

TITLE 39
HEALTH AND SAFETY

CHAPTER 51
FAMILY SUPPORT AND IN-HOME ASSISTANCE

39-5101. PURPOSE. This act authorizes a program of financial assistance to eligible families who agree to carry out home-based support for their family members with developmental disabilities.

[39-5101, added 1981, ch. 234, sec. 1, p. 473; am. 1997, ch. 33, sec. 3, p. 57.]

39-5102. DEFINITIONS. As used in this chapter:

- (1) "Department" means the Idaho department of health and welfare.
- (2) "Developmental disability" means a chronic disability of an individual which appears before the age of twenty-two (22) years of age and:
 - (a) Is attributable to an impairment, such as intellectual disability, cerebral palsy, epilepsy, autism or a condition found to be closely related to or similar to one (1) of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; and
 - (b) Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and
 - (c) Reflects the need for a combination and sequence of special, interdisciplinary treatment or other services which are of lifelong or extended duration and individually planned and coordinated.
- (3) "Director" means the director of the Idaho department of health and welfare.
- (4) "Family" means a group of interdependent persons residing in the same household and includes an individual with a developmental disability and one (1) or more of the following:
 - (a) A birth or adoptive mother or father, stepparent, brother, sister or any combination; or
 - (b) Extended blood relatives, such as a grandparent, aunt, uncle, nephew or niece; or
 - (c) Legal guardian.

The term "family" does not include paid providers of care.

(5) "In-home assistance application" means a written document describing the needs of an individual with developmental disabilities and specifying the services or supports required.

(6) "Institution" means any public or private residential facility which is licensed in the state of Idaho for the purpose of providing care and treatment for individuals with developmental disabilities.

[39-5102, added 1981, ch. 234, sec. 1, p. 473; am. 1997, ch. 33, sec. 4, p. 58; am. 2010, ch. 235, sec. 30, p. 567.]

39-5103. STANDARDS FOR THE PROVISION OF FINANCIAL ASSISTANCE. The director of the Idaho department of health and welfare shall have the power and it shall be his duty to promulgate appropriate rules necessary to implement and enforce the following standards for the provision of in-home assistance:

(1) Financial assistance provided under this chapter shall not exceed two hundred fifty dollars (\$250) per month per individual, except that this limit may be waived by the department in cases of extraordinary need.

(2) The amount of a grant of assistance shall be made based upon the need for services as specified in section 39-5103(4), Idaho Code, without regard to the family's income or eligibility for any other program administered by the department.

(3) Receipt of supports will be determined on an individual family basis. Support priorities will be determined with consideration for the following criteria:

(a) Families of individuals with a developmental disability who will be able to return to a home setting from an institution and to those families for whom supports will prevent placement of the member with a developmental disability in an institution;

(b) Severity of consequences without supports;

(c) Urgency of need;

(d) Availability of funds.

(4) Assistance moneys may be used for the following when no other assistance is available:

(a) Diagnostic and evaluative procedures;

(b) Purchase of special equipment;

(c) Specialized therapies;

(d) Special diets;

(e) Medical and dental care not covered under the family's health insurance or other publicly funded programs;

(f) Home health or personal assistance services;

(g) Counseling for the individual or family, including behavior management;

(h) Respite care or out of the ordinary expenses related to supervised care according to the approved in-home assistance application, including necessary related sibling care;

(i) Environmental adaptations and technical assistance as necessary to permit successful integration and access;

(j) Special clothing including incontinence supplies;

(k) Necessary supports for participation in recreational services;

(l) Transportation;

(m) Housing modifications for the purpose of accessibility or ease in handling; and

(n) Similar or related costs.

(5) Families shall choose providers of services.

(6) Assistance moneys shall not be used for the payment of educational or educationally related services which properly are the responsibility of local public schools.

(7) Supports under this chapter shall not replace or reduce other public benefits to families, or be considered as resources or income in any eligibility determination or sliding fee scale.

[39-5103, added 1981, ch. 234, sec. 1, p. 473; am. 1997, ch. 33, sec. 5, p. 58.]

39-5104. ELIGIBILITY. A family is eligible to participate in the family support and in-home assistance program if the family:

(1) Resides within the state of Idaho;

(2) Includes a family member with a developmental disability;

(3) Expresses willingness for the family member with a developmental disability to reside at home;

(4) Submits an in-home assistance application for the family member with a developmental disability;

(5) Obtains the agreed-upon services or equipment; and

(6) Accounts for the funds expended for the agreed-upon services and equipment.

[39-5104, added 1981, ch. 234, sec. 1, p. 474; am. 1997, ch. 33, sec. 6, p. 60.]

39-5105. DISCONTINUANCE OF ASSISTANCE. Assistance may be terminated under the following conditions:

(1) The family or individual requests termination;

(2) Death of the individual with a developmental disability;

(3) Eligibility criteria are no longer met; or

(4) Inadequate funds are available for continuance.

[39-5105, added 1981, ch. 234, sec. 1, p. 474; am. 1997, ch. 33, sec. 7, p. 60.]

39-5106. SHORT TITLE. This chapter shall be known and cited as the "Developmental Disabilities Family Support and In-Home Assistance Act."

[39-5106, added 1981, ch. 234, sec. 1, p. 475; am. 1997, ch. 33, sec. 8, p. 61.]