

英美殘障福利法介紹

英國

英國社會福利事業起源甚早。初期由教會及私人慈善團體負責救濟貧民的工作，工業革命之後英國社會問題嚴重，英國政府開始注意貧民及殘障者問題，於1601年頒佈了聞名的「救貧法」，確立了政府在社會福利上的責任。救貧法經過多次的修正，其中有關殘障福利的規定漸受重視。又於1944年頒佈「殘障就業法」，1948年的「就業及職業訓練法」，並於1971年起將重度殘障國民納入正式教育及福利系統中，提供特殊教育及殘障補助。

其相關法案包括：

Disabled Persons (Employment) Act 1944

Disabled Persons (Employment) Act 1958

Chronically Sick and Disabled Persons Act 1970

Disabled Persons (Services, Consultation and Representation) Act 1986

Disability Living Allowance and Disability Working Allowance Act 1991

Social Security Contributions and Benefits Act 1992

Disabled Persons (Services, Consultation and Representation) Act 1986

1986年殘障福利法（條文要旨）

PART I REPRESENTATION AND ASSESSMENT

Section

- 1 Appointment of authorised representatives of disabled persons
- 2 Rights of authorised representatives of disabled persons
- 3 Assessment by local authorities of needs of disabled persons
- 4 Services under s 2 of the 1970 Act: duty to consider needs of disabled persons
- 5 Disabled persons leaving special education
- 6 Review of expected leaving dates from full-time education of disabled persons
- 7 Persons discharged from hospital
- 8 Duty of local authority to take into account abilities of carer

PART II INFORMATION AND CONSULTATION

- 10 Co-option to committees etc of persons representing interests of disabled persons
- 11 Reports Parliament

PART IV SUPPLEMENTAL

- 16 Interpretation
- 17 Financial provisions
- 18 Short title, commencement, regulations, orders and extent

美國

美國的社會福利發展是由地方擴及州政府，最後到聯邦。美國在早年的革命戰爭及內戰產生了許多新的社會問題，引發對社會福利之需求，而逐漸由地方性、各自為政之社會福利思想，變成全國性、專業性之社會立法與政策。殘障福利制度亦即其中之重要一環，美國的殘障福利制度起源對傷殘退役軍人及陣亡家屬之撫卹措施。在第一次世界大戰時期，傷殘退役軍人為數甚多，為協助傷殘軍人恢復部分體能，於是針對傷殘退役軍人之職業重建而訂定之服務及立法，乃因運而生。

其相關法案包括：

- 1918 The Soldiers Rehabilitation Act
- 1920 Vocational Rehabilitation Act
- 1943 Vocational Rehabilitation Act Amendments
- 1954 Vocational Rehabilitation Amendments
- 1958 Grants for Teaching in the Education of Handicapped Children
- 1965 Vocational Rehabilitation Act Amendments
- 1967 Vocational Rehabilitation Amendments
- 1968 Vocational Education Amendments
- 1969 Elementary and Secondary Education Amendment
- 1970 Developmental Disabilities Services and Construction Act
- 1974 Education Amendment

- 1975 Developmental Disabilities Assistance and Bill of Right Act
- 1975 The Education for All Handicapped Children Act
- 1976 The Vocational Education Act
- 1978 Rehabilitation Comprehensive Services, and Developmental Disabilities Act

1978年復健綜合服務與發展障礙法 (Rehabilitation Comprehensive Services, and Developmental Disabilities Act of 1978) 條文要旨

TITLE I AMENDMENTS TO THE REHABILITATION ACT OF 1973

- SEC.101 Vocational rehabilitation services; authorization of appropriations; allotments
- SEC.102 State plans
- SEC.103 Individualized written rehabilitation program
- SEC.104 Scope of services; telecommunications services
- SEC.105 Client assistance
- SEC.106 American Indian vocational rehabilitation services
- SEC.107 Declaration of purpose
- SEC.108 Research authorizations
- SEC.109 National institute of handicapped research
- SEC.110 Research by private organizations
- SEC.111 Research and training centers
- SEC.112 Authorizations for rehabilitation facilities and vocational training
- SEC.113 Loan guarantees
- SEC.114 Training
- SEC.115 Comprehensive centers
- SEC.116 Special federal responsibilities
- SEC.117 National council on the handicapped
- SEC.118 Architectural and transportation barriers compliance board
- SEC.119 Nondiscrimination under federal programs and activities
- SEC.120 Nondiscrimination provisions; interagency council; secretarial duties
- SEC.121 Application of other laws
- SEC.122 Miscellaneous and technical amendments

TITLE II
COMMUNITY SERVICE PILOT PROGRAMS; PROJECTS WITH INDUSTRY

SEC.201 Establishment of programs

TITLE IV-SPECIAL STUDIES AND MISCELLANEOUS PROVISIONS

SEC.401 Research and demonstration projects

SEC.402 Special study concerning handicapped individuals living in rural areas

SEC.403 Special study concerning disincentives to employment

SEC.404 Prohibition on certain programs

SEC.405 Limitations on authorizations

TITLE V
AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES
CONSTRUCTION ACT

SEC.501 Reference to act

SEC.502 Short title; findings and purposes

SEC.503 Definitions and special report

SEC.504 Repeal of national advisory council on services and facilities of the
developmentally disabled

SEC.505 Regulations

SEC.506 Evaluation system

SEC.507 Rights of the developmentally disabled

SEC.508 Protection and advocacy of individual rights

SEC.509 Grant authority, applications, and authorization of appropriations for
university affiliated facilities

SEC.510 Authorization and allotments for states

SEC.511 State plans for provision of services

SEC.512 State planning councils

SEC.513 Special project grants

SEC.514 Technical and conforming amendments

SEC.515 Effective date

參考書目：

1. 各國殘障者職業重建服務法規概況 548.2023/7533
2. 福利國家：歷史比較的分析 548/4442
3. 社會福利發展 547.1/4020
4. 英美日社會福利政策與措施 547.9/4436
5. 復健工廠手冊 548.208/4224