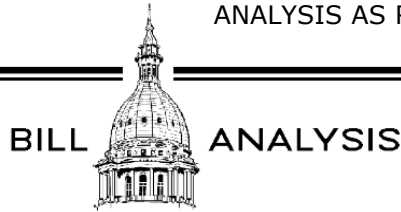




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Senate Bill 112 (as reported without amendment)  
Senate Bill 113 (Substitute S-1 as reported)  
Senate Bill 114 (as reported without amendment)  
Sponsor: Senator Curtis Hertel, Jr. (S.B. 112)  
          Senator Jim Marleau (S.B. 113)  
          Senator Margaret E. O'Brien (S.B. 114)  
Committee: Families, Seniors and Human Services

*(Senate-passed version)*

Date Completed: 3-2-15

### **RATIONALE**

Several Michigan statutes use the term "crippled children" or "crippled child" to refer to children with special health care needs, and to establish the qualification of those children for certain programs and services. While the word "crippled" might once have been widely acceptable as describing a variety of maladies, over time it has acquired a narrow and negative connotation. Some people believe the word is an offensive and pejorative descriptor, and it has been suggested that Michigan law instead should refer to children or youth "with special health care needs".

### **CONTENT**

**Senate Bill 112 would amend Public Act 29 of 1957, which provides for the disposition of certain files and records in the probate court, to refer to a "child or youth with special health care needs" rather than "crippled or afflicted children".**

**Senate Bills 113 (S-1) and 114 would amend Public Act 137 of 1921, which authorizes counties to contract for the care and treatment of certain children, to refer to a child or children "with special health care needs" rather than a "crippled" child or children.**

Senate Bill 112 is tie-barred to House Bill 4205, which would amend Part 58 (Crippled Children) of the Public Health Code to refer to children and youth with special health care needs rather than crippled children. That bill also would change the heading of Part 58 to "Children and Youth with Special Health Care Needs".

### **Senate Bill 112**

Public Act 29 of 1957 allows a probate court to order the destruction of certain files and records if more than six years have passed since the last order of the court in the case. That provision applies to proceedings taken for the hospitalization of crippled or afflicted children. Under the bill, it instead would apply to proceedings taken for the hospitalization of a child or youth with special health care needs under Part 58 of the Public Health Code.

(Part 58 defines "crippled child" as a single or married individual under 21 years of age whose activity is or may become so restricted by disease or deformity as to reduce the individual's normal capacity for education and self-support. Under House Bill 4205, that definition would apply to "child or youth with special health care needs".)

## **Senate Bills 113 (S-1) & 114**

Public Act 137 of 1921 allows a county board of commissioners to enter into agreements for up to one year with one or more agencies, institutions, or hospitals to receive aid, care for, support, maintain, treat, cure, or relieve any poor, sick, distressed, abandoned, needy, or crippled child or children living within the county who may be referred by a judge of the family division of circuit court (family court). Senate Bill 113 (S-1) would refer in that provision to children or youth with special health care needs rather than to a crippled child or children.

If a county enters into a contract described above, a family court judge must refer the poor, sick, distressed, abandoned, needy, or crippled child or children to the proper agency, institution, or hospital with which the county has contracted. Senate Bill 114 would refer in that provision to a child or youth with special health care needs rather than to a crippled child or children.

MCL 720.551 (S.B. 112)

722.501 (S.B. 113)

722.503 (S.B. 114)

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bills would modernize language that many consider derogatory. The term "crippled" carries a stigma, implying a physical or mental inability or shortcoming. Children who have disabilities or are ill should not be referred to in that manner. The appropriate way to refer to children whose health conditions may warrant special treatment is "children and youth with special health care needs".

Use of the word "crippled" also is limiting in scope for today's standard of care. Although the Public Health Code's definition of "crippled child" refers to a child restricted by disease or deformity, the outdated term "crippled" implies paralysis or physical deformity. Children might need specialized health care because of a rare illness or developmental delay, not just limited mobility issues. That need for special care, and not a child's debilitating condition, should be what is emphasized in statute and State programs and services. While changing the language in statute might be considered symbolic, it also is very meaningful to clients or patients who are children, their families, and health care providers. Children and youths should be recognized in Michigan statutes in a respectful and accurate way.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Steve Angelotti

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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.