

SUBSTITUTE FOR
HOUSE BILL NO. 6440

A bill to amend 1994 PA 204, entitled
"The children's ombudsman act,"
by amending the title and section 3 (MCL 722.923), as amended by
2004 PA 560.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to establish the children's ombudsman office; ~~and~~ to
prescribe the powers and duties of the children's ombudsman,
certain state departments and officers, ~~and~~ certain county and
private agencies serving children, **CERTAIN OTHER PERSONS AND**
AGENCIES, AND THE LEGISLATIVE COUNCIL; and to provide remedies from
certain administrative acts.

Sec. 3. (1) As a means of effecting changes in policy,
procedure, and legislation, educating the public, investigating and

1 reviewing actions of the department, child placing agencies, or
2 child caring institutions, monitoring and ensuring compliance with
3 relevant statutes, rules, and policies pertaining to children's
4 protective services and the placement, supervision, treatment, and
5 improving delivery of care of children in foster care and adoptive
6 homes, the children's ombudsman is established as an autonomous
7 entity in the department of management and budget. **EFFECTIVE**
8 **OCTOBER 1, 2007, THE OFFICE OF THE CHILDREN'S OMBUDSMAN IS**
9 **TRANSFERRED TO THE LEGISLATIVE COUNCIL AS AN AUTONOMOUS ENTITY.**

10 (2) The ~~governor~~ **LEGISLATIVE COUNCIL** shall appoint an
11 individual as the ombudsman. ~~—, with the advice and consent of the~~
12 ~~senate.~~ The individual shall be qualified by training and
13 experience to perform the duties and exercise the powers of the
14 children's ombudsman and the children's ombudsman office as
15 provided in this act.

16 (3) The ~~governor~~ **LEGISLATIVE COUNCIL** may remove the
17 children's ombudsman from office for cause that includes, but is
18 not limited to, incompetency to properly exercise duties, official
19 misconduct, habitual or willful neglect of duty, or other
20 misfeasance or malfeasance in connection with the operation of the
21 office of the children's ombudsman. The ~~governor~~ **LEGISLATIVE**
22 **COUNCIL** shall report the reason for the removal to the legislature.

23 ~~—— (4) The children's ombudsman serving in office on the~~
24 ~~effective date of the amendatory act that added this subsection~~
25 ~~shall serve at the pleasure of the governor.~~