

HOUSE BILL No. 6075

September 16, 1998, Introduced by Reps. Gire, Price, Brater and LaForge and referred to the Committee on Human Services and Children.

A bill to amend 1994 PA 204, entitled
"The children's ombudsman act,"
by amending sections 3 and 5 (MCL 722.923 and 722.925) and by
adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~As a means of monitoring and ensuring~~ TO MON-
2 ITOR AND ENSURE compliance with relevant statutes, rules, and
3 policies pertaining to children's protective services, CHILD
4 ABUSE AND NEGLECT PREVENTION SERVICES, CHILD CARE ORGANIZATIONS
5 LICENSED OR REGISTERED UNDER 1973 PA 116, MCL 722.111 TO 722.128,
6 and the placement, supervision, and treatment of children in
7 foster care and adoptive homes, the children's ombudsman is cre-
8 ated as an autonomous entity in the department of management and
9 budget. The ombudsman shall exercise its powers and duties,
10 including the functions of budgeting and procurement and other

1 management-related functions, independently of the director of
2 the department of management and budget.

3 (2) The ombudsman shall be appointed by the governor and
4 shall serve at the pleasure of the governor.

5 SEC. 3A. (1) THE OMBUDSMAN SHALL RANDOMLY SELECT AND CON-
6 DUCT AN INDEPENDENT REVIEW OF UNSUBSTANTIATED REPORTS OF SUS-
7 PECTED ABUSE OR NEGLECT MADE TO THE FAMILY INDEPENDENCE AGENCY
8 UNDER THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.621 TO
9 722.638.

10 (2) THE OMBUDSMAN SHALL REPORT ANY EVIDENCE OF ABUSE OR
11 NEGLECT DISCOVERED DURING AN INDEPENDENT REVIEW CONDUCTED UNDER
12 SUBSECTION (1) TO ALL OF THE FOLLOWING:

13 (A) THE FAMILY INDEPENDENCE AGENCY.

14 (B) THE CHAIR OF THE SENATE COMMITTEE ON FAMILIES, MENTAL
15 HEALTH, AND HUMAN SERVICES, OR ITS SUCCESSOR COMMITTEE.

16 (C) THE CHAIR OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON
17 HUMAN SERVICES AND CHILDREN, OR ITS SUCCESSOR COMMITTEE.

18 Sec. 5. ~~All of the following individuals~~ AN INDIVIDUAL
19 DESCRIBED BY 1 OR MORE OF THE FOLLOWING may make a complaint to
20 the ombudsman with respect to a particular child, alleging that
21 an administrative act is contrary to law, rule, or policy, IS
22 imposed without an adequate statement of reason, or IS based on
23 irrelevant, immaterial, or erroneous grounds:

24 (a) The child, if he or she is able to articulate a
25 complaint.

26 (b) A biological parent of the child.

- 1 (c) A foster parent of the child.
- 2 (d) An adoptive parent or a prospective adoptive parent of
3 the child.
- 4 (e) A legally appointed guardian of the child.
- 5 (f) A guardian ad litem of the child.
- 6 (g) An adult who is related to the child within the fifth
7 degree by marriage, blood, or adoption ~~—, as THAT PHRASE IS~~
8 defined in section 22 of ~~the adoption code, being section 710.22~~
9 ~~of the Michigan Compiled Laws~~ CHAPTER X OF 1939 PA 288, MCL
10 710.22.
- 11 (h) A Michigan legislator.
- 12 (i) An attorney for ~~any~~ AN individual described in sub-
13 paragraphs (a) to (g).
- 14 (J) A PERSON REQUIRED UNDER SECTION 3 OF THE CHILD PROTEC-
15 TION LAW, 1975 PA 238, MCL 722.623, TO REPORT SUSPECTED CHILD
16 ABUSE OR NEGLECT.