

SENATE BILL REPORT

2SHB 1061

As Reported by Senate Committee On:
Health & Long Term Care, March 12, 2021
Human Services, Reentry & Rehabilitation, March 19, 2021
Ways & Means, April 2, 2021

Title: An act relating to youth eligible for developmental disability services who are expected to exit the child welfare system.

Brief Description: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis).

Brief History: Passed House: 2/26/21, 97-0.

Committee Activity: Health & Long Term Care: 3/12/21 [w/oRec-HSRR].

Human Services, Reentry & Rehabilitation: 3/18/21, 3/19/21 [DP-WM].

Ways & Means: 4/01/21, 4/02/21 [DP].

Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to convene a shared planning meeting that includes Developmental Disability Administration (DDA) staff for youth who are dependent and may be eligible for DDA services when the youth is between ages 16 and 16.5 for purposes of planning for the youth's transition to adulthood.
- Prioritizes eligible individuals who exited a dependency proceeding within the last two years for Medicaid waivers administered by DDA when there is funded capacity and to the extent consistent with federal law and federal funding requirements.
- Directs DCYF to provide a report to the Legislature detailing the number

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of youth involved in the child welfare system who are enrolled clients of DDA and expected to exit child welfare services after reaching the maximum age that those youth can receive child welfare services.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, McCune, Saldaña and Wilson, C.

Staff: Alison Mendiola (786-7488)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Liias, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Staff: Sarah Emmans (786-7478)

Background: Dependency Court Proceedings. Anyone, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging 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. If a court subsequently determines a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, provision of services by DCYF, compliance of the parents, and whether progress has been made by the parents.

Shared Planning Meetings. DCYF must convene a shared planning meeting that includes a number of agencies including the Department of Social and Health Services' Developmental Disability Administration (DDA) for dependent youth ages 17 to 17.5 who will be aging out of foster care to develop a transition plan. If these youth qualify for DDA services, DCYF must direct these youth to apply for services and provide assistance in the application process.

Developmental Disabilities Administration. 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 (HCBS) waivers are designed to allow DDA clients who live in community settings to receive the same level of services they would receive in an institutional setting. DDA offers services under five Medicaid HCBS waivers. To be eligible for a HCBS waiver, the individual must:

- have a qualifying developmental disability;
- meet the intermediate care facility requirements for individuals with an intellectual disability level of care;
- have a disability according to criteria established in the Social Security Act;
- meet financial eligibility criteria;
- choose to receive services in the community rather than in an intermediate care facility;
- have an individual support plan showing how the individual's health, safety, and habilitation needs can be met in the community with a monthly waiver service;
- not be residing in a hospital, jail, prison, nursing facility, intermediate care facility, or other institution; and
- meet additional criteria for the Children's Intensive In-Home Behavioral Support Program.

The waiver services provided to DDA clients are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

Summary of Bill: It is the stated intent of the Legislature to reduce, in the most cost-effective way, the number of former foster care youth with developmental disabilities discharged into homelessness or inappropriately placed in hospitals.

Shared Planning Meetings. For youth who are in an open dependency proceeding and the DCYF caseworker believes may be eligible for services administered by DDA, DCYF is to convene a shared planning meeting that includes representatives from DDA and the Division of Vocational Rehabilitation when the youth is between the ages of 16 and 16.5.

This meeting may include:

- assessing functional eligibility for developmental disability waiver services;
- understanding the services the youth wants or needs upon the youth's exit from a dependency;
- advanced planning for residential services provided by DDA;
- advanced planning for housing options available from entities other than the DDA the youth wants or needs upon the youth's exit from a dependency; and
- development of an action plan so the services the youth wants or needs will be provided following the youth's exit from dependency proceedings.

DCYF is to collaborate with DDA to determine the number of enrolled clients of the DDA ages 16 through 21 years old who are functionally eligible for Medicaid waiver services,

who are also defined as dependent children, and who may exit dependency proceeding after reaching the maximum ages for dependent children.

DDA must give priority for Medicaid waivers to eligible individuals who exited a dependency proceeding within the last two years when there is funded capacity for those waivers.

By November 15th annually, DCYF is to submit a report to the appropriate committees of the Legislature that provides the number of children and youth identified under this act, and other relevant information related to best serving these youth.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services, Reentry & Rehabilitation):

PRO: This bill seeks to make sure that kids with developmental disabilities in foster care do not fall through the cracks as they age out of dependency. Many of these kids are the same ones who end up abandoned in hospital, have hotel stays, or stay at a DCYF office. It is expensive to serve these youth when all the services are through DCYF but if the kids were receiving services from DDA, that cost is shared. We need data to know where the kids are. We want to do transitional planning earlier to prevent the kids from ending up homeless as kids exiting foster care do not necessarily have adult support. For DDA you have to opt-in for services. Youth do not always know what saying no to services means so having DCYF and DDA work together so the kids have a better idea of what agreeing to or declining services means. We have the highest case management load in the country—75 to 1, we need intensive case management to work with these youth to ensure they do not become homeless. One-third of young people who experience placement instability are developmentally disabled. Young people with developmental disabilities have slipped through the cracks for too long, they are over represented in prisons and in homelessness. This bill compliments and reinforces the goal of past legislation ensuring that children do not exit a system of care into homelessness.

Persons Testifying (Human Services, Reentry & Rehabilitation): PRO: Representative Tana Senn, Prime Sponsor; Adrienne Stuart, Washington State Developmental Disabilities Council; Diana Stadden, The Arc of Washington State; Allison Krutsinger, Department of Children, Youth, and Families; Samuel Martin, The Mockingbird Society.

Persons Signed In To Testify But Not Testifying (Human Services, Reentry &

Rehabilitation): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill implements some of the recommendations in a report regarding improving services for foster care youth with disabilities from the Office of the Developmental Disabilities Ombuds. Children with disabilities who are transitioning out of foster care frequently end up in hospitals and other places that cost money. By providing adequate transition planning and maximizing the use of Medicaid waivers, this bill would save the state money in the long run. In particular, the use of Medicaid waivers will help eligible youth access residential services after they exit foster care.

Persons Testifying (Ways & Means): PRO: Noah Seidel, Office of Developmental Disabilities Ombuds.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.