

So, you think your
client has an Atkins
claim?



Agenda

What is Atkins really?

IDD

Evaluations

Don't go in blindly

What you should avoid

Possible signs of disabilities

Adaptive functioning





What is Atkins?



Atkins v. Virginia
536 U.S. 304 (2002)

Supreme Court of the United States decided that executing people with intellectual disabilities violates the Eighth Amendment's ban on cruel and unusual punishments, but that states can define who has an intellectual disability.

In *Atkins*, the Court held that people are intellectually disabled and thus ineligible for the death penalty if these three conditions are met: 1.) "subaverage intellectual functioning," meaning low I.Q. scores; 2.) a lack of fundamental social and practical skills; and 3.) the presence of both conditions before age 18

Hall v. Florida, 572 U.S. 701 (2014)

Supreme Court prohibited states in borderline cases from relying only on intelligence test scores to determine whether a death row inmate is eligible to be executed. It also adopted the term "intellectual disability" to replace mental retardation



I D D

Intellectual disability is characterized by significant limitations both in intellectual functioning and adaptive behavior as expressed in conceptual, social, and practical adaptive skills. This disability originates during the developmental period, which is defined operationally as before the individual attains age 22 (18). As with previous editions of the AAIDD manual, there are five assumptions that are essential to the application of the definition.

1. Limitations in present functioning must be considered within the context of community environments typical of the individual's age peers and culture.
2. Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors.
3. Within an individual, limitations often coexist with strengths.
4. An important purpose of describing limitations is to develop a profile of needed supports.
5. With appropriate personalized supports over a sustained period, the life functioning of the person with ID generally will improve.



Evaluations FOR IQ

WRTI, M-FAST, FTI-R, WAIS-TV WECHSLER ADULT INTELLIGENCE TEST 4 ED, REY 15, VALIDITY INDICATOR PROFILE, PERSONALITY ASSESSMENT INVENTORY-PLUS,

WIDE RANGE ACHIEVEMENT TEST-5TH ED, ADVERSE CHILD EVENTS, ADAPTIVE BEHAVIOR ASSESSMENT SYSTEM, Woodcock-Johnson Cognitive Abilities Test

Stanford-Binet Intelligence Scales, Fifth EDITION, TOMM, Independent Living Scale,

