

DISABLED CHILD CASES IN IN-HOME SUPPORTIVE SERVICES

SUMMARY

The 2014/2015 San Diego County Grand Jury determined that the process for the assignment of cases in the San Diego County administered In-Home Supportive Services (IHSS) program should be improved. There is a need to separate the cases involving disabled children from the cases of seniors and disabled adults. The Grand Jury recommends IHSS establish a separate unit devoted to disabled child applicants and recipients of IHSS services in each of its five offices. Social Workers assigned to such cases should have special training not only in evaluating home care needs resulting from childhood disabilities, but also in recognizing the behavior patterns and limitations associated with these conditions.

INTRODUCTION

In-Home Supportive Services (IHSS) is a State mandated program under which Medi-Cal eligible individuals receive services allowing them to remain in their homes. Medi-Cal funding for IHSS comes from the Federal government, State government and from a local County share of cost met through social services realignment. In San Diego County the IHSS program is administered by Aging and Independence Services, a division of the San Diego County Health and Human Services Agency.

Typically, IHSS recipients are disabled and senior adults, but a small but increasing percentage of clients are disabled children. Table 1, supplied by Aging and Independence Services, shows the breakdown of IHSS cases in San Diego County for the last five fiscal years.

TABLE 1

YEAR	TOTAL NUMBER OF IHSS CLIENTS	NUMBER OF IHSS CLIENTS UNDER 18	PERCENTAGE OF IHSS CLIENTS UNDER 18
2010	28,693	1,735	6.05%
2011	28,576	1,763	6.17%
2012	27,798	1,825	6.57%
2013	27,680	1,811	6.54%
2014	29,256	2,039	6.97%

Major ailments, including but not limited to autism, cerebral palsy, epilepsy, Down syndrome and intellectual disabilities, are among the conditions faced by children.

The Grand Jury received a complaint from an IHSS applicant who was applying for benefits for a non-verbal ten year-old child with a severe developmental disability. The

child needs constant supervision and assistance with eating, dressing and toileting. He is unable to discriminate between safe and unsafe situations.

During a home visit, an IHSS Social Worker interpreted the actions of the child and the reactions of the complainant to be symptomatic of child neglect or abuse. As required by law, the Social Worker referred the case for a Child Welfare Services investigation. The allegations were dismissed after an investigation of two months, during which time the complainants lived in an atmosphere of uncertainty.

The complainant had sufficient resources which allowed the family to obtain a favorable outcome. Other families with less resources and sophistication may have been faced with removal of their child.

PROCEDURES

Members of the Grand Jury interviewed:

- The complainants;
- Senior staff of Aging and Independence Services; and
- Staff of the Medically Fragile Unit of Child Welfare Services.

Members of the Grand Jury reviewed:

- IHSS Program statistics; and
- California State Department of Social Services training material for IHSS Social Workers.

DISCUSSION

The IHSS program was originally conceived as a service program which enabled low income seniors to remain in their own homes by providing them help with household chores and personal care services of a non-medical or para-medical nature. According to the California Department of Social Services training syllabus for IHSS Social Workers, the program expanded over the years to include disabled adults and disabled children.

The In-Home Supportive Services (IHSS) Program can pay for the care of disabled children so they can remain safely in their own home. This allows one parent to stay home to take care of a disabled child instead of having to seek out child care or nursing care while he or she is working.

The following services can be provided through IHSS:

- Household chores, such as house cleaning, changing bed linen, laundry, meal preparation, meal clean-up, food shopping, and errands.
- Personal care services, such as non-medical assistance with respiration, bowel and bladder care, feeding, bathing, grooming, dressing, assistance with ambulation, help moving in and out of bed, and assistance with medications.

- Protective supervision: monitoring and observing the behavior of children with cognitive or mental impairments, intervening when necessary to prevent injuries. Some children require twenty-four hour supervision. The number of recipient children in this category has increased dramatically in the last two years, from 219 in 2013 to 397 in 2014, according to data supplied by Aging and Independence Services.

Under a program called Institutional Deeming,¹ parent(s) income and resources are exempt. The disabled child is treated as a resident of an institution and can receive all the services funded by Medi-Cal to remain in his or her own home.

The complainants applied for protective supervision for their child. In support of their application they documented several instances where their child wandered momentarily into potentially unsafe situations. That documentation was used as part of the evidence to substantiate a claim of child neglect.

