

IDAHO DEPARTMENT OF  
**HEALTH & WELFARE**

**IDHW Legal Responsibility  
To Persons  
With a Developmental Disability**

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**Does the Department have any legal responsibility to persons with developmental disability?**



**Answer: Yes!**

**If Court Committed\*, IDHW must:**

- Determine the least restrictive available placement consistent with the needs of each person; and
- Make arrangements for placement in that setting.

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**Does the Department have any legal responsibility to persons with developmental disability?**



**In addition, IDHW must:**

- Establish and maintain a current individual treatment plan and provide observation, diagnosis, care or treatment in the less restrictive available facility.

Idaho Code §§ 66-410 and 66-413.

Idaho Code §§ 66-406(11)(c).

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**DHW Service Responsibilities  
If Not Court Committed**



**If not Court Committed, IDHW is the primary agency responsible for the following:**

- Develop and coordinate appropriate services of habilitation and rehabilitation.
- Develop and prepare an annual plan.
- Provide community comprehensive developmental disability services.

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**DHW Service Responsibilities  
If Not Court Committed**



- Provide technical assistance.
- Provide approval or certification of developmental disabilities/facilities.
- Cooperate with implementation IDDSFA.
- Planning a continuum of services.

Idaho Code §§ 39-4601 et seq.

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