ANNUAL REPORT
1999-2000

Mission Statement

The mission of the Office of the Children's Ombudsman is to assure the safety and well-being of Michigan's children in need of foster care, adoption, and protective services and to promote public confidence in the child welfare system. This will be accomplished through independently investigating complaints, advocating for children, and recommending changes to improve law, policy, and practice for the benefit of current and future generations.

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STATE OF MICHIGAN

JOHN ENGLER, Governor

OFFICE OF CHILDREN'S OMBUDSMAN

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May 29, 2001

The Honorable John Engler, Governor
Mr. Douglas E. Howard, Director, Family Independence Agency
Honorable Members of the Michigan Legislature

I am pleased to submit the 1999-2000 Annual Report of the Children's Ombudsman pursuant to Public Act 204 of 1994, "The Children's Ombudsman Act." Specifically, section 10(5) states, "*The Ombudsman shall submit to the Governor, the Director of the Department, and the Legislature an annual report on the conduct of the Ombudsman, including any recommendations regarding the need for legislation or for change in rules or policies.*"

This report provides an account of the conduct and operations of the Office of Children's Ombudsman from October 1, 1999, to September 30, 2000. It describes the role, structure, and procedures established by the office for receiving and investigating complaints, and identifies specific recommendations for change developed through case investigation. While our commitment to improving the lives of children has not altered, we continue to update and refine our procedures in an effort to strengthen our positive impact on the child welfare system.

The staff of the Office of Children's Ombudsman thank you for the opportunity to serve the children of Michigan, and for your continued support of our mission.

Respectfully submitted,

Karen R. Quinn, J.D.
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Executive Summary

This year marks the fifth year of operation of the Office of Children's Ombudsman (OCO), which began its work on January 1, 1995. Established by Public Act 204 of 1994 MCL 722.921, *et seq*, the Office of Children's Ombudsman is an autonomous government agency that investigates complaints about children under the supervision of the Family Independence Agency (FIA), adoption agencies, and private child-placing agencies.

Public Act 204 requires the agency to submit to the Governor, the FIA Director, and the Legislature *"an annual report on the conduct of the Ombudsman, including any recommendations regarding the need for legislation or for changes in rules and policies."* This annual report analyzes the work conducted by the office during the twelve-month period between October 1, 1999, and September 30, 2000. It also contains recommendations for changes in FIA policies and procedures regarding the child welfare system. These recommendations resulted from complaints and case investigations conducted by the OCO during the reporting period.

The report is organized into four parts: Conduct and Operations; Complaint Process and Investigative Procedures; Recommendations; and Appendices.

Conduct and Operations

This section contains information regarding the work undertaken by the office, including budget, projects, personnel, and accomplishments. It also includes a description of the OCO's multi-disciplinary team, and discusses the working relationship between the OCO and the FIA.

- The Ombudsman's budget for Fiscal Year 1999-2000 was $1,163,900.
- The staff comprises 13 full-time employees, including the ombudsman, eight investigators, a supervising investigator, an intake investigator, and two administrative support staff.
- Staff participated in a total of 19 external training sessions.

Complaint Process and Investigative Procedures

This section discusses the standard procedures used by the office to receive and process complaints. It also details the OCO's investigative procedures from receipt of a complaint to the conclusion of an investigation.

During this reporting period:

- The OCO received 713 complaints involving 1267 children in 52 of Michigan's 83 counties.
- The OCO accepted 172 complaints for investigation.
- Parents represented the largest group of complainants (32 percent), followed by relatives (27 percent), and foster parents (15 percent).
- The OCO completed 160 investigations involving a total of 496 children.
- The OCO affirmed the FIA and/or private agency in 82 of 160 cases investigated.
- The OCO issued 78 reports of Findings and Recommendations (F&Rs) to FIA, encompassing a total of 618 findings and corresponding recommendations.
- Most of the findings/recommendations (66 percent) involved violations of law and/or policy, followed by poor practice/decisions (25 percent), systems issues (7 percent), and inadequate law or policy (2 percent).

Recommendations

This section contains eight formal recommendations that resulted from complaints and/or case investigations conducted by the OCO during the reporting period. These recommendations include three that concern child abuse and neglect investigations, three regarding foster care, and two systems issues. Each recommendation is followed by a rationale, which details relevant background information. This year's annual report also includes the FIA's response to each recommendation.

Recommendations include:

- Requiring a home visit during a CPS investigation
- Length of time a high-risk case must remain open
- Factors to consider when placing a child with relatives
- Compliance with policy regarding face-to-face contact with foster children
- Resources for relative foster-care providers
- Provision of case file information to parents
- Standard of promptness for supervisory review of case records
- Registration of CPS cases when a child resides in foster care

Appendices

This section includes acknowledgements, a report on the progress of specific recommendations from the 1998-1999 annual report, a chart showing the frequency of complaints by county, intake and investigative process flow charts, a summary of team trainings, and a copy of PA 204 of 1994.

Conduct and Operation of the Office

In response to concerns regarding the complexity of laws and policies governing the child welfare system, and the potential for harmful action or inaction by public and private agencies, the Michigan Legislature designated a Children's Ombudsman to work independently on behalf of children who are involved with the State because of child abuse and neglect issues.

Public Act (PA) 204 of 1994, MCL 722.921, *et seq,* established the Office of Children's Ombudsman (OCO) as an autonomous agency with the statutory responsibility to independently investigate complaints about children under the supervision of FIA and private agencies, and to identify problems and recommend changes to improve the child welfare system. PA 204 establishes the goals and objectives governing the OCO's mission, and the guidelines for receiving and processing complaints, conducting investigations, and reporting findings resulting from investigations.

This reporting year marks the OCO's fifth year of operation. Since the office began its work on January 1, 1995, the office has received 2952 complaints, and a total of 5183 children have been served by all categories of contact. In addition, the OCO has presented 97 recommendations in previous annual reports for changes to state laws and administrative policies and procedures governing Michigan's child welfare system. Of those recommendations, 69 (71 percent) have been implemented into state law or policy.

Budget

Section 4(1) of PA 204 requires the ombudsman to establish procedures for budgeting, expending funds, and employing personnel.[1] In fiscal year 1999-2000, the OCO received $1,163,900 in appropriated funds. The principal expenditures were for personnel, office facilities, technology upgrades, and case management and investigator training. During this fiscal year, the Lansing and Detroit offices were enlarged to accommodate additional investigators. Funds were also used to enhance the automated case management system, upgrade the web site, and print additional copies of the OCO brochure.

Multi-Disciplinary Team

The OCO has 13 full-time employees. The staff consists of the ombudsman, eight investigators, a supervising investigator, an intake investigator, and two administrative support staff. During this fiscal year, the OCO provided internships to two undergraduate students from Michigan State University. Two graduate student interns joined the office in September 2000; one from Michigan State University, and one from the Detroit College of Law, both of whom are participating in the Child and Family Advocacy Certificate Program through the Chance at Childhood: Law and Social Work Initiative.[2]

Since the inception of the office, the OCO has focused on a multi-disciplinary team approach to case investigations. Investigative team members have a wide range of experience and diverse professional backgrounds. One new investigator, a former FIA protective services worker with experience in mental health care, was added to the team this fiscal year. Team members include:

- A retired Michigan State Police officer who served over 25 years, including six years as an internal affairs investigator.

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[1] PA 204, Section 4(1): *"The Ombudsman shall establish procedures for budgeting, expending funds, and employing personnel."*
[2] The Chance at Childhood: Law and Social Work Initiative is a collaborative program developed by the School of Social Work and Detroit College of Law at Michigan State University.

- A retired police investigator from the Detroit Police Department who served over 25 years, including 13 years as investigator of criminal child maltreatment cases in the child abuse unit.
- A former assistant prosecuting attorney for child sex abuse cases with experience as a law clerk and legal researcher.
- A former Child Protective Services (CPS) worker with Indian Child Welfare experience, and experience as a program manager and group social worker for emergency shelter homes and residential treatment facilities.
- A former educator and counselor with experience in prevention services with a private social services agency.
- A retired officer from the Michigan State Police who served 37 years as a detective.
- A certified social worker with Family Independence Agency (FIA) and private agency experience in foster care case management and foster home licensing.
- A licensed Ph.D. child psychologist and former state senator who served 26 years in the Michigan legislature.
- A former FIA employee with 20 years experience, including six years as a foster home licensing and recruitment specialist.
- A former deputy legal counsel and human services policy coordinator who served four years with the Michigan Governor's office.
- A former FIA employee with seven years experience as a Child Protective Services (CPS) worker in Wayne County, and 10 years experience as a direct care worker in mental health services.

Training

Team members receive specialized training in issues related to child abuse and neglect to improve investigative techniques and knowledge.[3] During this fiscal year, investigators participated in FIA's Child Welfare Institute to enhance their knowledge of child welfare issues, laws, policies, and social work practice. In addition, team members participated in a variety of state and national conferences and training sessions to improve their skills, and gain an understanding of new research and developments in the field of child abuse and neglect.

Collaboration and Participation

The OCO collaborates with the FIA and private child-placing agencies as well as with the courts, medical professionals, mandated reporters, and other organizations and individuals involved with the child welfare system to improve the lives of at-risk children.

In several instances, the OCO has actively supported the FIA or private agencies in their case position, when warranted, through such actions as appearing in court, writing letters to judges, or facilitating case conferences, frequently at the agency's request. This involvement often has a direct impact on the protection and permanency of children.

During this fiscal year, the OCO collaborated with the State Court Administrators Office and the FIA to ensure that the OCO's informative pamphlets are made available to families involved in child abuse and neglect proceedings through Michigan's Family Courts.

[3] See Appendix D.