IHSS Social Workers are not trained in child protective services, but they are mandated reporters of neglect or abuse. If they see what they perceive as signs of neglect, they are required to make a referral for investigation by a Child Protective Services Worker. IHSS workers are instructed to be more safe than sorry when deciding whether to report suspected child neglect.

Developmentally disabled children are prone to unusual behaviors, such as lying down in the middle of the street. The techniques used by parents to control those behaviors can easily be mistaken for child neglect. IHSS Social Workers should be trained to recognize the typical behaviors of developmentally disabled children. The training might also give them a better understanding of the mechanisms used by parents to cope. Recognizing such coping mechanisms as normal responses may reduce the need for IHSS Social Workers to make Child Protective Services referrals.

Currently there is no differentiation among the types of cases IHSS Social Workers can be assigned. IHSS cases of seniors and disabled adults can be on the same caseload as cases of disabled children.

Child Welfare Services, which is another division of the San Diego County Health and Human Services Agency, has a specialized unit called the Medically Fragile Unit. This unit investigates allegations of child abuse and neglect of children with serious medical impairments. Staff assigned to this unit testified that the major benefit of having a specialized unit is that workers become familiar not only with the proper treatments for a wide variety of childhood diseases but also with the network of resources available to provide services to the children and their families.

¹ www.sclarc.org

The Grand Jury recommends that an analogous specialized unit be established in IHSS dedicated to evaluating initial eligibility and providing ongoing case management for cases of disabled children. Our investigation revealed that IHSS management recently considered such a change, but did not implement it because the staff preferred the mixed caseloads.

The medical limitations of disabled children are often different from those of adults. Adults may be unable to perform certain tasks because they no longer have the physical capacity to do so. Developmentally disabled children may have never learned how to do those tasks.

The network of service providers is also somewhat different for children. It can include the San Diego Regional Center, a comprehensive service program for persons with developmental disabilities, and California Children's Services, a statewide program for physically disabled children which provides durable medical equipment, appliances and supplies. Having a special unit would allow IHSS Social Workers to become more familiar with these and other providers, thus increasing their ability to provide quality customer services.

The California State Department of Social Services, which oversees all County administered IHSS programs in the State, has a detailed training syllabus on its website, called the IHSS Training Academy. In the chapter entitled *IHSS and Children*, there is a comprehensive discussion of each of the major childhood diseases. Seventeen diseases are discussed, including autism, cerebral palsy, Down syndrome, epilepsy, intellectual/developmental disability and traumatic acquired brain injury. One of the objectives of this training is to enable Social Workers not only to recognize the extraordinary needs of children who have these ailments, but also what special supportive services they require.

San Diego County IHSS already uses the core training module, called *IHSS 101*, of the State syllabus in its initial training. The Grand Jury recommends that the module called *IHSS and Children* be mandatory training for all IHSS workers having child disability cases, whether or not the recommendation to establish the specialized unit is implemented.

FACTS AND FINDINGS

Fact: Disabled children present a different set of problems and needs from disabled adults.

Fact: The number of children receiving IHSS protective supervision has increased from 219 in 2013 to 397 in 2014.

Fact: IHSS Social Workers are mandated reporters of suspected child neglect or abuse.

Fact: The State Department of Social Services has a training syllabus devoted to childhood disabilities as they relate to IHSS.

Finding 01: IHSS social workers may mistake some behaviors of disabled children and their parents (or caregivers) as indicators of child neglect or abuse.

Finding 02: Specialized training in the major childhood disabilities not only would enable social workers to evaluate home care needs accurately, but also could reduce the need for referrals to Child Protective Services.

RECOMMENDATIONS

The 2014 /2015 San Diego County Grand Jury recommends that the Director of Aging and Independence Services of the County Health and Human Services Agency:

- 15-36: Designate special units dedicated to disabled child cases.**

- 15-37: Institute specialized initial and ongoing training, similar to that contained in the State Department of Social Services IHSS Training Manual *IHSS and Children*, for IHSS Social Workers in those special units.**

- 15-38: If the recommendation to establish the specialized units is not adopted, train all IHSS Social Workers using the State syllabus *IHSS and Children*.**

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding

- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Responding Agency	Recommendations	Due Date
Director, Aging and Independence Services, County of San Diego	15-36 through 15-38	8/24/15