

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON GUARANTEE OF RIGHTS OF AND SUPPORT FOR DEVELOPMENTALLY DISABLED PERSONS

Enactment No. 6114, Jan. 07, 2016
Partial Amendment No. 6721, Jan. 04, 2018
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7630, Jul. 16, 2020
Partial Amendment No. 8260, Dec. 30, 2021
Partial Amendment No. 8441, Jul. 11, 2022
Partial Amendment No. 8637, Mar. 27, 2023

Article 1 (Purpose)

The purpose of this Ordinance is to contribute to facilitation of social participation of persons with developmental disabilities, to protect their rights, and to enable them to lead their lives in a humanely dignified manner, by prescribing matters necessary for guarantee of the rights of and the support for the persons with developmental disabilities residing in Seoul Metropolitan City in accordance with the Act on Guarantee of Rights of and Support for Persons with Developmental Disabilities.

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows:

1. The term "persons with developmental disabilities" means persons defined in subparagraph 1 of Article 2 of the Act on Guarantee of Rights of and Support for Persons with Developmental Disabilities (hereinafter referred to as the "Act");
2. The term "guardian" means a person defined in subparagraph 2 of Article 2 of the Act;
3. The term "lifelong education of persons with developmental disabilities" means education for persons with developmental disabilities who are at or over the school age, which is systematic educational activities of all types including: education for supplementing academic ability excluding regular curricula of schools, basic education and literacy education for adults, education for improvement of occupational ability, education on liberal arts and refinement, education on culture and arts, and citizen-participating education;
4. The term "lifelong educational center for persons with developmental disabilities" (hereinafter referred to as "lifelong educational center") means a center provided with support based on criteria separately prescribed by this Ordinance for the lifelong education of persons with developmental disabilities among lifelong educational institutions defined in subparagraph 2 of Article 2 of the Lifelong Education Act;
5. The term "support center for persons with developmental disabilities" means a center established under Article 33 (2) of the Act to perform such services as the devising of support plans for each person with developmental disabilities, counseling, public relations activities, and provision of information, etc. for persons with developmental disabilities and their family members.

Article 3 (Responsibilities of Mayor)

The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall proactively promote comprehensive policies for welfare services for persons with developmental disabilities to guarantee their rights and to support them so that they can lead their lives in a humanely dignified manner.

Article 4 (Responsibilities of Citizens)

All citizens shall respect persons with developmental disabilities and cooperate to improve the welfare of persons with developmental disabilities based on the principle of social integration.

Article 5 (Relationship to Other Statutes and Regulations)

Except as otherwise provided in this Act, matters concerning the guarantee of the rights of persons with developmental disabilities and support for them shall be governed by this Ordinance.

Article 6 (Formulation and Implementation of Master Plans)

(1) The Mayor shall formulate and implement a master plan for guarantee of the rights of persons with developmental disabilities and provision of support for them (hereinafter referred to as "master plan") every five years.

(2) A master plan shall include the following matters:

1. Objectives and direction-setting of the master plan;
2. Matters concerning the early detection of and early support for persons with developmental disabilities;
3. Matters concerning the research, survey, and execution related to the rehabilitation, etc. of persons with developmental disabilities;
4. Matters concerning employment and support for vocational training of persons with developmental disabilities;
5. Matters concerning enhancement of the level of welfare of persons with developmental disabilities, mitigation of their families' burdens of fostering them in daily life, and provision of information and public relations activities related thereto;

