

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 936

Short Title: Families With Dis. Support Act.

(Public)

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Sponsors: Senator Plexico.

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Referred to: Children and Human Resources

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May 2, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE FAMILIES OF PERSONS WITH DISABILITIES  
3 SUPPORT ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 1, Article 3 of Chapter 143B of the General Statutes, is  
6 amended by adding a new Part to read:

7 **"PART 5C. FAMILIES OF PERSONS WITH DISABILITIES SUPPORT ACT.**

8 **"§ 143B-152.20. Purpose.**

9 The purpose of this Part is to establish a Family Support Program for families of  
10 persons with disabilities to assist families and adults with disabilities in identifying and  
11 meeting their needs and to provide family- and people-centered alternatives to out-of-  
12 home placement and institutionalization of adults and children with disabilities.

13 **"§ 143B-152.21. Legislative findings.**

14 The General Assembly makes the following findings of fact regarding families of  
15 persons with disabilities and the service delivery system:

16 (1) It is in the best interest of the State to preserve, strengthen, and maintain  
17 the family.

18 (2) Children and adults with disabilities need and deserve enduring family  
19 relationships with caring people in a nurturing home environment.

- 1           (3) Children and adults with disabilities have unique positive contributions  
2 to make to their families and to their communities.
- 3           (4) Many families experience exceptionally high financial outlays and  
4 significant physical and emotional challenges in meeting the special  
5 needs of members with disabilities throughout life.
- 6           (5) A growing number of families are searching for ways to keep family  
7 members with disabilities in the family home or to assist adult members  
8 with disabilities in living in their own homes within local communities.
- 9           (6) Existing programs too often place children and adults with disabilities in  
10 out-of-home settings, which can have a negative impact on their  
11 families.
- 12           (7) When family and friends provide the primary care for a family member  
13 with a disability, supplemented by community services and supports,  
14 long-term care may be less costly than if the individual is placed outside  
15 the family home.
- 16           (8) Existing State programs have not always been adequate to provide  
17 support services that help families keep members with disabilities at  
18 home or in their own homes in local communities, as is illustrated by  
19 the long waiting lists for services and programs, including out-of-home  
20 placements, that currently exist in many areas of the State.
- 21           (9) A comprehensive, coordinated system of family support services avoids  
22 duplication of services, uses existing resources more efficiently, and  
23 prevents gaps in services to families and adults with disabilities in all  
24 areas of the State.

25 **§ 143B-152.22. Family Support Program established; goals and principles.**

26           (a) The Family Support Program for families of children and for adults with  
27 disabilities in the State is established in the Department of Human Resources, Division of  
28 Mental Health, Developmental Disabilities, and Substance Abuse Services.

29           (b) To carry out the intent of this Part, the Family Support Program shall have the  
30 following people- and family-centered goals and principles:

- 31           (1) To keep families together, whenever possible, by providing the support  
32 necessary for families to care for their children at home and for their  
33 adult family members at home or in local communities;
- 34           (2) To improve the opportunities for adults with disabilities to live in  
35 communities and promote self-determination;
- 36           (3) To give families more choices and control over the care and support of  
37 their child with a disability and to assist families in supporting their  
38 adult member with a disability;
- 39           (4) To encourage people-centered planning that allows adults with  
40 disabilities to increase the control they have or can have over their own  
41 lives;
- 42           (5) To respect and support the choices of families regarding the type and  
43 extent of services they need;

