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## Children, Youth & Families Committee

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### HB 1061

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

**Sponsors:** Representatives Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis.

#### Brief Summary of Bill

- 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 eligible for waiver services administered by the Developmental Disability Administration (DDA) of the Department of Social and Health Services 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 DDA staff for youth who are dependent and 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.

**Hearing Date:** 1/18/21

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

#### **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

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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 years old who will be aging out of foster care. If these youth may 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 Bill:**

The Department of Children, Youth, and Families (DCYF) must collaborate with the

Developmental Disability Administration (DDA) to determine the number of individuals under age 21 who are functionally and financially 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 for dependent children (18) or the maximum age to receive extended foster care services (21).

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 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 housing; and
- development of an action plan so the services will be provided after the youth exits the child welfare system.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2021.

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