

THE CHILDREN'S OMBUDSMAN ACT (EXCERPT)
Act 204 of 1994

***** 722.927.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

722.927.amended Decision to investigate; notice; pursuing administrative remedies or channels of complaint; further investigation; violation of state or federal criminal law; complaint against child placing agency; petition requesting court jurisdiction or termination of parental rights.

Sec. 7. (1) Upon deciding to investigate a complaint, from a complainant and an individual not meeting the definition of complainant, the child advocate must notify the complainant or the individual not meeting the definition of complainant of the decision to investigate and must notify the department, adoption attorney, child placing agency, or residential facility of the intention to investigate. If the child advocate declines to investigate a complaint or continue an investigation, the child advocate must notify the complainant or the individual not meeting the definition of complainant and the department, child placing agency, or residential facility of the decision and of the reasons for the child advocate's action.

(2) The child advocate must advise a complainant of administrative remedies and may advise the individual to pursue all administrative remedies or channels of complaint open to the complainant before pursuing a complaint with the child advocate. Subsequent to the administrative processing of a complaint, the child advocate may conduct further investigations of a complaint upon the request of the complainant or upon the child advocate's own initiative.

(3) If the child advocate finds in the course of an investigation that an individual's action is in violation of state or federal criminal law, the child advocate must immediately report that fact to the county prosecutor or the attorney general. If the complaint is against a child placing agency or residential facility, the child advocate must refer the matter to the department for further action with respect to licensing.

(4) The child advocate may file a petition on behalf of a child requesting the court to take jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or a petition for termination of parental rights under section 19b of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19b, if the child advocate is satisfied that the complainant has contacted the department, the prosecuting attorney, the child's attorney, and the child's guardian ad litem, if any, and that none of these persons intend to file a petition as described in this subsection.

History: 1994, Act 204, Eff. Jan. 1, 1995;—Am. 2004, Act 560, Imd. Eff. Jan. 3, 2005;—Am. 2013, Act 38, Imd. Eff. June 4, 2013;—Am. 2023, Act 303, Eff. Feb. 13, 2024.