
**Human Services, Youth, & Early
Learning Committee**

HB 1188

Brief Description: Concerning individuals with developmental disabilities that have also received child welfare services.

Sponsors: Representatives Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick and Ormsby.

Brief Summary of Bill

- Requires that Medicaid waiver services administered by the Developmental Disabilities Administration (waiver services) are provided to eligible individuals who have received certain specified child welfare services, and that these waiver slots are forecasted and budgeted as maintenance level costs.
- Requires the Caseload Forecast Council to forecast the number of individuals who are functionally and financially eligible for waiver services who have also received specified child welfare services.
- Provides that services through the Children's Intensive Behavior Support Services waiver may: supplement the child welfare services that a child may be receiving; be provided to children in out-of-home placement; and be provided even if the family is subject to an unresolved child protective services referral.

Hearing Date: 1/17/23

Staff: Omeara Harrington (786-7136).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Child Welfare Services.

If an individual suspects that a child has been abused or neglected, that abuse or neglect can be reported to the Department of Children, Youth, and Families (DCYF) Child Protective Services (CPS) office or to law enforcement. If the CPS determines that the report is credible and meets screening criteria, it will assign either a 24-hour investigation response or 72-hour family assessment response, depending on the severity of the allegation.

Anyone, including the DCYF, may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. A court will hold a shelter care hearing following removal of a child from his or her home within 72 hours. At this hearing, the court will determine if the child can return home safely. If a court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, provision of services by the DCYF, compliance of the parents, and whether progress has been made by the parents.

Out-of-Home Care. When children are removed from the home of a parent or guardian due to allegations of abuse or neglect, those children may be placed with relatives or in foster care. Relatives care for almost half of the children placed in out-of-home care. Foster parents are licensed by either the DCYF or private child-placing agencies and provide temporary care to children with the goal of reunifying the child with his or her parent or guardian.

Extended Foster Care Program. The extended foster care program is a program that allows youth who are dependents of the state at age 18 to voluntarily agree to continue receiving foster care services until age 21, provided that they are enrolled in an educational or vocational program, participating in a program or activity to reduce barriers to employment, working 80 hours or more a month, or have certain medical conditions.

Developmental Disability Services.

The Developmental Disabilities Administration of the Department of Social and Health Services (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. While some DDA clients live in residential habilitation centers, an institutional setting, most clients live in the community.

Home and Community Based Services Medicaid waivers (waiver services) are designed to allow clients who live in community settings to receive optional services at the same level as they would receive in an institutional setting. The DDA offers services under five waivers: Core, Basic Plus, Community Protection Program, Individual and Family Services, and Children's Intensive In-Home Behavior Supports (CIIBS). The waiver services provided to DDA clients are designed to promote everyday activities, routines, and relationships, and may include services targeted at community integration, support services provided by contracted professionals, caregiving, and equipment, supplies, and other specialized services. To be eligible

for waiver services, the individual must meet certain criteria, including:

- having a qualifying disability;
- meeting the intermediate care facility requirements for individuals with an intellectual disability level of care;
- meeting financial eligibility criteria;
- choosing to receive services in the community rather than in an intermediate care facility; and
- meeting other waiver-specific criteria.

The CIIBS waiver supports youth with challenging behaviors. In addition to other waiver eligibility criteria, to be eligible for CIIBS services, a child must:

- be under age 21;
- have an assessed acuity score that indicates that the child's behavior puts the child or family at risk or is very likely to require an out-of-home placement; and
- reside in his or her family home, or be temporarily in an out-of-home placement with a plan to return home.

The child's family must also agree to participate in the CIIBS program. The CIIBS services are not available when the child's family is subject to an unresolved CPS referral.

Under agency rules, children subject to dependency proceedings are not eligible for the DDA's waiver services, however, there is a statutory requirement that the DDA must give priority for waiver services to eligible individuals who exited a dependency proceeding within the last two years when there is funded capacity for those waivers.

Caseload Forecasting and Budgeting.

A biennial operating budget appropriates funding for the operation of state government and is adopted every two years. Supplemental budgets may also be enacted in the years following adoption of the biennial budget. Budget decisions may be categorized as either a "maintenance level" or "policy level" decision. "Maintenance level" refers to the estimated appropriations necessary to maintain continuing program and service levels that were funded in the prior biennium or otherwise mandated by law. Maintenance level items may include adjustments for forecasted changes in entitlement caseloads or other mandatory expenses. All other budget decisions are generally categorized as "policy level" and may include decisions such as creating or eliminating programs, changing vendor or employee payment rates, or changing program eligibility.

The Caseload Forecast Council (CFC) prepares official state forecasts for entitlement programs and provides courtesy forecasts for other types of services. For instance, the CFC provides courtesy forecasts of the number of eligible individuals who have requested supported living and a service through certain DDA waivers.

Summary of Bill:

The DDA waiver services must be provided to eligible individuals who are or were involved in the child welfare system, including those who:

- are subject to a dependency proceeding;
- are receiving extended foster care services; or
- exited a dependency proceeding or discontinued extended foster care services.

The CFC must forecast the number of individuals who are or were involved in the child welfare system who are also functionally and financially eligible for DDA waiver services. Waiver slots for this population must be forecasted and budgeted as maintenance level costs.

The CIIBS waiver services may supplement the child welfare services a child may be receiving from the DCYF, and the prohibition against access to CIIBS services while the family is subject to an unresolved CPS referral is removed. Additionally, CIIBS services may be provided to children in out-of-home placements, without requiring that placement is temporary with a plan to return home.

Appropriation: None.

Fiscal Note: Requested on January 12, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.