Since the inception of the office, an operating protocol has been established between the OCO and FIA to enable each agency to fulfill its respective statutory duties regarding PA 204. This protocol has been refined over the past four years to further clarify the relationship between the two agencies. During this fiscal year, the Memorandum of Understanding between the agencies, originally signed in December 1998 by the ombudsman and the FIA director, was further revised to encompass procedures for conducting preliminary investigations, and time frames for responding to reports issued to the FIA by the OCO.

Through case investigation the OCO has direct contact with frontline protective services, foster care, and adoption caseworkers. The OCO recognizes the many challenges faced by these public and private agency workers, and commends them for their dedication and commitment to improving the lives of at-risk children. Their difficult and sometimes controversial work is often unrecognized, and the positive impact of their actions on the lives of abused and neglected children is frequently unacknowledged. The OCO makes every effort when reviewing cases to ensure that outstanding casework is recognized and acknowledged. For this reason, the ombudsman issues personal letters of commendation to those workers whose casework represents a high standard of excellence.

In an effort to resolve issues arising from case investigations, and to discuss other concerns related to child welfare, the OCO has initiated monthly meetings between OCO investigators and FIA administrators. These meetings allow for an open exchange of information on a wide range of topics. As a result, changes have been made to several CPS and foster care policies, including policy related to parents who drive "under the influence" when there are children in the car; "due process" notification to perpetrators of child abuse and neglect; requirements for relative home studies; and investigative procedures. On a related child welfare issue, the OCO proposed the development of an informative handbook for parents who are involved with FIA and the court system. This project is currently underway. In addition, there is continuing dialog between the two agencies on other policy and procedural matters, and discussion centering around systems issues arising from case investigations.

During the past fiscal year, the ombudsman and investigators gave informative presentations about the work of the OCO to a number of state and private agencies and organizations, including universities, colleges, civic clubs, boards, and private child-placing agencies. In addition, the OCO gave presentations at the FIA directors' meeting in Lansing, FIA supervisors' meeting in Detroit, and the Children's Services conference in Grand Rapids. The OCO regularly participates in the FIA's Child Welfare Institute training for new caseworkers to provide information regarding the OCO's function, protocols and procedures.

OCO team members also serve on committees, task forces, advisory boards and teams throughout the year, including: Child Death Review Team, Child Protection Citizen Review Panel, Infant Brain Development Task Force, Substance Abuse Task Force, Child Welfare Institute Advisory Board, and the Court Improvement Project of the State Court Administrators Office.

Complaint Process and Investigative Procedures

The OCO's major responsibility is to receive and investigate complaints from individuals concerning the actions of FIA or a private agency related a particular child. Public Act 204, Section 5, describes those individuals who may officially make a complaint to the OCO.[4] While certain persons are currently ineligible to be official complainants, the ombudsman has the discretion under Section 6 of PA 204 to open a case upon her own initiative if she believes that an investigation is warranted.[5]

During the past fiscal year, a total of 713 complaints were received by the OCO between October 1, 1999, and September 30, 2000, which involved 1267 children in 52 of Michigan's 83 counties. This compares with 698 complaints received during the previous fifteen-month reporting period, representing a 22 percent increase in the number of complaints.[6]

Complaint Activity Level

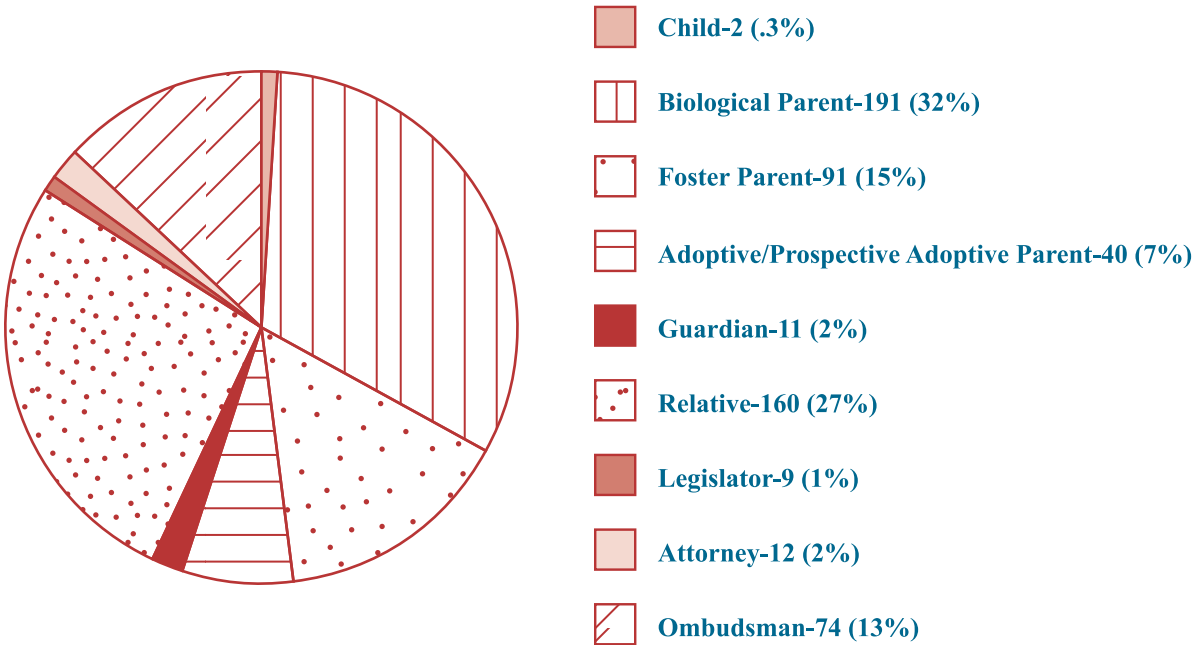
Activity Levels for Report 5	October 1, 1999 – September 30, 2000
Months in Reporting Period	12
Number of Complaints	713
Number of Counties	52
Average Number of Complaints per Month	59
Number of Children Served	1267

Confidentiality

The OCO's investigative records are by law confidential, and are exempt from Freedom of Information Act (FOIA) requests. In addition, the identities of complainants and other individuals contacted by the OCO during the course of an investigation are strictly confidential, and will not be disclosed without their consent.[7] The majority of OCO's complainants, as indicated in the table below, were parents (32 percent), followed by relatives (27 percent), and foster parents (15 percent).

[4] PA 204, Section 5, states that the following individuals may make a complaint: (a) the child, if he or she is able to articulate a complaint; (b) a biological parent of the child; (c) a foster parent of the child; (d) an adoptive parent or prospective adoptive parent of the child; (e) a legally appointed guardian of the child; (f) a guardian ad litem of the child; (g) an adult who is related to the child within the fifth degree by marriage, blood, or adoption; (h) a Michigan legislator; and, (I) an attorney for any individual listed in sections (a) through (h).
[5] PA 204, Section 6.
[6] Percentage is adjusted for time period.
[7] PA 204, Section 9.

Source of Complainants



Complaint Procedure

PA 204, Section 4(2)[8] requires the OCO to establish procedures for receiving and investigating complaints. Complaints are received via telephone, mail, fax, and e-mail, with the majority of complaints being received by telephone. All complaints are directed to the intake investigator. Standard information, such as the complainant's name, address, telephone number, and names and ages of the children involved, are entered into the OCO's automated database, along with a summary of the complaint and the action the complainant is requesting from the OCO. The confidential database allows the OCO to track the characteristics and progress of each case, examine trends and patterns, and compile the results of investigations.

If complaints fall outside the jurisdiction of PA 204, the intake investigator will refer complainants to other agencies or individuals who may be able to assist them in resolving their problem. All complaints that fall within the statutory guidelines of PA 204 are brought to the attention of the ombudsman and a decision is made regarding what course of action will be taken.

[8] PA 204, Section 4(2): *"The ombudsman shall establish procedures for receiving and processing complaints from complainants, conducting investigations, holding hearings, and reporting findings resulting from investigations."*

Categories of Complaints Received

Complaints Received	October 1, 1999 – September 30, 2000
Inquiries	134
Referrals	98
Valid Complaints – Not Opened[9]	309
Investigations	172
Total	713

Complaints generally fall into three categories: Inquiries, Referrals, and Valid Complaints.

Inquiries are complaints that concern a child who is not involved with CPS, foster care, or adoption services. These complaints might involve custody matters, child support, school problems, or juvenile delinquency, which the OCO has no statutory authority to investigate. During this fiscal year, 134 complaints were classified as inquiries.

Referrals are complaints that concern a child involved with CPS, foster care, or adoption services, but the complaint is not against the FIA or a private agency. Rather, the complaint involves an area of the child welfare system that the OCO has no jurisdiction to investigate; for example, law enforcement or the court system. However, referral information is provided verbally or in writing to those individuals whose complaints are classified as "inquiries" or "referrals" to assist them in resolving their particular problem. During this fiscal year, 98 complaints were classified as referrals.

Valid complaints fall within the statutory guidelines of PA 204. These complaints concern the actions or inaction of the FIA and/or a private agency as they relate to a child who is involved with CPS, foster care, or adoption services. In some circumstances, a valid complaint may not be opened for investigation. For example, a complaint might concern an event which occurred many years prior and involvement by the OCO would not serve any purpose, or a complaint is in regard to an issue that has since been addressed through new policy or law. In some cases, the complainant may request an outcome that the OCO has no authority to provide, such as disciplining a worker; or the complainant simply disagrees with the agency's actions, even though the agency has complied with law and policy. If a valid complaint is not opened for investigation, a letter of explanation is sent to the complainant along with information on whom to contact or what to do to resolve the problem. In September 1999, a new category, "valid complaint-not opened," was added to the automated database to enable the OCO to track this information. During this fiscal year, 309 "valid complaints-not opened" were handled by the OCO.

