

Developmental Disabilities Act Update

SB 190 – Sponsored by Sen. Siah Correa Hemphill & Rep. Joanne Ferrary

Prioritizing advocacy and systemic change that centers people with developmental disabilities and their families

Why do we need to update New Mexico’s DD Act?

New Mexico’s Developmental Disabilities (DD) Act is based on an old federal statute and has not been updated in decades. The current state DD Act reflects a time when community-based services for the DD community had not been developed and the DD Planning Council’s primary activities were planning, developing, and coordinating services across state agencies. In 2000, Congress repealed the federal law that was the basis for the current NM DD Act, and enacted a new law that prioritized advocacy, capacity building, and systemic change. The new federal statute notably requires that people with developmental disabilities and their families participate in the design of needed services and supports.

The language of the federal statute is also far more supportive of people living with disabilities—promoting self-determination, independence, productivity, and integration/inclusion in all facets of community life—while the older language is more paternalistic and antiquated. Finally, the Council’s responsibilities and duties required by the current state DD Act conflicts with the requirements in the federal DD statute. Instead of wasting valuable state resources attempting to comply with conflicting, outdated requirements, New Mexico should focus on maximizing the Council’s advocacy and systemic change potential as mandated under federal law.

What is in the DD Act Update?

The purpose of the update is to align the state’s DD Act with the federal statute and adopt both the supportive language and the Council requirements outlined in the federal statute. Additionally, as part of the transition that acknowledges the progress made by DD communities, the new federal law requires a DD Council—instead of a Planning Council—in each state. The vast majority of states across the nation have updated their state statutes and renamed their Council. New Mexico is one of only 3 remaining states (with Arizona and Nebraska) that still has a “Planning” Council. This update will rename the Planning Council to “New Mexico Developmental Disabilities Council.”

Who benefits?

The NM Council is currently crafting its next federally mandated Five-Year Strategic Plan, which will reflect the current Council’s priorities and meet federal requirements. The DD Act update will allow the Council to dedicate resources to its federally mandated work, which will not only benefit New Mexicans with developmental disabilities and their families, but will benefit all New Mexicans as the Council works to shape truly inclusive, integrated communities across the state. Additional benefactors of the Council’s activities include schools, employers, DD service providers, community organizers, and policy advocates.