6. Matters concerning the protection of rights and interests of persons with developmental disabilities;
 7. Planning for conducting regular fact-finding surveys on persons with developmental disabilities and their families;
 8. Measures to prevent and eradicate crimes against persons with developmental disabilities as prescribed in Article 14 of the Act;
 9. Matters concerning the operation of and support for facilities related to persons with developmental disabilities, such as lifelong education centers for persons with developmental disabilities and Seoul Metropolitan Government support centers for persons with developmental disabilities;
 10. Other matters concerning guarantee of the rights of persons with developmental disabilities and the provision of support for them;
 11. Matters concerning the securement of human resources and financial resources necessary for an efficient execution of the matters prescribed in subparagraphs 1 through 10.
- (3) A master plan shall be finalized following deliberation of the Seoul Metropolitan Government Committee for Welfare of Persons with Disabilities under the Seoul Metropolitan Government Ordinance on Seoul Metropolitan Government Committee for Welfare of Persons with Disabilities.
- (4) The Mayor shall establish and execute an annual implementation plan based on a master plan.

Article 6-2 (Gathering Opinions from Persons with Developmental Disabilities)

When the Mayor plans to formulate a master plan under Article 6 and promote support projects under Article 7, he or she shall gather opinions from persons with developmental disabilities, and their parents or guardians. In such cases, the persons with developmental disabilities shall be provided with sufficient opportunities to state their opinion by means of communication suitable for them.

[This Article Newly Inserted by Ordinance No. 6721, Jan. 4, 2018]

Article 7 (Projects Eligible for Support)

(1) The Mayor may support the following projects within the budget to enable persons with developmental disabilities to lead their lives in a humanely dignified manner: <Amended by Ordinance No. 6721, Jan. 4, 2018; Ordinance No. 7630, Jul. 16, 2020>

1. Projects for supporting self-help organizations referred to in Article 11 of the Act;
2. Rehabilitative therapies, development rehabilitation services, and the establishment and operation of behavioral development promotion centers under Article 24 of the Act;
3. Projects for supporting lifelong education of persons with developmental disabilities under Article 26 of the Act;
4. Support for cultural, artistic, recreational, and sports activities under Article 27 of the Act;
5. Support for residential facilities for persons with developmental disabilities, their daytime activities, and care services under Article 29 of the Act;
6. Provision of information and education to guardians under Article 30 (1) of the Act;
7. Sex education under for persons with developmental disabilities and their guardians under Article 30 (2) of the Act;
8. Support for specialized psychological counseling services for guardians under Article 31 of the Act;
9. Support for relaxation of family members of persons with developmental disabilities under Article 32 of the Act;
10. Other projects that the Mayor deems necessary to provide support for persons with developmental disabilities.

(2) The provision of budgetary support for related institutions, organizations, etc. under paragraph (1) shall be governed by the Seoul Metropolitan Government Ordinance on the Management of Local Subsidies. <Amended by Ordinance No. 6721, Jan. 4, 2018>

Article 8 (Designation of and Support for Lifelong Education Centers)

(1) In order to invigorate lifelong education for persons with developmental disabilities, the Mayor may designate lifelong education centers for persons with developmental disabilities among the lifelong education centers established or planned to be established.

(2) Criteria and procedures for the designation of lifelong education centers prescribed in paragraph (1), standards for education courses for persons with developmental disabilities, requirements for human resources providing education, and other relevant matters shall be separately determined by the Mayor.

(3) The Mayor may subsidize all or part of expenses required of lifelong education centers designated under paragraph (1) to establish and operate education courses for persons with developmental disabilities within the budget.

Article 9 (Services and Roles of Lifelong Education Centers)

(1) A lifelong education center shall perform the following services: <Amended by Ordinance No. 7423, Dec. 31, 2019>

1. Development of and research on policies on lifelong education of persons with developmental disabilities;
2. Provision of information on lifelong education of persons with developmental disabilities, counseling and public relations activities thereon;
3. Formulation of plans for supporting lifelong education of persons with severe developmental disabilities for whom it is deemed necessary to provide concentrated support due to their extreme obesity, multiple-disabilities, etc.;
4. Development and operation of lifelong education programs for persons with developmental disabilities, such as education on liberal arts and refinement, improvement of occupational ability, basic literacy skills, culture and arts, and supplementation of

academic ability;

5. Other services that the Mayor deems necessary in connection with the lifelong education of persons with developmental disabilities.