Pursuant to PA 204, Section 7(3), the OCO encourages individuals to pursue their complaint using existing remedies, when possible, before accepting a complaint for investigation.[10] For example, if a foster parent complains that a worker is not providing needed services to a foster child, the OCO will recommend the foster parent contact the worker's supervisor or agency director to see if the problem can be resolved by the agency. If the problem cannot be resolved, the OCO may open the case.

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[9] It should be noted that the category "Valid Complaints-Not Opened," was added to the enhanced OCO database in September 1999 during FY 98/99, therefore only 13 such cases were reported in 98/99 annual report.
[10] PA 204, Section 7(3)

Preliminary Investigations

In some instances, the intake investigator may need more information to determine the exact nature of a complaint and whether it meets statutory guidelines for investigation by the OCO. In such cases, the intake investigator may contact the agency worker or supervisor, or other collateral sources to gather additional information to assist in making a determination. A preliminary investigation is also conducted in situations when it appears that a child is at imminent risk of harm. In such circumstances the intake investigator will contact the agency immediately to clarify the situation, and determine what actions, if any, have been taken. If warranted, the intake investigator will request the agency take specific actions to ensure the safety of the child.

Investigations

When a valid complaint is accepted for investigation, a letter is sent to the complainant restating the complainant's concern, the names and ages of the child(ren) involved, and the issues the complainant brought to the OCO's attention. Goals for the investigation are established by the ombudsman and the intake investigator, and are entered into the OCO's confidential database. A request for the case file is made through the FIA's Office of the Family Advocate stating the type of case (CPS, foster care, or adoption) and the nature of the complaint.

During this reporting period, 172 complaints were opened for investigation. Of these, 94 cases (55 percent) involved protective services, 33 cases (19 percent) involved foster care, 20 cases (12 percent) involved adoptive services, while 25 (14 percent) involved a combination of one or more of those categories.

Types of Complaints Investigated

Complaint Types	October 1, 1999 – September 30, 2000	
Protective Services	94	(55%)
Foster Care	33	(19%)
Adoptive Services	20	(12%)
Combination	25	(14%)
Total Number of Investigations	172	(100%)

Section 8 of PA 204[11] authorizes the FIA and/or private agency to release confidential case file documentation to the ombudsman, and to assist the ombudsman in obtaining the necessary releases for those documents that are specifically restricted. Upon receipt of the case file, the supervising investigator assigns the case to a lead investigator.

Each complaint assigned for investigation is subjected to a comprehensive review process. Generally, the investigation focuses on the issues identified by the complainant. However, the investigation is not limited to those issues, and if violations of law or policy are found, they will be addressed in a report to the agency. Case investigations are time-intensive and involve a thorough review of the documentation included in the case file. Some case histories the OCO has reviewed during this reporting period are extensive and have involved as many as 14 children with an agency history of ten years; however, the average number of children per case was 2.85.

[11] See Appendix F.

In addition to a review of the case file, investigations include interviews with agency personnel and other interested parties, and in some instances, court appearances, case conferences, and consultations with outside experts. Throughout the investigative process team members consult with each other, as well as the ombudsman and the supervising investigator, to discuss case progress and note any emergent problems.

Request For Action

During the course of an investigation, the OCO may uncover a situation that requires an immediate or specific course of action from the agency to protect a child from risk of harm. In such instances, the OCO may issue a Request For Action to the agency detailing the situation and requesting certain action be taken, such as conducting a home visit to verify the child's actual living conditions, or interviewing collateral sources to obtain additional information on a particular case. In other instances, the OCO may request an action that will impact permanency for the child, such as amending a report to include information that was omitted, or ensuring that CPS coordinates an investigation with law enforcement to enable criminal prosecution of a perpetrator.

Findings

At the conclusion of an investigation, the OCO either affirms or disaffirms the actions of the agency in question. If the OCO concludes that the FIA and/or the private agency complied with law and policy, a letter is sent to the complainant which restates the original concern, outlines the steps taken by the OCO to investigate the case, and affirms the actions of the agency. A copy of this letter (with the identity of the complainant removed) is also sent to the FIA and/or private agency involved in the investigation.

If the OCO finds that the actions of FIA and/or the private agency did not comply with law or policy, the OCO issues a report of Findings and Recommendations (F&R) to the FIA and/or private agency. Agencies are provided with 45 days to review and respond to the Findings and Recommendations detailed in the report. The complainant then receives a closing letter from the OCO that includes the OCO's recommendations, the agency's response, and any actions taken by the agency to correct the identified problem(s). A copy of this letter is also sent to the FIA or private agency with the identity of the complainant removed.

In some cases, the OCO may issue a letter to the complainant affirming the agency's actions with regard to the complainant's specific concern, but issue an F&R to the agency if other violations of law and policy are found. For example, the complainant may allege that protective services did not adequately investigate an allegation of abuse and neglect. The OCO finds that the complaint was properly investigated, and the child is now in foster care. However, in reviewing the case file, the OCO finds violations of law

Investigation Summary

Investigations Completed	October 1, 1999 – September 30, 2000
Number of Investigations	160
Number of Children Involved	456
Average Number of Children Per Case	2.85
Number of Affirmations	82
Number of F&Rs Issued	78

and policy related to foster care. In this instance, an affirmation letter is sent to the complainant with regard to the specific complaint, and an F&R regarding the violations of foster care law and policy is issued to the agency.

The OCO completed 160 investigations during the reporting period. Of these, the OCO affirmed the FIA and/or private agencies in 82 cases, and issued 78 reports of Findings and Recommendations.[12] The 78 F&Rs included a total of 618 specific findings, the majority of which (66 percent) represented noncompliance with law or policy, followed by poor practice/decisions (25 percent), current law or policy inadequate (7 percent), and systems issues (2 percent).

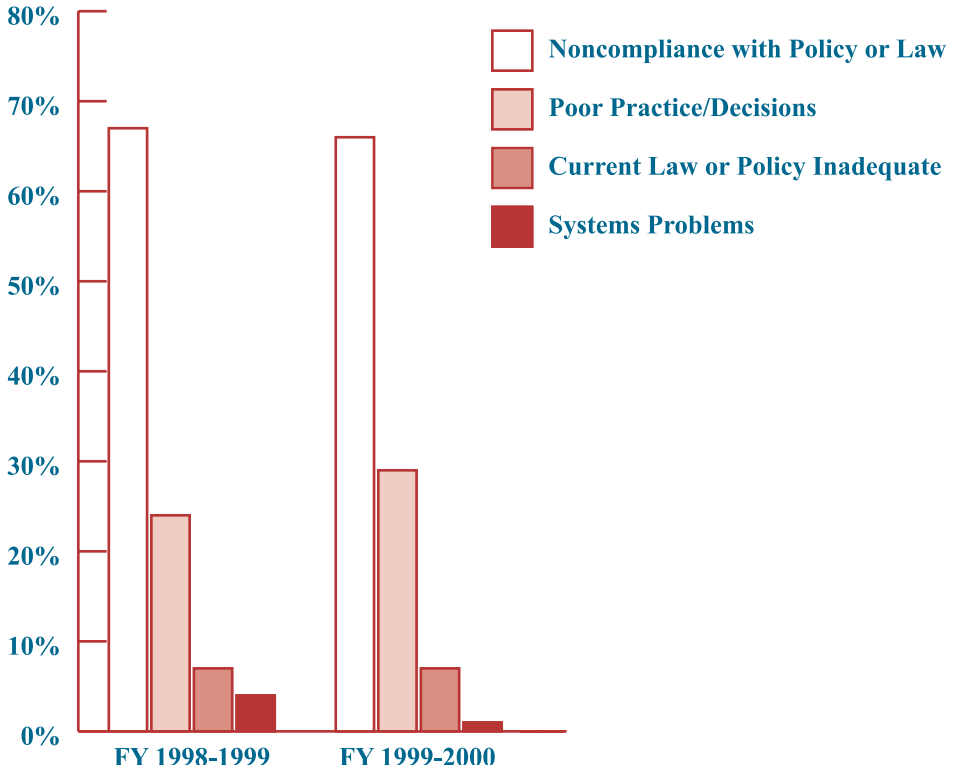
During the previous reporting period the OCO issued 86 F&Rs with 420 findings, reflecting almost identical results: noncompliance with law or policy (65 percent), poor practice/decisions (27 percent), inadequate current law or policy (7 percent), and systems problems (1 percent). In both reporting periods, noncompliance with law or policy and poor practice/decision making accounted for 91 percent and 92 percent respectively of all OCO findings.

