



Improving Services for Youth with Intellectual/Developmental Disabilities in Foster Care



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Introduction

The Office of Developmental Disabilities Ombuds (DD Ombuds) is a private, independent office focused on improving the lives of persons with developmental disabilities in Washington State. The legislature gave the DD Ombuds the duty to monitor procedures and services provided to people with developmental disabilities; review facilities and residences where services are provided; resolve complaints about services; and issue reports on the services provided.¹ The following is a report on a systemic issue the DD Ombuds identified through its provision of services to people with developmental disabilities in Washington State.

Children with Developmental Disabilities and Foster Care

In Washington State, developmental disability services are administered to eligible clients by the Developmental Disabilities Administration (DDA). Title IV-E foster care services are administered by the Department of Children, Youth, and Families (DCYF) to children and youth who are removed from their homes for reasons of abuse or neglect. Washington State provides an enhanced state health insurance benefit to children and youth in Title IV-E foster care to meet their physical and behavioral health needs. Children being served in DCYF Title IV-E foster care, including children and youth with developmental disabilities, use this enhanced insurance benefit to obtain supports and services for any unmet needs. For this reason, DDA does not generally provide paid supports to eligible children and youth with developmental disabilities who are in Title IV-E foster care.

There is another population of children and youth who are placed in out of home residential care but are not part of the Title IV-E foster care system. These children are placed out of home solely due to their developmental disability and not due to abuse or neglect. In these cases, youth are placed in a DDA-funded foster care setting, called voluntary placement, and receive DDA-paid services. Voluntary placement is a separate and distinct service from Title IV-E funded foster care.

During the 2019 legislative session, the Washington State House of Representatives' Human Services and Early Learning Committee held a work session on youth with developmental disabilities that are served by the child welfare system. During this work session, a group of advocates articulated serious concerns about how youth with developmental disabilities are being served by the Title IV-E foster care system. The advocates brought concerns about how the lack of DDA-paid services might disadvantage youth with developmental disabilities while they are in Title IV-E foster care placements and while they are transitioning from a foster care setting to an adult residential setting. The advocates brought these concerns to the Washington State Legislature and the public to raise awareness and to ask for a legislative response.

¹ See Revised Code of Washington (RCW) 43.382.005(4). Report produced with state funds administered by WA Department of Commerce.

The action by the advocacy community prompted the DD Ombuds to look more closely at how children and youth with developmental disabilities are served in the Title IV-E foster care system. As an initial step, the DD Ombuds conducted research and investigation to see how services to children and youth with developmental disabilities in Title IV-E foster care are similar or different in Washington as compared to other states. The DD Ombuds' provides a research summary and suggested next steps in the following sections of this report.

Each state has a unique service system for people with developmental disabilities and children in Title IV-E foster care. For that reason, the following should not be interpreted to suggest the superiority or inferiority of any state's unique service system, or as an apples to apples comparison of the services between states. The intent of this research is to provide examples from other states that may assist in creating policy and legislative solutions to any gaps in services experienced by children with developmental disabilities served by Title IV-E foster care in Washington State.

Ideas for Further Exploration

1. Medicaid Waivers

DDA administers 5 Medicaid waivers that allow individuals with developmental disabilities to receive appropriate specialized services in home and community based settings. The DDA waivers provide access to services, supports, and therapies beyond what may be available to an individual on the Medicaid State Plan. At present, children and youth in Title IV-E foster care utilize the enhanced insurance benefit provided by DCYF for all their unmet behavioral and physical health needs instead of a DDA Medicaid waiver.

Issue:

The fact DDA waivers are not used by DDA eligible youth in Title IV-E foster care settings could be a barrier for these children and youth in accessing or maintaining services. As DDA eligible children and youth move in and out of Title IV-E foster care settings, they have to switch between DCYF-paid and DDA-paid services. This could cause service disruption. Additionally, a DDA eligible youth that is aging out of the Title IV-E foster care system will have to transition to all DDA-paid supports and providers.

