

TITLE 17

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

SUBTITLE 6 PUBLIC WELFARE DIVISION

CHAPTER 913

ADJUSTMENT SERVICES

§17-913-1	Goals
§17-913-2	Definition
§17-913-3	Eligibility requirements
§17-913-4	Geographic areas of service
§17-913-5	Scope of service
§17-913-6	Authorization for service
§17-913-7	Termination of service

Historical Note: This chapter is based substantially upon Rule 12 §§4102-4102.06, "Governing Social Services To Adults," and Rule 15 §§5008-5008.19 "Governing Social Services To Family and Children's Services," Public Welfare Division, Department of Social Services and Housing. Rule 12 §§4102-4102.6 [Eff as Rule 60 §§4010-4010.6 8/15/77; ren Rule 12 §§4102-4102.06 10/31/78; am 11/20/78; am 4/23/79; am 2/22/80; R 7/19/82] Rule 15 §§5008-5008.19 [Eff as Rule 64 §§2008-2008.19 10/21/77; ren Rule 15 §§5008-5008.19 10/31/78; R 7/19/82] Rule 15 §§5001-5001.09 [Eff as Rule 64 §§2001-2001.9 10/21/77; ren Rule 15 §§5001-5001.09 10/31/78; R 7/19/82]

§17-913-1 Goals. (a) Adjustment services are casework and counseling services offered to assist clients in adapting to and coping with stresses and changes in daily living situations in order that the clients may be better able to function independently and may manage personal affairs adequately.

(b) Adjustment services shall be offered toward the goals of title XX of the Social Security Act (42 U.S.C. §§1397 to 1397f):

- (1) Self-sufficiency by assisting clients to attain or maintain a level of personal functioning consistent with individual capabilities;
- (2) Self-support by assisting clients to attain

- or maintain a level of economic independence consistent with individual capabilities;
- (3) Prevention or reduction of premature or inappropriate placement of clients in institutional care or enabling these persons to terminate institutional living when intensive care and treatment are no longer needed through the provision of community-based or home-based care; and
 - (4) Institutional care by providing services to clients in institutions or by assisting clients in securing admission to institutional care facilities when other forms of care are not appropriate. [Eff 7/19/82; am and comp 12/16/83] (Auth: HRS §346-14(6)) (Imp: HRS §346-14; 42 U.S.C. §1397)

§17-913-2 Definitions. As used in this chapter:

"Adjustment services" means casework, counseling, or related services specified in section 17-913-5 provided to clients who live at home or in relatives' homes, in foster homes, in domiciliary care facilities, in residential treatment facilities, and in institutional care facilities which focus on helping the clients achieve or maintain an optimal level of social, personal, and interpersonal functioning by helping to make available necessary supportive services such as day care, foster care, and homemaker services.

"Adult" means an individual whose chronological age is eighteen years or more.

"Domiciliary care facilities" means adult residential care homes which provide twenty-four hour living accommodations and personal care services and appropriate medical care, as needed, to adults unable to care for themselves by persons unrelated to the recipient. Domiciliary care does not include the provision of rehabilitative treatment services provided by special treatment facilities. [Eff 7/19/82; am and comp 12/16/83; am 8/9/86] (Auth: HRS §346-14) (Imp: HRS §§346-1, 346-14, 321-15.1, 42 U.S.C. §1397a)

§17-913-3 Eligibility requirements. (a) To be eligible for adjustment services, the individual shall fall into one of the following groups:

- (1) Individual meeting social services income

- maintenance requirements specified in section 17-912-22(2)(A) ; or
- (2) Individual meeting social services income eligibility requirements specified in section 17-912-22(2)(B).
- (b) In addition, the individual shall meet one of the following conditions:
- (1) Based upon the individual's own statements or upon statements of relatives or other interested persons, or through direct observations made by the social worker, the individual living at home or in the home of relatives or others has difficulty managing personal affairs and daily living activities due to disability or personal or interpersonal problems, such as health problems, unwanted pregnancy, unmarried parenthood, family conflicts, or employment or employment training related problems. The individual shall require services to stay at home or in the home of relatives or friends or to move into a foster care, medical or residential treatment facility or secure therapeutic services of a structured day program;
- (2) According to the individual's own statements, statements of relatives or caretakers, or through direct observations made by the social worker, the individual living in a licensed foster care facility or residential treatment facility is:
- (A) Having difficulty adjusting to the living arrangement and needs services to either sustain the placement or move to another living arrangement;
- (B) No longer in need of foster care or residential treatment and requires services to return home or to the home of relatives or others;
- (C) In need of more intensive care and requires services to move to a higher level foster care facility; or
- (D) In need of foster care maintenance services specified in section 17-913-5;
- or
- (3) Based upon medical diagnosis and recommendation, the individual confined in an extended medical or institutional care

