

Local leaders react to high court ruling

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put an end to it, Brotherton said.

"It reaffirms what has been the practice in the past except now it says it from the highest court," Brotherton added.

THE HIGH court's unanimous 58-page opinion was a defeat for the city of Livonia and a Southfield homeowners' association. The Livonia/Southfield appeal — consolidated at the high court's request — involved four sepa-

rate cases. Three were initiated by Livonia, the fourth by Southfield.

The Livonia cases concentrated on issues of zoning violations, building deficiencies, deed restrictions and state licensing procedures. Each of the Livonia cases involved a request by the state Department of Social Services (DSS) to license an existing home for use as an adult foster care, small group home.

The Southfield suit was filed by Greenettes Civic Association and centered on the placement of mentally ill adults in group homes.

It is the issue of placing mentally ill adults in group homes that Farmington and Farmington Hills officials expect will draw strong public reaction.

"There certainly would be a community outcry if they were located here," Farmington City Manager Robert Deadman said. "In this society, there has been a real change in how we deal with people with functional disorders, mental disorders."

THE LACK of public reaction over the possibility of placement of mentally ill patients in group homes is probably due to the fact that "we just have not faced it (such placement) in our community," Dolan said.

Both Farmington and Farmington Hills officials received notification in early October from the State Center for Forensic Psychiatry in Ypsilanti — an arm of the state Department of Mental Health — of plans to place patients in residential programs in the communities.

In early November, state Rep. Debbie Stabenow, D-Lansing — chairwoman of the House Mental Health Committee — said the public should remember that "mental illness is not the same as dangerous. Legally, if someone is dangerous to themselves or to others, they cannot be placed in the community."

Patients that would be placed in residential programs are those who have emotional problems, such as depression, or who suffer from a strong lack of self-confidence or who are severely withdrawn, Stabenow said.

Many of the patients also have no where to live following their release from the hospital.

"The alternative is not one that is too good," Brotherton said, referring to released patients having no where to go.

THE ISSUES of placing mentally retarded persons as opposed to mentally ill persons "are two different situations," Hartsock said.

The placement of mentally ill persons "is what scares people," Hartsock said. "And it concerns me because it is a different type of problem (than mental retardation)."

A summary of the ruling

The Michigan Supreme Court ruled that state-licensed adult foster care homes are exempt from local zoning ordinances.

The 6-0 ruling was a defeat for the city of Livonia and a homeowners' group in Southfield.

Winners were the defendants — the state Department of Social Services, which licenses group homes for developmentally disabled adults, and Victory Wisdom Nonprofit Housing Inc. The cases were consolidated because of the similarity of issues.

In a 47-page opinion written by Justice Michael F. Cavanagh, the high

court upheld rulings for the defendants by Wayne Circuit Judge Roland L. Olzak and Oakland Circuit Judge Robert Webster. Justice Dorothy Comstock Riley didn't take part in the proceedings.

AN UNOFFICIAL court summary of the 12-question case made these major points:

- "Adult foster care facilities remain exempt from local zoning ordinances." The court said local zoning could not be used to defeat an important purpose of the licensing act.
- "An adult foster care facility pro-

viding care and supervision for six or less persons is engaged in a residential use of property."

- A challenged section of the state zoning act "does not, impermissibly, divert home rule cities of constitutional and statutory authority.... Local ordinances must give way to conflicting constitutional and statutory provisions."
- The state licensing and zoning acts "do not unconstitutionally delegate legislative authority to the DSS...." as charged in the suit.
- The state laws "provide for adequate notice and for an opportunity for a hearing prior to licensure of adult foster care facilities, and provide for a fair and impartial decisionmaker." The decisionmaker is the DSS director and hearing officers.
- "All adult foster care facilities may provide foster care to mentally ill persons," though in practice not every mentally ill person is a "proper candidate" for placement.
- Deed restrictions were not violated by adult foster care small group homes. "Any increase in traffic and parking problems with regard to all the homes is no greater than that which could have arisen had a large traditional family occupied the homes."

ALTHOUGH WHEN state officials first dealt with the group home issue, many assumed placement was restricted for developmentally disabled people, Brotherton said.

