



VERMONT

AGENCY OF HUMAN SERVICES

**DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING
DEVELOPMENTAL DISABILITIES SERVICES DIVISION
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Memorandum of Understanding between Department of Disabilities Aging and Independent Living (DAIL) Developmental Disabilities Services Division (DDSD) and Department of Children and Families (DCF) Family Services Division (FSD)

SUBJECT:
Developmental Services for Children in
DCF custody in out of home placements

DATED: June 2, 2014

Approved by:
Camille George, DDSD, Division Director

SUPERSEDES:
October 20, 1997

Dave Yacovone, Commissioner, Department for Children and Families

INTRODUCTION

Children/youth with developmental disabilities who are in DCF/FSD custody may be appropriately supported in standard foster care. Some children, however, require specialized services offered by developmental disabilities services agencies to enhance the support for the child and care providers. These services may include, but are not limited to, service coordination, respite, home supports, clinical services and community supports. The purpose of this policy is to clarify financial responsibility and the use of Medicaid Home and Community Based Services (HCBS) and service agreements for children in custody.

DEFINITIONS

Developmental Disabilities Services Division (DDSD): DDSD plans, coordinates, administers, and evaluates state and federally funded services for persons with developmental disabilities.

Developmental disabilities services agencies: DDSD contracts with a number of community-based developmental disabilities services agencies to provide services to children and adults. Some of the services provided to children include service coordination, respite, home supports (developmental or shared living homes), clinical services and community supports. Services are provided within the constraints of the Division's financial resources and availability of programs. A list of developmental disabilities services agencies and the contact person regarding children is attached.

Developmental Disability (DD): For the purpose of this policy, developmental disability is defined in part 2 of the *Regulation Implementing the Developmental Disabilities Act of 1996, March 2011* or subsequent versions (<http://dail.vt.gov/dail-statutes/statutes-ddas-dds-documents/dd-regs-3-11>). The current definition is an intellectual disability or a pervasive developmental disorder which occurred before age 18 and which results in significant deficits in adaptive behavior that were manifested before 18 years of age.

POLICY

A. PLACEMENT DETERMINES FINANCIAL RESPONSIBILITY

1. DCF/FSD is financially responsible for the services identified in the Plan of Care for children with DD who are in DCF custody and placed out of the home.
2. When children with DD are in DCF custody and placed at home, each division will make decisions regarding funding and support in its usual and customary fashion. DDS involvement shall not be construed as child protection and should not be used to prevent removal from the home when there are grounds for a CHINS petition based on present danger.
3. DCF's legal responsibility for youth in DCF custody ends when the youth turns 18 or sooner if the court discharges custody. After that date, DCF has no authority to make decisions on behalf of youth formerly in custody. The youth must have a signed Extended Care Agreement for DCF financial support to continue past age 18. Eligibility for an Extended Care Agreement is the same for all youth regardless of presence of a disability. Youth have the right to decline receiving support from FSD at age 18.
4. For IV-E eligible young adults who remain in out of home care, DCF may continue to draw federal funds for youth up to their 19th birthday, but only if they are in high school with a plan to graduate by their 19th birthday. Young adults with DD often will not graduate by age 19. For these young adults, federal funding ends at age 18.
5. Generally, DCF funding for a youth with DD will end when federal funding ends, usually at age 18. On a case by case basis, the FSD Deputy Commissioner may grant an extension, if the extension is necessary to support continuity of services.
6. Youth in DCF custody should apply for adult developmental disability services at the designated agency for the county in which they reside approximately 6 months before their 18th birthday or if funding will continue past age 18, 6 months before funding is expected to end.
7. Eligibility determination and funding decisions will be made according to DDS regulation and System of Care Plan.

B. PURCHASING DEVELOPMENTAL DISABILITIES SERVICES

The primary funding mechanism for developmental disabilities services is Medicaid Home and Community Based Service (HCBS).

C. HOME AND COMMUNITY BASED SERVICES for out of home placement of children/youth in DCF custody.

DCF/FSD will pay daily room and board rate to the serving agency where applicable for children supported in DDS HCBS services. Documentation and procedures shall meet both departments' requirements including the DDS quality review process. DCF/FSD caseworkers are responsible for ensuring that developmental/shared living homes and respite homes are licensed by the DCF licensing unit. HCBS funds cannot be used for children in custody in institutional placements (3 or more service recipients living in a setting), residential schools or treatment centers or out of state placements.

