



Date: January 2, 2018

DMS Numbered Memo 2018-01

To: County Department of Human Services Directors
County Department of Social Services Directors
County Department of Community Programs Directors
Long-Term Support Supervisors and Leads

From: Curtis Cunningham, Assistant Administrator
Long Term Benefits and Programs

A handwritten signature in black ink, appearing to read "Curtis Cunningham".

**Children's Long-Term Support Programs:
Revised Policy for Serving Children From the Wait List**

Background

Children's long-term support (CLTS) programs support children with disabilities and their families by coordinating services to support the child's health, safety, and welfare needs in an inclusive home and community setting. Key actions to mitigate risk to a child's health and safety are identifying and addressing conditions that indicate heightened vulnerability.

Purpose

This memo communicates a revision to the wait list policy for CLTS programs to include additional crisis need criteria. Children meeting the definition of a vulnerable child as defined in this memo will be able to bypass the CLTS program wait list and immediately enroll.

Vulnerable Child

Understanding vulnerability helps professionals serving children anticipate and mitigate risk to health and safety and the potential for serious injury. Children with disabilities face greater risk to health and safety than children without disabilities.¹ Some children who are eligible for CLTS programs have conditions present in their life situation that indicate they are more vulnerable and at a heightened risk to health and safety.

CLTS programs define a vulnerable child as a child who is either eligible for more than one of the three target groups served by the CLTS programs (intellectual/developmental disability, physical disability, or severe emotional disturbance), as determined by the Children's Long Term Support Functional Screen (CLTS FS), or has a high level of life-sustaining needs (nutrition, fluids, or medical treatment) with a limited informal support network. In addition, at least one of the following must apply:

¹ Erika Harrell, "Crime Against Persons with Disabilities, 2009-2015-Statistical Tables," Bureau of Justice Statistics (BJS), July 2017, accessed November 21, 2017, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5986>.

- The child is isolated with limited or no adult contact outside the home and is not available to be observed.
- The child is nonverbal and has limited ability to communicate.
- The child is medically complex, requires significant care from a caregiver or parent, and is highly dependent on others to meet basic needs.
- The child is the subject of current or historical child abuse and neglect reports.
- The child has a primary caregiver who is actively abusing substances.
- The child is dependent on caregivers or parents with limited cognitive, emotional, and/or behavioral capacity to provide for these needs.

Revised Policy: Serving Children From the Wait List

The [Medicaid Home and Community-Based Services Waivers Manual, Chapter I, Section 1.06 D.](#) will be updated to the following:

The only exception that can be made to the first-come, first-served CLTS Waiver Program wait list policy allowing county waiver agencies to bypass others is when a person meets one of the crisis need criteria. These criteria are to be applied in all such circumstances and may not be modified or expanded by the county waiver agency. The only permissible reasons a person may bypass the CLTS Waiver Program wait list and be served out of first-come, first-served order are as follows:

- Crisis conditions are present in the person's life situation. The need must be classified as a crisis if an urgent need is identified as a result of any of the following:
 - Substantiated abuse, neglect, or exploitation of the person in his or her current living situation.
 - The death of the person's primary caregiver or the sudden inability of that caregiver or support person to provide necessary supervision and support and no alternate caregiver is available.
 - The lack of an appropriate residence or placement for the person due to a loss of housing.
 - The person has a documented terminal illness and has a life expectancy of less than six months, based upon the opinion of a medical professional appropriately qualified to make such a determination.
 - A sudden change in the person's behavior or the discovery that the person has been behaving in a manner that places anyone with whom the person shares a residence or the community at large at risk of harm.
- The county waiver agency finds that the health and safety of the person is in jeopardy due to the primary caregiver's physical or mental health status.
- The county waiver agency determines that the person is at imminent risk of a more restrictive placement in an intermediate care facility for individuals with intellectual disabilities, nursing home, or other institutional setting.
- The county waiver agency finds that other emergency or urgent conditions exist that place the person at risk of harm.
- The county waiver agency finds that the person is a vulnerable child who is either eligible for more than one of the three target groups served by the CLTS Waiver Program (intellectual/developmental disability, physical disability, or severe emotional disturbance), as determined by the CLTS FS or has a high level of life-sustaining needs (nutrition, fluids, or medical treatment) with a limited informal support network. In addition, at least one of the following must apply:
 - The child is isolated with limited or no adult contact outside the home and is not available to be observed.
 - The child is nonverbal and has limited ability to communicate.

- The child is medically complex, requires significant care from a caregiver or parent, and is highly dependent on others to meet basic needs.
- The child is the subject of current or historical child abuse and neglect reports.
- The child has a primary caregiver who is actively abusing substances.
- The child is dependent on caregivers or parents with limited cognitive, emotional, and/or behavioral capacity to provide for these needs.

Procedures

The Wisconsin Department of Health Services (DHS) is responsible for ensuring the health and safety of all CLTS program participants and assigns and shares this responsibility in part to and with county waiver agencies. DHS is also responsible for establishing statewide policies and procedures for tracking eligible children waiting to receive CLTS program services.

During eligibility determination and enrollment processes and while children are on a CLTS program wait list, county waiver agencies must apply the revised crisis need criteria to identify conditions present in a child's life that indicate vulnerability and elevated risk to health and safety. When crisis need is identified for a child, county waiver agencies will process a variance to bypass the wait list.

Summary and Effective Dates

This memo communicates a revision to the wait list policy for CLTS programs to include additional crisis need criteria that addresses applicants identified as vulnerable children.

Effective January 2, 2018, county waiver agencies must apply the revised crisis need criteria during eligibility determination and enrollment processes and while children are on a wait list for a CLTS program.

Assistance

CWAs are encouraged to direct any questions to the [children's services specialist](#) assigned to their county.