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**HOUSE BILL 1188**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Senn and Taylor

Prefiled 01/06/23.

1 AN ACT Relating to individuals with developmental disabilities  
2 that have also received child welfare services; and amending RCW  
3 43.88C.010, 43.88.058, 71A.24.005, 71A.24.010, and 71A.12.370.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to  
6 read as follows:

7 (1) The caseload forecast council is hereby created. The council  
8 shall consist of two individuals appointed by the governor and four  
9 individuals, one of whom is appointed by the chairperson of each of  
10 the two largest political caucuses in the senate and house of  
11 representatives. The chair of the council shall be selected from  
12 among the four caucus appointees. The council may select such other  
13 officers as the members deem necessary.

14 (2) The council shall employ a caseload forecast supervisor to  
15 supervise the preparation of all caseload forecasts. As used in this  
16 chapter, "supervisor" means the caseload forecast supervisor.

17 (3) Approval by an affirmative vote of at least five members of  
18 the council is required for any decisions regarding employment of the  
19 supervisor. Employment of the supervisor shall terminate after each  
20 term of three years. At the end of the first year of each three-year  
21 term the council shall consider extension of the supervisor's term by

1 one year. The council may fix the compensation of the supervisor. The  
2 supervisor shall employ staff sufficient to accomplish the purposes  
3 of this section.

4 (4) The caseload forecast council shall oversee the preparation  
5 of and approve, by an affirmative vote of at least four members, the  
6 official state caseload forecasts prepared under RCW 43.88C.020. If  
7 the council is unable to approve a forecast before a date required in  
8 RCW 43.88C.020, the supervisor shall submit the forecast without  
9 approval and the forecast shall have the same effect as if approved  
10 by the council.

11 (5) A councilmember who does not cast an affirmative vote for  
12 approval of the official caseload forecast may request, and the  
13 supervisor shall provide, an alternative forecast based on  
14 assumptions specified by the member.

15 (6) Members of the caseload forecast council shall serve without  
16 additional compensation but shall be reimbursed for travel expenses  
17 in accordance with RCW 44.04.120 while attending sessions of the  
18 council or on official business authorized by the council.  
19 Nonlegislative members of the council shall be reimbursed for travel  
20 expenses in accordance with RCW 43.03.050 and 43.03.060.

21 (7) "Caseload," as used in this chapter, means:

22 (a) The number of persons expected to meet entitlement  
23 requirements and require the services of public assistance programs,  
24 state correctional institutions, state correctional noninstitutional  
25 supervision, state institutions for juvenile offenders, the common  
26 school system, long-term care, medical assistance, foster care, and  
27 adoption support;

28 (b) The number of students who are eligible for the Washington  
29 college bound scholarship program and are expected to attend an  
30 institution of higher education as defined in RCW 28B.92.030;

31 (c) The number of students who are eligible for the Washington  
32 college grant program under RCW 28B.92.200 and 28B.92.205 and are  
33 expected to attend an institution of higher education as defined in  
34 RCW 28B.92.030; and

35 (d) The number of children who are eligible, as defined in RCW  
36 43.216.505, to participate in, and the number of children actually  
37 served by, the early childhood education and assistance program.

38 (8) The caseload forecast council shall forecast the temporary  
39 assistance for needy families and the working connections child care  
40 programs as a courtesy.

1 (9) By January 1, 2023, the caseload forecast council shall  
2 present the number of individuals who are assessed as eligible for  
3 and have requested a service through the individual and family  
4 services waiver and the basic plus waiver administered by the  
5 developmental disabilities administration as a courtesy. The caseload  
6 forecast council shall be presented with the service request list as  
7 defined in RCW 71A.10.020 to aid in development of this information.

8 (10) Beginning with the official forecast submitted in November  
9 2022 and subject to the availability of amounts appropriated for this  
10 specific purpose, the caseload forecast council shall forecast the  
11 number of individuals who are assessed as eligible for and have  
12 requested supported living services, a service through the core  
13 waiver, an individual and family services waiver, and the basic plus  
14 waiver administered by the developmental disabilities administration  
15 as a courtesy. The caseload forecast council shall be presented with  
16 the service request list as defined in RCW 71A.10.020 to aid in  
17 development of this information.

18 (11) As a courtesy, beginning with the official forecast  
19 submitted in November 2022, the caseload forecast council shall  
20 forecast the number of individuals who are expected to reside in  
21 state-operated living alternatives administered by the developmental  
22 disabilities administration.

23 (12) The caseload forecast council shall forecast youth  
24 participating in the extended foster care program pursuant to RCW  
25 74.13.031 separately from other children who are residing in foster  
26 care and who are under eighteen years of age.

27 (13) The caseload forecast council shall forecast the number of  
28 youth expected to receive behavioral rehabilitation services while  
29 involved in the foster care system and the number of screened in  
30 reports of child abuse or neglect.

31 (14) The caseload forecast council shall forecast the number of  
32 individuals who are functionally and financially eligible for  
33 medicaid waiver services administered by the developmental  
34 disabilities administration who also:

35 (a) Are subject to a dependency proceeding under chapter 13.34  
36 RCW;

37 (b) Are receiving extended foster care services as defined in RCW  
38 74.13.020; or

1 (c) Exited a dependency proceeding under chapter 13.34 RCW or  
2 discontinued extended foster care services as defined in RCW  
3 74.13.020.

