

Relatives, Legal Guardians, and Legally Responsible Individuals

This document defines relatives, legal guardians, and Legally Responsible Individuals (LRI), and specifies which services they may offer. The services listed only apply to **Medicaid Home and Community-Based Services (HCBS) Developmental Disabilities (DD) Waivers**.

Relative

A relative is any person related to the participant receiving waiver services. When a relative is also a Legal Guardian or Legally Responsible Individual, they do not fall into this category.

A. Relatives may provide the following services:

1. Adult Day
2. Assistive Technology
3. Behavioral In-Home Habilitation
4. Child Day Habilitation
5. Community Integration
6. Continuous Home
7. Day Supports
8. Health Maintenance Monitoring
9. Home Modifications
10. Homemaker
11. Host Home
12. Independent Living
13. Medical In-Home Habilitation
14. Prevocational
15. Remote Supports
16. Respite
17. Shared Living
18. Small Group Vocational Support
19. Supported Employment – Follow Along
20. Supported Employment – Individual
21. Supported Family Living
22. Transitional Services
23. Transportation
24. Youth Continuous Home

Legal Guardian

A Legal Guardian is a court-appointed legal guardian of the participant.

A. Only Legal Guardians providing services under an agency, who are also relatives as defined in Neb. Rev. Stats. § 49-1443.01 and § 43-1503.05, may provide services.

1. Neb. Rev. Stat. § 49-1443.01 states: Relative shall mean any person related to another by blood or marriage to the third degree of consanguinity, including a foster parent, foster child, stepparent, stepchild, and adopted children and their adoptive parents.

2. Neb. Rev. Stat. § 43-1503.05 states: Extended family member shall be as defined by the law or custom of the Indian child's primary tribe or, in the absence of such laws or customs of the primary tribe, the law or custom of the Indian child's other tribes or, in the absence of such law or custom, shall mean a person who has reached the age of eighteen and who is the Indian child's parent, grandparent, aunt or uncle, clan member, band member, sibling, brother-in-law or sister-in-law, niece or nephew, cousin, or stepparent.
- B. Legal Guardians may only provide services as agency providers.
- C. Legal Guardians may provide the following services:
 1. Adult Day
 2. Child Day Habilitation
 3. Community Integration
 4. Continuous Home
 5. Day Supports
 6. Homemaker
 7. Host Home
 8. Independent Living
 9. Supported Family Living
 10. Transportation
 11. Youth Continuous Home

Legally Responsible Individual (LRI)

A LRI is defined as the natural or adoptive parents of a minor child or spouse of the waiver participant.

- A. LRIs are expected to provide services under an agency, unless they receive approval from the Division of Developmental Disabilities Central Office to work as an independent provider.
- B. Legally Responsible Individuals may **ONLY** provide LRI Personal Care.

Who Can Provide Each Service

Service	Relative	Legal Guardian	Legally Responsible Individual (LRI)
Adult Day	✓ - Yes	✓ - Yes, with an agency	✗ - No
Assistive Technology	✓ - Yes	✗ - No	✗ - No
Behavioral In-Home Habilitation	✓ - Yes	✗ - No	✗ - No
Benefits Counseling	✗ - No	✗ - No	✗ - No
Child Day Habilitation	✓ - Yes	✓ - Yes	✗ - No
Community Integration	✓ - Yes	✓ - Yes	✗ - No
Consultative Assessment	✗ - No	✗ - No	✗ - No
Continuous Home	✓ - Yes	✓ - Yes, with an agency	✗ - No
Day Supports	✗ - No	✗ - No	✗ - No
Employment Exploration	✗ - No	✗ - No	✗ - No
Environmental Modifications Assessment	✓ - Yes	✓ - Yes, with an agency	✗ - No
Family and Peer Mentoring	✓ - Yes	✗ - No	✗ - No
Family Caregiver Training	✓ - Yes	✓ - Yes, with an agency	✗ - No
Health Maintenance Monitoring	✓ - Yes	✓ - Yes, with an agency	✗ - No
Home Modifications	✓ - Yes	✓ - Yes, with an agency	✗ - No
Homemaker	✓ - Yes	✓ - Yes, with an agency	✗ - No
Host Home	✓ - Yes	✗ - No	✗ - No
Independent Living	✗ - No	✗ - No	✗ - No
LRI Personal Care	✗ - No	✗ - No	✓ - Yes
Medical In-Home Habilitation	✓ - Yes	✗ - No	✗ - No
Personal Emergency Response System (PERS)	✓ - Yes	✗ - No	✗ - No
Prevocational	✓ - Yes	✗ - No	✗ - No
Remote Supports	✓ - Yes	✗ - No	✗ - No
Respite	✓ - Yes	✗ - No	✗ - No
Shared Living	✓ - Yes	✗ - No	✗ - No
Small Group Vocational Support	✓ - Yes	✓ - Yes, with an agency	✗ - No
Supported Employment – Follow-Along	✓ - Yes	✗ - No	✗ - No
Supported Employment – Individual	✓ - Yes	✓ - Yes, with an agency	✗ - No
Supported Family Living	✗ - No	✗ - No	✗ - No
Transitional Services	✓ - Yes	✓ - Yes, with an agency	✗ - No
Transportation	✓ - Yes	✓ - Yes, with an agency	✗ - No
Vehicle Modifications	✗ - No	✗ - No	✗ - No
Youth Continuous Home	✓ - Yes	✗ - No	✗ - No