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ABSTRACT

This report accompanies House of Representatives bill 2088 and recommends passage of the bill to revise and extend programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986. The bill extends the programs for 2 years, strengthens reporting requirements, and requires the states to provide interagency coordination. Need for the legislation, as expressed through Congressional testimony, is documented. The report includes a legislative history, explanation of the bill, oversight considerations, cost estimate from the Congressional Budget Office, section-by-section analysis, and a reprint of the existing law showing changes made by the proposed legislation. (JDD)

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CHILDREN WITH DISABILITIES TEMPORARY CARE  
REAUTHORIZATION ACT OF 1989

JUNE 27, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 2088]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 2088) to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

SUMMARY OF THE LEGISLATION

The "Children With Disabilities Temporary Care Reauthorization Act of 1989", H.R. 2088, extends the programs for temporary care for children with handicaps and crisis and respite nurseries for two more years. The bill would require the States to provide interagency coordination by requiring State agency grantees to develop a State plan for agencies involved in the provision of respite care and crisis nursery services. Additionally, reporting requirements are strengthened, so that information concerning such details as costs and the types and amounts of the services provided are included within the States' annual report to the Secretary. The legislation authorizes \$20 million for each of the two fiscal years the program is reauthorized.

NEED FOR LEGISLATION

Powerful testimony was presented before the Subcommittee as to the continuing need for this legislation. Ample evidence was pro-

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vided to the Subcommittee as to its value for families. Children with disabilities have been shown statistically to be at high risk of child abuse or parental neglect. These children require special and almost continuous care, and in many instances this puts special pressures and strains on families. Respite care and temporary child care is an opportunity to prevent potential child abuse or neglect before it happens.

However, testimony showed that networks to provide crisis and respite care, particularly for children with disabilities, are still in their infancy. As medical science makes it possible for increasing numbers of these children to live at home, the need for these services and urgency attached to providing them, becomes more apparent. It is good for the family, it is good for the children and it is good for the country.

Additionally, this is a program which saves the Federal government money, while not depending on the Federal "purse" for the majority of its funding. The Federal "seed money" provided by this program yields tremendous dividends in State expenditures. However, there is still a problem with accessibility and availability. The GAO testified that the State programs vary greatly in size and funding, for example whereas Massachusetts spent \$18.5 million on respite care Indian spent only \$1.1 million (the two States are roughly similar in terms of comparable numbers of handicapped children).

There is a need for greater coordination of services. The GAO found that there are often multiple State agencies, in some cases as many as four, that fund respite services. Additionally, evaluation efforts need to be improved. As a first step GAO has recommended that programs need to work toward a uniform definition and collect information on services, recipient families and costs.

Another survey conducted by the House Select Committee on Children, Youth and Families found that these demonstration funds have allowed States to move in the right direction:

States are finding that the need for respite services for families of disabled, chronically ill and emotionally disabled children is as great or greater than expected.

States are serving populations previously not served by respite care programs, including chronically ill or severely emotionally disturbed children, very young children, or families in isolated rural areas.

States report that the crisis nursery grants are creating ways to respond to parents under stress before damage is done and before removal of children from the home becomes necessary. But they also report that the need is overwhelming, especially for special populations.

Since most of the temporary child care or crisis nursery programs are targeted to limited areas of a state (only two have state-wide programs), large segments within states are left with no services whatsoever.

For many States more time is needed to demonstrate need and/or effectiveness of the program.

### LEGISLATIVE HISTORY

Originally enacted as Title 11 of the "Children's Justice and Assistance Act of 1986" (Public Law 99-401), the legislation was extended by Public Law 100-403 for one year at a "such sums" authorization. H.R. 2088 was introduced by Mr. Owens and Mr. Bartlett, the Chairman and Ranking Member of the Subcommittee on Select Education, respectively, on April 25, 1989. The bill was referred to the Committee on Education and Labor and the Subcommittee on Select Education. One hearing on the re-authorization was held on April 6, 1989, in Washington, D.C.

There were two panels who gave testimony on the legislation at the April 6, hearing. On the first panel was Ms. Betty Stewart, Associate Commissioner of the Children's Bureau who testified on behalf of the administration. On the second panel was Mr. Franklin Frazier, Director of Income Security Issues (Disability and Welfare) Human Resources Division, General Accounting Office, Dr. James Knoll, Senior Research Analyst, Human Services Research Institute, Cambridge, Massachusetts, Dr. Jennifer Cernoch, Project Director, Texas Respite Resource Network, and Ms. Kathy Mandeville, Parent and Chairperson New Hampshire Support Taskforce, on behalf of United Cerebral Palsy Associations, Inc. The Honorable George Milier, Chairman of the Select Committee on Children, Youth and Families of the House of Representatives, submitted written testimony.

On May 5, 1989, the Subcommittee unanimously ordered the bill reported without amendments to the Full Committee, by recorded vote. On June 6, 1989, the Committee on Education and Labor ordered the bill reported without amendment.

