

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

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

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

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

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

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

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

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

(b) Information that has otherwise been made public.

(5) The ombudsman 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 ombudsman shall 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, or attorneys or other legal professionals involved with the particular child who died. The recommendations shall also be summarized and included in the annual report referenced in subsection (7).

(7) The ombudsman shall submit to the governor, the director of the department, and the legislature an annual report on the ombudsman'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.