Michigan Senate
Families, Seniors, and Human Services
Remarks of Director Maura D. Corrigan
April 13, 2011

Good afternoon, Senator Emmons and members of the Committee. Thank you for this opportunity to address you regarding Senate Bills 226 through 229.

My name is Karyn Ferrick and I am the Legislative liaison for the Department of Human Services. This is Stacie Bladen, Director of our Office of Family Advocate. Today I will be reading this testimony (with some slight modifications) Director Corrigan gave this committee in March of 2009 concerning a similar legislative package when she was a Justice of the Supreme Court in her capacity as a court liaison on child welfare.

President Dwight D. Eisenhower once said, "There is no tragedy in life like the death of a child." During my judicial career, no issue has troubled me more than the tragedy of children who die in our state's care. When I speak of children in state care, I am referring not only to children who die in foster care, but also

to children who die after being under court jurisdiction, or following any type of contact with child protective services.

These tragedies are compounded because we believe that many of these deaths could have been prevented. Not only have we failed to stop them, we can't even obtain cohesive data on what is happening and why. And the information we have isn't necessarily being shared among the various entities that are responsible for monitoring the problem.

Given these circumstances, I am delighted to tell you Senate Bills 226 through 229 would advance the sound administration of justice by improving our system of child protection. This legislation will help break down the silos that divide our child protection system, will advance the practice of information sharing, and will bring the Judiciary to the child death review table in cases for which we bear joint responsibility. Importantly, provisions of 229 would mandate state review of each child death that occurred while the child was under court jurisdiction or

recently dismissed from court jurisdiction, instead of the current statutory scheme of discretionary review at the state level.

What we need, first of all, is a single comprehensive source of information on child deaths. Senate Bill 226 will provide this by creating a Child Fatality Registry concerning children who have died in foster care, children who have died while under court jurisdiction for abuse and neglect, and children who have died after contact with child protective services.

Currently, five agencies report child deaths in Michigan:

1. the Department of Community Health
2. the Child Death Review Team Program
3. the Department of Human Services
4. the Children's Ombudsman, and
5. a national project called Kids Count

They currently use different counting standards and different formats. For this reason, their statistics don't match, and a comparison of their figures doesn't provide a clear conclusion on how many children have died in state care in a given year.

A Child Fatality Registry will solve this problem. Furthermore, by making the information accessible to the public, SB 226 will permit policy makers and other interested persons to perform accurate research and contribute to the critical discussion of what we can do to prevent child deaths. This increased scrutiny will lead to much-needed improvements in our child protection system. The bill also addresses the concern of confidentiality, by excluding from the registry any identifying information about a child or an adult involved in the investigation. This will protect the privacy of children, their siblings and other family members.

Senate Bill 227 offers a huge step forward in the sharing of information on child deaths. Although the Children's Ombudsman has statutory authority to review child deaths and recommend improvements, DHS is not statutorily required to notify the Ombudsman when a child has died in state care. SB 227 would require DHS to provide written notification within one business day to the presiding court, the Ombudsman, and the Legislature, when a child has died while under court jurisdiction. Since the

Department, Ombudsman, and the court see different angles or separate pieces of a larger system, it is essential that they begin working together. SB 227 will begin that process, and is an important step in the right direction.

Senate Bills 228 and 229 deal with a disturbing gap in the child death review system, and that is the complete absence of the Judiciary from the process. As far as I know, there are few court representatives on state and local child death review teams, and these teams do not ordinarily obtain court records as part of their examination. In December 2007, as a reaction to this problem, we established a Court Child Death Review Team. Its mission was to investigate the case of any foster child who died while under court jurisdiction. Early on, the Team encountered the obstacle of not being able to access information about a child that DHS determined was confidential. Typically, the DHS file has the bulk of the information necessary to conduct a comprehensive review.

SB 228 directs DHS to allow a court that has jurisdiction over a child who dies access to all the information the Department

has pertaining to that child. This will permit the Department to share case-specific information, add profitable insight to the court child death review system, and begin building a bridge between the Judiciary and the child death review system.

While SB 228 opens the door to a thorough investigation of the court case, SB 229 will add a judicial perspective to the work of other review committees. This bill provides that county child death review teams must include "a representative of the local court" and that a state of local court representative must sit on the DHS Advisory Committee that recommends changes in child death policy and legislation. This bill also requires the Advisory Committee to review the death of any child who was or previously had been under court jurisdiction. Senate Bills 228 and 229 laudably advance the goal of involving the Judiciary in every aspect of child death review.

I want to commend the Michigan Senate and this Committee for taking on this important and very difficult issue. As a former member of the Judicial Branch and current DHS Director, I can

assure you that both entities are committed to reviewing every child death that has occurred during or after an exercise of court jurisdiction. As a mother, I can tell you that my heart aches with the death of any child. I applaud your efforts to tackle these serious issues. The ultimate goal of child death review is prevention. A child's death is preventable if the community, or any individual, reasonably could have done something to change the circumstances that led to the death.

I am convinced that the changes proposed in the four-bill package being considered by this Committee will strengthen the child death review system and will help save the lives of children who are in the care of the state.

Thank you for your attention!