

NOTIFICATION BY DHS TO CHILDREN'S OMBUDSMAN REGARDING DEATH OF CERTAIN CHILDREN

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House Bill 4125

Sponsor: Rep. Dudley Spade

Committee: Families and Children's Services

Complete to 3-6-09

A REVISED SUMMARY OF HOUSE BILL 4125 (PROPOSED SUBSTITUTE H-1, DRAFT 1)

The bill would amend the Child Protection Law (MCL 722.627k) to require the Department of Human Services to notify the Children's Ombudsman about the death of a child when any of the following applies:

- The child died while under the jurisdiction of the Family Division of Circuit Court under Section 2(b) of Chapter XIIA of the Probate Code. (See below for more information.)
- The child died during an active child protective services investigation or an open child protective services case.
- The department received a prior child protective services complaint concerning the child's caretaker.
- The child's death may have resulted from abuse or neglect.

Section 2(b) of Chapter XIIA of the Probate Code gives jurisdiction, generally speaking, to the court for the following juveniles under 18 years of age:

-- When the person legally responsible for the care and maintenance of the juvenile neglects or refused to provide proper or necessary support, education, medical, surgical, or other care, who is subject to a substantial risk of harm to his or her mental well-being, who is abandoned by his or her parents, guardian, or other custodian, or who is without proper custody or guardianship.

-- A juvenile whose home or environment is an unfit place to live, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent or guardian, etc.

-- A juvenile whose parent has substantially failed, without good cause, to comply with a court-structured plan regarding the juvenile under the Estates and Protected Individuals Code (EPIC).

-- If the juvenile has a guardian under EPIC and the juvenile's parents had failed or neglected to provide regular and substantial support for the juvenile or had regularly and substantially failed or neglected to visit, contact, or communicate with the juvenile.

FISCAL IMPACT:

This bill codifies current DHS practices, so this bill will have no fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.