Possible solution:

DDA waivers may provide opportunity for more consistency in services for youth with developmental disabilities who also spend time in Title IV-E foster care. Some other states use waivers to provide supports to children and youth with developmental disabilities in Title IV-E foster care.

- New York offers a consolidated Children's Waiver designed to administer developmental disability services to youth both in and out of Title IV-E foster care setting.

- Louisiana’s Children’s Choice waiver makes no distinction between youth in foster care and youth out of foster care. Eligibility for waiver services is independent of Title IV-E foster care status.
- In Minnesota, the Developmental Disabilities waiver is available to youth in Title IV-E foster care.
- Texas offers the Home and Community Based Services Program lifetime waiver to youth living in Title IV-E foster care settings.
- Alaska’s lifelong People with Intellectual and Developmental Disabilities waiver and Individualized Supports waiver are available to youth living in Title IV-E foster care settings. Experiences of abuse and neglect are factors in the eligibility screening.
- Montana’s lifetime Home and Community Based Services for Individuals with Developmental Disabilities waiver is accessible to youth in Title IV-E foster care. The waiver reserves 12 slots specifically for youth receiving specialized services for developmental disabilities in a Title IV-E foster care setting.
- In Oregon, eligibility for the Children’s Home and Community Based waiver is open to youth both in and out of Title IV-E foster care.

Next steps:

- Investigate if and how DDA waiver services may improve access to specialized services for youth with developmental disabilities in Title IV-E foster care and/or consistency of services as children and youth move between service settings.

2. Service Coordination between State Agencies

In Washington, the Department of Social and Health Services (DSHS), through DDA, is the state agency that authorizes services and provides case management to eligible children and adults with developmental disabilities. DCYF, a separate state agency, administers child welfare services, including Title IV-E foster care. DCYF provides case management to all children and youth served by the Title IV-E foster care system. If a DDA client enters the foster care system, they no longer receive paid services from DDA. However, DDA can continue to provide a DDA case manager to support the youth and a DCYF case manager to coordinate appropriate services.

Issue:

Coordination of services for youth in Title IV-E foster care with disabilities is on a case by case basis. More systemic coordination between the agencies is needed to identify and provide for the unique service needs of DDA eligible youth in foster care.

Possible solution:

Regional agency coordination may lead to systemic solutions for youth with developmental disabilities in foster care. Coordination of these services could be on a recurring systems-wide level.

- In Texas, there are Community Resource Coordination Group meetings where state agencies, service providers, and decision makers convene to pull together resources and case based solutions. Additionally, Texas’s foster care authority retains DD waiver slots for youth aging out of foster care. Referrals and collaboration between state agencies release the waiver slots to eligible individuals.
- In Minnesota, if a youth was a DD client before removal to Title IV-E foster care, the DD case manager provides on-going management of waiver services.

Next Steps:

- Investigate options for better service coordination between DDA and DCYF at both the individual and systemic levels.
- Create opportunities for cross training between DCYF and DDA case managers.

3. Screening and Eligibility Process

Currently, DCYF is not required to screen all children and youth entering Title IV-E foster care for developmental disability. Early identification of developmental disability is critical for DDA to determine if the child or youth is eligible for services and to coordinate services. Early screening and eligibility determination can also be useful when a youth transitions from foster care services to adult services provided by DDA.

Issue:

The lack of screening for developmental disability upon entry into the Title IV-E foster care system means a child’s developmental disability could go unrecognized. Without screening and eligibility, appropriate services cannot be coordinated and the child may suffer as a result. Further, if children and young people are not screened and made eligible for DDA services while they are young, it can be difficult or impossible to become eligible for DDA services as an adult.

Possible solution:

Washington State could require all children and youth entering foster care be screened for developmental disability. There are other states that screen for developmental disability upon entry into the foster care system.

- Minnesota’s Department of Human Services Child Protection screens for developmental disabilities at the time of removal from the family home due to abuse and neglect. The case is then referred to the county for a full assessment. If eligible, the youth will be placed on a DD waiver.