PROCEDURES FOR ACQUIRING DEVELOPMENTAL DISABILITIES SERVICES

1. DCF/FSD District director or designee requests services for a specific child from a developmental disabilities services agency.
2. Developmental disabilities services agency completes intake and determines eligibility for Developmental Disabilities Services within 45 days of referral. Developmental disabilities services agency, child and family members (when appropriate) and DCF/FSD caseworkers/District Director develop a Plan of Care based on the needs assessment of the child including expected outcomes for services. DCF/FSD District Director negotiates the budget with developmental disabilities services agency.
3. The Plan of Care and negotiated budget, signed by the DCF/FSD District Director, are submitted to DDS Children's Services Specialist by the local developmental services agency. DDS shall review the budget to ensure that the services and service cost reflect needs of the child and meet statewide norms for people receiving DDS services. DDS shall not review the services in terms of DDS funding priorities, however, the amounts and rates for services should be in line with the DDS Level of Care guide in anticipation of when the child transitions to adult services.
4. DCF/FSD shall retain control over a child's SSI or other income and shall make a monthly room and board payment to the provider agency. The amount of room and board payment shall be in accordance with recommendations issued annually by the Commissioner of the Department of Disabilities, Aging and Independent Living.
5. DCF/FSD ensures identified care provider is licensed as a foster home or initiates licensing application process. Children/youth will not be placed until such time as the license is in place unless an official waiver of this requirement is allowed by Vermont's Residential Licensing and Special Investigations Unit. DCF/FSD ensures that appropriate agency and foster caretaker are identified on the SSMSI placement form.
6. As soon as DDS receives a signed budget from the DCF/FSD District Director and is in agreement with the cost of services, DDS will send a letter to the District Director and to the FSD central office system of care unit formalizing the agreement and specifying the Medicaid services amount. The transfer of funds for Medicaid services occurs annually and is conducted at the state level during closeout at the end of the FY.
7. Except in extenuating circumstances, DCF will provide 30 days of notice of termination of HCBS to the local provider agency, DCF central Office and the DDS Children's Specialist. DCF shall notify DDS if a child who is receiving developmental services funded by DCF is leaving DCF custody.
8. Changes in services or budgets during the fiscal year should be made via team agreement. A revised budget must be approved by the DCF District Director and sent to the DDS Children's Specialist for approval. DDS will then send a revised approval letter.
9. For the services and support of vulnerable children with developmental disabilities to be effective and have positive outcomes, it is critical that all parties collaborate as a team. Roles, responsibilities and methods of communication must be discussed and understood. Team meetings including the DCF case worker, DDS service coordinator, home/shared living provider, and other staff and family members important to the child should take place on a regular basis to discuss progress and challenges, and modify the child's plan accordingly. The team may seek technical assistance at any time from the DDS Children's Services Specialist and/or DCF Central Office Placement Specialists.

PROCEDURES FOR ANNUAL RENEWAL OF DCF/DS BUDGETS

1. DCF/DDSD budgets and plans of care must be renewed at the beginning of each fiscal year for those that will continue. Requests for renewal should be sent 30 days prior to the ending of the current budget. DDSD Children's Services Specialist will send a letter in the spring reminding DDS agencies of the process for renewing budgets. The DDS agency, in collaboration with the DCF case worker, is responsible for ensuring that the child has an updated needs assessment and the budgets are based on current need.
2. The DCF case worker should work with appropriate DDS agency staff to review the plan and any proposed changes from the current budget to a new budget, and reach agreement on any changes. If DCF is utilizing a sub-contractor to provide services outside the HCBS package, DCF will need to coordinate this decision-making with those providers. When the services are agreed upon, the DCF caseworker needs to obtain the DCF District Director's approval signature on each itemized budget.
3. The DCF caseworker, in conjunction with FSD central office staff from the System of Care unit, will review the birth date and end dates on the proposed budget for those youth who will be 18 years of age during the fiscal year and aging out of DCF custody. The end date for the budget should be the day before the youth's 18th birthday for those not participating in the voluntary extended care program. For youth participating in extended care, the same process will be followed substituting age 19 in this language.
4. Any budgets over \$125,000, as well as budget increases greater than \$5,000, must be discussed with DDSD Children's Services Specialist prior to submission to the DCF District Director.
5. The signed budgets should be mailed or faxed to DDSD Children's Services Specialist. DDSD will obtain central office approval from DCF, generate new agreement letters, and initiate billing. The signed agreement will be sent to the DCF District Director.
6. Changes in services or budgets during the fiscal year should be made via team agreement. A revised budget must be approved by the DCF District Director and sent to the DDSD Children's Specialist for approval. DDSD will then send a revised approval letter.



Susan Wehry, M.D., Commissioner, DAIL

7/15/14

DATE



Dave Yacovone, Commissioner, DCF

7/14/14

DATE

Developmental Disability Service Providers listed by County

DA – Designated Agency **SSA** – Specialized Services Agency **ISO** – Intermediary Service Organization

Bennington County

United Counseling Service, Inc. (DA) – 802-442-5491

Caledonia County

Northeast Kingdom Human Services, Inc. (DA) – 802-748-3181

Chittenden County

HowardCenter (DA) – 802-488-6500

Champlain Community Services, Inc. (SSA) – 802-655-0511

Transition II, Inc. (ISO) – 802-846-7007

Essex County

Northeast Kingdom Human Services, Inc. (DA) – 802-334-7310

Franklin County

Northwestern Counseling and Support Services, Inc. (DA) – 802-393-6550

Grand Isle County

Northwestern Counseling and Support Services, Inc. (DA) – 802-393-6550

Lamoille County

Lamoille Community Connections (DA) – 802-888-5026

Sterling Area Services, Inc. (SSA) – 802-888-7602

Orange County

Upper Valley Services, Inc. (DA) - 802-728-4476

Orleans County

Northeast Kingdom Human Services, Inc. (DA) – 802-334-7310

Rutland County

Rutland Mental Health Services, Inc. (DA) – 802-775-0828

Washington County

Washington County Mental Health Services, Inc. (DA) – 802-479-2502

Upper Valley Services, Inc. (SSA) – 802-496-7830

Windham County

Health Care and Rehabilitation Services of Southeastern Vermont (DA) – 802-463-3532

Lincoln Street Incorporated (SSA) – 802-886-1833

Windsor County

Health Care and Rehabilitation Services of Southeastern Vermont (DA) – 802-886-4500

Lincoln Street Incorporated (SSA) - 802-886-1833

Families First (SSA) – 802-464-9633