### EXPLANATION OF THE BILL

The Committee continues to support the basic programs authorized by this act and the amendments in the bill are for the purpose of clarifying the purpose or policy of the program and to improve its administration. The Committee is pleased that States are carrying out, to the extent possible, the purposes described in the law and intended by the Committee, in spite of limited funds that have been available to date. It remains evident that States require more tools to adequately evaluate the programs, and more resources to address the tremendous need. It is also the intent of the Committee to use the information gathered by these important demonstration programs to assist in broadening the scale and scope of their efforts.

The Committee intends, by extending and increasing the authorization for the "Temporary Child Care for Children with Disabilities and Crisis Nurseries Act," to enable more states and communities to participate in the demonstration effort, and by strengthening the evaluation requirements, intends to provide the basis for determining in a more careful way, the promise of such an approach to alleviating family stress that can undermine family stability and even lead to child abuse.

The bill recognizes that children with disabilities are children first and adopts the term "children with disabilities" as consistent with such language in the "Developmental Disabilities Assistance

and Bill of Rights Act of 1987" (Public Law 100-106). Amendments with this language are made to Sections 203 and 205 of the Act.

The bill amends the Act to require specific planning information from the States in their application for Federal funds. Respite care services can be funded by a variety of federal financial assistance programs. The new requirement will assure that States will have a statewide, coordinated interagency plan including the State agencies which receive federal financial assistance for social services, maternal and child health, comprehensive health and mental health, medical assistance and infants, toddlers and families. By requiring this interagency planning while respite care is still in its early stages of development in most States, the Committee intends to stress the importance of respite care as a family support service across disabilities and across agencies to assure an increasing State effort to support rather than supplant families and force costly out-of-home placement for children with disabilities.

In the past there has been limited control by or information from families regarding services received. The Committee recognizes that family satisfaction with respite care is essential to a family's use of this important service. The Committee also recognizes that the more involvement the family has in choosing the respite program and/or worker, the greater the likelihood of their satisfaction and the further use of the service to reduce family stress. Therefore, the bill amends Section 205(c) of the Act and requires the States, as part of their reporting, to provide information documenting parental satisfaction with the services provided.

The bill also amends Section 205(c) of the Act to require the States to provide information in their reports to the Secretary and the Department regarding the State's strategy for expanding the availability of temporary childcare (respite) and other family support services for families of children with disabilities and chronic illnesses. The Committee is concerned that the funds authorized under this Act are used as a catalyst and for seed money in the States to develop and/or enhance a statewide system of family support services using private and public funds and appropriate fees to assure that all families with children with disabilities and chronic illness are provided the opportunity to receive these services and to maintain their children in the family home rather than to only receive costly out-of-home care which has negative consequences for the family, the child and the taxpayer.

The bill raises the authorization level to \$20,000,000 for each of the fiscal years 1990 and 1991. The authorization level recommended by the Committee is necessary to assure that all States will be able to access these funds to develop and enhance the temporary childcare and family support services for families with children with disabilities and chronic illnesses. The Committee is aware that this authorization represents a significant increase over the current level; however, the Committee also is aware that in FY 1988 the Federal share of Medicaid payments to States for institutional care in the Institutional Care Facilities for the Mentally Retarded program was \$3.38 billion. Thus, this \$20,000,000 authorization is a minimal investment necessary for States to develop family support programs rather than to increase costly family supplementation programs.

In addition, State grant recipients are asked to provide greater documentation as to the use and value of the services provided. It is the Committee's intent that such information be used to help improve the delivery of services provided under the Act. Existing state and federal confidentiality laws should govern how the data is collected and distributed. The information collected should be available to the Congress.

#### OVERSIGHT

No findings or recommendations concerning oversight of the programs amended in this bill have been received by this Committee from the Committee on Government Operations. Findings from the Subcommittee's oversight hearings contributed to consideration of this legislation.

#### COST ESTIMATE

The Congressional Budget Office has estimated the following costs to the Federal government in implementing this legislation. The Committee concurs in these estimates and adopts them in compliance with clause VII of Rule 13. No cost estimates have been received from any other Federal department or agency.

The CBO letter follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 14, 1989.*

Hon. AUGUSTUS F. HAWKINS,  
*Chairman, Committee on Education and Labor,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request, the Congressional Budget Office has prepared the attached cost estimate for H.R. 2088, the Children With Disabilities Temporary Care Reauthorization Act of 1989, as ordered reported by the House Committee on Education and Labor on June 8, 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2088.
2. Bill title: Children With Disabilities Temporary Care Reauthorization Act of 1989.
3. Bill status: As ordered reported by the House Committee on Education and Labor on June 8, 1989.
4. Bill purpose: The purpose of this bill is to revise and extend through FY 1991 the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.
5. Estimated cost to the Federal Government:

(By fiscal years, in millions of dollars)

	1990	1991	1992	1993	1994
Authorization level.....	20	20			
Estimated outlays.....	4	19	16	1	

The costs of this bill fall in Function 500.

Basis of estimate: H.R. 2088 would extend through FY 1991 the authorization of appropriations for programs under the temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986. Current authorization for the programs expires on September 30, 1989. New authorization levels are stated in the bill. Outlay estimates were made assuming full appropriation of the stated authorization levels, and assuming continuation of the current spending pattern of the programs.

6. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be affected directly by enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Namian.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

#### INFLATIONARY IMPACT

The temporary child care for children with disabilities and crisis and respite nurseries programs reauthorized under H.R. 2088 will contribute to savings in other social costs and programs and therefore will have an anti-inflationary impact.

#### SECTION-BY-SECTION ANALYSIS

Section 1. Short title will now read: "Children With Disabilities Temporary Child Care Reauthorization Act of 1989."

Section 2. Strikes all references to "handicapped children" and inserts in lieu thereof "children with disabilities".

Section 3. Would require the development of a state plan for coordination among agencies in carrying out programs and activities authorized under this legislation.

Section 4. Would require State grant recipients to include within their annual report additional information concerning demographic data on recipients of services, the number of families receiving services, and the documentation of parental satisfaction with the services provided. Additionally, States will be required to specify the amount and source of public and private funds expended in the State for temporary child care for children with disabilities or with chronic or terminal illnesses. A state strategy for expanding the availability in the State of temporary child care and other family support for families of children with disabilities is also required.

Section 5. Would amend the authorization of the legislation by providing \$20 million dollars for each of fiscal years 1990 and 1991.

Section 6. Would revise the short title to reflect change specified under Section 1.

Section 7. Would specify that the amendments made by the Act would take effect October 1, 1989 or upon enactment, whichever occurs later.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES ACT OF 1986

#### TITLE II—TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES

##### SEC. 201. SHORT TITLE.

["This title may be cited as the "Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986".] *This title may be cited as the "Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986".*

\* \* \* \* \*

##### SEC. 203. TEMPORARY CHILD CARE FOR HANDICAPPED AND CHRONICALLY ILL CHILDREN.

The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide in-home or out-of-home temporary non-medical child care for [handicapped children] *children with disabilities*, and children with chronic or terminal illnesses. Such care shall be provided on a sliding fee scale with hourly and daily rates.

\* \* \* \* \*

##### SEC. 205. ADMINISTRATIVE PROVISIONS.

###### (a) APPLICATIONS.—

(1)(A) Any State which desires to receive a grant under section 203 or 204 shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

[(A)](i) describe the proposed State program, including the services to be provided, the agencies and organizations that will provide the services, and the criteria for selection of children and families for participation in projects under the program;

[(B)](ii) contain an estimate of the cost of developing, implementing, and evaluating the State program;

[(C)](iii) set forth the plan for dissemination of the results of the projects; [and]

[(D)](iv) specify the State agency designated to administer programs and activities assisted under this title and



the plans for coordinating interagency support of the program [..]; and

(v) with respect to State agencies described in subparagraph (B), provide documentation of a commitment by all such agencies to develop a State plan for coordination among the agencies in carrying out programs and activities provided by the State pursuant to a grant under section 203.

(B) State agencies referred to in subparagraph (A)(v) are State agencies responsible for providing services to children with disabilities or with chronic or terminal illnesses, or responsible for financing services for such children, or both, including State agencies responsible for carrying out State programs that—

(i) receive Federal financial assistance; and

(ii) relate to social services, maternal and child health, comprehensive health and mental health, medical assistance and infants, or toddlers and families.

(2) Such application shall contain assurance that—

(A) not more than 5 percent of funds made available under this title will be used for State administrative costs;

(B) projects will be of sufficient size, scope, and quality to achieve the objectives of the program;

(C) in the distribution of funds made available under section 203, a State will give priority consideration to agencies and organizations with experience in [working with handicapped and chronically ill children and their families] *working with children with disabilities, with chronically ill children, and with the families of such children, and which serve communities with the greatest need for such services;*

\* \* \* \* \*

(c) **E VALUATIONS.**—States receiving grants under this title, shall annually submit a report to the Secretary evaluating funded programs. [Such report shall include information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, and such other information as the Secretary may require.] *Such report shall include—*

(1)(A) *information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, the types, amounts, and costs of various services provided, demographic data on recipients of services, and such other information as the Secretary may require; and*

(B) *with respect to services provided by the States pursuant to section 203, information concerning the number of families receiving services and documentation of parental satisfaction with the services provided;*

(2) *a specification of the amount and source of public funds, and of private funds, expended in the State for temporary childcare for children with disabilities or with chronic or terminal illnesses; and*

(3) *a State strategy for expanding the availability in the State of temporary childcare, and other family support, for families of children with disabilities or with chronic or terminal illness-*

*es, which strategy specifies the manner in which the State intends to expend any Federal financial assistance available to the State for such purpose, including any such assistance provided to the State for programs described in section 205(a)(1)(B).*

(d) DEFINITIONS.—For the purposes of this title—

(1) the term “Secretary” means the Secretary of Health and Human Services;

(2) [the term “handicapped children” has the meaning given such term in] *the term “children with disabilities” has the meaning given the term “handicapped children” in section 602(a)(1) of the Education of the Handicapped Act;*

\* \* \* \* \*

**SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for the purposes of this title such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989, and \$20,000,000 for each of the fiscal years 1990 and 1991. [Such sums] *Amounts appropriated under the preceding sentence shall remain available until expended.*

\* \* \* \* \*

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