



**House  
Legislative  
Analysis  
Section**

Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

**FOSTER CARE FOR MINORS**

**AS ENROLLED**

**House Bills 4527 and 4528 as introduced  
First Analysis (5-3-95)**

**Sponsor: Rep. Gary Randall  
Committee: Human Services**

***THE APPARENT PROBLEM:***

Generally, under current laws governing placement of children and adults in need of residential treatment, the placement of handicapped adults in residential care settings is limited to adult facilities and the placement of children under 18 years of age is limited to foster family homes or foster family group homes. An exception to the general rule is permitted in the case of a child of 16 or 17 years of age who is physically and emotionally prepared for placement in an adult foster care facility. The placement is allowed under certain circumstances: the agency responsible for the child must retain supervisory responsibility, and must certify to the Department of Social Services (DSS) that the placement would be in the child's best interest, that the needs of the child could be adequately met and that the child would be compatible with other residents at the facility, and that the agency would periodically reevaluate the placement to determine that the criteria for placement were being met. Another exception to the general rule permits developmentally disabled or neurologically handicapped adults to be placed in a foster family home. This type of placement must meet criteria paralleling those for placing a child in an adult foster care home, and, in addition, the person must be so physically limited as to require complete physical assistance with mobility and activities of daily living. There are no provisions under the act, however, that allow a child who is physically limited and neurologically handicapped to be placed in an adult foster care family or small group home. In some situations, such a placement would provide the best setting to meet the needs of these children. Consequently, it is advocated that the DSS be allowed to authorize the placement of these minors in adult foster care facilities.

may authorize a licensed child placing agency or an approved governmental unit to place a child who is 16 or 17 years old in a licensed adult foster care family home or a licensed adult foster care small group home. House Bill 4528 would amend the act to include certain other children under this provision. Under the bill, the DSS could authorize -- on an exception basis -- the placement of a child in a licensed adult foster care family home or in a licensed adult foster care small group home if the child was neurologically handicapped and physically limited to such a degree as to require complete physical assistance with mobility and the activities of daily living. The placement would have to meet criteria similar to those for placing a 16- or 17-year-old:

\*\*The placement would have to be in the best interests of the child and have the consent of the child's parent or guardian.

\*\*The home would have to be able to meet the identified needs of the child; and the child's psychosocial and clinical needs would have to be compatible with those of other residents.

\*\*The clinical treatment of the child's condition would have to be similar to that of the other residents.

\*\*The child's cognitive level would have to be consistent with that of other residents.

\*\*The child placing agency or approved governmental unit would have to periodically reevaluate the placement to determine that these criteria continued to be met.

***THE CONTENT OF THE BILLS***

Currently, under the child care licensing act (MCL 722.115) the Department of Social Services (DSS)

House Bill 4527 would amend the Adult Foster Care Facility Licensing Act (MCL 400.703) to make it consistent with the provisions of House Bill 4528. House Bill 4527 is tie-barred to House Bill 4528.

**House Bills 4527 and 4528 (5-3-95)**

**FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, House Bill 4527 would have no impact on state funds. However, the fiscal agency estimates that House Bill 4528 could result in an indeterminate increase in Department of Social Services' administrative costs for reevaluation of each child's placement into an adult foster care setting. (4-7-95)

The Department of Social Services (DSS) estimates that the bills would have no impact on state funds. The department acknowledges that the few children who might be placed in adult foster care facilities under the provisions of the bills would require expensive care. However, according to the department, this expense would be incurred wherever the children were placed. (4-26-95)

**ARGUMENTS:**

**For:**

According to the Department of Social Services, there are some children whose needs are unique, such as those who are neurologically handicapped and physically limited to the extent that they require assistance with the activities of everyday living. These children cannot be placed in a child foster care home because none have facilities that would address their needs. Often, their best interests would be served if they could be placed in an adult foster care home that is licensed to care for one to six individuals, or in an adult small group home, licensed to care for one to twelve individuals. One such situation occurred recently involving the placement of a child with a closed head injury. The only suitable facility close to the child's family home was an adult foster care home. Currently, however, neither the child care licensing act nor the Adult Foster Care Facility Licensing Act contain provisions that would permit such a placement. According to the DSS, the number of children who would qualify under the provisions of the bills is very small. However, the department believes that it is good public policy to provide for the needs of these children, and to specify the conditions under which such a placement could be made.

**Against:**

The bill specifies the conditions under which a child may be placed in an adult foster care facility, such as the provision that children would only be placed in an adult care facility if the treatment they required was similar to that of the other residents in

the facility. While the aim of these conditions is to safeguard against the indiscriminate placement of children in such facilities, there are some who might question the general wisdom of placing any child in a facility designed to serve adults.

**POSITIONS:**

Representatives of the following testified in support of the bills on April 27, 1995, before the House Human Services Committee:

Michigan Residential Care Association

Lakeland Rehabilitation House

The Department of Social Services supports the bills. (4-26-95)