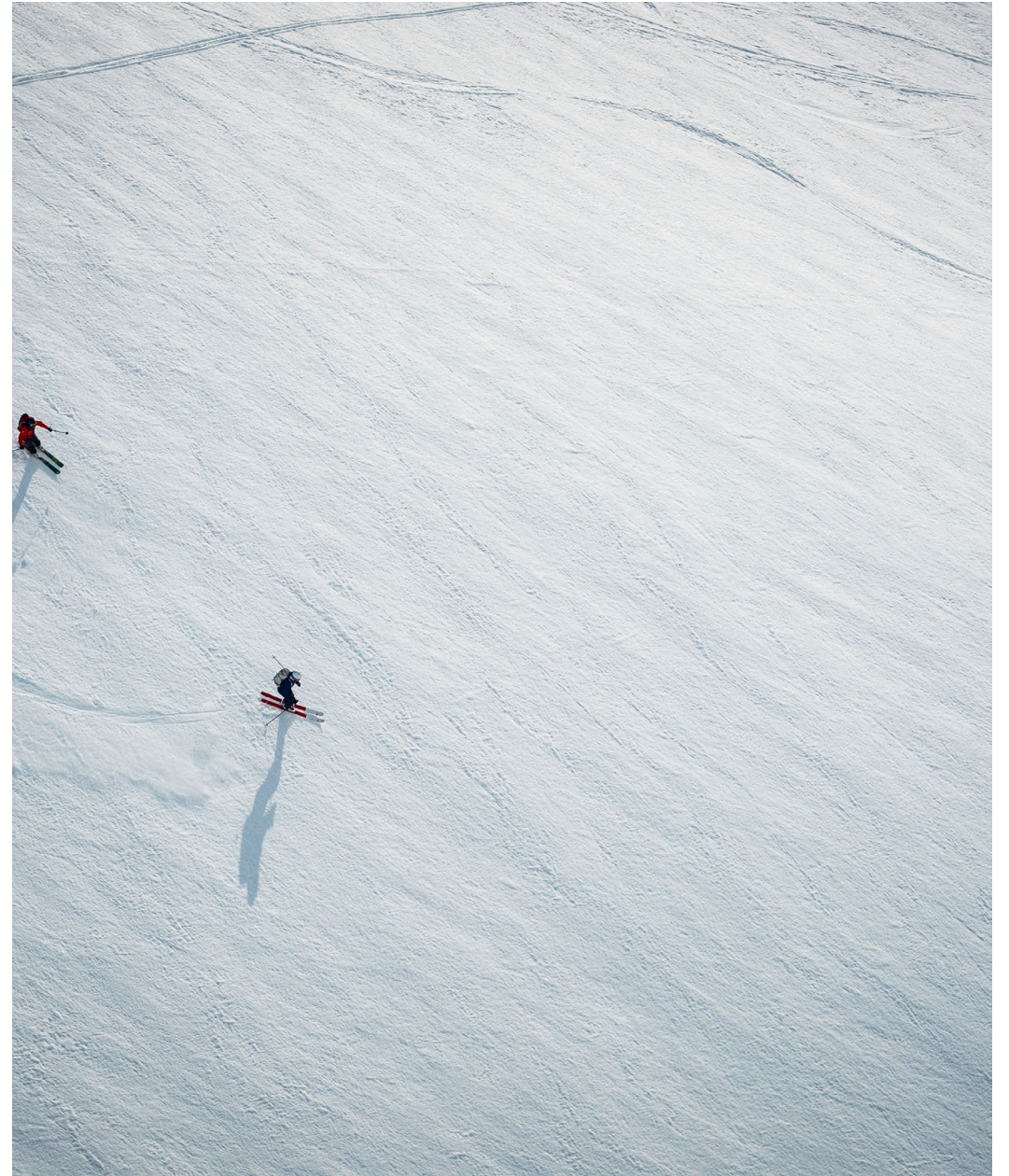
REMEMBER EVERYTHING USED IN THE EVALUATION

MAY BE GIVEN TO THE STATE!



Don't go in blindly

BEFORE SUBJECTING YOUR CLIENT
TO AN EVALUATION, YOU SHOULD
CONDUCT A THOROUGH SOCIAL
HISTORY



What should you avoid?

Dumping the gun

A narrow approach to interviewing family and community members

Avoid stereotyping

Choosing the wrong expert



They call me Ishmael....

Labels

What's in a name?

Mrs. Smith 7th grade science class

You cannot, should not think you can tell a person has an intellectual, emotional, behavioral or psychological disability just by looking at them.

Use sound a theoretical approach, appropriate, professional, & respectful decorum during the investigative process



Things to remember

Assess, don't judge

Do not to marginalize, stereotype or imply that individuals who suffer with, or soar despite of, their diagnosis are all disabled. Not all have the same deficits or level of functioning.

There are exceptions to every rule.



Possible signs symptoms, social & environmental factors: prenatal perinatal and/or postnatal

- Fetal Alcohol syndrome
 - Turners
 - Downs
 - Cri du Chat :
 - Low-set ears.
 - Abnormally small jaw (micrognathia)
- | | |
|---------------|----------------------|
| Microcephalic | Anoxia |
| Hydrocephalic | Premature |
| Fragile X | Chromosomal disorder |
| Prader Willi | Forceps |
| Infections | Trauma perinatal |
| Neglect | TBI |
| Abuse | |
| Hereditg | |

Cri du Chat: Secondary to Missing Chromosome

- Developmental Delays (such as head control, sitting up and walking)
- Moderate to severe intellectual disability
- Abnormally small jaw (micrognathia)
- Low set ears
- High pitched cat like cry hence the name
- If diagnosed early and with proper interventions, they may have a good life.

Cri du chat continued



(a)



(b)



(c)



(d)



(e)



(f)

Prader-Willi Syndrome

- Paternal genes on chromosome 15 are missing.
- The child inherited two copies of chromosome 15 from the mother and no chromosome 15 from the father.
- Endocrine Issues: Challenges like diabetes or low sex hormone levels.
- Orthopedic Problems: Scoliosis and osteoporosis may develop.
- Mental Health Concerns: Risk of depression, anxiety, and other mood disorders.



Noonan syndrome: is a genetic disorder characterized by short stature, distinctive facial features, heart defects, bleeding problems and skeletal abnormalities.



Patients with Turner syndrome usually have normal intelligence but may have specific neurocognitive deficits, e.g., problems with visuospatial organization. This situation can lead to an increased risk of learning disabilities, especially involving calculations, memory, and attention. In adolescence, females will often present with delayed puberty or primary amenorrhea, secondary to premature ovarian failure.





