

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

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

722.930.amended Report of findings; recommendations; consultation with individual, department, child placing agency, or residential facility; publication of adverse opinion; notice of actions; information provided to complainant; child fatality investigation; report.

Sec. 10. (1) The child advocate must prepare a report of the factual findings of an investigation and make recommendations to the department, the child placing agency, or the residential facility if the child advocate finds 1 or more of the following:

(a) A matter should be further considered by the department, the child placing agency, or the residential facility.

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

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

(d) Other action should be taken by the department, the child placing agency, or the residential facility.

(2) Before announcing a conclusion or recommendation that expressly or by implication criticizes an individual, the department, a child placing agency, or a residential facility, the child advocate must consult with that individual, the department, the child placing agency, or the residential facility. When publishing an opinion adverse to the department, child placing agency, or residential facility, the child advocate must include in the publication any statement of reasonable length made to the child advocate by the department, child placing agency, or residential facility in defense or mitigation of the action. The child advocate may request to be notified by the department, child placing agency, or residential facility, within a specified time, of any action taken on any recommendation presented.

(3) The child advocate must notify the complainant of the actions taken by the child advocate and by the department, child placing agency, or residential facility.

(4) The child advocate may provide to the complainant the following information:

(a) A copy of the child advocate's report regarding the investigation's findings, recommendations to the department made according to the investigation, the department's response to the child advocate's findings and recommendations, and any epilogue to the child advocate's report and the department's response.

(b) Information that has otherwise been made public.

(5) The child advocate shall not release information to the individual making the complaint that will endanger the health or welfare of a child or another individual.

(6) With respect to a child fatality case investigated under section 6(2) and upon review of records or other information received under section 6(1)(c) or (d), in the course of a child fatality investigation, if there is no ongoing child protection proceeding involving a sibling of the child who died, the child advocate must provide any necessary recommendations for improving systemic issues that are discovered during the investigation of the child fatality. The recommendations may be provided to the court of jurisdiction, the state court administrative office, the county child fatality review team, medical professionals, law enforcement, or attorneys or other legal professionals involved with the particular child who died. The recommendations must also be summarized and included in the annual report referenced in subsection (7).

(7) The child advocate must submit to the governor, the director of the department, and the legislature an annual report on the child advocate's conduct, including any recommendations regarding the need for legislation or for change in rules or policies.

History: 1994, Act 204, Eff. Jan. 1, 1995;—Am. 2004, Act 560, Imd. Eff. Jan. 3, 2005;—Am. 2014, Act 243, Eff. Sept. 25, 2014;—Am. 2023, Act 303, Eff. Feb. 13, 2024.