

Legislative Analysis



AMEND CHILDREN'S OMBUDSMAN'S ACT

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House Bill 5039

Sponsor: Rep. Kenneth Kurtz

Committee: Families, Children, and Seniors

Complete to 2-4-14

A SUMMARY OF HOUSE BILL 5039 AS INTRODUCED 10-2-13

House Bill 5039 would amend the Children's Ombudsman Act (MCL 722.924 et al.) in the following ways:

- Require the Ombudsman notify the Department of Human Services of any immediate safety concerns regarding a child or children who are part of an active or open protective services or foster care case. The notice would need to occur as soon as possible, but no later than one business day after the ombudsman became aware of the concerns.
- Specify that the ombudsman has the authority in the course of a child fatality investigation to request and be permitted access to any records from the court of jurisdiction, attorney general, prosecuting attorney, or any attorney retained by the DHS, and reports from a county child fatality review team.
- Specifically permit the ombudsman to investigate all child fatality cases that occurred or were alleged to have occurred due to child abuse or child neglect, including in any of the following situations:
 - A child died during an active Child Protective Services (CPS) investigation or open services case, or there was an assigned or rejected CPS complaint within 24 months immediately preceding the child's death.
 - A child died while in foster care, unless the death resulted from natural causes and there were no prior CPS or licensing complaints concerning the foster home.
 - A child was returned home from foster care and there was an active foster care case.
 - The foster care case involving the deceased child or sibling was closed within 24 months immediately preceding the child's death.

Under the bill, subject to state appropriations, an investigation described above would have to be completed within 12 months after the ombudsman opened a child fatality case for investigation.

With respect to the investigation of a case of the kind described above and upon review of records or other information from entities listed in the act, the ombudsman would be required to provide any necessary recommendations for improving systemic issues that are discovered during the investigation of a child fatality. The recommendations could be provide to the court of jurisdiction, the county child fatality review team, medical professionals, and attorneys or other legal professionals involved with the child who died. Recommendations would have to be summarized and included in the annual report required under the act.

FISCAL IMPACT:

The requirement of completing child fatality investigations within 12 months would most likely require additional staffing in the Office of Children's Ombudsman. The Ombudsman's annual reports notes that each year the Ombudsman receives 210 to 260 child death alerts and opens 40 to 70 investigations. The current FY 2013-14 Ombudsman budget provides \$1.2 million for 10.0 FTEs.

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