FAMOUS PEOPLE WITH TÖRNER'S SYNDROME

LINDA HÖNT-

MARISKA HARGITAY

JESSICA ALBA-

Fetal Alcohol

- FASDs can occur when a person is exposed to alcohol before birth. Alcohol in the mother's blood passes to the baby through the umbilical cord.
- Fetal Alcohol Syndrome (FAS): FAS represents the most involved end of the FASD spectrum. People with FAS have central nervous system (CNS) problems, minor facial features, and growth problems. People with FAS can have problems with learning, memory, attention span, communication, vision, or hearing. They might have a mix of these problems. People with FAS often have a hard time in school and trouble getting along with others.
- Alcohol-Related Neurodevelopmental Disorder (ARND): People with ARND might have intellectual disabilities and problems with behavior and learning. They might do poorly in school and have difficulties with math, memory, attention, judgment, and poor impulse control.

FAS & Alcohol-Related Neurodevelopmental Disorder

Mrs. Smith (7th grade science teacher)



Our clients will be in the gray

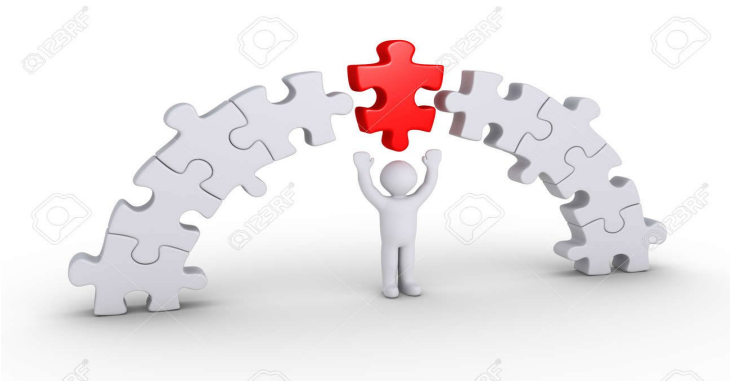
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The spectrum may have a broad range, but our clients will always be in the middle

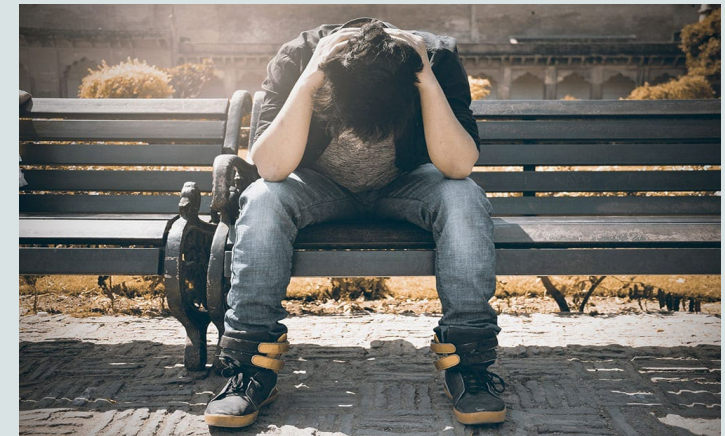


Components of the test

- Verbal comprehension
- Visual spatial
- Fluid reasoning
- Working memory
- Processing speed