But language in the state law "gave the administration the ability to interpret it differently" to include the placement of mentally ill patients, he added.

"We have been assured that the type of mentally ill patients are people who are not the mentally ill you see in the movies who have chopped somebody up," Brotherton said.

The people who would be placed in residential programs are those who are depressed or have other similar emotional problems, he added.

According to law, mental institutions can keep patients for only a certain amount of time, Brotherton said. Although patients may not need to be in a state hospital to continue improvement, some type of supervision and help is still necessary. That's what group homes are expected to provide.

Pretrial exam slated

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have information available regarding Lewis' case. Lewis is being tried in 47th District Court because he is charged with a misdemeanor. But Fischer is with a misdemeanor because the charge is a violation of state law, Kohls said.

Lewis, who became director in 1974, resigned May 15 after he was suspended without pay May 2 following the release of an audit by accountants Plante & Moran. The audit showed evidence of possible discrepancies in library finances. The accounting firm's findings covered a variety of areas, including personal use of library dollars.

Events leading to Lewis' resignation earlier this year began with the resignation of Jill Locke, manager of the Farmington Hills library branch and children's coordinator for the Hills and Farmington branches.

Locke's resignation in February followed a decision to move her to a new position as coordinator of community services. Her resignation touched off public protest, including the Plante & Moran audit and Lewis' subsequent resignation.

said, "I didn't think any kind of criminal action was warranted."

But Kohls said Farmington Hills police "were called in during the library administration hearings (in late April and early May) because of possible criminal violations."

Detroit attorney Dennis DuBay, who represented the library board of trustees during its investigation into financial practices of the library administration, said the library is not involved in the Lewis case in any way.

LEWIS' ARREST in October was made without publicity. Several Farmington Community Library trustees were surprised by Lewis' arrest when asked for their reaction late last week.

"I wasn't aware of it. I am surprised. I just wasn't aware of it. I thought the matter had been resolved. The actions we took I thought resolved the matter," said Ernest Sauter, board of trustees president, referring to the Plante & Moran audit and Lewis' subsequent resignation.

"I'm sorry to hear it," Sauter continued. "I think much of what the Farmington Community Library is today is attributed to Gordon. I think he just had some bad judgment."

Trustees Jonathan Grant and Aldo Vagnoni were equally surprised to hear of Lewis' arrest. Both Grant and Sauter said they thought Lewis had moved out of state.

LIPSON, LEWIS' attorney, said he was equally surprised that police and the county prosecutor's office continued the investigation following Lewis' resignation.

"I had assumed it was over," Lipson

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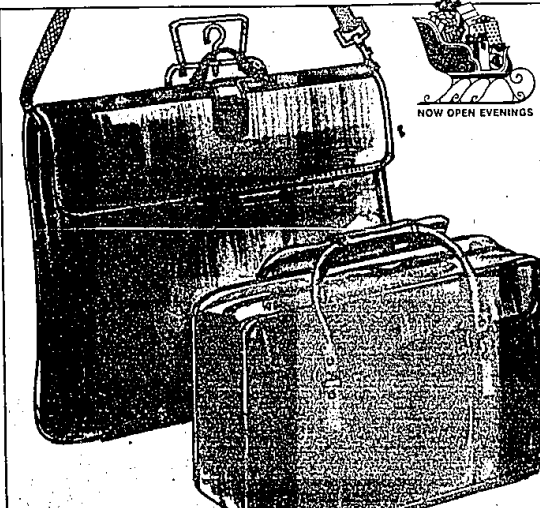
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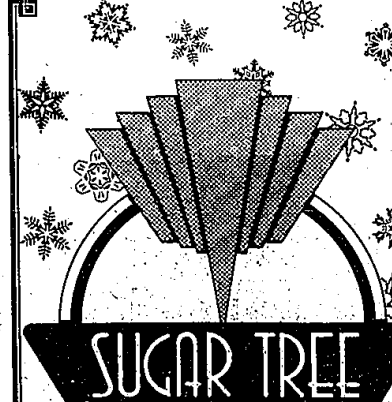


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