- 1           (6)    To encourage the focus of services and supports to become people-  
2           centered by shifting from the family to the person with a disability as  
3           the person reaches adulthood, whether living with the person's family of  
4           origin or in a separate home;
- 5           (7)    To provide support services to families and adults with disabilities that  
6           are flexible and responsive over time;
- 7           (8)    To reduce the high financial costs and emotional challenges encountered  
8           by families who have members with disabilities;
- 9           (9)    To provide support services that are responsive to the needs of the entire  
10          family, so that families are better able to care for their children with  
11          disabilities at home and assist their adult members with disabilities at  
12          home or in local communities;
- 13          (10) To provide support in a family- or people-centered, culturally competent  
14          manner that respects individual preferences and differences among  
15          families and among adults with disabilities;
- 16          (11) To give families and adults with disabilities decision-making roles in  
17          the policies and programs that affect their lives;
- 18          (12) To coordinate family support services with programs and services  
19          offered by other agencies and to encourage collaboration between  
20          agency staffs and families; and
- 21          (13) To promote the use of social networks, natural sources of support in  
22          communities, and collaborative efforts for and among families and  
23          adults with disabilities.
- 24          (c)    Nothing in this Part shall be construed to prevent families from choosing out-  
25          of-home placement for their child or adult member with a disability, including  
26          institutional placement.
- 27          (d)    To carry out the intent of this Part, the Family Support Program shall have the  
28          following system-wide principles and goals:
- 29               (1)    To plan, develop, deliver, and evaluate family support services through  
30               an efficient, coordinated statewide system;
- 31               (2)    To provide services to families and adults with disabilities in settings  
32               that are consistent with the norms of society and that are delivered in a  
33               people- or family-centered, culturally competent manner;
- 34               (3)    To provide home and community services in the least restrictive,  
35               appropriate setting and with the least intrusive, appropriate methods for  
36               the family or adult with a disability;
- 37               (4)    To provide services to families and adults with disabilities as close to  
38               their home communities as possible and to promote the integration of  
39               families and adults with disabilities into communities;
- 40               (5)    To utilize the capabilities of local communities and to complement  
41               existing public and private community resources, including natural and  
42               informal supports provided by family members and friends;

- 1           (6) To give priority to planning, developing, implementing, and evaluating  
2 Family Support Programs to develop and enhance the competencies,  
3 capabilities, and collective capacity of families and their members with  
4 disabilities;
- 5           (7) To promote research and staff development in the principles and  
6 practices of family support;
- 7           (8) To assist all State and local public and private agencies and service  
8 providers in providing appropriate, flexible, and cost-effective home  
9 and community services for families and adults with disabilities;
- 10          (9) To increase and promote interagency coordination and collaboration  
11 among State, area, and local government agencies, and among State,  
12 area, and local government agencies and private entities that are  
13 involved in providing services and supports to families who have  
14 members with disabilities;
- 15          (10) To assist families and adults with disabilities in obtaining or receiving  
16 the services they need, regardless of whether the services are across  
17 county lines or catchment areas; and
- 18          (11) To provide accountability for the Family Support Program through a  
19 fair process of determining eligibility, including an appeals process for  
20 families or adults with disabilities who have been denied eligibility or  
21 services through the Program.
- 22       (e) The activities authorized by and operated pursuant to this Part shall:
- 23           (1) Comply with all relevant State and federal laws and regulations; and
- 24           (2) Supplement, rather than supplant, any existing rights, entitlements, or  
25 services for which families and individuals with disabilities may be  
26 eligible under other State, federal, regional, or local programs.
- 27       (f) Nothing in this Part shall be construed to mandate the creation or provision of  
28 services by State, area, or local authorities.

29 **"§ 143B-152.23. Definitions.**

30 The following definitions apply in this Part:

- 31       (1) 'Adult with a disability' means an adult with a severe, chronic disability  
32 that :
- 33           a. Is attributable to a mental or physical impairment or combination  
34 of mental and physical impairments;
- 35           b. Is manifested before the person attains age 22, unless the  
36 disability is caused by a traumatic head injury and is manifested  
37 after age 22;
- 38           c. Is likely to continue indefinitely;
- 39           d. Results in substantial functional limitations in three or more of  
40 the following areas of major life activity, self-care, receptive and  
41 expressive language, capacity for independent living, learning,  
42 mobility, self-direction, and economic self-sufficiency; and

- 1 e. Reflects the person's need for a combination and sequence of  
2 special interdisciplinary, or generic care, treatment, or other  
3 services that are of lifelong or extended duration and are  
4 individually planned and coordinated.
- 5 (2) 'Area authority' has the same meaning as in G.S. 122C-3(1).
- 6 (3) 'Child with a disability' means:
- 7 a. A child (i) between the ages of birth and five years who is  
8 experiencing atypical development or developmental delays, as  
9 measured by appropriate diagnostic instruments and procedures,  
10 in one or more developmental areas, including cognitive  
11 development, physical development, language and speech  
12 development, psychosocial development, or self-help skills, or  
13 (ii) under age three for whom there is clinical evidence of  
14 conditions, or indicators that are associated with developmental  
15 delays or atypical development; or
- 16 b. A child between the ages of six and 18 years who has a disability  
17 of any type that is: (i) attributable to a mental or physical  
18 impairment or combination of mental and physical impairments,  
19 (ii) manifested before the person attains age 18, and (iii) results  
20 in substantial functional limitations in three or more of the  
21 following areas of major life activity: self-care, receptive and  
22 expressive language, learning, mobility, self-direction, capacity  
23 for independent living, and economic self-sufficiency.
- 24 (4) 'Culturally competent' means services, supports, or other assistance  
25 provided in a manner that:
- 26 a. Is responsive to the beliefs, interpersonal styles, attitudes,  
27 language, and behaviors of individuals receiving services; and
- 28 b. Has the greatest likelihood of ensuring maximum participation of  
29 individuals in the Family Support Programs.
- 30 (5) 'Division' means the Division of Mental Health, Developmental  
31 Disabilities, and Substance Abuse Services of the Department of Human  
32 Resources.
- 33 (6) 'Family' means a group of interdependent persons, residing in the same  
34 household, that consists of a child with a disability and one or more of  
35 the following:
- 36 a. A mother, father, sister, brother, or any combination thereof;  
37 b. Extended blood relatives, such as grandparent, aunt, or uncle;  
38 c. An adoptive parent;  
39 d. One or more persons to whom legal custody of a child with a  
40 disability has been given by a court;
- 41 e. A person providing short-term foster care which care includes a  
42 plan for reunification of the child with the biological family; or