facility no longer requires intensive medical care and supervision and needs help to return home, to move to a foster care arrangement, or to another living arrangement in the community including the home of relatives or friends. [Eff 7/19/82; am and comp 12/16/83] (Auth: HRS §346-14(6)) (Imp: HRS §346-14; 42 U.S.C. §1397c)

§17-913-4 Geographic areas of service. (a) Adjustment services provided by department staff shall be available to eligible individuals throughout the State.

(b) Adjustment services shall be available by purchase of service to eligible individuals with minor children in the home only on Oahu. [Eff 7/19/82; comp 12/16/83] (Auth: HRS §346-14(6)) (Imp: HRS §346-14; 42 U.S.C. §1397c)

§17-913-5 Scope of service. (a) Adjustment services shall include one or more of the following activities:

- (1) Casework to strengthen or sustain recipients at home by improving individual or family functioning through the resolution of personal or interpersonal problems including, but not limited to:
 - (A) Activities to resolve problems such as parent-child conflicts, marital problems, financial or home management problems, child rearing difficulties, employment or employment training related problems, or stresses that may lead to abuse or neglect; and
 - (B) Activities of assessing, preparing, and arranging for the provision of supportive services such as adoption, day care, homemaker, chore, foster care, or social rehabilitation services which are needed for reasons other than protection;
- (2) Casework offered to the recipient and supervision and monitoring of the use of the supportive service which enables the family to remain together or the client to remain at home by making maximum use of the service;

- (3) Assistance to clients in learning about, applying for, and receiving income entitlements such as unemployment insurance benefits, social security benefits, state supplemental payments, veterans' benefits, welfare benefits, medicaid, or food stamps;
 - (4) Assistance to elderly or disabled recipients in finding, arranging, and participating in a program of organized group activities to help lessen social isolation;
 - (5) Short-term casework directed at helping the recipients to carry on normal family living and home-management activities during or following the absence or incapacity of the primary caretaker;
 - (6) Petitioning the family court for protective supervision, legal custody, guardianship of minors for reasons other than protection; or
 - (7) Providing casework to individuals considering the possibility of adoption of the child including:
 - (A) Counseling to the individuals to help arrive at an early and realistic plan for the child;
 - (B) Securing necessary background information on the natural mother, father and child who is being considered for adoption to facilitate permanent plans for the child; and
 - (C) Obtaining voluntary consent from individuals or involuntary termination of parental rights when adoption has been decided upon.
- (b) Adjustment services may include assisting with pre-placement or placement services for reasons other than protection by:
- (1) Assisting the client to find an appropriate placement;
 - (2) Through medical opinion, observation of, and discussion with the recipients and friends or relatives, assessing, preparing, and arranging for a client's placement out of home into a relative's home, adult's or children's foster care facility, or residential treatment facility which has been licensed according to state law;
 - (3) Providing payment for preplacement physical examinations for children;

- (4) Placing a client out of the home and supervising the placement to assist the client and the caretaker in adjusting to and maintaining the placement;
- (5) Providing services to the client in placement and to the client's friends or relatives. The services include:
 - (A) Assisting the client and the client's legally responsible relatives in securing and arranging for payment for the out of home placement, clothing, medical care, and necessary personal essentials;
 - (B) Counseling the client and the client's friends or relatives to resolve problems which necessitated the placement; and
 - (C) Preparing and arranging with the client, caretakers, and friends or relatives for the client's return home or move to other out of home placement, including other long-term permanent care;
- (6) Determining the level of care required by an adult in domiciliary care facility placement;
- (7) Submitting a certification of the level of care to the Social Security Administration or the Department's financial assistance program to qualify the individual for supplemental security income payments security income payments or financial assistance to cover the cost of foster care;
- (8) Making followup visits as determined necessary by the Department to individuals placed in licensed domiciliary care facilities by a public agency, or to individuals receiving assistance under a public agency, or receiving assistance under a public assistance program administered by the Department. The visits shall be for the purpose of ensuring that the individuals are receiving the quality of care prescribed by the physician, psychiatrist, discharging institution, or a social work plan. If the individuals fail to receive the quality of care consistent with the prescribed needs, the social worker shall reduce the level of care, or assist the individuals to move to another facility. Such visits shall not be made when the individual has another agency

or resource available to provide this service; or

- (9) Providing services to the individual placed in a licensed domiciliary care facility which includes:

