

CHAPTER 3

ASSESSMENT STANDARDS & AUTHORIZED SERVICES

ASSESSMENT OF CHILDREN/RELATED ISSUES

Introduction

This section provides information on:

- Assessing children for IHSS.
- Assessment of children when custodial care is performed by the natural or adoptive parent versus a legal guardian.
- Procedures for an IHSS applicant/recipient providing custodial care for a child.

IHSS

IHSS is provided for impaired individuals to establish a safe environment in lieu of institutionalization. Children's needs for IHSS exist only to the extent that they are extraordinary for the age of the child (regardless of the relationship of the custodian, the abilities of the custodian to provide care, or presence at the time the care must be provided). A child is an individual under eighteen years of age.

Responsibility Of Natural Or Adoptive Parent(S)

Even if the child has extraordinary needs, the natural or adoptive parent(s) must provide care without compensation unless no other suitable provider is available and:

- Parent(s) work full-time or attend education or training for vocational purposes and then IHSS may only be paid while parent is at work.
- Parent(s) is physically or mentally unable to perform care.
- Parent(s) has marketable skills and cannot work because of the need to provide care for the child and the child is at risk of inappropriate institutionalization if the parent does not stay home to provide that needed care.
- The above exclusions apply to *all natural or adoptive parents*, regardless of whether eligibility is established for special populations, such as EPSDT or Regional Center participants.

For the purposes of Section 30-763.451(b), a suitable provider is any person, other than the recipient's parent(s), who is willing, available, and qualified to provide the needed IHSS.

- Tasks that are normal parenting responsibilities (e.g., meal preparation) will not be provided through IHSS. Extraordinary needs of the child (e.g., 10-year-old child who cannot bathe him/herself) may be provided through IHSS.
- Up to eight hours per week may be authorized for periods when the parent(s) must be absent from the home in order to perform shopping and errands essential to the family, or for essential purposes related to the care of the recipient's siblings who are minors.
- PCSP eligibility does not exist if the service provider is the natural or adoptive parent.

Custodian Other Than Natural Or Adoptive Parent

A legal guardian is not considered a natural or adoptive parent, and therefore is not subject to the exemption restrictions listed above.

- IHSS does not provide compensation for providing the routine needs of a child.
- Potential PCSP eligibility exists for cases with a legal guardian as provider, *if the applicant is otherwise eligible to IHSS.*

IHSS Applicant/Recipient Who Is Also Custodian Of A Minor Child

An IHSS applicant/recipient who is also the custodian of a minor child will be assessed for his/her personal care needs solely. Domestic and related services are treated as follows:

- Natural or adoptive parent of child(ren) under the age of 14: domestic and related tasks do not need to be prorated for the child(ren). Hours will not be added because of the needs of the child(ren), nor will they be prorated due to the child(ren).
- Custodian other than natural or adoptive parent of child(ren) under the age of 14: Domestic and related tasks must be prorated for the child(ren). Hours will not be added because of the needs of the child(ren).

Needs Assessment For Children

Needs are assessed based on the age-appropriate abilities of a non-impaired child. Age Appropriate Guidelines provided by the California Department of Social Services (CDSS) are attached. (30-763.454)

Domestic services are not routinely authorized for a child, regardless of the relationship of the child's custodian. If domestic services are authorized, the exception must be noted in the narrative, and on the Needs Assessment Worksheet (HHS 12-42). Approval by the Social Work Supervisor is required for all exceptions.

Protective Supervision (PS) For Minors

Protective supervision for minors is subject to the same restrictions as those for adults.