1           f. A person providing long-term foster care for a child with a  
2           disability.

3           The term 'Family' also includes an adult with a disability who resides  
4           with the family of origin or in a separate household, alone or with  
5           others, so long as the household is not an out-of-home setting, such as a  
6           hospital, nursing home, personal care home, board and care home,  
7           group home, or other licensed facility. 'Family' does not include  
8           employees who, acting in their paid employment capacity, provide  
9           services to children and adults with disabilities in out-of-home settings.

10          (7) 'Family-centered' means an approach to intervention in which the course  
11           and manner of service delivery and resource provision are flexible,  
12           functional, and chosen by the family; in which a wide range of formal  
13           and informal resources are used to strengthen the family's capacity to  
14           meet its own needs; in which professionals act, at the election of the  
15           family, as agents or partners of the family and intervene in a manner  
16           that promotes family decision making, capabilities, and competencies;  
17           and in which fully, community membership of the family is optimized.

18          (8) 'Family support' means any one or combination of types of financial  
19           assistance, including cash subsidy, voucher, or other form of  
20           reimbursement, or services authorized by this Part.

21          (9) 'Family Support Task Force' means the group of families, professionals,  
22           and governmental representatives convened by the North Carolina  
23           Council on Developmental Disabilities for the purpose of making  
24           recommendations regarding the need for family support for persons with  
25           disabilities in the State of North Carolina.

26          (10) 'Financial assistance' means any one or combination of cash subsidy, or  
27           voucher, or other form of reimbursement used to meet the unique needs  
28           of each eligible family or adult with a disability, which assistance is  
29           used to supplement, not supplant, other assistance for which the family  
30           is eligible.

31          (11) 'Legal guardian' means a person who has been designated a guardian  
32           under Chapter 35A of the General Statutes.

33          (12) 'Local Family Support Council' means a private, nongovernmental  
34           entity that has been selected to carry out a local program of family  
35           support services pursuant to this Part.

36          (13) 'People-centered' means an approach to intervention in which the course  
37           and manner of service delivery and resource provision are flexible,  
38           functional, and chosen or expressed by the individual; in which a wide  
39           range of formal and informal resources are used to strengthen the  
40           individual's capacity to meet his own needs; in which professionals act,  
41           at the election of the individual and the individual's family, as agents or  
42           partners and intervene in a manner that promotes increased

1 independence, capabilities, and competencies, and in which full  
2 community membership of the individual is optimized.

3 (14) 'State Family Support Council' means the Family Support Council  
4 appointed pursuant to this Part.

5 **"§ 143B-152.24. Family Support Program; services authorized.**

6 The Family Support Program shall consist of financial assistance services and family  
7 support services. Family support services families may secure, by cash or by other  
8 means, such as vouchers, under the Families With Disabilities Support Program shall  
9 include: respite care; child care; sitter services; recreation; camp; family counseling;  
10 family support groups; siblings groups; parent training; homemaker services; personal  
11 assistance services; home health care; chores; adaptive equipment; home modification;  
12 vehicle modifications; transportation; special diet; utilities; health insurance; home  
13 repairs; rent assistance; information and referral; advocacy; person-and family-centered  
14 planning; transition planning; supported employment; crisis intervention; assistive  
15 technology; case management/service coordination; behavior management; medical;  
16 dental; speech therapy; skills training; occupational therapy; evaluation/assessment;  
17 physical therapy; nursing; and individual counseling.

