



Developmental Disabilities Services Division (DDSD)

Act 248 Current Structure and Barriers

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Act 248 (1 of 2)

Authorizes a state Criminal Court to civilly commit a person with an intellectual disability into the custody of Commissioner of the Department of Disabilities, Aging and Independent Living (DAIL).

Act 248 (2 of 2)

To be committed under Act 248, a person must:

- Have a qualifying intellectual disability.
- Be enrolled in DS Services

And

- Present a danger of harm to others, i.e., be a person who has engaged in any of the following:
 - Sexual assault.
 - Lewd and lascivious conduct with a child .
 - Inflicting or attempting to inflict serious bodily injury upon another person.

Current Process Barriers

If DAIL is unable to assure public safety via Act 248, the individual could be released without services, creating greater risk to public safety.

Current Process Barriers

Sometimes a person will be placed in DOC custody while awaiting determination on competency or while their Act 248 program is being developed.

Often a person with ID decompensates while in DOC custody. DS services not available in a correctional facility due to no payment source while in DOC custody.

Designated Program under Act 248 Commitment (1 of 2)

Developed in partnership by the Designated Agency/
Specialized Service Agency and DDS.

Services are individualized to meet the needs of the
person and address the level of public safety risk.

Additionally, supports must be designed to ensure the
individual the least restrictive setting and community
integration within the overall safety plan.

Designated Program under Act 248 Commitment (2 of 2)

Support within the community.

Developing a full designated program generally takes between 8 to 12 months.

- Individuals may be supported in the community through partial programs while full supports are put into place.
- Presents risk of harm to self and others due to inadequate level of care during development stage.

Outlier experiences have required DOC custody to ensure public safety during development of designated program.

Current Process Barriers

Though DS services can start immediately upon a person's release from DOC, or their Commitment to Act 248, often the type or intensity of Act 248 DS services may not yet be adequate to assure public safety.

Existing Recourse Options for Act 248 Programs

If a program has been determined to not be meeting a person's public safety needs, the following are options for recourse.

- Redesigning the program
- Change of residence
- More intensive therapy or supervision
- More restrictions to protect public safety

Current Process Barriers

If DAIL is unable to assure public safety through the existing Act 248 program for a person, or through the existing options for recourse, the risk posed to the public may continue to increase.

Act 248 Data



People in Commissioner's Custody

30 people

29 supported in the community

1 in DOC custody pending development of designated program



Residential Models

Group Living: 1

Shared Living: 11

Staffed Living: 15

Living with Family: 2



Average Increase in Census

2 individuals per year since 2021



Act 248 HCBS Budget

Min: \$86,930

Max: \$818,655

Average: \$263,500