H-1284.1

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**SECOND SUBSTITUTE HOUSE BILL 1188**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick, and Ormsby)

AN ACT Relating to individuals with developmental disabilities that have also received child welfare services; amending RCW 43.88C.010, 43.88.058, and 71A.12.370; adding a new section to chapter 71A.12 RCW; creating a new section; and providing an effective date.

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

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

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

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

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) The caseload forecast council shall forecast the number of individuals who are functionally and financially eligible for medicaid waiver services administered by the developmental disabilities administration who also meet the criteria outlined in RCW 71A.12.370, as well as the number of individuals who qualify for the waiver for dependent children and youth under section 3 of this act.

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

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

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

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

(1) Behavioral rehabilitation services placements;

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

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

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

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

NEW SECTION. **Sec.**  A new section is added to chapter 71A.12 RCW to read as follows:

(1) The legislature recognizes that children and youth with developmental disabilities who are subject to a dependency have unique support needs. To this end, the legislature intends to establish a new medicaid waiver for this population.

(2) The department shall seek federal approval to establish a new medicaid waiver tailored to meet the needs of dependent children and youth with developmental disabilities. The services provided in this waiver shall supplement, and not supplant, the child welfare services and supports a child or youth is entitled to or receives under Title IV-E of the social security act from the department of children, youth, and families, and may not duplicate services or supports available through other funding sources.

(3) The department shall be the lead administrative agency for the waiver for dependent children and youth and shall collaborate with the department of children, youth, and families to identify the services and supports currently provided to dependent children and youth and identify services and supports that will supplement supports already provided. The department of children, youth, and families shall provide to the department all information and data that is necessary for the department to determine eligibility for services, to provide appropriate and timely services and supports to qualifying children and youth, and to implement and maintain compliance with federal funding requirements.

(4) Children and youth who are eligible to receive services under the waiver for dependent children and youth are:

(a) Determined to be eligible to receive waiver services from the developmental disabilities administration;

(b) Age 20 or younger; and

(c) On or after the effective date of this section:

(i) Subject to a dependency proceeding under chapter 13.34 RCW, or are an Indian child who is in the custody of a federally recognized Indian tribe as defined in RCW 43.376.010 or the tribe's placing agency; or

(ii) Receiving extended foster care services as defined in RCW 74.13.020.

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

((~~When there is funded capacity for services~~)) (1) Services provided through a medicaid waiver administered by the department, ((~~and~~)) to the extent consistent with federal law and federal funding requirements, ((~~priority for that waiver~~)) shall be provided to eligible individuals who ((~~exited~~)) meet the following characteristics on or after the effective date of this section:

(a)(i) Are subject to a dependency;

(ii) Are receiving extended foster care services as defined in RCW 74.13.020; or

(iii) Exited a dependency ((~~proceeding under chapter 13.34 RCW within the last two years~~)) or discontinued extended foster care services as defined in RCW 74.13.020; and

(b) Will begin receiving waiver services prior to the individual's 25th birthday.

(2) For purposes of this section, a "dependency" includes both a dependency proceeding under chapter 13.34 RCW and circumstances in which an Indian child is in the custody of a federally recognized Indian tribe as defined in RCW 43.376.010 or the tribe's placing agency.

NEW SECTION. **Sec.**  Sections 1, 2, and 4 of this act take effect January 1, 2025.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

**--- END ---**