

Legislative Analysis



CHILDREN OMBUDSMAN INVESTIGATIONS

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House Bill 4050 (Substitute H-2)

Sponsor: Rep. Kenneth Kurtz

Committee: Families, Children, and Seniors

(Enacted as PA 38 of 2013)

Complete to 2-25-13

A SUMMARY OF HOUSE BILL 4050 AS REPORTED FROM COMMITTEE

The bill would amend the Children's Ombudsman Act in the following ways:

- The act gives the ombudsman the authority to take certain investigative actions "in relation to a child who may be a victim of child abuse or child neglect." The bill would amend the act to say that this includes "a child who may have died as a result of suspected child abuse or child neglect."
- The act allows the ombudsman to disclose confidential information necessary to identify, prevent, or respond to abuse or neglect of a child to the Department of Human Services or a court. The bill would also allow the disclosure of information to a law enforcement agency or a prosecuting attorney investigating a report of known or suspected child abuse or child neglect.
- The act prohibits the ombudsman from disclosing information relating to an ongoing law enforcement investigation or an ongoing children's protective services investigation. The bill would specifically allow the ombudsman to release the results of an investigation to a complainant, or to an individual not meeting the definition of complainant, if the ombudsman receives notification that releasing the results of its investigation is not related to and will not interfere with an ongoing law enforcement investigation or an ongoing child protective services investigation.
- The bill reactivates the section that allows the Ombudsman to request a subpoena from a court requiring the production of a record or report necessary to carry out his or her powers or duties. *(This section was previously repealed as of 2010. The provision was put in statute by Act 560 of 2004 for a period of five years only.)*
- The bill deletes language that authorizes the ombudsman to review each departmental death review team study and then recommend ways to prevent future similar occurrences.
- The bill also removes language regarding the investigation of adoption attorneys to see if they have contravened the Michigan Rules of Professional Conduct

adopted by the Michigan Supreme Court. (Legislation in 2004 repealed a requirement that the ombudsman maintain a registry of adoption attorneys.)

MCL 722.925a, et al.

FISCAL IMPACT:

The bill would have a negligible fiscal impact to state and local government.

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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.