*Executive Office of Health and Human Services*

*Department of Developmental Services*

**POLICY TITLE: Area of Service**

**DDS POLICY #: 1999-3**

**DATE ISSUED: 2/22/99**

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**COMMISSIONER’S SIGNATURE: Elin M. Howe, Commissioner**

It is the policy of the Department of Mental Retardation to provide services and supports as close as possible to the community in which an individual resides or to which he or she has connections. In addition, it is the policy of the Department to provide a fixed point of responsibility within the Department for providing access to services and supports. To further these policies and to ensure accountability within the Department, an area of service must be designated for each individual applying for or receiving services and supports from the Department.

The designation of an area of service identifies the DMR area office with responsibility for ensuring that eligibility determinations are made; that needed services and supports are provided, purchased, or arranged; and that individuals are prioritized for services and supports.

The following criteria (not listed in any order of priority) shall be considered by the Area Director in all decisions involving the designation of an individual's area of service:

* The DMR area with responsibility for the city or town in which the individual resides.
* The DMR area with responsibility for the city or town in which the individual prefers to reside; this preference may be indicated by the individual, his/her guardian, or family (unless the individual knowingly objects).
* The DMR area with responsibility for the city or town in which the individual's family resides. "Family" means parents, foster parents, spouses, siblings, and others who perform the roles and functions of family members in the life of an individual, including persons in a relationship of mutual support with an individual that is exclusive and expected to endure over time.
* The DMR area where the individual would best be served, based on resources which are available to meet his/her needs.
* The needs of the individual, the general type or types of services and supports needed, and the individual's assigned priority of need as determined through the intake and eligibility assessment performed by the DMR area office.
* The location of the city or town responsible for providing special education to the individual under Chapter 766 of the Acts of 1972, as amended, if the individual is under 22 years of age.
* The location of the city or town from which the individual originally entered the DMR service system.

In the event of a dispute over the designation of an individual's area of service or over a change in area of service, such disputes will be resolved using DMR's organizational chain-of-command. While a dispute is being resolved, arrangements must be made to continue existing services for the individual.