

# HOUSE BILL REPORT

## 2SHB 1061

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**As Passed House:**

February 26, 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:**

**Committee Activity:**

Children, Youth & Families: 1/18/21, 1/27/21 [DPS];

Appropriations: 2/11/21, 2/16/21 [DP2S(w/o sub CYF)].

**Floor Activity:**

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

**Brief Summary of Second Substitute Bill**

- Prioritizes eligible individuals who exited a dependency proceeding within the last two years for Medicaid waivers administered by the Developmental Disability Administration (DDA) when there is funded capacity and to the extent consistent with federal law and federal funding requirements.
- Requires the Department of Children, Youth and Families (DCYF) to provide a report detailing the number of youth involved in the child welfare system who are enrolled clients of the DDA and expected to exit child welfare services after reaching the maximum age that those youth can receive child welfare services.
- Requires the DCYF to convene a shared planning meeting that includes

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*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.*

DDA staff for youth who are dependent and may be eligible for DDA services when the youth is between ages 16 and 16-1/2 for purposes of planning for the youth's transition to adulthood.

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## HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan, Eslick, Goodman, Klippert, Ortiz-Self, Wicks and Young.

**Staff:** Luke Wickham (786-7146).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

**Staff:** Mary Mulholland (786-7391).

### **Background:**

#### *Dependency Court Proceedings.*

Anyone, including the Department of Children, Youth, and Families (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. These petitions must be verified and contain a statement of facts that constitute a dependency and the names and residence of the parents if known. When a child is taken into custody, the court is to hold a shelter care hearing within 72 hours. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the dependency case is being resolved. 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.

*Shared Planning Meetings.*

The DCYF must convene a shared planning meeting that includes the Department of Social and Health Services' Developmental Disability Administration (DDA) for youth ages 17 to 17-1/2 who will be aging out of foster care. If these youth qualify for DDA services, the DCYF must direct these youth to apply for services and provide assistance in the application process.

*Developmental Disabilities Administration.*

The 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 clients who live in community settings to receive the same level of services that he or she would receive in an institutional setting. The 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 Second Substitute Bill:**

The Department of Children, Youth, and Families (DCYF) must collaborate with the Developmental Disability Administration (DDA) to determine the number of enrolled clients of the DDA ages 16 through 21 who are functionally eligible for Medicaid waiver services administered by the DDA who are also defined as dependent children (involved in the child welfare court system), and expected to exit those court proceedings after reaching the maximum age of 21 for dependent children.

The DCYF must submit an annual report by November 15 that provides:

- the number of youth and children identified above; and
- other relevant information related to best serving these youth.

The 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.

The DCYF must convene a shared planning meeting that includes DDA staff for youth who are dependent and eligible for DDA services when the youth is between ages 16 and 16-1/2. This meeting must be used to begin planning services for the youth in advance of the youth's transition to adulthood and may include:

- assessing the youth's eligibility for DDA waiver services;
- understanding the services the youth wants or needs;
- advanced planning for residential services provided by DDA;
- advanced planning for other housing options; and
- development of an action plan so the services will be provided after the youth exits the child welfare system.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Children, Youth & Families):**

(In support) Belonging is essential to both personal well-being and public health. This bill will help maximize cost-effective delivery of services. There is a concern that youth will be exiting foster care to a Developmental Disabilities Administration (DDA) waiting list of 14,000. There is also a concern that assistance to apply for DDA services is not mandated until age 17.

Foster youth should be prioritized for available DDA waiver supports. The Department of Children, Youth, and Families (DCYF) should provide assistance to foster youth applying for DDA services at age 15.

Continuing to exit foster youth to a DDA system that has no tracking system and no system to identify the needed supports will harm these individuals.

Foster youth should receive the support they need in applying for DDA eligibility.

The shared planning meeting between the DDA and the DCYF should happen earlier. This is an opportunity for more advance planning related to better serving youth.

All kids are going to have some difficulty when they have uncertainty regarding their placement. It is even more difficult for youth who have a developmental disability transitioning from child welfare services to developmental disability services. The DDA system is very underfunded. Getting kids identified as soon as possible will allow services to be available.

This bill provides a good start to serving youth exiting foster care into DDA services. There needs to be a more coordinated transition for these youth that identifies barriers in that transition. Staff will need to assist youth who are not already identified as eligible for DDA services. Without that staff, there may be an undercount of eligible youth.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) The state saves money when kids, especially foster kids, are not released into homelessness when they exit systems of care. Young people should be connected with services that will help them and prevent the need for state services in the long-term. A warm handoff between the DDA and the Department of Children, Youth, and Families (DCYF) will help young people transition successfully to adulthood.

The fiscal note should not discourage the Legislature. The state generally has a caseload ratio of 75:1 for case workers. A caseload ratio of 30:1 will help ensure that no young people are overlooked.

No DDA waiver slots are added, but a targeted report and better tracking and monitoring will help the state understand the overlapping population between the DDA and the DCYF. It is important to pull in DDA expertise early. In the world of the DDA, clients need to know what services they need and how to ask for them.

(Opposed) None.

**Persons Testifying (Children, Youth & Families):** Representative Senn, prime sponsor; Diana Stadden, The Arc of Washington State; Adrienne Stuart, Developmental Disabilities Council; Ivanova Smith, Self Advocates in Leadership; Ramona Hattendorf, The Arc of King County; and Betty Schwieterman, Developmental Disabilities Ombuds.

**Persons Testifying (Appropriations):** Representative Senn, prime sponsor; Diana Stadden and Ramona Hattendorf, The Arc of Washington State; and Adrienne Stuart, Washington State Developmental Disabilities Council.

**Persons Signed In To Testify But Not Testifying (Children, Youth & Families):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.