I Q testing



Translating testing scores & evaluations

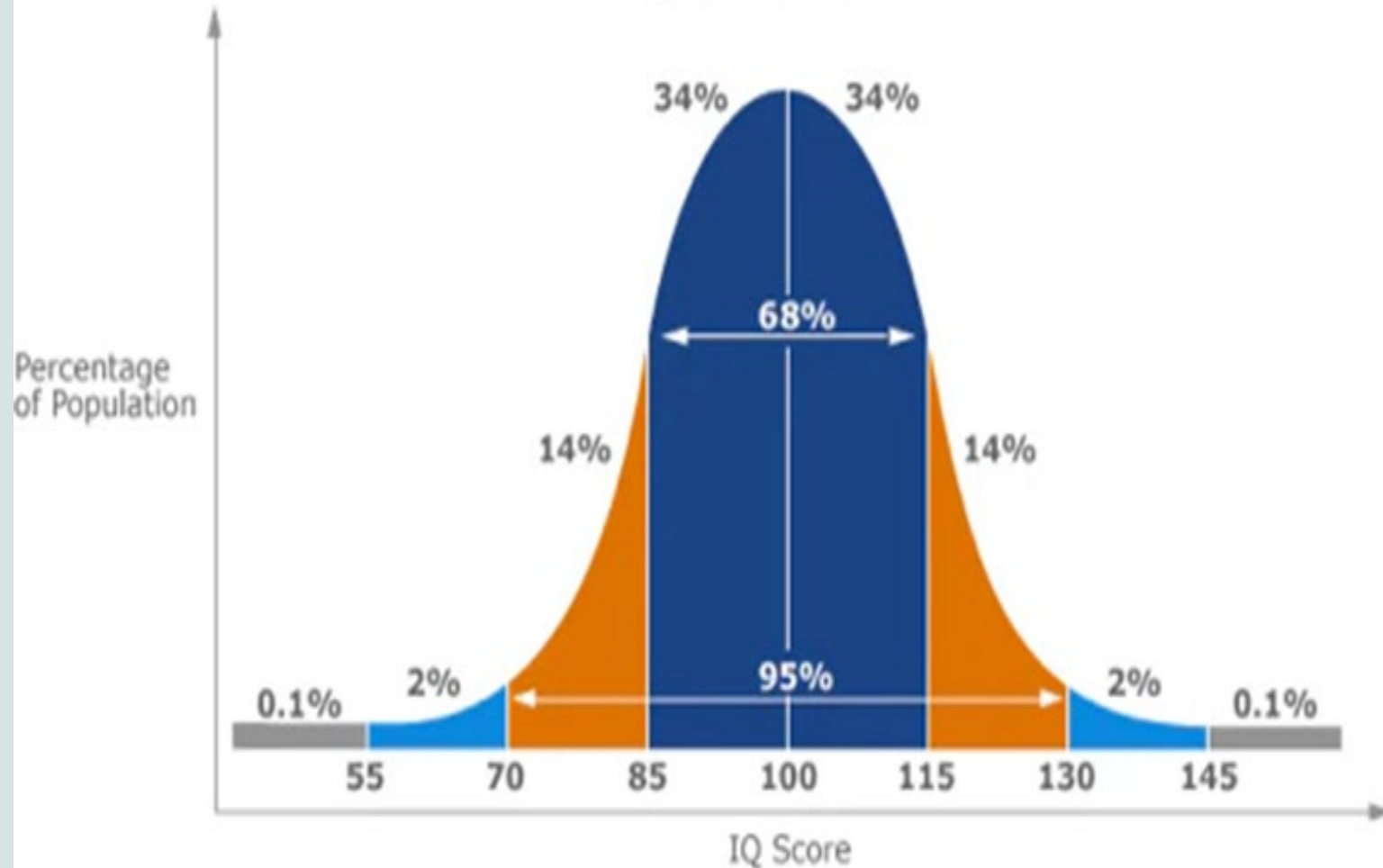


Below 70 is
extremely low
70-79 is borderline
80-89 is low average
90-109 is average
110-119 is high average
120-129 is superior
130+ is very superior



IQ

IQ Score Distribution



- Between 1% and 3% of persons in general population are estimated to have some degree of intellectual disability
- 75% of persons who have intellectual disability have a mild form
- A score of 70 or below before the age of 18 (diagnostic manual says 22 years of age)
- “Intellectual disability is best considered within the broader framework of disability in general. The conceptual framework and definition of disability has evolved over the years from a predominantly medical model to a broader model that encompasses and functionally merges the medical, social and functional aspects of disability”, PMID: 32206581



iQ

Adaptive

functioning/behavior

I Q

Adaptive functioning

Interview process

Masking: Don't be fooled

Know your client

—



Adaptive functioning

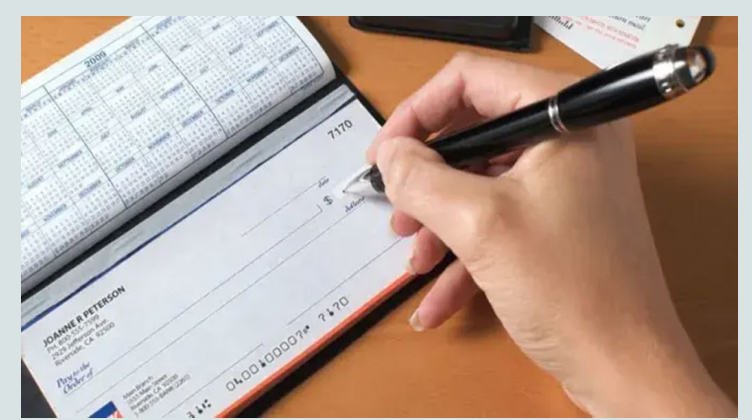
Domains of adaptive functioning

Domain Key components or functions

Conceptual Memory, language, reading, writing, math reasoning, acquisition of practical knowledge, problem solving, judgment in novel situations

Social Awareness of others' thoughts, feelings, and experiences; empathy; interpersonal communication skills; ability for developing friendships; social judgment

Practical Self-care; job responsibilities; money management; recreation; self-management of behavior; school and work task organization



Encompassing IQ and adaptive functioning

School records and activities
Employment history
Social activity i.e. daily living
activities, organized sports,
counting money, etc.





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Questions?



The End