In need of personal care services means that the eligible veteran requires in-person personal care services from another person, and without such personal care services, alternative in-person caregiving arrangements (including respite care or assistance of an alternative caregiver) would be required to support the eligible veteran's safe and meet the requirements of §71.30. In need of personal care services means that the eligible veteran requires in-person personal care services from another person, and without such personal care services, alternative in-person caregiving arrangements (including respite care or assistance of an alternative caregiver) would be required to support. In need of personal care services means that the eligible veteran requires in-person personal care services from another person, and without such personal care services, alternative in-person caregiving arrangements (including respite care or assistance of an alternative caregiver) would be required to support the eligible veteran's safety.

*Inability to perform an activity of daily living (ADL)* means a veteran or servicemember requires personal care services each time he or she completes one or more of the following:

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URL

https:/​/​www.ecfr.gov/​current/​title-38/​part-71#p-71.15(Inability​%20to​%20perform​%20an​%20activity​%20of​%20daily​%20living​%20(ADL))

Citation

38 CFR 71.15 “Inability to perform an activity of daily living (ADL)”

(1) Dressing or undressing oneself;

(2) Bathing;

(3) Grooming oneself in order to keep oneself clean and presentable;

(4) Adjusting any special prosthetic or orthopedic appliance, that by reason of the particular disability, cannot be done without assistance (this does not include the adjustment of appliances that nondisabled persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.);

(5) Toileting or attending to toileting;

(6) Feeding oneself due to loss of coordination of upper extremities, extreme weakness, inability to swallow, or the need for a non-oral means of nutrition; or

(7) Mobility (walking, going up stairs, transferring from bed to chair, etc.).

**§ 71.20 Eligible veterans and servicemembers.**

A veteran or servicemember is eligible for a Family Caregiver under this part if he or she meets the criteria in [paragraph (a)](https://www.ecfr.gov/current/title-38/section-71.20#p-71.20(a)), [(b)](https://www.ecfr.gov/current/title-38/section-71.20#p-71.20(b)), or [(c)](https://www.ecfr.gov/current/title-38/section-71.20#p-71.20(c)) of this section, subject to the limitations set forth in such paragraphs.

(a) A veteran or servicemember is eligible for a Primary or Secondary Family Caregiver under this part if he or she meets all of the following requirements:

(1) The individual is either:

(i) A veteran; or

(ii) A member of the Armed Forces undergoing a medical discharge from the Armed Forces.

(2) The individual has a serious injury incurred or aggravated in the line of duty in the active military, naval, or air service:

(i) On or after September 11, 2001;

(ii) Effective October 1, 2020, on or before May 7, 1975; or

(iii) Effective October 1, 2022, after May 7, 1975 and before September 11, 2001.

(3) The individual is in need of personal care services for a minimum of six continuous months based on any one of the following:

(i) An inability to perform an activity of daily living; or

(ii) A need for supervision, protection, or instruction.

(4) It is in the best interest of the individual to participate in the program.

(5) Personal care services that would be provided by the Family Caregiver will not be simultaneously and regularly provided by or through another individual or entity.

(6) The individual receives care at home or will do so if VA designates a Family Caregiver.

(7) The individual receives ongoing care from a primary care team or will do so if VA designates a Family Caregiver.

(b) For five years beginning on October 1, 2020, a veteran or servicemember is eligible for a Primary or Secondary Family Caregiver under this part if he or she is a legacy participant.

(c) For five years beginning on October 1, 2020, a veteran or servicemember is eligible for a Primary or Secondary Family Caregiver under this part if he or she is a legacy applicant.

[[85 FR 46295](https://www.federalregister.gov/citation/85-FR-46295), July 31, 2020, as amended at [86 FR 52618](https://www.federalregister.gov/citation/86-FR-52618), Sept. 22, 2021; [87 FR 57608](https://www.federalregister.gov/citation/87-FR-57608), Sept. 21, 2022]