Findings and Recommendations Summary

Categories of Findings	FY 1999-2000		FY 1998-1999	
Noncompliance with Policy or Law	410	(66%)	274	(65%)
Poor Practice/Decisions	155	(25%)	112	(27%)
Current Law or Policy Inadequate	41	(7%)	28	(7%)
System Problems	12	(2%)	6	(1%)
Total Findings	618	(100%)	420	(100%)

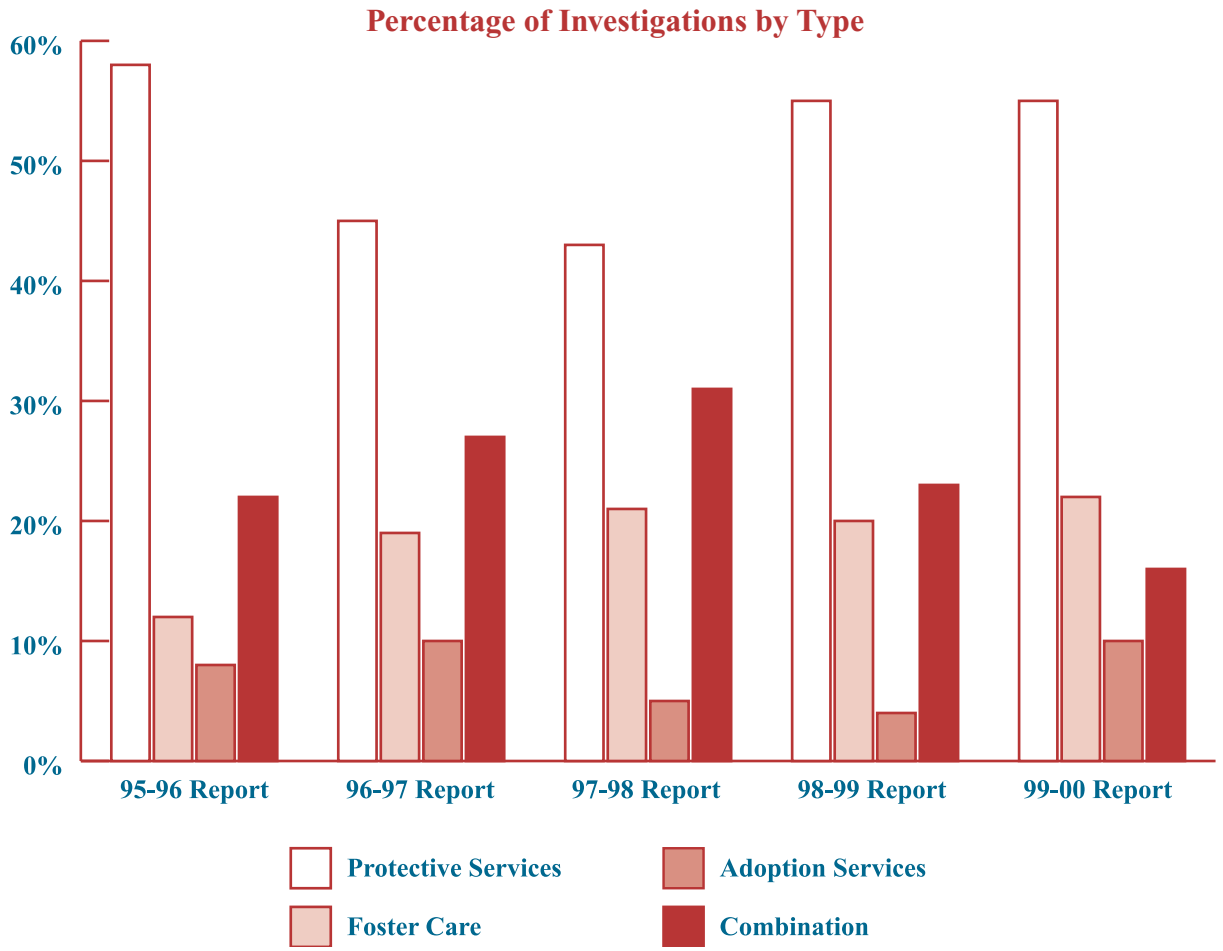
[12] The number of affirmations and F&Rs represents cases that may have been opened prior to the reporting period and concluded during the 1999-2000 reporting period.

Summary of Findings by Percentage



Case Closure

Case closure generally occurs when a closing letter is sent to the complainant either affirming the actions of the FIA and/or private agency, or reporting the recommendations from an F&R. In a few instances, case closure is requested by the complainant after the case is opened, but prior to an investigation being commenced. The OCO does not conduct an investigation under these circumstances, rather, a letter is sent to the complainant and to the FIA and/or private agency informing them that the case has been closed at the complainant's request.



Five Reporting Years: Statistical Data Comparison

	Report 95-96	Report 96-97	Report 97-98	Report 98-99	Report 99-00	Totals for All Five Reports
Months in Reporting Period	18	12	12	15	12	**69**
Number of Complaints	443	564	533	698	713	**2951**
Average Number of Complaints per Month	24.6	47.0	44.4	46.9	59.4	**44.46**
Number of Children Served	872	1121	1063	1490	1267	**5813**
Average Number of Children per Month	48.4	93.4	88.6	99.4	105.58	**87.08**
Average Number of Children per Case	1.97	1.99	1.99	2.3	1.78	**2.01**
Average Age of Children Served	NA	NA	NA	7.35	7.65	**7.5**

Recommendations

Pursuant to PA 204 of 1994, Section 10(5), "*The ombudsman shall submit to the governor, the director of the department, and the legislature an annual report on the conduct of the ombudsman, including any recommendations regarding the need for legislation or for change in rules or policies.*" Recommendations arise from complaints issued to the OCO and refer specifically to cases involving CPS, foster care, adoption services or a combination of the three categories.

Children's Protective Services

1. Recommendation: The OCO recommends FIA implement policy that would require CPS to conduct a home visit at a child's residence during the course of every investigation.

Rationale: Current policy does not explicitly require a worker to make a home visit during the course of every investigation, although policy does outline certain circumstances in which a scheduled or unscheduled home visit and/or inspection of the child's living conditions should be conducted.[13] In some cases that involved allegations of child neglect, the OCO found that the worker conducted no in-home visit, and contact with the family at the FIA office was deemed sufficient to determine an absence of physical or environmental neglect. Requiring workers to conduct an in-home visit during the course of an investigation would ensure that the child's actual living conditions are observed prior to determining whether or not there is a preponderance of evidence of abuse or neglect.

FIA Response:
Agree, in part. Many complaints involve allegations that have no direct relationship to the physical home environment; rather, the allegations are focused exclusively on parental acts/omissions. Requiring a home visit when the complaint does not relate to living conditions could cause potential delays in timeliness of reports/dispositions, without necessarily contributing significant information to the investigation.

However, it does seem reasonable to create guidelines for when a home visit is indicated; this would segue into existing policy regarding scheduled versus unscheduled home visits. Current policy (713-3 pp. 1-2) provides sufficient guidelines for determining when to conduct a scheduled versus unscheduled home visit, providing examples of when each would be appropriate.

2. Recommendation: The OCO recommends FIA amend current policy to state that in cases where there is a preponderance of evidence of abuse or neglect and CPS determines the risk of future harm is "high" or "intensive,"[14] the case must remain open for a minimum of 90 days.

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[13] FIA policy 714-1.

[14] The Family Risk Assessment of Abuse/Neglect is a Structured Decision Making (SDM) tool used by CPS to determine the level of risk of future harm and the appropriate services to be provided to a family in cases where CPS has found a preponderance of evidence that a child has been abused or neglected. If the risk level is determined to be "high" or "intensive," the case must be opened for services. The Family Risk Reassessment of Abuse/Neglect is a tool used by CPS to determine whether the risk level has been sufficiently reduced to allow the case to be closed. Current policy allows workers the discretion to close a case when the risk level is determined to be "moderate" or "low."

Rationale: The OCO has reviewed cases where a child was abused, the risk of future harm was determined by CPS to be "high" or "intensive," and the case was closed in fewer than 90 days. In some instances, case closure occurred as early as 30 days following CPS involvement with the family. In these cases, services may have addressed the immediate problem that brought the family to the attention of CPS, e.g., implementation of Homemaker Services to assist in cleaning a dirty house or Families First Services to assist in household management and parenting skills. However, requiring the case to remain open for a minimum of 90 days would provide a more effective time frame in which to monitor the family's progress and to determine whether the conditions that placed the child at a "high" risk of future harm have been adequately resolved.

FIA Response:
Agree, in part. Some Category II cases involve isolated acts that are quickly identified and resolved, while other cases involve a perpetrator that leaves the family, either through incarceration or voluntarily leaving the family. This is especially true when considering "non-parent" adults. There are also cases that involve parents that quickly and legitimately invest in change and can be better serviced by the community, once the risk is reduced. Transitioning a family to community services can represent strength-based recognition of the family's progress. To mandate all Category II cases to be kept open for 90 days would place additional burden on CPS without resulting in a substantial impact. Current policy requires Structured Decision Making (SDM) Risk and Safety Assessments to be completed prior to case closure, to ensure that workers have considered all relevant factors that indicate both immediate safety concerns and risk of future harm. Data suggests that CPS has the greatest impact on high and intensive risk cases and that is where our focus needs to remain.

There are, however, cases that indicate a need to remain open for a minimum of 90 days, despite a reduced risk level. Cases that involve chronic abuse/neglect, substance abuse, domestic violence, etc., are easily reduced to moderate/low risk after the initial assessment, even if both caretakers refuse treatment. For instance, if CPS is involved with a family with two or fewer children, wherein the parents are over age 29 and gainfully employed, the risk could easily score low to moderate at a 30-day reassessment. Indeed, some cases need to remain open. Therefore, it seems reasonable to create guidelines that would outline situations indicating a need for workers to wait 90 days to complete a risk reassessment, absent acts/omissions indicating an elevated risk during the same period.

3. Recommendation: The OCO recommends FIA amend current policy[15] regarding the factors to consider when placing a child with relatives. Specifically, policy should state that FIA and private agencies shall not place a child with a relative who has a substantiated history of child abuse or neglect unless the caseworker obtains supervisory approval. In addition, the worker must document in the relative home study how the issues which resulted in a prior CPS substantiation(s) have been resolved, and why those issues no longer pose a risk of harm to the child.

[15] FIA CPS policy 715-2 and FC policy 722-3, effective 10-1-2000, outlines the factors to consider when placing a child with relatives; however, policy does not specifically include the information outlined in this recommendation.

Rationale: The OCO has examined cases where FIA has placed children with relatives who were previously substantiated for child abuse and/or neglect. In some cases, there was no evidence that the agency assessed whether the issues that resulted in the substantiation had been resolved. In other cases, the agency rationalized that the caretaker's substantiation occurred several years prior, and the passage of time alone was sufficient to resolve the person's neglectful or abusive behavior. This amendment to policy would require that agency workers thoroughly consider whether a prior substantiation currently affects a person's ability to safely care for a child, and decreases the likelihood that a child will be placed with a caretaker who continues to practice abusive or neglectful behavior.

