



**House
Legislative
Analysis
Section**

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FOSTER CARE FOR HANDICAPPED ADULTS

**House Bills 4558 (Substitute H-3) and 5994 as
introduced
First Analysis (9-19-90)**

RECEIVED

**Sponsor: Rep. Joseph Young, Sr.
Committee: Social Services & Youth**

OCT 24 1990

Mich. State Law Library

THE APPARENT PROBLEM:

Usually children with mental or physical disabilities are placed in separate facilities from adults with disabilities. However, placement opportunities for some adults can be extremely difficult to find because many standard care facilities, such as adult foster care group homes, do not provide the consistency of care that adults with extreme mental and physical disabilities need. For instance, many group homes have shift changes, and sometimes rotating shifts are unaware of subtle changes in a patient's behavior that signal distress. In addition, the few homes that do provide specialized care for severely mentally and physically disabled patients are very difficult to find. It has been suggested that since situations in which a severely mentally and physically disabled person could not be placed in an adult foster care home occur so infrequently (less than ten cases within the past five or six years), exceptions should be made on a case by case basis to the separate homes for children and adults principle, so adults could be placed in a children's licensed foster care home when the home can provide the needed care.

under the child care organization licensing act that had a person who was 18 years of age or older placed in the foster family home under the provisions of House Bill 4558.

The bill is tie-barred to House Bill 4558.

MCL 400.703

FISCAL IMPLICATIONS:

According to the Department of Mental Health, the bill would have no fiscal implications for the state. (9-17-90)

ARGUMENTS:

For:

Although care for adults with some disabilities may not be extremely hard to find, placement opportunities for adults with extreme mental and physical disabilities can be especially hard to find because these adults need consistent care from a single provider, the kind of care given to disabled children by their parents or a licensed child care organization. In the rare instances when adults suffer from extreme mental and physical disabilities, often the only difference between a child and the adult is the chronological age of the adult. The bill will allow adults with extreme disabilities to receive the consistent care they need from licensed child care providers when a child care provider is the source that is most capable of providing the needed care.

POSITIONS:

The Department of Mental Health supports the bills. (9-17-90)

THE CONTENT OF THE BILL:

House Bill 4558 would amend the child care licensing act to allow the Department of Social Services to authorize a licensed child placing agency or an approved governmental unit to place an adult in a foster family home that was licensed and regulated as a child care organization, but only if the governmental unit or the agency certified the following:

- the adult was developmentally disabled or neurologically handicapped and was also physically affected to such a degree as to need physical assistance with mobility and activities of daily living;
- the placement was in the best interest of the adult and would not adversely affect the interests of the foster child or children residing in the foster care family home;
- the needs of the adult could be met by the foster family home;
- the adult would be compatible with other residents; and
- the child placing agency or governmental unit would periodically reevaluate the placement of the adult under the bill's provisions to determine that the criteria for placement continued to be met and to document that the adult was receiving care consistent with the administrative rules for a child placing agency.

The bill is tie-barred to House Bill 5994.

MCL 722.115

House Bill 5994 would amend the Adult Foster Care Facility Licensing Act to exempt from the definition of "adult foster care facility" a foster family home licensed or approved

H.B.s 4558 & 5994 (9-19-90)