(2) Lifelong education centers shall establish a cooperation system with lifelong education institutions established under subparagraph 2 of Article 2 of the Lifelong Education Act to promote lifelong education.

Article 10 (Support Centers for Persons with Developmental Disabilities)

(1) The Mayor shall, under Article 33 (2) of the Act, establish Seoul Metropolitan Government support centers for persons with developmental disabilities which take charge of the services for protecting the rights of persons with developmental disabilities, provision of counseling for persons with developmental disabilities and their family members, etc. (hereinafter referred to as "support centers"). In such cases, the Mayor may establish support centers in autonomous Gus.

(2) A support center may organize and operate an operating committee in which persons with developmental disabilities (including their guardians) participate.

(3) A support center shall perform the following services: <Amended by Ordinance No. 7630, Jul. 16, 2020>

1. Formulation of support plans for each person with developmental disabilities;
2. Provision and linking of information on the provision of support for the welfare of persons with developmental disabilities;
3. Support for education of the family members of persons with developmental disabilities and persons engaged in related services;
4. Accumulation and management of information on institutions providing services for persons with developmental disabilities;
5. Early detection of developmental disability, and public relations activities in the local community for improvement of the recognition of persons with developmental disabilities;
6. Support for provision of counseling for persons with developmental disabilities and their family members;
7. Support for daytime activity services for persons with developmental disabilities and projects for after-school activity services for youth students with developmental disabilities;
8. Supervision of guardians of persons with developmental disabilities;
9. Support for supervision of the guardians appointed under Article 9 of the Act, and support for the affairs related to guardianship;
10. Support for exercise of the rights of persons with developmental disabilities, such as conducting on-site investigations and taking protective measures under Articles 16 and 17 of the Act;
11. Other matters deemed necessary by the Mayor.

(4) A support center shall strive to enable persons with developmental disabilities to receive welfare services and legal services by appropriately allocating necessary human resources, such as special teachers and social welfare workers, under Article 34 (3) of the Act. <Amended by Ordinance No. 6721, Jan. 4, 2018>

(5) The Mayor may subsidize expenses required for the establishment, operation, services, etc. of support centers within budgetary limits. <Amended by Ordinance No. 6721, Jan. 4, 2018>

Article 11 (Entrustment)

(1) The Mayor may designate a public institution and entrust it with the operation of a support center under Article 10 as prescribed in Article 41 (2) of the Act. In such cases, the support center may be operated by being integrated with a local support center for children with disabilities referred to in Article 9 of the Act on Welfare Support for Children with Disabilities.

(2) Where the operation of facilities is entrusted under paragraph (1), matters not prescribed in this Ordinance shall be governed by the Seoul Metropolitan Ordinance on Entrustment of Administrative Affairs to the Private Sector.

Article 12 (Guidance and Supervision)

(1) The head of a lifelong education center and the head of a support center shall file an annual report with the Mayor on important matters concerning the business plan, budget and settlement of accounts, etc.

(2) If necessary, the Mayor may guide and supervise the affairs under the jurisdiction of the operator of a lifelong education center or support center, order the operator to submit a report on such affairs or documents related thereto, or have public officials under his or her control have access to a lifelong education center or support center facilities or ask questions.

Article 13 (Establishment of Cooperation System)

In order to provide persons with developmental disabilities with comprehensive information services, the Mayor shall establish a continuous cooperation system with the organizations and facilities related to persons with developmental disabilities, medical institutions, judicial authorities, etc.

ADDENDUM

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 6721, Jan. 4, 2018>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 7423, Dec. 31, 2019>

This Ordinance shall enter into force on the date of its promulgation.

ADDENDUM <Ordinance No. 7630, Jul. 16, 2020>

This Ordinance shall enter into force on the date of its promulgation.