FIA Response:
Agree. Standards for kinship care/relative placement home studies have been developed (effective 05/02/01) to promote the desired outcome. Policy has been modified to include a template to be used in assessing a home for kinship care. The format requires an assessment of criminal history and a Central Registry check for all adult household members within a proposed kinship placement. If any household member has a criminal history or is on the Central Registry, the results must be discussed, including an assessment of the identified individual's potential to present any risk of harm or injury to the child in placement.

Foster Care

4. Recommendation: The OCO recommends FIA ensure that foster care workers comply with policy regarding face-to-face contact with the children on their caseload. Current policy requires the following: a) frequent[16] face-to-face contact between the caseworker and the child during the first month of out-of-home placement; b) monthly face-to-face contact thereafter while the child remains in out-of-home placement; c) weekly face-to-face contact for the first month following return home, and biweekly thereafter for as long as the child remains under the jurisdiction of the court.

Rationale: The OCO has reviewed cases where there is insufficient face-to-face contact by the foster care worker with the child(ren) on their caseload, both during the child's time in placement, and after the child has returned home. At the onset of a case, frequent face-to-face contact is necessary to assess the child's placement and service needs, and to develop an appropriate case plan. Regular contact by the caseworker with the child during out-of-home placement helps to ensure the child's well being, and that appropriate services are being provided. Lastly, when a child is returned to a parent who was previously abusive or neglectful, frequent contact by the caseworker is essential to monitor the child's safety.

FIA Response:
Agree, in principle. As a rule, foster care workers comply with policy and law with regard to face-to-face contacts. There are a small number of cases statewide that lack the appropriate face-to-face contacts as required by law and policy. Cases reviewed by the OCO are not a representative sample of cases statewide. The OCO reviews cases that represent a skewed sample by virtue of the fact that the cases

[16] FIA policy does not define the number of visits required for "frequent" face-to-face contact.

are singled out as problematic/non-compliant and they are not randomly selected. FIA does agree that supervisors need to ensure foster care workers are meeting policy requirements for face-to-face contacts. Moreover, contact standards have been developed in conjunction with SDM and will be released in May 2001.

5. Recommendation: The OCO recommends that child-placing agencies be required to provide relative care providers with information regarding resources to assist them in caring for relative foster children,[17] and how to gain access to those resources. This information should be provided to the relative in writing before the relative is asked to make a commitment to ongoing placement.

Rationale: FIA policy states that within 30 days of a child's placement in foster care the agency is to identify and locate all relatives for possible placement of the child. Policy further states that "kinship care is viewed as key to substantially reducing the negative effects of separation from parents and family."[18] However, a relative who is otherwise willing to care for a child may not agree to the placement because of the financial burden. In other instances, the family may agree to the placement, and when the financial burden becomes too great, relinquish the child to the agency. The former situation may result in a missed opportunity for the child to remain within his or her kinship network, while the latter may result in an unnecessary placement change. Foster parents receive regular financial and other support for children in their care; however, relatives are not always informed by the agency of resources that may be available to assist them in caring for a relative foster child. Requiring the agency to inform relatives of available resources may substantially increase the likelihood that a child will be placed and remain within his or her kinship network.

FIA Response:
Agree, in part. FIA begins with the fundamental belief that families have the responsibility to be self-supporting when it is in their power to do so. It is equally important that we prioritize our efforts to where they are most needed. Foster care workers monitor kinship/relative placements, including the family's ability to financially sustain the foster children. If it appears that resources are an issue in maintaining any placement, then foster care workers should provide the family with written information directing the family to various forms of assistance, much as they do if any other problem is identified that might otherwise jeopardize the placement. We will review the manner in which we disseminate information to families that identify financial resources as an issue and will discuss development of a pamphlet to assist relatives when a financial barrier has been identified.

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[17] Relatives may be eligible for one or more of the following:

- Monthly foster care payments for relatives who become licensed foster parents. If relatives select this option, they should be informed of the time frame for licensing, that they must satisfy the licensing requirements, and that they cannot receive foster care payments until the licensing process is complete. Relatives may be eligible for monthly foster care payments without becoming licensed for foster children who are state wards.
- Programs administered by FIA, such as Family Independence Program (FIP), food stamps, Medicaid, and child day care program.
- To become the payee for benefits the child may be receiving through the Social Security Administration, including Supplemental Security Income (SSI) or Retirement, Survivor, and Disability Insurance (RSDI).
- Court-ordered child support from the parents.
- WIC (Women, Infants, and Children) program, which provides nutritional services and food supplements for children ages 5 and under.
- Other local resources in the community that may provide food, clothing, or general support.

[18] Foster Care policy 721, p.2, effective 5-1-2000

6. Recommendation: The OCO recommends that FIA and private child-placing agencies ensure compliance with foster care policy that allows parents to have access to foster care case file information upon request.

Rationale: The OCO has been informed by parents that they have been denied access to foster care case file information. Release of such information is important to ensure a parent's clear understanding of the case plan and the requirements placed upon the parent by the agency. In addition, a parent's due process rights are better protected when the parent is informed of the agency's position on the case and of the information relied upon by the agency to make decisions and recommendations. Equally important, parents are entitled to information regarding their child, including reports on the child's progress in foster care, school reports, and medical reports. Provision of this information enables parents to be meaningfully involved in activities and planning for their child, including attendance at school conferences and medical and dental appointments. Encouraging parents to actively participate in the service plan and to maintain an ongoing relationship with their child may facilitate early return home of the child from foster care.

FIA Response:
Agree. The OCO's recommendation as worded leaves the impression that workers statewide, as a rule, are violating the law in this regard. This implication unnecessarily exaggerates the extent of the problem. Nevertheless, current policy (CFF 722-4, pp. 2-3, effective 9-01-00) fulfills the intent of this recommendation, stating in part "the child's parent(s) or legal guardian may always have access to information in the case file…" We will also look for opportunities to remind staff of the current policy, and will reinforce its consistent application.

Systems Issues

7. Recommendation: The OCO recommends FIA establish a standard of promptness to ensure supervisory review and approval of case record documentation within a specified time frame.

Rationale: Policy requires CPS and FC supervisors to review and sign case file documents such as investigative reports, service plans, court reports, home studies, and Structured Decision Making (SDM) tools completed by the caseworker. Policy also states that a supervisor's signature on these documents indicates review and approval of the caseworker's actions. However, policy does not establish a specific time frame for completion of this review. In some cases, the OCO found that supervisory review occurred several months after the casework was completed, and in some instances, after an investigation was closed. Timely and comprehensive oversight is necessary to ensure that caseworkers conduct thorough investigations that employ sound decision making, and are in compliance with law and policy. In addition, accurate completion of the SDM tools is crucial. Since SDM is the predominant method used to assess the child's safety, it is important that supervisors ensure SDM tools are accurately completed, issues that threaten the safety of the child are properly identified, and protective interventions are commensurate with the risk of harm to the child.

FIA Response:
Agree, in part. FIA has established the recommended standard for CPS. L-Letter L-00-002 establishes a standard for timeliness of supervisory review of CPS narratives. The standard states "supervisors read

all CPS narratives and provide feedback to workers within 30 days of disposition." However, the standard is not mirrored in Foster Care, nor is the standard found in the program manual. The Program Office is currently reviewing standards for supervisors and will evaluate this for future policy revisions.

8. Recommendation: The OCO recommends that when CPS investigates an allegation of abuse or neglect of a child residing in a foster home, and the foster parent is not the alleged perpetrator, CPS should not register the case record in the foster parent's name.

Rationale: When a child residing in foster care discloses abuse or neglect that occurred prior to his or her placement, or that occurred during placement but while the child was visiting his or her parents, a CPS case record is established in the foster parent's name. This gives the appearance that the foster parent, rather than the alleged perpetrator, is the subject of the CPS investigation. If the perpetrator is substantiated, the foster parent will be coded on the Central Registry as an "uninvolved other," which poses the potential for misinterpretation by those who have access to the case record.

FIA Response:
Agree in concept. The intent of this recommendation is reflected in current policy (712-8 p.2) which states in part that "counties are not to establish more than one CPS case record for a household. If more than one CPS record exists in a county, the records are to be combined when a new CPS complaint is received." When CPS receives a complaint that contains allegations against the child's parent/caretaker that occurred while the child was residing in the parent/caretaker's household, it is reasonable to register the case in the parent/caretaker's name. This specific exception could prevent multiple case records. However, systems issues may have an impact on this recommendation. The Program Office, in conjunction with the CPS Supervisor Advisory Committee, will review this issue for potential change.

Appendix A
Acknowledgments

The OCO would like to thank Governor John Engler for the opportunity to improve the child welfare system, which, in turn, allows us to positively impact the lives of Michigan's children. The OCO appreciates the cooperation and efforts of FIA Director Douglas Howard and his staff as well as all private child-placing agencies throughout the state. The OCO also wishes to thank Michigan's State Senators and State Representatives, and their respective staffs, for their continued interest and commitment to our office.

The OCO is grateful to many individuals for their contributions of assistance and support. Special thanks to:

FIA and private agency line workers for their continued professional and caring efforts on behalf of Michigan's children.

As with any fully functioning office, acknowledgment must also be given to the professional and indispensable efforts of our support staff. The OCO currently employs two full-time equivalents (FTEs) both of whom provide administrative and technological support.

It is impossible to acknowledge everyone who played a significant role in the continuing efforts of the OCO. We are grateful to the many professionals who have been available and receptive to consultation and providing expert advice.

