



**Senate Fiscal Agency**  
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House Bill 5039 (Substitute H-2 as reported without amendment)

Sponsor: Representative Kenneth Kurtz

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors and Human Services

### **CONTENT**

The bill would amend the Children's Ombudsman Act to require the Children's Ombudsman, within one business days, to notify the Department of Human Services (DHS) of an immediate safety concern about a child who was the subject of an open Child Protective Services (CPS) or foster care case.

The Ombudsman also would be required to investigate child fatality cases alleged to have occurred due to child abuse or child neglect under the following situations:

- A child died during an active CPS investigation or open services case, or there was an assigned or rejected CPS complaint within 24 months preceding the child's death.
- A child died while in foster care, unless 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.

The Ombudsman would have to complete the investigation within 12 months, subject to appropriations.

The bill would allow the Ombudsman to request substance use disorder records if a valid consent or court order were obtained. The Ombudsman could also gain access to records and reports from the court of jurisdiction, attorneys, or a county child fatality review team in the course of a child fatality investigation to the same extent as the DHS under State law.

The bill would require the Ombudsman to issue recommendations for improving systemic issues discovered during an investigation and to include them in its annual report. The Ombudsman could provide them to the court, the State Court Administrative Office, the child fatality review team, and other professionals involved with the child who died.

MCL 722.924 et al.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would result in additional administrative costs to the Office of Children's Ombudsman in the Department of Technology, Management, and Budget. The FY 2013-14 budget for the Office includes 10.0 FTEs and \$1.2 million. The FY 2014-15 Governor's recommendation for the Office includes an additional 4.0 FTEs and \$510,200.

Date Completed: 6-5-14

Fiscal Analyst: Bill Bowerman

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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