4 (15) Unless the context clearly requires otherwise, the  
5 definitions provided in RCW 43.88.020 apply to this chapter.

6 ~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning  
7 with the November 2021 forecast, the caseload forecast council shall  
8 produce an unofficial forecast of the long-term caseload for juvenile  
9 rehabilitation as a courtesy.

10 **Sec. 2.** RCW 43.88.058 and 2021 c 334 s 1904 are each amended to  
11 read as follows:

12 For the purposes of this chapter, expenditures for the following  
13 ~~((foster care, adoption support and related services, and child~~  
14 ~~protective))~~ services must be forecasted and budgeted as maintenance  
15 level costs:

16 (1) Behavioral rehabilitation services placements;

17 (2) Social worker and related staff to receive, refer, and  
18 respond to screened-in reports of child abuse or neglect ~~((, except in~~  
19 ~~fiscal year 2021))~~;

20 (3) Court-ordered parent-child and sibling visitations delivered  
21 by contractors; ~~((and))~~

22 (4) Those activities currently being treated as maintenance level  
23 costs for budgeting or forecasting purposes on June 7, 2018,  
24 including, but not limited to: (a) Adoption support and other  
25 adoption-related expenses; (b) foster care maintenance payments; (c)  
26 child-placing agency management fees; (d) support goods such as  
27 clothing vouchers; (e) child aides; and (f) child care for children  
28 in foster or relative placements when the caregiver is at work or in  
29 school; and

30 (5) Developmental disability waiver slots as required under RCW  
31 71A.12.370.

32 **Sec. 3.** RCW 71A.24.005 and 2009 c 194 s 1 are each amended to  
33 read as follows:

34 (1) The legislature recognizes that the number of children who  
35 have developmental disabilities along with intense behaviors is  
36 increasing, and more families are seeking out-of-home placement for  
37 their children.

1       (2) The legislature intends to create services and to develop  
2 supports for these children, family members, and others involved in  
3 the children's lives to avoid disruption to families ((and  
4 eliminate)), help prevent the need for out-of-home placement, and  
5 supplement the child welfare services a child may be receiving from  
6 the department of children, youth, and families.

7       (3) The legislature directs the department to maintain a federal  
8 waiver through which services may be provided to allow children with  
9 developmental disabilities and intense behaviors to maintain  
10 permanent and stable familial relationships. The legislature intends  
11 for these services to be locally based and offered as early as  
12 possible to avoid family disruption and out-of-home placement, but  
13 also offered to children in out-of-home placement when necessary.

14       **Sec. 4.** RCW 71A.24.010 and 2009 c 194 s 2 are each amended to  
15 read as follows:

16       (1) To the extent funding is appropriated for this purpose,  
17 intensive behavior support services may be provided by the  
18 department, directly or by contract, to children who have  
19 developmental disabilities and intense behaviors and to their  
20 families.

21       (2) The department shall be the lead administrative agency for  
22 children's intensive behavior support services and shall:

23       (a) Collaborate with appropriate parties to develop and implement  
24 the intensive in-home support services program within the division of  
25 developmental disabilities;

26       (b) Use best practices and evidence-based practices;

27       (c) Provide coordination and planning for the implementation and  
28 expansion of intensive in-home services;

29       (d) Contract for the provision of intensive in-home and planned  
30 out-of-home services;

31       (e) Monitor and evaluate services to determine whether the  
32 program meets standards identified in the service contracts;

33       (f) Collect data regarding the number of families served, and  
34 costs and outcomes of the program;

35       (g) Adopt appropriate rules to implement the program;

36       (h) License out-of-home respite placements on a timely basis; and

37       (i) Maintain an appropriate staff-to-client ratio.

38       (3) A child may receive intensive behavior support services when  
39 the department has determined that:

- 1 (a) The child is under the age of twenty-one;
- 2 (b) The child has a developmental disability and has been  
3 determined eligible for these services;
- 4 (c) The child/family acuity scores are high enough in the  
5 assessment conducted by the division of developmental disabilities to  
6 indicate the child's behavior puts the child or family at significant  
7 risk or is very likely to require an out-of-home placement;
- 8 (d) The child meets eligibility for the home and community-based  
9 care waiver;
- 10 (e) The child resides in his or her family home or is  
11 (~~temporarily~~) in an out-of-home placement (~~with a plan to return~~  
12 ~~home~~); and
- 13 (f) The family agrees to participate in the program and complete  
14 the care and support steps outlined in the completed individual  
15 support plan(~~;~~ and
- 16 ~~(g) The family is not subject to an unresolved child protective~~  
17 ~~services referral~~).

18 **Sec. 5.** RCW 71A.12.370 and 2021 c 56 s 4 are each amended to  
19 read as follows:

20 (~~When there is funded capacity for services~~) Services provided  
21 through a medicaid waiver administered by the department, (~~and~~) to  
22 the extent consistent with federal law and federal funding  
23 requirements, (~~priority for that waiver~~) shall be provided to  
24 eligible individuals who (~~exited~~) meet any of the following  
25 characteristics:

26 (1) Are subject to a dependency proceeding under chapter 13.34  
27 RCW;

28 (2) Are receiving extended foster care services as defined in RCW  
29 74.13.020; or

30 (3) Exited a dependency proceeding under chapter 13.34 RCW  
31 (~~within the last two years~~) or discontinued extended foster care  
32 services as defined in RCW 74.13.020.

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