Appendix B
Administrative Response to Annual Report Recommendations For 1998-1999

The following chart provides an update on the progress the FIA has made regarding the twelve recommendations the OCO submitted in the 1998-1999 Annual Report.

Recommendations	Progress
1. a) The OCO recommends that the FIA clarify existing policy to ensure that the risk of harm to a new child is accurately assessed in situations where a parent has had rights terminated to a previous child. Policy should require a thorough review of the parent's prior CPS and foster care history that resulted in termination. In cases where there is insufficient evidence to support that the parent has rectified the conditions that lead to the prior termination, the OCO recommends that CPS determine there is risk of harm to the new child.	FIA agreed in part with the recommendation. As a result of discussions between FIA and the Ombudsman's Office, FIA worked with the Legislature to draft HB 6081, which was introduced in the Fall 2000 legislative session.
b) The OCO recommends that the FIA delete the word "current" from Policy Item 712, page 116 (effective date 7-1-99). The deletion of the word "current" would ensure that policy is consistent with the wording and intent of the Child Protection Law which reads, "The Department determines that there is risk of harm to the child and..."	FIA agreed with the recommendation. A policy change has not been implemented to date.
2. a) The OCO recommends that a list of all requirements necessary for an unlicensed relative home study, undertaken when a child is ordered into out-of-home care, be specifically detailed in the FIA Foster Care policy manual. (Current FIA Foster Care Policy refers the worker to the foster home development policy manual to obtain home study requirements.) Additionally, policy shall explicitly state that a home study must be documented in a separate home study report.	FIA agreed with the recommendation. Foster care policy is being revised to strengthen policy in the noted area. Due to the need to test and implement the Service Worker Support System (SWSS), the policy will not be released until February 2001.
b) FIA policy should be clarified to state that even if CPS places a child with a relative at the time of initial removal on a tentative or emergency basis, that placement is temporary, pending approval of a completed relative home study. In order for the child to remain in the relative placement, the foster care worker shall thoroughly document how the	FIA agreed with the recommendation. CPS policy is being revised to strengthen policy in the noted area. Due to the need to test and implement SWSS, the policy will not be released until February 2001.

Recommendations	Progress
placement is appropriate and meets the child's individual needs.	
3. The OCO recommends that the FIA amend the Medical Passport (FIA Form 221) to ensure consistent documentation of all items required by FIA policy. Specifically, on the most current medical passport template (dated 3/98), a category does not exist for documenting a child's ongoing medications. Furthermore, the OCO suggests two other additions to the Medical Passport: a) inclusion of a child's primary health care provider(s), and b) ensuring that the Medical Passport is completed, placed in the case file, and provided to foster parents and/or relative care providers.	FIA agreed with the recommendation. Policy was revised and implemented in February 2001.
4. The OCO recommends that the FIA review caseworker practice and agency training regarding the inclusion of foster parents in a child's team and the importance of foster parent participation in case planning.	FIA agreed with the recommendation. FIA will do the following: • Review how the Child Welfare Institute incorporates key statutory and policy requirements and determine if there are additional enhancements we can incorporate. One key method, which we will explore, is team training which pairs foster parents and CWI trainers. • Continue to expand our mentoring and foster parent support activities. • Pursue the help of experienced foster parents to support new foster parents.
5. The OCO recommends that the FIA conduct an assessment of CPS and foster care worker caseloads and supervisor to worker ratios in each county office in order to: collect accurate statistical data regarding the size of worker caseloads, and ensure staff's ability to meet current policy and legal requirements. Such caseload assessments should be conducted annually.	FIA agreed with the recommendation. To date, FIA has added over 200 CPS workers, and is in the process of assessing the workload of workers.
6. The OCO recommends that the FIA enhance the current capabilities of the Central Registry and implement changes allowing complete record keeping and overall ease of use. For example,	FIA agreed with the recommendation. To date, this recommendation has not been implemented.

Recommendations	Progress
when an individual is substantiated for separate offenses during an open CPS case, the Registry should be able to list each subsequent offense, the date the offense occurred, and the name(s) of the victim(s).	
7. The OCO recommends that a statutory amendment to the definition of "nonparent adult" found in MCL 722.622(2)(n)(iii). Currently, MCL 722.622(2) identifies individuals who may be held responsible for abusing and/or neglecting a child. The "nonparent adult" category allows the state to hold individuals who have substantial and regular contact with the child, and a close relationship with a person responsible for the child's health or welfare, but are not legally responsible for the child, liable for harming that child. The OCO recommends amending subsection (iii) to simply read, "Is not the child's parent." By striking the phrase, "or a person otherwise related to the child by blood or affinity to the third degree," the law would allow the state to hold relatives, who do not reside in the child's home, but who have a close, personal relationship with the child, responsible under the definition of "nonparent adult" if they harm the child. At the present time, CPS is unable to substantiate and list such an individual as a perpetrator on the Central Registry.	FIA agreed in part with the recommendation. No statutory amendment has been enacted to implement this recommendation.
8. The OCO recommends that a statutory amendment to the CPL by requiring the FIA to provide information to the Family Court with jurisdiction over a custody/visitation or guardianship case when CPS finds a preponderance of evidence that a child has been abused or neglected and: a) The FIA is aware that the child is the subject of court ordered custody/visitation or a legal guardianship, <u>and/or</u> b) The FIA is aware that the adult perpetrator is a party to a court ordered custody/visitation action or is a court appointed legal guardian of a child.	FIA agreed with the recommendation. No statutory amendment has been enacted to implement this recommendation.
9. The OCO recommends that a statutory change to the Child Protection Law (CPL) requiring CPS to disclose certain Central Registry information to parents. Specifically, the CPL should be amended	FIA agreed in part with the recommendation. The FIA, based on continuing conversations with the OCO, is currently evaluating language in HB 6081 to determine whether it can be expanded

Recommendations	Progress
to direct the FIA to release Central Registry information to a parent or a person legally responsible for a child if the FIA becomes aware that an individual with a substantiated history of child abuse or neglect has moved into a home where children reside. The CPS "Notice of Action and Rights" due process letter sent to substantiated perpetrators placed on the Central Registry should inform the perpetrator of this new policy. The OCO also recognizes a perpetrator's right, as part of due process, to file a request for expunction. Therefore, if a perpetrator has filed a request for expunction according to the process outlined in the due process notification letter, the FIA shall not release the Central Registry information until the request for expunction process has been completed.	to include children residing in a household with a non-parent adult who has had their parental rights to another child terminated.
10. The OCO recommends that a statutory provision be enacted to require that at CPS and foster care hearings the FIA or its contract agency be represented by an attorney.	FIA responded: The lack of representation, including adequate representation is an issue, but one that is not easily resolved. Currently, legal representation, in all counties but Wayne, is the responsibility of local government. The Prosecuting Attorney is responsible for representation in both civil and criminal matters. Reimbursement for these functions is through county funds. Title IV-E is available to match county funds if the prosecutor agrees to represent FIA or its contractors. However, the rate of reimbursement is only 50% of the costs for those children who are IV-E reimbursable. Therefore, the rate of reimbursement in the 23 counties with IV-E contracts ranges from 7% to 46% of actual costs for FY2000. The costs for reimbursement on a statewide basis are projected to be between $6.6 million and $16 million per year. The $6 million figure is based on the number of estimated court hearings per year. The $16 million figure is based on the number of hours workers spend in court hearings (includes no preparation time).

Recommendations	Progress
	The major impediment to implementing contracts in all counties is the rate of IV-E reimbursement. The prosecutors do not believe it is sufficient to cover the contracting costs, much less their time and, therefore, salary costs. Prosecutors would need to keep track of the number of billable hours that they do not otherwise have to do. If legislation is passed that requires that prosecutors represent FIA, or permits the state to contract with another public or private entity, would the state become liable for full cost, i.e., Headley implications? No statutory provision has been enacted to date on the recommendation.
11. The OCO recommends that recent legislation be amended to address the Foster Care Review Board's (FCRB) ability to hear appeals from foster parents/kinship caregivers for all children in foster care including Michigan Children's Institute (MCI) wards. Disagreements between the FIA and the FCRB regarding MCI wards should be resolved by the MCI Superintendent. Under recently enacted Binsfeld legislation, foster parents may appeal to the FCRB to prevent a child from being removed from their home with some exceptions. However, current FIA policy states that the foster care/ kinship caregiver does not have the option of appeal to the FCRB if the child(ren) at issue is a state ward under the MCI. The legislature did not intend to exclude MCI state wards from the appeals process, yet the "letter of the law" allows for this exception.	FIA agreed with the recommendation. FIA supported legislation to correct this technical flaw. The Legislation was approved and is Public Act 46 of 2000.
12. The OCO recommends that a statutory amendment to Section 136b(1)(b) of the Michigan Penal Code to expand the definition of the term "omission" to include identical language as found in Section 2(f)(ii) of the Child Protection Law. Specifically, the OCO recommends the following amended language: "Omission" means a willful failure to provide the food, clothing, or shelter necessary for a child's welfare or the willful	FIA disagreed with the recommendation.

