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Exceptional Family Member Issues

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EXCEPTIONAL FAMILY MEMBER LEGAL ISSUES

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EXCEPTIONAL FAMILY MEMBER PROGRAM MCO 1754.4

- Purpose ensure continuum of care for eligible MC family members
- Mission improve MC readiness and the quality of life of families that support a member with a disability
- Enrollment mandatory (medical and/or educational)
- Installation EFMP Resources
 - Program Manager
 - Family Case Workers
 - Training, Education and Outreach Specialist
 - Attorney (belongs to legal assistance)

EFMP LEGAL SUPPORT

Present Status

- 2 EFM Attorneys Marine Corps wide
 - MCI EAST- Vickie O'Brien (Camp Lejeune)
 - MCI WEST– Karen Taylor (Camp Pendleton)



EFMP LEGAL SUPPORT

- Advise EFMP families on IDEA, state education and related disability laws
- Advocate and litigate procedural and substantive education and related disability law issues before schools, administrative forums, and courts
- Provide periodic presentations on special education and related disability law issues to EFMP staff and families
- Coordinate access to pro bono legal representation as necessary

(See Chapter 4, Marine Corps Order 1754.4B) (See also 2017 MCLAP Manual 9001)

FREQUENT LEGAL ISSUES

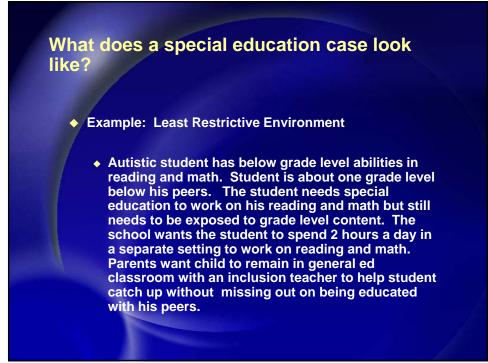
- Special Education (60-75%)
- Guardianships/Incompetency (20%)
- ADA issues- accessibility, housing, accommodations, discrimination, service animals
- Social Security/Medicaid questions
- Special Needs Trusts (see Mr. Archer)

• Other items:

- School enrollment
- School discipline
- Juvenile Delinquency or adult criminal court questions
- Department of Social Services

SPECIAL EDUCATION

- Provide consultation and advice on issues regarding special education/accommodations in the school system.
- Assist with obtaining educational files (FERPA requests)
- Communicate with county officials and school board attorneys regarding issues.
- Represent families at IEP team meetings and other school related meetings
- If unable to resolve at school/county level, file due process (litigation) or state complaint or seek mediation or file complaint with the Office of Civil Rights (OCR).
- Represent families during resolution sessions or mediations
- Represent families at due process hearings.
- If you hear "IEP" send it to ME!



GUARDIANSHIPS/INCOMPETENCY

- Provide consultation and representation in the State of NC.
 - Provide Affidavit for physician
 - Ensure family has appropriate and timely evaluations for evidentiary purposes
 - Draft petition and notice of hearing
 - File and Serve Documents
 - Represent family at hearing
 - Prepare all documents for the Estate File
 Family usually leaves court with all needed documents
 - Also can assist with *Restoration of Competency* in specific circumstances.

AMERICANS WITH DISABILITIES ACT (ADA) ISSUES

- Housing accommodations
- Service Animal/ESA issues
- Employment discrimination
- Discrimination in school or daycare
- Public accessibility

(for more information see ADA.gov)



