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House Bills 4527 and 4528

Sponsor: Representative Gary Randall

House Committee: Human Services

Senate Committee: Families, Mental Health, and Human Services

Date Completed: 5-16-95

SUMMARY OF HOUSE BILLS 4527 and 4528 as passed by the House:

House Bills 4527 and 4528 would amend the Adult Foster Care Facility Licensing Act and the child care licensing Act, respectively, to permit the placement of a child in an adult foster care home, on an exception basis, if that placement were in the child's best interests, the child were neurologically handicapped and physically limited, and other criteria were met. House Bill 4527 is tie-barred to House Bill 4528.

House Bill 4528 specifies that the Director of the Department of Social Services or his or her designee could authorize, on an exception basis, a licensed child placing agency or an approved governmental unit to place a child in a licensed adult foster care family home or adult foster care small group home if the child placing agency or governmental unit certified to the Department all of the following:

- The placement was in the child's best interests.
- The placement had the concurrence of the child's parent or guardian.
- The child's identified needs could be met adequately by the adult foster care home.
- The child's psychosocial and clinical needs were compatible with those of other residents of the home.
- The clinical treatment of the child's condition was similar to that of the other residents of the home.
- The child's cognitive level was consistent with that of the other residents.
- The child was neurologically handicapped as well as physically limited to such a degree as to require complete physical assistance with mobility and activities of daily living.
- The child placing agency or governmental unit periodically would reevaluate the child's placement to determine that the preceding criteria continued to be met.

(The Act already permits the Department to authorize the placement of a 16- or 17-year-old in an adult foster care home if a licensed child placing agency or approved governmental unit retains supervisory responsibility for the child and certifies that the placement is in the child's best interests, the child's needs can be adequately met by the home, the child will be compatible with other residents, and the agency or governmental unit will periodically reevaluate the placement.)

House Bill 4527 would amend the definition of "adult" in the Adult Foster Care Facility Licensing Act to include a person placed in an adult foster care family home or an adult foster care small group home pursuant to House Bill 4528. (The definition currently includes a person who is 18 or older,

or a 16- or 17-year-old who is placed in an adult foster care home pursuant to the child care licensing Act.)

MCL 400.703 (H.B. 4527)
722.115 (H.S. 4528)

Legislative Analyst: S. Margules

FISCAL IMPACT

Given that appropriate placement of children according to clinical needs is currently Department policy, it appears that the bills would have no fiscal impact.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.