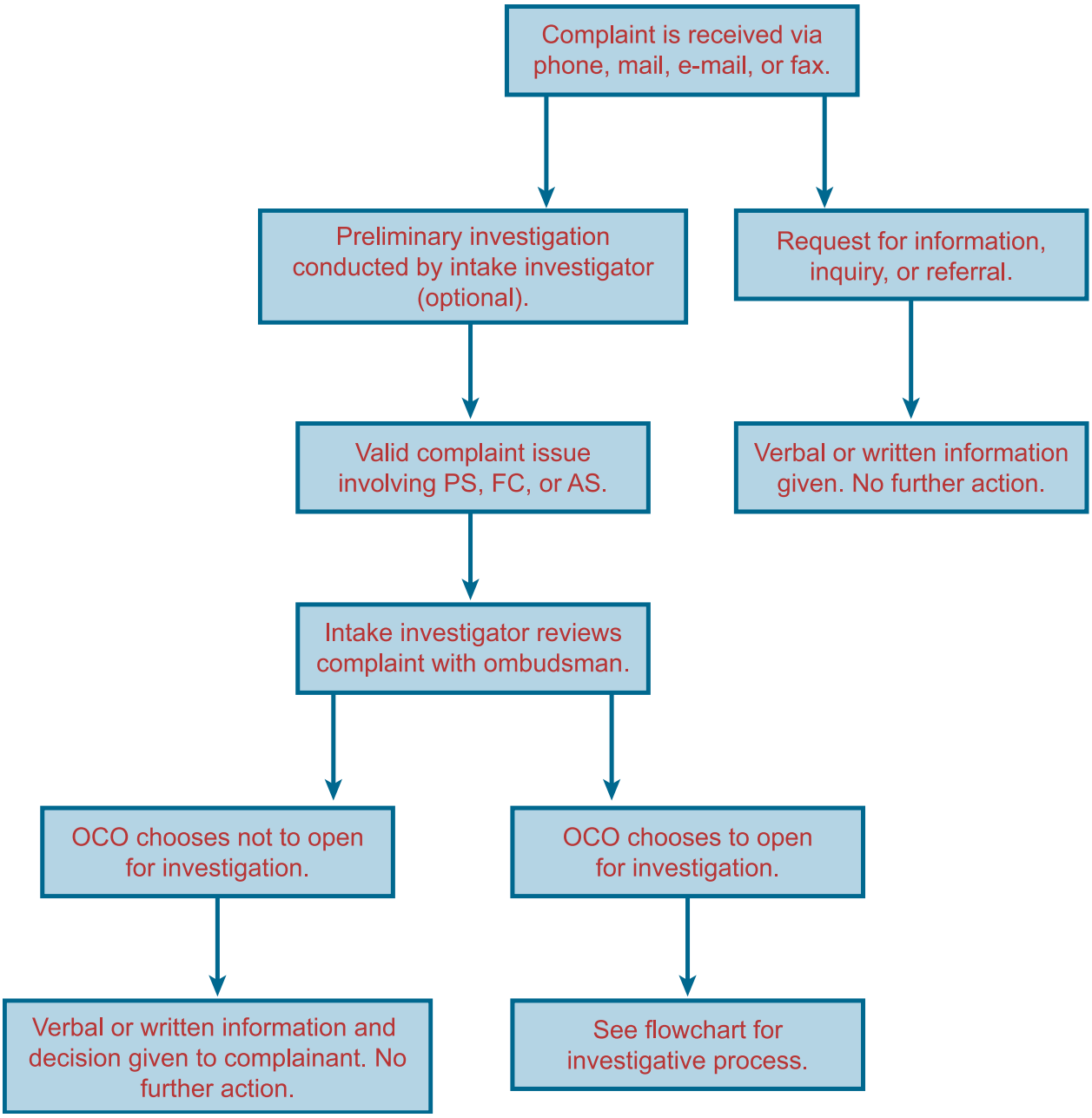
Recommendations	Progress
abandonment of a child, or placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or any other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.	

Appendix C
OCO Investigations by County
(October 1, 1999 to September 30, 2000)

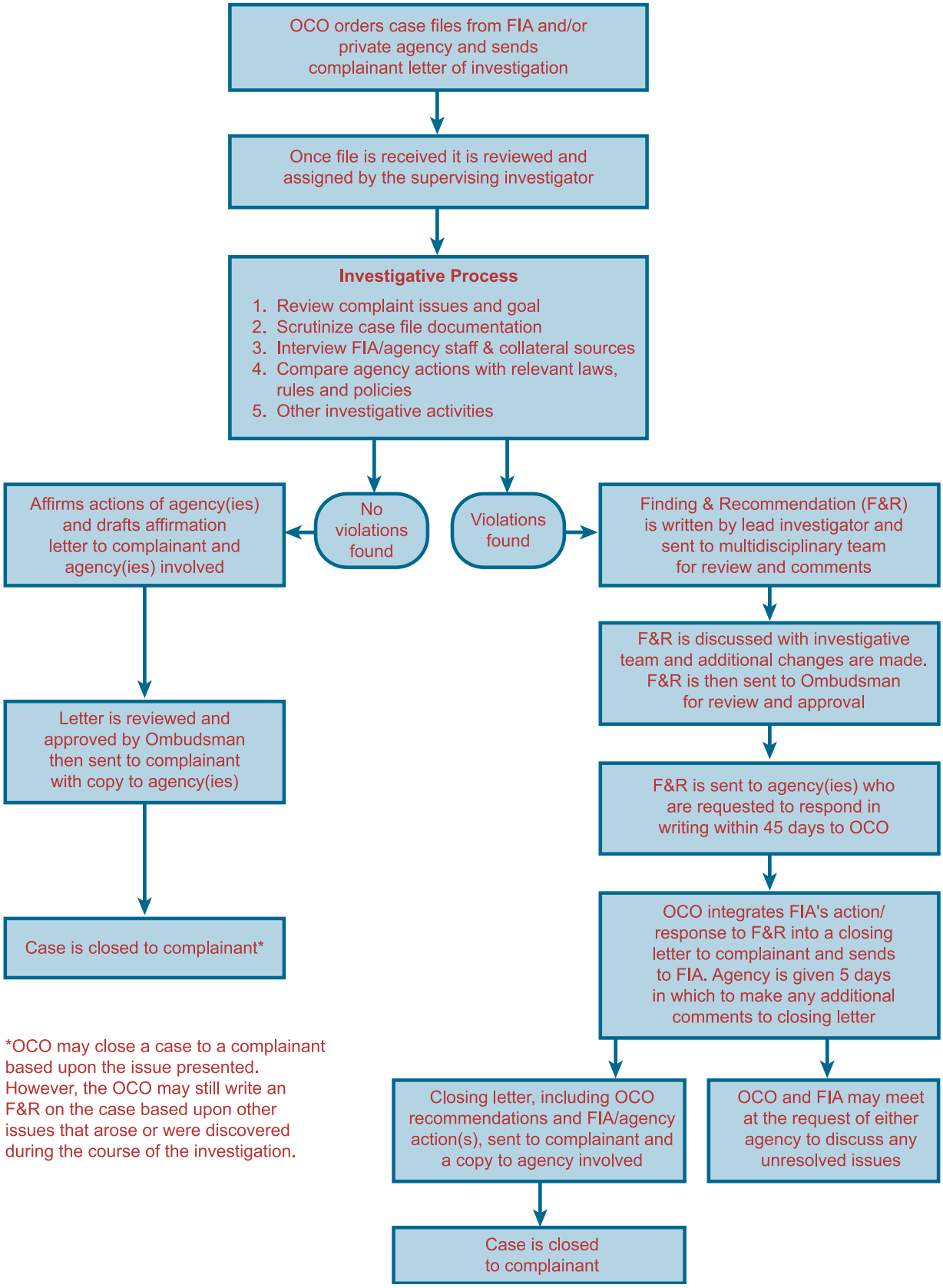
COUNTY	NUMBER OF INVESTI-GATIONS	COUNTY	NUMBER OF INVESTI-GATIONS	COUNTY	NUMBER OF INVESTI-GATIONS
Alcona	0	Gratiot	0	Missaukee	0
Alger	1	Hillsdale	1	Monroe	2
Allegan	8	Houghton	1	Montcalm	1
Alpena	0	Huron	0	Montmorency	0
Antrim	2	Ingham	7	Muskegon	6
Arenac	0	Ionia	0	Newaygo	2
Baraga	0	Iosco	0	Oakland	12
Barry	1	Iron	0	Oceana	0
Bay	3	Isabella	1	Ogemaw	0
Benzie	1	Jackson	6	Ontonagon	0
Berrien	1	Kalamazoo	4	Osceola	1
Branch	3	Kalkaska	0	Oscoda	0
Calhoun	1	Kent	8	Otsego	0
Cass	0	Keweenaw	0	Ottawa	2
Charlevoix	1	Lake	1	Presque Isle	0
Cheboygan	2	Lapeer	1	Roscommon	0
Chippewa	0	Leelanau	0	Saginaw	6
Clare	2	Lenawee	1	St. Clair	6
Clinton	2	Livingston	1	St. Joseph	2
Crawford	1	Luce	0	Sanilac	1
Delta	0	Mackinac	0	Schoolcraft	0
Dickinson	1	Macomb	9	Shiawassee	2
Eaton	1	Manistee	0	Tuscola	2
Emmet	1	Marquette	0	Van Buren	2
Genesee	14	Mason	0	Washtenaw	3
Gladwin	2	Mecosta	2	Wayne	47
Gogebic	0	Menominee	1	Wexford	1
Grand Traverse	4	Midland	4	**Total**	**198**[19]

[19]The total number (198) is higher than the number of cases investigated (160) because some investigations involved more than one county.

Appendix D
OCO Intake Process



OCO Investigation Process



*OCO may close a case to a complainant based upon the issue presented. However, the OCO may still write an F&R on the case based upon other issues that arose or were discovered during the course of the investigation.