18 The use of financial assistance and services will be determined by the family or adult  
19 with a disability, and be provided in a manner consistent with the needs and choices of  
20 the family or adult with a disability.

21 The family support services listed in this section are those for which a family may  
22 receive a cash subsidy, receive vouchers, or otherwise be reimbursed.

23 Nothing in this Part shall mandate the creation or provision of services by any  
24 governmental agency or private entity.

25 **"§ 143B-152.25. Eligibility for Program.**

26 A family is eligible for participation in the Family Support Program if the family:

27 (1) Resides in this State;

28 (2) Includes a child or adult with a disability; and

29 (3) Earns an annual adjusted gross income of less than sixty thousand  
30 dollars (\$60,000), plus an annual cost-of-living adjustment, except in  
31 cases in which severe hardship is demonstrated, in which cases the  
32 family may earn more than sixty thousand dollars (\$60,000) plus cost-  
33 of-living adjustment and be eligible.

34 **"§ 143B-152.26. Program; organization; administration.**

35 (a) The Division shall be responsible for the Families of Persons With Disabilities  
36 Support Program created by this Part.

37 (b) Grants for local implementation of the Family Support Program shall be made  
38 to Local Family Support Councils. Available funds may be utilized for direct costs,  
39 including cash subsidies, vouchers, or other forms of reimbursement for services,  
40 Division costs related to the implementation of this Part, including family support  
41 personnel, travel, supplies, training, evaluation, and costs related to State and Local  
42 Family Support Councils, including staff, travel expenses, and Council member  
43 honoraria. The Division shall not utilize appropriated funds for general administrative

1 costs. Administrative charges assessed by the area authorities shall not exceed four and  
2 eight-tenths percent (4.8%) of the amount of the grants to the Local Family Support  
3 Councils.

4 (c) The Division and the State Family Support Council shall jointly prepare, adopt,  
5 annually review, and revise a State Family Support Plan that shall:

6 (1) Assess needs, establish goals, and set priorities for the provision of  
7 family support services under this Part;

8 (2) Provide for coordinated delivery of family support services and ensure  
9 procedures for comprehensive services, resources, and programs under  
10 this Part; and

11 (3) Review and comment on plans and services provided by State agencies  
12 that affect the State Plan developed under this Part.

13 (d) The Division, in cooperation with State and Local Family Support Councils  
14 and other governmental entities, shall implement the State Plan by:

15 (1) Providing technical assistance to entities that are developing programs  
16 for family support services, Local Family Support Councils, and other  
17 agencies and organizations involved in providing services to persons  
18 with disabilities; and

19 (2) Preparing annually a budget to be submitted to the General Assembly by  
20 the Governor.

21 (e) The Division, in cooperation with the State and Local Family Support  
22 Councils, shall assist in coordinating efforts by the Councils, other governmental entities,  
23 nongovernmental entities, and consumer and provider organizations to provide family  
24 support services.

25 (f) The Division, in cooperation with the State Family Support Council, shall  
26 adopt rules necessary and appropriate to administer and implement the provisions of this  
27 Part.

28 (g) The Division and area authorities, in cooperation with the State and Local  
29 Family Support Councils and other appropriate entities, shall conduct a program of  
30 outreach and public information regarding the purpose of the Families of Persons With  
31 Disabilities Support Program and its availability in participating communities. The  
32 outreach shall include informing potentially eligible individuals and families who are  
33 currently receiving services from area authorities or contract agencies, as well as  
34 notifying other public land private agencies serving eligible families. In conducting the  
35 public information activities, the Division and area authorities shall involve the media  
36 and the Interagency Coordinating Council, established pursuant to G.S. 143B-179.5, the  
37 local Interagency Coordinating Councils, and related consumer and provider  
38 organizations.

39 (h) Within two years of the enactment of this Part, the Division, in cooperation  
40 with the State Family Support Council, the area authorities, and other appropriate entities,  
41 shall prepare an evaluation of the Families of Persons With Disabilities Support Program,  
42 including information based upon a survey of participating families and adults with  
43 disabilities, demographic information, impact of the Program on out-of-home placements



1 of children and adults with disabilities, and resource utilization. The Program shall be  
2 evaluated on a biennial basis in subsequent years.

3 (i) Acting jointly, the Division and the North Carolina Council on Developmental  
4 Disabilities, established pursuant to G.S. 143B-177, in cooperation with State and Local  
5 Family Support Councils, shall create procedures for technical assistance and preservice  
6 and in-service training, education or staff development of State and Local Family Support  
7 Council members and staff in the principles and practices of family support services.