(A) Redetermining the level of care when required by obvious changes in the individual's health conditions or when the individual or the home operator states and agrees that the individual's needs have increased;

(B) Resubmitting the certification of the level of care to the Social Security Administration or the Department's financial assistance program if the individual's condition improves to the extent that the individual requires greater care and the operator is qualified to provide the care.

Exceptions: The individual shall not be recertified to a lower level of care, provided the individual remains in the same licensed home and the quality of care is consistent with the individual's needs; and

(C) Assisting the individual to remain in a particular licensed domiciliary care facility if the individual does not wish to be moved and the operator is agreeable to the individual remaining, except where the individual requires a higher level of care than the home operator is capable of providing or the individual no longer needs foster care.

[Eff 7/19/82; am and comp 12/16/83; am 8/9/86] (Auth: HRS §§346-14, 346-53) (Imp: HRS §§346-14, 346-53, 42 U.S.C. §1397c)

§17-913-5.1 Public Law 96-272. The provisions of chapter 17-945 shall apply to families and children receiving services under this chapter. [Eff 3/21/88] (Auth: HRS §346-14(6)) (Imp: HRS §346-14; 42 U.S.C. 627)

§17-913-6 Authorization for service. (a)

Adjustment services provided by department staff shall be authorized for individuals meeting the eligibility requirements of section 17-913-3 who are requesting or who are referred for and want the services.

(b) Adjustment services provided by purchase of service providers shall be authorized for individuals meeting eligibility requirements specified in section 17-913-3.

(c) The effective date of service authorization shall be no earlier than the date of application and no earlier than the date on which the client became eligible for services.

(d) No POS adjustment service shall be authorized if the service is the primary responsibility of another state agency unless that agency certifies in writing that the client is ineligible for or that the state agency does not provide the needed service.

(e) The department may utilize funds authorized to cover the cost of basic maintenance for children in licensed substitute care to provide placement prevention or reunification services to the child and family if the following criteria are met:

- (1) Services, which are not available through the department, are available in the community and may prevent the placement of the child;
- (2) Without the services, the child would be placed into licensed substitute care under the placement responsibility of the department or would be forced to remain in substitute care for a longer period.

(f) The cost of the provided services shall not exceed:

- (1) The equivalent cost of monthly foster board payment as allowed in section 17-828-6 for each month pre-placement services are provided;
- (2) The equivalent cost of six months of monthly foster board payment as allowed in section 17-828-6 for reunification services. [Eff 7/19/82; am and comp 12/16/83; am 2/09/89; am 6/12/90] (Auth: HRS §346-14(6)) (Imp: HRS §346-14; 42 U.S.C. S1397c)

§17-913-7 Termination of service. (a) Adjustment services shall be terminated when one or more of the following conditions are present:

- (1) The social worker's assessment based upon

observation and discussion with the recipient is that the recipient is able to cope with the situation, manage independently or adjust satisfactorily if living at home, and no longer requires casework services or departmental support services to maintain the level of adjustment;

- (2) The social worker's assessment or the recipient's statement or actions indicate that although the recipient's situation remains the same, the recipient no longer wants casework or supportive services and there are no legal grounds to seek court action and to interfere in the recipient's life;
- (3) The recipient no longer requires assistance in securing or arranging for receipt of services or resources to which the recipient is entitled;
- (4) The recipient no longer meets the eligibility requirements specified in section 17-912-3;
- (5) The recipient leaves the State;
- (6) The recipient's whereabouts are unknown; or
- (7) The recipient dies.

(b) Adjustment services shall be terminated upon mutual agreement between the client and the department or after written notice, specified in section 17-912-49 of the intent to terminate has been given to the client. [Eff 7/19/82; am and comp 12/16/83] (Auth: HRS §346-14(6)) (Imp: HRS §346-14; 42-U.S.C. §1397c)