

Ruling could reach statewide

By Jackie Klein
staff writer

A ruling on Southfield's attempted blocking of a license for an adult foster care home for six mentally ill women could have far-reaching, statewide effects.

Administrative Law Judge Frank E. Pratt rendered a preliminary decision in favor of the city on May 11, after reviewing the city's unsuccessful appeal to the Michigan Department of Social Services to deny the license application.

If the ruling is upheld, small-group homes for the mentally ill will be prohibited in residential neighborhoods in all Michigan communities, said Maria Ward, Southfield's director of legislative services.

Pratt's decision won't become final until June 11, and the Department of Social Services may object, Ms. Ward said. If the department decides to appeal the final decision it must be done in

Oakland County Circuit Court, she said. "SMALL-GROUP homes may not be licensed under the State Adult Foster Care Facility Act to care for persons afflicted with mental illnesses," Pratt said in his proposed ruling.

"The only category of adults to receive care in foster care facilities are those who are aged, emotionally disturbed, developmentally disabled and physically handicapped."

"All references in the act to 'mental illness' are to four years in the future and deal only with large-group homes. Mental illness isn't listed as a condition or category for residency in an adult foster-care facility."

The Department of Mental Health is still interested in using the Southfield home, said Kenneth W. Stockton, regional community relations specialist for the department. But, he said, the home may be occupied by persons who are retarded or otherwise disabled.

An Oakland County Circuit Court ruling is expected on June 10 on a lawsuit filed by the Green-trees Civic Association and joined by the city late last year against operation of the home at 21225 11 Mile between Evergreen and Lakeshore.

The suit questions whether the proposed facility meets the criteria of an adult foster care home.

CIRCUIT JUDGE Robert Webster in February continued a temporary injunction against the applicant — Victory-Wisdom, Non-Profit Housing Corp. of Belleville — from placing mentally ill persons in the home pending further court action.

Acting City Attorney Phillip Poole filed a complaint with the social services department last September claiming the department would violate the law by granting a license for six women patients from Clinton Valley in Pontiac.

John Dempsey, department director, denied Poole's allegations. Dempsey said the state act covers adult foster care homes for six persons or less. Mentally ill persons, he said, are included in the emotionally disturbed category.



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