- Louisiana’s Department of Children and Family Services screens for developmental disabilities at the time of removal to Title IV-E foster care. Youth may be offered a waiver if developmental disabilities are identified through this process.
- In Texas, children and youth are screened for developmental disabilities as the time of removal to Title IV-E foster care.
- In Alaska, a person’s waiver eligibility scoring system considers whether or not the individual has experienced abuse or neglect.

Next steps:

- Research and develop protocols for automatic screening for developmental disabilities when a child or youth enters the Title IV-E foster care system.
- Create a system where identification of developmental disability by DCYF is referred to DDA for application and eligibility determination.

4. Transition to Adult Services

When a youth receiving foster care services ages out of Title IV-E foster care, they must transition into adult services. This includes youth with developmental disabilities. In order to transition from Title IV-E foster care services to DDA services, a youth needs to be assessed for DDA eligibility, the appropriate level of services must be determined, and the services must be obtained and coordinated. This can be a cumbersome process, especially if the youth was not determined eligible for DDA services prior to the time of transition.

Issue:

Each step of this transition process can take a lot of time. Eligibility determination, waiver application, and locating a provider can each take months. Without an adequate amount of time for the transition process, children and youth can be left with a gap in services and/or housing. Further, there is a critical lack of capacity in DDA services in the community and there is no guarantee of available DDA services or residential placements available for a youth with developmental disabilities exiting Title IV-E foster care. Without services and residential placement, these youth are at risk of harm, exploitation, or institutionalization.

Possible solution:

Planning for the service transition between foster care and DDA could begin earlier to allow enough time for eligibility determination and service coordination.

- The transition from New York’s Children’s Choice waiver and Title IV-E foster care setting is planned years in advance. Ideally, youth with developmental disabilities in Title IV-E foster care move into Office for People with Developmental Disabilities funded housing at 18. If housing cannot be secured, the individual may stay in foster care until 21.

- In Texas, children and youth with developmental disabilities in Title IV-E foster care are eligible for Texas’s lifelong waiver. Since these youth are already on the waiver, there is no administrative transition to an adult services waiver. The youth’s transition out of Title IV-E foster care is planned at age 16.
- In Alaska, children and youth with developmental disabilities in Title IV-E foster care are eligible for Alaska’s lifelong waiver. Since these youth are already on the waiver, there is no administrative transition to an adult services waiver.
- In Oregon, transition planning for youth with developmental disabilities involved in Department of Human Services Child Welfare begins when the youth is between 16.5 and 17 years old. Youth must move out of foster care by 21.

Further, Washington State could forecast the number of Title IV-E foster youth with developmental disabilities who will transition to DDA services every year so the appropriate allocations could be made.

Alternatively, a select number of DDA waiver slots could be reserved for youth exiting the Title IV-E foster care system. For example, Colorado reserves adult waiver capacity specifically for individuals aging out of Title IV-E foster care and the youth waiver. Similarly, Montana reserves 12 waiver slots for youth with developmental disabilities in Title IV-E foster care transitioning to the adult service setting.

Next steps:

- Solicit policy recommendations from the current workgroup comprised of developmental disabilities advocates and foster care advocates looking at the issues posed by transition from foster care to adult services.
- Investigate how many months before transition the planning process needs to begin.
- Ensure all DDA eligible youth are screened for developmental disability and DDA eligibility upon entering the foster care system.
- Produce caseload forecast of the number of children and youth that will transition out of Title IV-E foster care to DDA services based on data from DDA eligibility assessments.
- Investigate if and how DDA waiver services may improve access to specialized services for youth with developmental disabilities in Title IV-E foster care and/or consistency of services as children and youth move between service settings.

5. New License to Extend Age for Foster Care Homes

When a youth ages out of foster care, they are no longer able to live with their foster care family. Some foster care families would be willing to continue to provide housing to youth with developmental disabilities after they age out of Title IV-E foster care. Consistency in residential placement may be beneficial to youth with developmental disabilities and could facilitate the continued relationship-building between the family and the youth. However, foster care

families are currently unable to become residential service providers to the youth through the DDA system while maintaining their foster care license.

