

BROADCAST DMAS-44

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TO: Local Directors, foster care and medical assistance staff

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SUBJECT: Implementation of SB 1135 – New Reporting Requirements Regarding Children with Developmental Disabilities in Foster Care

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This broadcast alerts local departments of social services (LDSS) to a new reporting requirement regarding foster care children with developmental disabilities. Passed by the 2019 General Assembly, Senate Bill (SB) 1135 directs LDSS to notify the appropriate Community Services Board (CSB) as soon as it is known that a child in the foster care system has a developmental disability. This is necessary so that the CSB may screen the child for placement on the statewide Developmental Disability (DD) waivers waiting list. Without this vital communication, the CSB may not be aware of the needs of the child until he or she is ready to exit the foster care system, at which point it may be too late to plan for timely receipt of necessary adult services and there may not be a DD waiver slot available.

Developmental disabilities may include, but are not limited to:

- intellectual disability
- cerebral palsy
- autism
- spina bifida
- various chromosomal disorders.

The state Code defines developmental disability as a severe, chronic disability of an individual that (i) is attributable to a mental or physical impairment, or a combination of mental and physical impairments, other than a sole diagnosis of mental illness; (ii) is manifested before the individual reaches 22 years of age; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and (v) reflects the individual's need for a combination and sequence of special interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. An individual from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting three or more of the criteria described in

clauses (i) through (v) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

LDSS are responsible for coordinating with their local CSB regarding procedures and points of contact for reporting foster care children with developmental disabilities in their custody. Questions regarding the DD waivers or the waiting list should also be directed to your local Community Services Board.