- However, children will be evaluated for age-appropriate behavior when determining the need for protective supervision (e.g., protective supervision would never be provided for a one-year old).
- Needs are assessed to determine if extraordinary care is necessary using age appropriate guidelines.
 - When assessing a child for protective supervision, the Social Worker will counsel the care provider that specialized parenting classes are available that teach the parent specific skills, such as limit setting, that may prevent more severe behavior problems as the child gets older (e.g., Regional Center).
 - Respite care can be provided for the care provider to attend such a class.
- **The IHSS Social Worker will always assess an IHSS eligible minor for mental functioning (CDSS Division 30-756.1, 756.2, 761.261; Welfare & Institutions Code [WIC] § 12300[d][4], 12301.1, 12309, [b][1][2][c]).**

The following steps must be taken when assessing a minor's mental functioning:

- The Social Worker will review a minor’s mental functioning on an individualized basis and will not presume a minor of any age has a mental functioning score of “1.” (CDSS Division 30-756.372; WIC § 12301[a], 12301.1)
- The Social Worker must assess all eligible minors for a mental impairment. In doing so, the worker must request the parent or guardian to obtain available information and documentation about the existence of a minor’s mental impairment. (CDSS Division 30-756.31, 756.32)
 - For example, is the minor SSI eligible based on mental impairment? Alternatively, is the minor eligible for Regional Center services based on mental retardation, autism, or a condition like mental retardation, or needs services similar to someone with mental retardation?
- The Social Worker must evaluate a mentally impaired minor in the functions of memory, orientation, and judgment. (CDSS Division 30.756.372)
- The Social Worker will review the information and documentation provided by the parent or guardian. The Social Worker is not required to independently obtain such information and documentation, but should ask parents or guardians to do so if they can.

Advising Parents of the Conditions for a Minor to Receive Protective Supervision

- The Social Worker must advise parents or guardians of a minor with a mental impairment of the conditions for receiving PS (under CDSS Division 30-757.17) if the minor has a mental impairment.
- The Social Worker must assess each minor with a mental impairment for PS based on individual need. (CDSS Division 30-756.1, 756.2, 761.261; WIC § 12300[d][4], 12301.1, 12309[b][1], [2][C])
 - In doing so, the Social Worker will request the parent or guardian to obtain available information and documentation about a minor’s mental impairment, including other agency records such as those from Regional Centers with the written consent of parent or appropriate persons, and then review such information and documentation. (CDSS Division 30-761.26) (The Social Worker is not required to independently obtain such information and documentation, but must ask the parent or guardian to do so.)
- The Social Worker must determine whether a minor needs more supervision because of his/her mental impairment than a minor of the same age without such impairment. (WIC § 12300[d][4])
- A minor must not be denied PS based solely on age. (WIC § 12301.1)
- A minor must not be denied PS, based solely on the fact that the minor has had no injuries at home due to the mental impairment, so long as the minor has the potential for injury by having the physical ability to move about the house (not bedridden). (CDSS Division 30-761.26, MPP § 30-763.1; WIC § 12300)
- A minor must not be denied PS solely because a parent leaves the child alone for some fixed period of time, like five minutes. (CDSS Division 30-761.26, 30-760.24, 30-763.1; WIC § 12301.1)
- The Social Worker must consider factors such as age, lack of injuries, and parental absence, together with all the other facts, in determining whether or not a minor needs protective supervision. (WIC § 12301.1)

- When assessing a child for protective supervision, the Social Worker will counsel the care provider that specialized parenting classes are available that teach the parent specific skills, such as limit setting, that may prevent more severe behavior problems as child gets older (e.g., at Regional Center). Respite care can be provided for the care provider to attend such a class.

Advance Pay

An IHSS recipient is entitled to advance pay if he/she meets the definition of severely impaired (20 or more hours of personal care per week).

Tasks which do not qualify as IHSS because they are normal parenting responsibilities do not count towards the 20 hours mentioned above.

If time sheets are not received timely, or advance payment is used for purposes other than IHSS, the case may be changed to arrears.

Own-Home

A child whose caretakers receive foster care payments or SSI/SSP board and care payments is not living in his/her own home, and therefore not eligible for IHSS. A child pending adoption may be a concurrent foster care placement.

Respite Care

Respite care may be authorized for a respite provider while the parent is out of the home in order to perform shopping and errands essential to the family or for essential purposes related to the care of the recipient's siblings who are minors. Maximum authorization time for respite care is eight hours per week.