

SENATE BILL No. 1071

January 20, 2010, Introduced by Senators NOFS, RICHARDVILLE, HARDIMAN, CROPSEY, KAHN and JANSEN and referred to the Committee on Families and Human Services.

A bill to amend 1994 PA 204, entitled
"The children's ombudsman act,"
by amending section 10 (MCL 722.930), as amended by 2004 PA 560.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) The ombudsman shall prepare a report of the
2 factual findings of an investigation and make recommendations to
3 the department or child placing agency if the ombudsman finds 1 or
4 more of the following:

5 (a) A matter should be further considered by the department or
6 child placing agency.

7 (b) An administrative act or omission should be modified,
8 canceled, or corrected.

9 (c) Reasons should be given for an administrative act or

1 omission.

2 (d) Other action should be taken by the department or child
3 placing agency.

4 (2) Before announcing a conclusion or recommendation that
5 expressly or by implication criticizes an individual, the
6 department, or a child placing agency, the ombudsman shall consult
7 with that individual, the department, or the child placing agency.
8 When publishing an opinion adverse to the department or child
9 placing agency, the ombudsman shall include in the publication any
10 statement of reasonable length made to the ombudsman by the
11 department or child placing agency in defense or mitigation of the
12 action. The ombudsman may request to be notified by the department
13 or child placing agency, within a specified time, of any action
14 taken on any recommendation presented.

15 (3) The ombudsman shall notify the complainant of the actions
16 taken by the ombudsman and by the department or child placing
17 agency.

18 (4) The ombudsman may provide to the complainant the following
19 information:

20 (a) A copy of the ombudsman's report regarding the
21 investigation's findings, recommendations to the department made
22 according to the investigation, the department's response to the
23 ombudsman's findings and recommendations, and any epilogue to the
24 ombudsman's report and the department's response.

25 (b) Information that has otherwise been made public.

26 (5) The ombudsman shall not release information to the
27 individual making the complaint that will endanger the health or

1 welfare of a child or another individual.

2 (6) FOR THE PURPOSE OF THE REVIEW REQUIRED IN THE LEGISLATIVE
3 CHILD FATALITY REVIEW ACT, THE OMBUDSMAN MAY PROVIDE TO THE
4 LEGISLATIVE CHILD FATALITY EXAMINER A COPY OF THE OMBUDSMAN'S
5 REPORT WITH ALL CONFIDENTIAL INFORMATION REDACTED FROM THAT REPORT.

6 (7) ~~(6)~~—The ombudsman shall submit to the governor, the
7 director of the department, and the legislature an annual report on
8 the ombudsman's conduct, including any recommendations regarding
9 the need for legislation or for change in rules or policies.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 259 or House Bill No. 5702 of the 95th
12 Legislature is enacted into law.