

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2005-2

Committee:	Mark Keilhorn	Department of Community Health
	Pam Pekelder	Ottawa Community Mental Health
	Doug Ward	Community Mental Health for Central Michigan

The Committee met on March 17, 2005 concerning a dispute between two county CMHSP's. CMHSP representatives from the two counties attended to explain the case and the rationale for each CMHSP's position.

Issue: As a child, the individual was adopted from Bulgaria and brought to County A. In 2001, out of home placement was initiated by FIA into a facility in County B. In 2002, parental rights were terminated when it was discovered that he had suffered abuse by the adoptive family. Costs in the placement have been paid by FIA. In February 2005, when he reached 19, he was placed in the community in County B. He was initially placed into an AFC home, but recently was asked to leave and moved to a homeless shelter.

County B cites the contract which says that if the FIA "places a child on a temporary basis, with the intent of returning that child to the county in which the custodial parent resides, COFR shall remain the county in which the parent resides." This is consistent with the general rule that the financially responsible CMHSP is the one that served the individual in the county where he last lived independently. In the case of children, the COFR is the county where parents have their primary residence.

County A maintains that they have had no contact with the individual. In addition, they cite the next section in the contract which says that "When all parental rights have been terminated, the COFR shall be where the child resides." County B maintains that this clause is not relevant since he became an adult in 2004 when he turned 18.

Resolution: The contract is clear: COFR is County B. In 2002, when parental rights were severed, the COFR became where the child was residing at that time, which was County B. The fact that he became an adult in 2004 is not relevant since COFR had already been determined.

Contract: The general rules are that the COFR is the county where the adult lived independently, or where the child's parents lived. The contract has a specific exception which changes the COFR for a child whose parental rights have been terminated to the county where the child then resides. This inconsistency should be resolved.

Other: The question was raised as to whether, for the exception in the contract, the parental rights are terminated when the child turns 18. Since the exception says "the COFR shall be where the child resides," the exception does not apply to a situation where the child becomes an adult.

There needs to be better communication between CMHSP's and specialized residential homes concerning placement and subsequent services to persons who are aged out of the homes. The homes and FIA (now HHS) should be able to manage these scheduled transitions with better attention to the person-centered needs of these individuals.