CHAPTER 28

Self‑Sufficiency Trust Fund; Disability Trust Fund; Aid For Developmentally Disabled, Mentally Ill, and Physically Handicapped Persons

ARTICLE 1

Self‑Sufficiency Trust Fund

**SECTION 44‑28‑10.** Establishment of fund; purpose.

 There is established the Self‑Sufficiency Trust Fund, separate and distinct from the general fund, in the State Treasury. The purpose of the Self‑Sufficiency Trust Fund is to provide a life‑care planning option to meet the supplemental service needs of individuals with disabilities in order to enable parents and families to plan a more secure future for their disabled dependents without fear of loss of benefits or invasion of trust principal.

HISTORY: 1992 Act No. 385, Section 1.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 400 to 401.

**SECTION 44‑28‑20.** Definition of “self‑sufficiency trust.”

 For the purpose of this chapter “a self‑sufficiency trust” means a trust created by a nonprofit corporation exempt from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986 and organized for purposes of providing care or treatment of one or more developmentally disabled, mentally ill, or physically handicapped persons eligible for services of the South Carolina Department of Disabilities and Special Needs, State Department of Mental Health, or the State Agency of Vocational Rehabilitation.

HISTORY: 1992 Act No. 385, Section 1; 1993 Act No. 181, Section 1093.

CROSS REFERENCES

State Agency of Vocational Rehabilitation, generally, see Sections 43‑31‑10 et seq.

State Department of Disabilities and Special Needs, generally, see Sections 44‑20‑240 et seq.

State Department of Mental Health, generally, see Sections 44‑9‑10 et seq.

Federal Aspects

Section 501(c)(3) of Internal Revenue Code of 1986, see 26 U.S.C.A. Section 501(c)(3).

**SECTION 44‑28‑30.** State Treasurer custodian of trust fund; agreement to specify supplemental care or treatment for each beneficiary.

 (A) The State Treasurer is the custodian of the Self‑Sufficiency Trust Fund and pursuant to an agreement with the trustee of a self‑sufficiency trust may accept money from a self‑sufficiency trust in the name of a beneficiary for deposit in the Self‑Sufficiency Trust Fund. The treasurer shall maintain a separate account in the Self‑Sufficiency Trust Fund for each named beneficiary and shall promptly credit the account of a beneficiary with money received from a self‑sufficiency trust on behalf of that beneficiary.

 (B) The agreement, naming one or more beneficiaries residing in this State who are developmentally disabled, mentally ill, or physically handicapped, must specify the supplemental care or treatment to be provided for each named beneficiary with the money deposited in the Self‑Sufficiency Trust Fund.

HISTORY: 1992 Act No. 385, Section 1.

Library References

Mental Health 71.

Westlaw Topic No. 257A.

C.J.S. Mental Health Sections 229 to 231.

**SECTION 44‑28‑40.** Departments and Agency required to provide care or treatment using monies in fund account; vouchers.

 (A) The South Carolina Department of Disabilities and Special Needs, State Department of Mental Health, or the State Agency of Vocational Rehabilitation must provide care or treatment for a beneficiary from monies available from the beneficiary’s account maintained in the Self‑Sufficiency Trust Fund.

 (B) Upon proper certification by the South Carolina Department of Disabilities and Special Needs, the State Department of Mental Health, or the State Agency of Vocational Rehabilitation, the State Treasurer shall process vouchers from the Self‑Sufficiency Trust Fund accounts for services provided pursuant to this section.

HISTORY: 1992 Act No. 385, Section 1; 1993 Act No. 181, Section 1094.

CROSS REFERENCES

State Agency of Vocational Rehabilitation, see Sections 43‑31‑10 et seq.

State Department of Disabilities and Special Needs, generally, see Sections 44‑20‑240 et seq.

State Department of Mental Health, generally, see Sections 44‑9‑10 et seq.

Library References

Asylums and Assisted Living Facilities 24.

Westlaw Topic No. 43.

**SECTION 44‑28‑50.** Receipt of monies from fund not to reduce, impair, or diminish other benefits.

 The receipt by a beneficiary of money from the Self‑Sufficiency Trust Fund or of supplemental care or treatment provided with money from the fund may in no way reduce, impair, or diminish the benefits to which the beneficiary is otherwise entitled by law.

HISTORY: 1992 Act No. 385, Section 1.

Library References

Asylums and Assisted Living Facilities 24.

Westlaw Topic No. 43.

**SECTION 44‑28‑60.** Money not usable for supplemental care and treatment to be returned to depositing trust; interest.

 If the State Treasurer after consultation with the South Carolina Department of Disabilities and Special Needs, the State Department of Mental Health, or the State Agency of Vocational Rehabilitation determines that the money in the account of a named beneficiary cannot be used for supplemental care or treatment of the beneficiary in a manner consistent with the agreement or upon request of the trustee of the self‑sufficiency trust, the remaining money in the account and any accumulated interest promptly must be returned to the self‑sufficiency trust which deposited the money in the Self‑Sufficiency Trust Fund.

HISTORY: 1992 Act No. 385, Section 1; 1993 Act No. 181, Section 1095.