8 **"§ 143B-152.27. State Family Support Council created; membership; duties and**  
9 **powers.**

10 (a) The State Family Support Council is created. The North Carolina Council on  
11 Developmental Disabilities and the Division shall appoint 13 initial members within 90  
12 days from July 1, 1995, to serve on the Council until July 1, 1996, as follows:

13 (1) Two representatives from each of the four regions utilized by the  
14 Division.

15 (2) Four family members of legal guardians of children or of adults with  
16 disabilities.

17 (3) Four adults with disabilities.

18 (4) The Director of the Division of Mental Health, Developmental  
19 Disabilities, and Substance Abuse Services of the Department of Human  
20 Resources ('the Division') or the Director's designee, ex officio.

21 (5) The Director of the Council on Developmental Disabilities, or the  
22 Director's designee, ex officio.

23 (6) A director of an area authority, upon recommendation of and in  
24 consultation with the Family Support Task Force.

25 The Council on Developmental Disabilities and the Division shall appoint representatives  
26 in a manner that ensures balanced geographic representation and racial and ethnic  
27 diversity.

28 (b) The Directors of the Division and the Council on Developmental Disabilities,  
29 or their designees, shall act as cochairs of the initial State Family Support Council and be  
30 responsible for convening meetings until July 1, 1996.

31 (c) Beginning July 1, 1996, the members of the State Family Support Council shall  
32 be jointly appointed by the Directors of the Division and the Council on Developmental  
33 Disabilities, in consultation with the State and Local Family Support Councils, shall  
34 appoint 20 members, at least 12 of whom are adults with disabilities or family members  
35 or legal guardians of children or adults with disabilities, as follows:

36 (1) Eight representatives from Local Family Support Councils, selected in a  
37 manner that ensures balanced representation from the four regions  
38 utilized by the Division.

39 (2) Four at-large representatives who are family members or legal guardians  
40 of children or of adults with disabilities.

41 (3) Four adults with disabilities.

42 (4) Representatives from the following State entities:

43 a. One representative from the Division.

1           b. One representative from the area authorities.

2           c. One representative from the North Carolina Council on  
3           Developmental Disabilities.

4       (d) Members shall serve terms of four years, with the exception of members from  
5 the General Assembly, who shall serve for a biennium. Members shall serve until their  
6 successors are appointed and qualify. Any appointment to fill a vacancy on the Council  
7 created by the resignation, dismissal, death, or disability of a member shall be for the  
8 balance of the unexpired term. Members may succeed themselves for one term and may  
9 be appointed again, after being off the Council for one term. The Division and the  
10 Council on Developmental Disabilities shall make appropriate provisions for the rotation  
11 of membership on the State Family Support Council.

12       (e) At the first meeting following the appointments, the State Family Support  
13 Council shall elect a family member or an adult with a disability or the legal guardian of  
14 a child or adult with a disability and a professional as cochairs, who may establish  
15 standing and ad hoc committees and task forces that are necessary to carry out the  
16 functions of the Council and appoint members to serve on these committees and task  
17 forces. The Council shall meet at least quarterly. A majority of the Council shall  
18 constitute a quorum for the transaction of business.

19       (f) Members of the State Family Support Council shall receive travel, honoraria,  
20 and subsistence expenses in accordance with regulations promulgated by the Division.

21       (g) All clerical and other services required by the State Family Support Council  
22 shall be supplied by the Division.

23       (h) The State Family Support Council shall have the following duties, which it  
24 shall exercise in cooperation with the Division:

25           (1) Create standards and procedures for and conduct a competitive request  
26 for proposal ('RFP') process for the selection of recipients for available  
27 funds.

28           (2) Prepare the State Family Support Plan established pursuant to G.S.  
29 143B-152.

30           (3) Prepare the language and format of an annual statement of use and  
31 evaluation forms to be signed by families participating in the Families  
32 of Persons With Disabilities Support Program provided for in this Part.

33           (4) Devise procedures for hearing appeals from denial of eligibility or other  
34 decisions of Local Family Support Councils affecting families or  
35 individuals that seek or receive assistance from the Program.

36           (5) Design procedures and guidelines for Local Family Support Councils to  
37 use in determining whether families have exhausted other sources of  
38 financial support.

39           (6) Review and comment upon expenditures by Local Family Support  
40 Councils and the performance of local service providers.