Issue:

There is no license available that allows a family to continue to provide services to a youth with developmental disabilities after they age out of Title IV-E foster care while continuing to maintain their foster care license. This means the family must choose between becoming a DDA residential provider and continuing to be a foster care home. This is a missed chance to create housing opportunities to youth with developmental disabilities.

Possible solution:

Washington could develop a new residential license that allows a foster care family to continue to provide housing to a youth with developmental disabilities after they age out of Title IV-E foster care at age 21.

- Host homes licensed through Colorado’s Department of Human Services allow adults and minors to cohabitate. The maximum ratio must not exceed 2 child to 1 adult or vice versa.

Next Steps:

- Research possible licensure options for continued placement of youth with developmental disabilities in foster care homes after the age of 21.
- Recruit and retain foster care families to provide continued services for youth with developmental disabilities past age 21.

6. Developmental Disability Certification for Foster Homes

Children and youth with developmental disabilities each have unique needs for support. Foster care parents should have access to the same supports, trainings, and consultation for caring for a child with developmental disabilities as any other family. Training and support for foster care families could help them network with the larger developmental disabilities advocacy community and learn about available services/supports in the community.

Issue:

There is currently no formal system of specialized training and support for foster care families that are caring for children and youth with developmental disabilities.

Possible solution:

A training program or certification program could be developed for foster families who want to serve children and youth with developmental disabilities. This training or certification could be a collaborative effort between DDA and DCYF. The training and certification would be a good

foundation of information for the foster families and could serve as a means of networking and ongoing support for the families and foster youth.

- Louisiana's authority on developmental disabilities is working towards hosting trainings directly for the foster care families.

Next Steps:

- DCYF and DDA develop foster care family training/certification for serving children and youth with developmental disabilities.
- DCYF recruit, train and retain foster care families to care for children and youth with developmental disabilities.

Moving Forward

There are children and youth with developmental disabilities in the Title IV-E foster care system that could be served better. The DD Ombuds is hopeful that the above information is helpful to both the advocacy community and policy makers. The information from other states can be a resource for identifying improvements in Washington's system for supporting and coordinating services for youth with developmental disabilities in Title IV-E foster care; for creating a smooth and productive transition between Title IV-E foster care and DDA services; and for supporting foster care families that serve children and youth with developmental disabilities.

To recap, the DD Ombuds proposes that stakeholders, advocates, and state agencies explore the following next steps:

- **Medicaid waivers** - Investigate if and how DDA waiver services may improve access to specialized services for youth with developmental disabilities in Title IV-E foster care and/or consistency of services as children and youth move between service settings.
- **Service Coordination between State Agencies** - Investigate options for better service coordination between DDA and DCYF at both the individual and systemic levels; Create opportunities for cross training between DCYF and DDA case managers.
- **Screening and Eligibility** - Research and develop protocols for automatic screening for developmental disabilities when a child or youth enters the Title IV-E foster care system; Create a system where identification of developmental disability by DCYF is referred to DDA for application and eligibility determination.
- **Transition to Adult Services** - Solicit policy recommendations from the current workgroup comprised of developmental disabilities advocates and foster care advocates looking at the issues posed by transition from foster care to adult services; Investigate how many months before transition the planning process needs to begin; Ensure all DDA eligible youth are screened for developmental disability and DDA eligibility upon entering the foster care system; Produce caseload forecast of the number of children and youth that will transition out of Title IV-E foster care to DDA services based on data

from DDA eligibility assessments; Investigate if and how DDA waiver services may improve access to specialized services for youth with developmental disabilities in Title IV-E foster care and/or consistency of services as children and youth move between service settings.

- **New License to Extend Age for Foster Care Homes** - Research possible licensure options for continued placement of youth with developmental disabilities in foster care homes after the age of 21; Recruit and retain foster care families to provide continued services for youth with developmental disabilities past age 21.
- **Developmental Disability Certification for Foster Care Homes** - DCYF and DDA develop foster care family training/certification for serving children and youth with developmental disabilities; DCYF recruit, train and retain foster care families to care for children and youth with developmental disabilities.

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