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FACT SHEET
CHILDREN (up to age 21) ENTITLEMENT TO SERVICES

The "Early and Periodic Screening Diagnostic and Treatment" (EPSDT) federal law is an entitlement to medically necessary services for children (up to age 21) who need services to correct or ameliorate the child's physical or mental conditions. These provisions would apply to children with behavioral or emotional disorders who need intensive services to correct or ameliorate their conditions. These provisions would often apply to children who are autistic, developmentally disabled and children who have a mental illness.

FREQUENTLY ASKED QUESTIONS:

Q. Do the children have to qualify for Medicaid ? Answer: Yes, and if the child is under the age of 18, then family income is considered. HOWEVER, if the child is 18 years or older (18-20), then family income is not considered and then you only look at the child's assets and income.

Q. Is my child, who I adopted through DCFS, eligible for intensive home based or residential treatment through EPSDT as part of the subsidy agreement regardless of my income ? Answer: Yes.

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Q. Can the State have a "Waiting List" for this program ? Answer: No. Every child who has a medical need for these services must be served.

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Q. If my child has Medicaid and is on the PUNS list waiting services, is he or she legally entitled to immediate services ? Answer: Yes.

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Q. If my child has Medicaid and has been denied an ICG-Illinois Care Grant for intensive community based or residential treatment, can he receive these same services immediately through EPSDT ? Answer: Yes.

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Q. If a child qualifies for funding at age 18 and since the EPSDT program ends at age 21, will the child lose ongoing services ? Answer: Courts have ruled that if the child still needs the services, then the Americans with Disabilities Act (ADA) requires the State to continue to provide these services.

FOR MORE INFORMATION: Call Attorney Robert H. Farley, Jr., at 630-369-0103