CROSS REFERENCES

State Agency of Vocational Rehabilitation, see Sections 43‑31‑10 et seq.

State Department of Disabilities and Special Needs, generally, see Sections 44‑20‑240 et seq.

State Department of Mental Health, generally, see Sections 44‑9‑10 et seq.

Library References

Asylums and Assisted Living Facilities 24.

Westlaw Topic No. 43.

**SECTION 44‑28‑70.** Crediting and allocation of interest.

 The State Treasurer shall credit interest earned on the Self‑Sufficiency Trust Fund to the fund and shall allocate the interest pro rata to the accounts of the named beneficiaries of the fund.

HISTORY: 1992 Act No. 385, Section 1.

Library References

Asylums and Assisted Living Facilities 24.

Westlaw Topic No. 43.

**SECTION 44‑28‑80.** Departments and Agency to promulgate regulations for implementation and administration of fund.

 The South Carolina Department of Disabilities and Special Needs, the State Department of Mental Health, and the State Agency of Vocational Rehabilitation shall promulgate regulations necessary for the implementation and administration of the Self‑Sufficiency Trust Fund.

HISTORY: 1992 Act No. 385, Section 1; 1993 Act No. 181, Section 1096.

CROSS REFERENCES

State Agency of Vocational Rehabilitation, see Sections 43‑31‑10 et seq.

State Department of Disabilities and Special Needs, generally, see Sections 44‑20‑240 et seq.

State Department of Mental Health, generally, see Sections 44‑9‑10 et seq.

Library References

Asylums and Assisted Living Facilities 24.

Westlaw Topic No. 43.

ARTICLE 3

Disability Trust Fund

**SECTION 44‑28‑310.** Establishment of fund; purpose.

 There is established the Disability Trust Fund, separate and distinct from the general fund, in the State Treasury. The purpose of the Disability Trust Fund is to provide supplemental services to meet the needs of low income and indigent individuals with disabilities.

HISTORY: 1992 Act No. 385, Section 1.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 400 to 401.

**SECTION 44‑28‑320.** Source of monies for fund.

 The State Treasurer may accept for deposit in the Disability Trust Fund:

 (1) monies left to the Disability Trust Fund by donors of a self‑sufficiency trust defined in Article 1 of this chapter at the death of the disabled beneficiary; and

 (2) bequests and contributions from private donors, corporations, or foundations.

HISTORY: 1992 Act No. 385, Section 1.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 400 to 401.

**SECTION 44‑28‑330.** Use of monies in fund.

 Monies in the Disability Trust Fund must be expended solely to provide supplemental services to meet the need for care or treatment for low income or indigent individuals with developmental disabilities, mental illness, or physical handicaps.

HISTORY: 1992 Act No. 385, Section 1.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 400 to 401.

**SECTION 44‑28‑340.** Interest earned to be credited to fund.

 The State Treasurer shall credit earned interest on the Disability Trust Fund to the fund.

HISTORY: 1992 Act No. 385, Section 1.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 400 to 401.

**SECTION 44‑28‑350.** Receipt of monies from fund not to reduce, impair, or diminish other benefits.

 The receipt by a beneficiary of money from the trust fund or of supplemental care or treatment provided with money from the trust fund does not in any way reduce, impair, or diminish the benefits to which the beneficiary is otherwise entitled by law.

HISTORY: 1992 Act No. 385, Section 1.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 400 to 401.

**SECTION 44‑28‑360.** Departments and Agency required to provide care or treatment to eligible beneficiaries using monies from fund.

 The South Carolina Department of Disabilities and Special Needs, State Department of Mental Health, or State Agency of Vocational Rehabilitation must provide care or treatment for the beneficiary from monies available from the Disability Trust Fund. These agencies are responsible only for the beneficiaries that meet their individual eligibility criteria.

HISTORY: 1992 Act No. 385, Section 1; 1993 Act No. 181, Section 1097.

CROSS REFERENCES

State Agency of Vocational Rehabilitation, see Sections 43‑31‑10 et seq.

State Department of Disabilities and Special Needs, generally, see Sections 44‑20‑240 et seq.

State Department of Mental Health, generally, see Sections 44‑9‑10 et seq.

Library References

Asylums and Assisted Living Facilities 24.

Mental Health 71.

Westlaw Topic Nos. 43, 257A.

C.J.S. Mental Health Sections 229 to 231.

**SECTION 44‑28‑370.** Departments and Agency to promulgate regulations for implementation and administration of fund.

 The South Carolina Department of Disabilities and Special Needs, the State Department of Mental Health, and the State Department of Vocational Rehabilitation shall promulgate regulations necessary for the implementation and administration of the Disability Trust Fund.

HISTORY: 1992 Act No. 385, Section 1; 1993 Act No. 181, Section 1098.

CROSS REFERENCES

State Agency of Vocational Rehabilitation, see Sections 43‑31‑10 et seq.

State Department of Disabilities and Special Needs, generally, see Sections 44‑20‑240 et seq.

State Department of Mental Health, generally, see Sections 44‑9‑10 et seq.

Library References

Asylums and Assisted Living Facilities 24.

Mental Health 71.

Westlaw Topic Nos. 43, 257A.

C.J.S. Mental Health Sections 229 to 231.