CHAPTER 21

Department of Disabilities and Special Needs Family Support Services

**SECTION 44‑21‑10.** Legislative intent; intent of program; guiding principles.

(A) It is the intent of the General Assembly that individuals with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities and their families be afforded supports that emphasize community living and enable them to enjoy typical lifestyles. One way to do this is to recognize that families are the greatest resource available to individuals with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities and that families must be supported in their role as primary caregivers. The General Assembly finds that supporting individuals and families in their effort to care for themselves or their family members at home is more efficient, cost‑effective, and sensitive than maintaining people with intellectual disability or related disabilities in out‑of‑home residential settings.

(B) The intent of the Family Support Services Program provided for in this chapter is to assist individuals with disabilities and their families who desire or choose to support a family member with intellectual disability or a related disability or head injury, spinal cord injury, or similar disability in their home. The program is not meant to create a hardship on a family by supplanting or diverting access from other appropriate or necessary services. It is recognized that persons with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities have the right to receive services from public and other agencies that provide services to South Carolina citizens and to have those services coordinated with the services needed because of their disabilities. It is the position of this State that children and adults have the right to live with their families. The individual's and family's circumstances and desires must be taken into account when considering the appropriate types of services or supports which can best meet the needs of the individual and family.

(C) In recognition of the importance of families, the following principles must be used as guidelines in developing services to support families:

(1) Families and individuals with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities are best able to determine their own needs and should be able to make decisions concerning necessary, desirable, and appropriate services.

(2) Individuals and families should receive the support necessary to care for themselves or their family member at home.

(3) Family support is needed throughout the lifespan of an individual with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities.

(4) Family support services should be sensitive to the unique needs, strengths, and values of the individuals and the family and should be responsive to the needs of the entire family.

(5) Family support should build on existing social networks and natural sources of support and should encourage community integration.

(6) Family support services should be provided in a manner that develop comprehensive, responsive, and flexible support to individuals and families as their needs evolve over time.

(7) Family support services should be coordinated across the numerous agencies likely to provide resources and services to individuals and families and should be provided equitably across the State.

(8) Family, individual, and community‑based services should be based on the principles of sharing ordinary places, developing meaningful relationships, learning things that are useful, making choices, as well as promoting an individual's self‑esteem.

(9) Family support services should be sufficient to enable families to keep their family members with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities at home or be sufficient to enable the individual with a disability to remain at home.

(10) Services provided through the Family Support Program must be coordinated closely with services received from public and other agencies and shall foster collaboration and cooperation with all agencies providing services to individuals with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities.

(D) The General Assembly recognizes that the South Carolina Department of Disabilities and Special Needs for several years has developed and maintained a family support program that provides support services to some families with members with intellectual disability. The success of this program demonstrates the need and value of family support services. More families in the State should be able to receive appropriate services and assistance needed to stabilize the family unit.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment substituted "intellectual disability" for "mental retardation" throughout; in subsection (A), substituted "with intellectual disability" for "who have mental retardation"; in subsection (C)(3) substituted "with intellectual disability" for "who has mental retardation"; and in subsection (D) substituted "with intellectual disability" for "who have mental retardation".

**SECTION 44‑21‑20.** Definitions.

As used in this chapter:

(1) "Department" means the Department of Disabilities and Special Needs.

(2) "Family support" means goods and services needed by individuals or families to care for themselves or their family members with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities and to enjoy a quality of life comparable to other community members.

(3) "Family Support Program" means a coordinated system of family support services administered by the department directly or through contracts with private nonprofit or governmental agencies across the State, or both.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment substituted "intellectual disability" for "mental retardation" in subsection (2).

**SECTION 44‑21‑30.** Authority to contract or make grants.

The department may contract with or make grants to agencies or individuals to provide for a Family Support Program in accordance with this chapter. Services and supports developed must be flexible to address individual and family needs.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment reenacted this section with no apparent change.

**SECTION 44‑21‑40.** Focus of Family Support Program.

The focus of the Family Support Program is supporting:

(1) families with children with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities, twenty‑one years of age and younger;

(2) persons older than twenty‑one years of age with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities who choose to live with their families;

(3) persons older than twenty‑one years of age with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities who are residing in the community in an unsupported setting, not a state or federally funded program.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment substituted "intellectual disability" for "mental retardation" throughout.

**SECTION 44‑21‑50.** Contracted agency to assist families in assessing needs and preparing plan.

The contracted agency shall assist each individual or family for whom services will be provided in assessing its needs and shall prepare a written plan with the person and family. The needs and preferences of the individual and family will be the basis for determining what goods and services will be provided within the resources available.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment reenacted this section with no apparent change.

**SECTION 44‑21‑60.** Services included in Family Support Program.

The services in the Family Support Program include, but are not limited to, family support services coordination, information, referral, advocacy, educational materials, emergency and outreach services, and other individual and family‑centered assistance services such as:

(1) respite care;

(2) personal assistance services;

(3) child care;

(4) homemaker services;

(5) minor home and work site modifications and vehicular modifications;

(6) specialized equipment and maintenance and repair;

(7) specialized nutrition and clothing and supplies;

(8) transportation services;

(9) health‑related costs not otherwise covered;

(10) licensed nursing and nurses' aid services;

(11) family counseling, training, and support groups;

(12) financial assistance;

(13) emergency services;

(14) recreation and leisure needs.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment reenacted this section with no apparent change.

**SECTION 44‑21‑70.** Implementation contingent upon annual appropriations.

Implementation of this chapter and the Family Support Program is contingent upon annual appropriation of sufficient funding for the program and benefits. This chapter does not establish or authorize creation of an entitlement program or benefit.

HISTORY: 1993 Act No. 38, Section 1; 1994 Act No. 344, Section 2; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment reenacted this section with no apparent change.

**SECTION 44‑21‑80.** Regional tertiary level developmental evaluation centers.

(A) The Department of Pediatrics of the Medical University of South Carolina, the University Pediatrics of the University Affiliated Program of the University of South Carolina, and the Children's Hospital of the Greenville Hospital System, are each hereby authorized, as agents of the State of South Carolina, to fulfill the role of Regional Tertiary Level Developmental Evaluation Centers providing comprehensive developmental assessment and treatment services for children with developmental disabilities, significant developmental delays, or behavioral or learning disorders.

(B) As developmental evaluation centers, the above named institutions shall provide a seamless continuum of developmental services, including medically necessary diagnostic and treatment services for the purpose of correcting or ameliorating physical or mental illnesses and conditions which, left untreated, would negatively impact the health and quality of life of South Carolina's children. Further, these centers shall work collectively with the teaching, training, and research entities of each institution, extending the state's efforts to prepare professionals to work in the field of developmental medicine, while lending expertise to the research efforts in this field.

(C) The developmental evaluation centers shall be involved in research, planning, and needs assessment of issues related to developmental disabilities and shall be committed to develop a regionalized system of community‑based, family‑centered care for children with developmental and behavioral disabilities. In so doing, the centers shall serve as primary points of entry for developmental evaluation services and as regional coordinators for the delivery of the services and are encouraged to affiliate with other providers thus enhancing the availability of high quality services for the children of South Carolina.

HISTORY: 1996 Act No. 458, Part II, Section 86; 2011 Act No. 47, Section 3, eff June 7, 2011.

Editor's Note

2011 Act No. 47, Section 13, provides as follows:

"SECTION 13. In Sections 1 through 6 of this act, the terms 'intellectual disability' and 'person with intellectual disability' have replaced and have the same meanings as the former terms 'mental retardation' and 'mentally retarded'."

Effect of Amendment

The 2011 amendment reenacted this section with no apparent change.