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SFA**BILL ANALYSIS**

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Senate Bill 628 (as introduced 6-25-97)
Sponsor: Senator Glenn D. Steil
Committee: Families, Mental Health and Human Services

Date Completed: 9-11-97

CONTENT

The bill would amend the Children's Ombudsman Act to require the Ombudsman to take certain actions concerning an attorney appointed to represent a child suspected of being abused or neglected.

The Act allows the Office of the Children's Ombudsman, upon its own initiative or on receipt of a complaint, to conduct a preliminary investigation to determine whether an adoption attorney committed an administrative act alleged to be contrary to law, rule, or the Michigan Rules of Professional Conduct adopted by the Michigan Supreme Court. If the preliminary investigation leads the Ombudsman to believe that the matter might involve misconduct by an adoption attorney, the Ombudsman must immediately refer the complaint to the Attorney Grievance Commission of the State Bar of Michigan. The bill would include in those provisions a preliminary investigation of an attorney appointed to represent a child suspected of being abused or neglected.

In addition, the Act requires that, upon rendering a decision to investigate a complaint, the Ombudsman notify the complainant of the decision to investigate. The Ombudsman also must notify the Family Independence Agency, adoption attorney, or child placing agency of the intention to investigate. The bill would include in that provision notification of an attorney appointed to represent a child suspected of being abused or neglected.

MCL 722.926 & 722.927

Legislative Analyst: P. Affholter

FISCAL IMPACT

Currently, the Office of the Children's Ombudsman handles 300-400 cases per year. It is difficult to quantify the additional caseload that could arise if the Act were amended to include an attorney appointed to represent a child suspected of being abused or neglected. Therefore, the fiscal impact of this provision is indeterminate.

Fiscal Analyst: E. Limbs

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