 2012, ██████ was administered the Wechsler Intelligence Scale for Children IV (WISC-IV) and attained a full scale IQ score of 112.
5. On January 2, 2018, ██████ was administered the Wechsler Intelligence Scale for Children V (WISC-V) and attained a full scale IQ score of 87.
6. On March 12, 2020, ██████ was administered a multitude of tests. He attained a Non-Verbal Intelligence Quotient score of 73 which is equivalent to a full scale IQ score of 73.
7. On November 12, 2020, ██████ was administered a multitude of tests. He attained a full scale IQ score of 75 on the Wechsler Abbreviated Scale of Intelligence-II(estimated 4-subtest) and a full scale IQ score of 71 on the Wechsler Abbreviated Scale of Intelligence-II(estimated 2-subtest).
8. On October 20, 2021, ██████ was administered the Wechsler Adult Intelligence Scale IV (WAIS-IV) and attained a full scale IQ score of 72.

Definitions:

Pursuant to section 1-1g of the Connecticut General Statutes, in order to be eligible for supports or services from the Department of Developmental Services due to an intellectual disability, an individual must demonstrate a significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period, i.e., before the age of 18. Section 1-1g provides:

- (a) Except as otherwise provided by statute, 'intellectual disability' means a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age.
- (b) As used in subsection (a) of this section, 'significant limitation in intellectual functioning' means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual; and 'adaptive behavior' means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

An intelligence quotient of more than two standard deviations below the mean equates to an IQ score of 69 or lower. Christopher R. v. Commissioner, 277 Conn. 594 (2006).

The petitioner has the burden to prove that he meets the eligibility criteria for DDS services. Id.

Discussion:

In order to meet the qualifications for intellectual disability under CGS 1-1g and receive services from DDS, the Petitioner must prove by a preponderance of the evidence that [REDACTED] experiences concurrent significant limitations in intellectual functioning and adaptive behavior that originated, that is, first occurred, during the developmental period. Such limitations must be measured by tests that are individualized, standardized and clinically and culturally appropriate.

██████ has consistently scored in excess of 69 on IQ tests as evidenced by the test results set forth above. Although ██████ suffers from a multitude of issues and, according to his mother, requires full-time, supervised care in order to be safe, the test results submitted from ██████ developmental period do not establish the existence of an intellectual disability prior to the age of 18, as defined by CGS 1-1g.

The preponderance of the evidence does not demonstrate that ██████ meets the standard of intellectual disability, as that term is defined by CGS 1-1g, and thus does not meet the eligibility criteria for DDS services.

Conclusion:

██████████ is not eligible for DDS services as an individual with intellectual disability.

  
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Francis J. Forgione  
Hearing Officer