

DEVLOPMENTAL DISABILITIES ACT/FAMILY SUPPORT

The Developmental Disabilities (DD) Act of 1984 (P.L.98-527) allows for federal monies to be made available to the states to assist in providing comprehensive services and advocacy assistance to persons up to age 21 with developmental disabilities. In 1987, the bill was reauthorized by Congress and expanded to require that states designate certain priority areas and expend a portion of their cash allotment to fulfill these designated priority areas. Under the Act each state receives federal funds.

The Developmental Disabilities Planning Council in each state plans and implements projects that will assist people with developmental disabilities to live in the least restrictive environment and to actively participate in their communities. These plans must be submitted to and reviewed by the federal Developmental Disabilities Administration. The Governor of the state is usually required to appoint the membership of the planning council. The law requires that the Planning Council membership be at least 60% consumers with developmental disabilities or family members of consumers with developmental disabilities. All states vary on setting their priorities for their state but the 1987 revision does require that some planning and support be focused on family support services. Family Support service requirements were reemphasized in 1999 when a series of grants that state organizations could compete for were outlined by the Developmental Disabilities Administration. This allowed for the planning and implementation of services not covered by other agencies within the states. Housing, Respite and Transportation are often priority areas identified under family support by states. A requirement under these granting opportunities is that families of persons with developmental disabilities be involved. Parent-to-Parent organizations have looked to these family support funds for ongoing support.

In addition, the DD Act established Protection and Advocacy (P & A) Organizations in each state charged with promoting and protecting the rights of individuals with developmental disabilities. These P & A organizations provide legal assistance to individuals with developmental disabilities or their families. These organizations vary significantly by state. Other legal assistance can be provided by Legal Services/ Legal Clinics. These clinics are often associated with law schools and represent those clients who are part of the poor or working poor class who could not afford to pay for legal representation. The cases are provided assistance on a pro bono basis and much of the work is done by law students with guidance from attorney's on staff. Legal Services received a significant blow to their practices when Congress in 1997 made it illegal for them to represent clients in class action lawsuits. Controversy still exists on whether this requirement is constitutional.



The DD Act further provides federal funding to support University Affiliated Programs (UAP's). These UAP's provide interdisciplinary training for professionals serving persons with developmental disabilities and administers project grants that address the needs of this population. The Developmental Disabilities Act provides for additional federal granting opportunities with criteria developed by the federal administration based on best practices and issues identified by the states as priority areas.