

Statewide Family Support Eligibility Criteria

46:11:10:07. Statewide family support eligibility. An individual must meet the following criteria to be eligible to receive items and services under the statewide family support program:

- (1) The individual must be a resident of South Dakota;
- (2) The individual must have a developmental disability as defined in SDCL [27B-1-18](#) or be a child, birth through two years of age, who has been identified by the Department of Education as a child needing prolonged assistance as defined in § 24:05:24.01:15; and
- (3) If the individual is under 18 years of age, the individual must be living in a home with a parent or guardian.

SDCL 27B-1-18 defines a Developmental Disability as any severe, chronic disability of a person that:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and
- (5) Reflects the person's need for an array of generic services, met through a system of individualized planning and supports over an extended time, including those of a life-long duration.

Family Support 360 Eligibility

67:54:04:05. Criteria for determining developmental disabilities -- Documentation required. The provider shall maintain documentation signed by a physician or psychologist which indicates that the individual is developmentally disabled. An individual is considered developmentally disabled if the individual meets all of the following criteria:

- (1) The individual has a severe, chronic disability attributable to intellectual disability, cerebral palsy, epilepsy, head injury, brain disease, or autism or any other condition, other than mental illness, closely related to intellectual disability and requires treatment or services similar to those required for individuals with intellectual disabilities. To be closely related to intellectual disability, a condition must cause impairment of general intellectual functioning or adaptive behavior similar to that of intellectual disability;
- (2) The disability manifested itself before the individual reached age 22; and
- (3) The disability is likely to continue indefinitely.

67:54:04:18. Initial level of care. The following documentation is required to determine the initial level of care:

- (1) A completed ICAP that indicates a minimum of three substantial functional limitations;

(2) A copy of the psychological evaluation;

(3) An HCBS Waiver Choice and Rights Form signed by a CSP staff member and the individual, the individual's parent if the individual is under 18 years of age, or the individual's guardian; and

(4) A provisional plan of care that designates the specific waiver service that the individual will receive.