Appendix E
Multi-disciplinary Team Training
(October 1, 1999 - September 30, 2000)

- FIA Child Welfare Institute (CWI) Training Sessions: Children's Protective Services, Foster Care, Adoption, Adoption-Legal, Health and Medical, Mental Health, Domestic Violence, Inter-Ethnic Placement Issues in Foster Care/Adoption, Forensic Interviewing of Children
- Reengineering and Process Improvement, Foster Home Development—FIA, Lansing
- Chronic Neglect—Prosecuting Attorneys Association of Michigan (PAAM), Gaylord
- Forensic Interviewing of Children: Research, Practice and Problem Solving (PAAM)
- PRIDE Training—Michigan Foster/Adoptive Parent Association, Lansing
- Michigan Adoptions 2000—Working Together, Lansing
- Child Abuse and Neglect: Prevention, Assessment, and Treatment—18th Annual Michigan Statewide Conference, Ypsilanti
- 2nd National Roundtable on Implementing the Adoption and Safe Families Act—American Humane Association, Philadelphia, Pennsylvania
- Supporting Families with Young Children, Conference 2000—FIA, Grand Rapids,
- International Initiative Policy-Makers Seminar—International Initiative For Children, Youth and Families, Petoskey
- When Tragedies Occur: CPS & the Media—Children's Research Center, Atlanta, Georgia
- Dealing with Upset Citizens and the Public—Strategies for Business and Government, Lansing
- A Physician's Course on Child Abuse: The Diagnosis, The Report, and Going to Court—6th Annual Medical Conference on Child Abuse and Neglect, Lansing
- Finding Better Ways: Keeping Everyone Safe—Child Welfare League of America, Philadelphia, Pennsylvania
- Impact of Infant Brain Development: Infancy…Adolescence…and Beyond—FIA and the Early Infant Brain Development Task Force, Grand Rapids
- Sixth Annual Medical Conference, Child Abuse and Neglect—Medical Advisory Committee and FIA in cooperation with Henry Ford Health Systems, Lansing
- New Mediation Practices in the Family Division—Chance at Childhood, Michigan State University, Lansing
- Colleagues Connecting for Kids to Make a Difference—American Professional Society on the Abuse of Children (APSAC), Chicago, Illinois
- Moving Toward Excellence in Community-Based Systems of Care—Michigan Association of Community Mental Health Boards, Lansing

Appendix F
PA 204 of 1994

Act No. 204
Public Acts of 1994
Approved by the Governor
June 20, 1994
Filed with the Secretary of State
June 21, 1994

STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994

Introduced by Senators Welborn, Dingell, Geake, Cisky, Dillingham, Gougeon, McManus, Wartner, Bouchard, DeGrow, Pridnia, Honigman, Gast, Hoffman, Arthurhultz, and Hart

ENROLLED SENATE BILL No. 723

AN ACT to create a children's ombudsman; to prescribe the powers and duties of the children's ombudsman, certain state departments and officers, and certain county and private agencies serving children; and to provide remedies from certain administrative acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as "the children's ombudsman act."

Sec. 2. As used in this act:

(a) "Administrative act" includes an action, omission, decision, recommendation, practice, or other procedure of the department of social services, an adoption attorney, or a child placing agency with respect to a particular child related to adoption, foster care, or protective services.

(b) "Adoption attorney" means that term as defined in section 22 of the adoption code, being section 710.22 of the Michigan Compiled Laws.

(c) "Adoption code" means chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws.

(d) "Child placing agency" means an organization licensed or approved by the department of social services under Act No. 116 of the Public Acts of 1973, being sections 722.111 to 722.128 of the Michigan Compiled Laws, to receive children for placement in private family homes for foster care or adoption and to provide services related to adoption.

(e) "Child" means an individual under the age of 18.

(f) "Complainant" means an individual who makes a complaint as provided in section 5.

(g) "Department" means the department of social services.

(h) "Foster parent" means an individual licensed by the department of social services under Act No. 116 of the Public Acts of 1973 to provide foster care to children.

(i) "Official" means an official or employee of the department or a child placing agency.

(j) "Ombudsman" means the children's ombudsman created in section 3.

Sec. 3. (1) As a means of monitoring and ensuring compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, and treatment of children in foster care and adoptive homes, the children's ombudsman is created as an autonomous entity in the department of management and budget. The ombudsman shall exercise its powers and duties, including the functions of budgeting and procurement and other management-related functions, independently of the director of the department of management and budget.

(2) The ombudsman shall be appointed by the Governor and shall serve at the pleasure of the Governor.

Sec. 4. (1) The ombudsman shall establish procedures for budgeting, expending funds, and employing personnel. Subject to annual appropriations, the ombudsman shall employ sufficient personnel to carry out the duties and powers prescribed by this act.

(2) The ombudsman shall establish procedures for receiving and processing complaints from complainants, conducting investigations, holding hearings, and reporting findings resulting from investigations.

Sec. 5. All of the following individuals may make a complaint to the ombudsman with respect to a particular child, alleging that an administrative act is contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds:

(a) The child, if he or she is able to articulate a complaint.

(b) A biological parent of the child.

(c) A foster parent of the child.

(d) An adoptive parent or a prospective adoptive parent of the child.

(e) A legally appointed guardian of the child.

(f) A guardian ad litem of the child.

(g) An adult who is related to the child within the fifth degree by marriage, blood, or adoption, as defined in section 22 of the adoption code, being section 710.22 of the Michigan Compiled Laws.

(h) A Michigan Legislator.

(i) An attorney for any individual described in subparagraphs (a) to (g).

Sec. 6. The ombudsman may do all of the following:

(a) Upon its own initiative or upon receipt of a complaint from a complainant, investigate an administrative act that is alleged to be contrary to law or rule, or contrary to policy of the department or a child placing agency, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds.

(b) Decide, in its discretion, whether to investigate a complaint.

(c) Upon its own initiative or upon receipt of a complaint from a complainant, conduct a preliminary investigation to determine whether an adoption attorney may have committed an administrative act that is alleged to be contrary to law, rule, or the Michigan rules of professional conduct adopted by the Michigan supreme court.

(d) Hold informal hearings and request that individuals appear before the ombudsman and give testimony or produce documentary or other evidence that the ombudsman considers relevant to a matter under investigation.

(e) Make recommendations to the Governor and the legislature concerning the need for protective services, adoption, or foster care legislation.

Sec. 7. (1) Upon rendering a decision to investigate a complaint from a complainant, the ombudsman shall notify the complainant of the decision to investigate and shall notify the department, adoption attorney, or child placing agency of the intention to investigate. If the ombudsman declines to investigate a complaint or continue an investigation, the ombudsman shall notify the complainant and the department, adoption attorney, or child placing agency of the decision and of the reasons for the ombudsman's action.

(2) If the preliminary investigation described in section 6 leads the ombudsman to believe that the matter may involve misconduct by an adoption attorney, the ombudsman shall immediately refer the complaint to the attorney grievance commission of the state bar of Michigan.

(3) The ombudsman may advise a complainant to pursue all administrative remedies or channels of complaint open to the complainant before pursuing a complaint with the ombudsman. Subsequent to the administrative processing of a complaint, the ombudsman may conduct further investigations of any complaint upon the request of the complainant or upon the ombudsman's own initiative.

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

(5) The ombudsman may file a petition on behalf of a child requesting the court to take jurisdiction under section 2(b) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, or a petition for termination of parental rights under section 19b of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.19b of the Michigan Compiled Laws, if the ombudsman 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.

Sec. 8 (1) The department and a child placing agency shall do all of the following:

(a) Upon the ombudsman's request, grant the ombudsman or its designee access to all relevant information, records, and documents in the possession of the department or child placing agency that the ombudsman considers necessary in an investigation.

(b) Assist the ombudsman to obtain the necessary releases of those documents that are specifically restricted.

(c) Provide the ombudsman upon request with progress reports concerning the administrative processing of a complaint.

(2) The department, an adoption attorney, and a child placing agency shall provide information to a biological parent, prospective adoptive parent, or foster parent regarding the provisions of this act.

Sec. 9. The ombudsman shall treat all matters under investigation, including the identities of recipients or individuals from whom information is acquired, as confidential, except so far as disclosures may be necessary to enable the ombudsman to perform the duties of the office and to support any recommendations resulting from an investigation. A record of the office of the ombudsman is confidential, shall be used only for purposes set forth in this act, and is not subject to court subpoena. A record of the office of the ombudsman is exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

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

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

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

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

(d) Other action should be taken by the department or 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 shall provide the complainant with a copy of its recommendations on a complaint.

(5) The ombudsman shall submit to the governor, the director of the department, and the legislature an annual report on the conduct of the ombudsman, including any recommendations regarding the need for legislation or for change in rules or policies.

Sec. 11. (1) An official, the department, or a child placing agency shall not penalize any person for filing a complaint or cooperating with the ombudsman in investigating a complaint.

(2) An individual, the department, an adoption attorney, or a child placing agency shall not hinder the lawful actions of the ombudsman or employees of the ombudsman.

Sec. 12. The authority granted the ombudsman under this act is in addition to the authority granted under the provisions of any other act or rule under which the remedy or right of appeal or objection is provided for a person, or any procedure provided for the inquiry into or investigation of any matter. The authority granted the ombudsman does not limit or affect the remedy or right of appeal or objection and is not an exclusive remedy or procedure.

Sec. 13. The ombudsman shall maintain a registry of adoption attorneys who provide services described in the adoption code. The ombudsman shall remove an adoption attorney from the registry under any of the following circumstances:

(a) The attorney requests that his or her name be removed from the registry.

(b) The attorney fails to register as provided in section 5 of the foster care and adoption services act.

(c) The ombudsman receives notice that the attorney's license to practice law is suspended or revoked.

Sec. 14. This act shall take effect January 1, 1995.

Sec. 15. This act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

(a) Senate Bill No. 299.

(b) Senate Bill No. 721.

(c) Senate Bill No. 722.

(d) Senate Bill No. 724.

(e) Senate Bill No. 725.

(f) House Bill No. 4201.

(g) House Bill No. 4428.

(h) House Bill No. 4614.

(i) House Bill No. 4638.

This act is ordered to take immediate effect.

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