41       (i) The State Family Support Council shall, consistent with State law, recruit, hire,  
42 supervise, and annually evaluate its staff. The recruitment, hiring, and termination of staff  
43 shall be consistent with federal and State nondiscrimination laws. The staff and other

1 personnel, while working for the State Family Support Council, shall be responsible  
2 solely for assisting the Council in carrying out its duties under this Part.

3 **"§ 143B-152.28. Local Family Support Councils created; powers and duties.**

4 (a) Local Family Support Councils shall have a minimum of eight members. At  
5 least seventy-five percent (75%) of the membership of the Local Family Support  
6 Councils described in this section shall consist of adults with disabilities or family  
7 members or legal guardians of children or of adults with disabilities who are eligible to  
8 receive assistance under the Family Support Programs. Local Family Support Councils  
9 shall include adults with disabilities and family members of adults with disabilities in all  
10 phases of planning, developing, implementing, and evaluating the Families of Persons  
11 With Disabilities Support Program and be staffed by qualified individuals who are trained  
12 or experienced in the principles of the Families With Disabilities Support Program.

13 (b) The selection and service delivery responsibilities of local councils must  
14 correspond with the catchment areas utilized by the Division. A Local Family Support  
15 Council may serve more than one catchment area or there may be more than one local  
16 council per catchment area if it is demonstrated that such an arrangement would better  
17 meet the needs of area families.

18 (c) In cooperation with all State, regional, and local agencies that administer  
19 programs that serve families of children and adults with disabilities, local support  
20 councils shall:

21 (1) Assist families, including adults with disabilities, in exhausting all other  
22 sources of governmental financial assistance before using family  
23 support funds appropriated by the General Assembly pursuant to this  
24 Part.

25 (2) Select families, including adults with disabilities, who submit completed  
26 applications and are eligible for the Program to receive financial  
27 assistance and services by a combination of two methods:

28 a. A selection process based on individualized determinations of the  
29 needs of families, including adults with disabilities conducted by  
30 local support councils and based upon the principles set forth in  
31 G.S. 143B-152.22.

32 b. Distribute at least fifty percent (50%) of their family support  
33 funds through a process of random selection.

34 (3) Provide families and adults with disabilities the opportunity to appeal  
35 the denial of eligibility or other decisions affecting those who seek or  
36 receive financial assistance and services from the Program authorized in  
37 this Part.

38 (d) Families who are not selected in the random selection process may receive  
39 financial assistance and services through the local support councils. Families who are  
40 selected in the random process may submit applications to local support councils for  
41 additional financial assistance and services. The Local Family Support Council shall  
42 consider the applications based upon the principles set forth in G.S. 143B-152.22.

1 (e) All eligible families, including adults with disabilities, whether or not selected  
2 in accordance with subdivision (2)a. of subsection (c) of this section, are eligible to  
3 receive financial assistance and services under subdivision (2)b. of subsection (c) of this  
4 section.

5 (f) The Local Family Support Council may request and be granted, at the  
6 discretion of the State Family Support Council, a waiver for distribution of up to ten  
7 percent (10%) of its funds for purposes consistent with this Part.

8 **"§ 143B-152.29. Limitations on services; accountability; continuing eligibility.**

9 (a) A family or legal guardian shall sign a statement, upon receiving the first  
10 payment, assuring that financial assistance and services under this Part will be used for  
11 the benefit of the family of a child with a disability or the adult with a disability.  
12 Annually, the family or legal guardian shall be required to complete a survey to report  
13 how the financial assistance and services were used to meet the special needs of the  
14 family or adult with a disability. The State Family Support Council shall be responsible  
15 for designing the statement and survey forms and for ensuring that the names and other  
16 identifying information of families or individuals are kept confidential.

17 (b) Nothing in this Part shall prohibit families, adults with disabilities, or legal  
18 guardians from using family support funds to obtain or receive family support services in  
19 other counties or catchment areas.

20 (c) If a family, adult with disabilities, or legal guardian who is receiving financial  
21 assistance and services under this Part, changes residence to another area of the State, the  
22 family or legal guardian shall continue to receive family support services for a maximum  
23 period of 90 days."

24 Sec. 2. There is appropriated from the General Fund to the Division of Mental  
25 Health, Developmental Disabilities, and Substance Abuse Services, the sum of five  
26 hundred thousand dollars (\$500,000) for the 1995-96 fiscal year and the sum of five  
27 hundred thousand dollars (\$500,000) for the 1996-96 fiscal year to implement the  
28 Families of Persons With Disabilities Support Act.

29 Sec. 3. This act becomes effective July 1, 1995.