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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1264, L.D. 1893, “An Act to Establish an Independent Office of the Child Advocate”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 2 MRSA §6, sub-§5**, as amended by PL 2019, c. 343, Pt. OOO, §1, is further amended to read:

**5. Range 86.** The salaries of the following state officials and employees are within salary range 86:

- State Archivist;
- Director, Division of Land Use Planning, Permitting and Compliance;
- Chair, Maine Unemployment Insurance Commission;
- ~~Child Welfare Services Ombudsman~~ Advocate; and
- Director of the Maine Drug Enforcement Agency.

**Sec. 2. 5 MRSA §12004-G, sub-§5-B** is enacted to read:

**5-B.**

Children's Services      Advisory Committee to the      Not Authorized      5 MRSA c. 641  
Child Advocate

**Sec. 3. 5 MRSA Pt. 32** is enacted to read:

**PART 32**

**CHILD ADVOCATE**

**COMMITTEE AMENDMENT**

**CHAPTER 641**

**OFFICE OF THE CHILD ADVOCATE**

**§26201. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Advisory committee.** "Advisory committee" means the Advisory Committee to the Child Advocate under section 26209.

**2. Child.** "Child" means a person who is under 18 years of age who is in the custody of or receiving services from or arranged through a state agency, or is qualified to receive such services, or in the past 3 years has been in such custody or received such services. "Child" also means a person who is under 18 years of age and is in custody or detention in any Department of Corrections juvenile correctional facility.

**3. Child Advocate.** "Child Advocate" means the individual appointed by the Governor and confirmed by the Legislature pursuant to section 26204 to serve as the administrator of the Office of the Child Advocate and to perform all other duties as assigned in this chapter.

**4. Office.** "Office" means the Office of the Child Advocate established in section 26202.

**5. Oversight.** "Oversight" means reviewing, monitoring and recommending changes to a state agency's implementation of laws and rules and all contracted programs, providers, services and activities of that state agency as well as that state agency's policies, procedures and practices.

**6. Record.** "Record" means information created, received, possessed or controlled by or on behalf of a state agency.

**7. Safety science.** "Safety science" means the systematic application of evidence-based methods of incident review that recognize human error not as cause, but consequence and symptom of conditions of the system in which decisions are made. A process grounded in safety science takes into account all the influencing factors on decision making to determine the adequacy of the infrastructure that supports decisions and influences outcomes.

**8. Services.** "Services" means residential or home and community-based children's behavioral health services or child welfare services provided directly by the Department of Health and Human Services or indirectly through a private provider or services provided by the Department of Corrections in a secure facility for children involved in the juvenile justice system. "Services" does not include standard juvenile correctional security practices.

**9. State agency.** "State agency" means a department, bureau or office of the State, including any public or private child service agency providing services under contract or agreement with a state agency to a child.

**§26202. Office of the Child Advocate established; fund**

1           **1. Office established; purposes.** The Office of the Child Advocate is established as  
2 an independent agency to provide independent oversight of state agencies and promote the  
3 best interests of children and ensure that children receive timely, safe and effective services  
4 in accordance with state and federal law. The office, notwithstanding any provision of law  
5 to the contrary, shall operate with full independence from any state official or state agency.  
6 The office is established within the Department of Administrative and Financial Services  
7 for administrative purposes only.

8           **2. Fund.** A fund is established within the Department of Administrative and Financial  
9 Services to support the operation of the office. Any unexpended balance remaining in the  
10 fund at the end of the fiscal year does not lapse and must be carried forward to the next  
11 fiscal year.

12 **§26203. Powers and duties of office**

13           **1. Complaints.** The office shall review complaints and determine if the office  
14 considers it necessary to:

15           A. Investigate the actions of a state agency and make recommendations to address  
16 concerns;

17           B. Identify whether a complaint raises a systemic issue that must be addressed and  
18 make recommendations to a state agency that is implicated; and

19           C. Make recommendations to a state agency related to specific complaints.

20           **2. Case-specific reviews.** The office may complete a case-specific review on the  
21 receipt of a complaint or on the office's own initiative. When coordinating a case-specific  
22 review, the office shall coordinate efforts with the state agencies involved to minimize the  
23 impact and trauma to the child, family and department personnel involved.

24           A. In a child welfare case, if there is a pending criminal investigation or prosecution  
25 in state or federal court identified prior to or during a case-specific review, the office  
26 may consult with the Attorney General before proceeding with the review. The  
27 consultation with the Attorney General does not halt or delay the case-specific review.

28           B. If a review requires the office to interview a child receiving services from the  
29 Department of Health and Human Services, the office shall consult with the Attorney  
30 General. An interview must be conducted using trauma-informed and developmentally  
31 sensitive interview techniques.

32           C. If a review requires the office to interview a child in the custody of the Department  
33 of Corrections, the prosecuting attorney, the defense attorney for the child and the  
34 Attorney General must all agree to the interview, including any specific terms of the  
35 interview. An interview must be conducted using trauma-informed and  
36 developmentally sensitive interview techniques.

37           **3. Systems-wide or periodic review; recommendations.** The office may complete  
38 systems-wide or periodic review of policies, programs, rules, procedures or services  
39 offered to children and provide recommendations to address systemic concerns in order to  
40 improve the quality of care in order to provide children with the opportunity to live full and  
41 productive lives.

1           **4. Consultation.** The Child Advocate shall regularly consult with state agencies and  
2 the advisory committee and participate in conferences, meetings and studies aimed at  
3 improving the performance of state agencies.

4           **5. Information and referral services.** The office shall provide information and  
5 referral assistance to families and the public to assist families and the public in navigating  
6 and accessing services available through state agencies and to promote the child's best  
7 interest. The provision of information under this subsection does not constitute legal  
8 representation of a child or parent. A family may seek and must receive information  
9 regardless of whether the family is represented by legal counsel. The information must be  
10 provided free of charge. Failure to provide information under this subsection does not  
11 create a cause of action or have any effect on a child protective proceeding.

12           **6. Outreach and advocacy.** The office shall perform educational outreach and  
13 advocacy initiatives as part of the mission and responsibilities of the office and in  
14 coordination with other relevant advocacy organizations. The office shall provide  
15 information through a toll-free telephone number and a publicly accessible website.

16           **§26204. Child Advocate; term; appointment; removal**

17           **1. Appointment.** The Governor shall appoint the Child Advocate to supervise the  
18 office, serve as the office's administrator and perform all other duties as assigned by this  
19 chapter. The appointment must be made on the recommendation of the advisory committee  
20 from the list provided pursuant to section 26209, subsection 4, paragraph A and is subject  
21 to review by the joint standing committee of the Legislature having jurisdiction over health  
22 and human services matters and to confirmation by the Legislature. No later than 8 weeks  
23 after receiving the list of candidates from the advisory committee, the Governor shall  
24 designate a candidate for Child Advocate from among those recommended by the advisory  
25 committee and submit the appointment for approval by the Legislature. If a candidate  
26 withdraws from consideration prior to approval by the Legislature, the Governor shall  
27 designate another candidate from among the remaining candidates recommended by the  
28 advisory committee to the Governor. If the Governor fails to designate a candidate within  
29 8 weeks after receiving the recommendations of the advisory committee, the candidate  
30 ranked first by the advisory committee is deemed appointed and submitted for approval by  
31 the Legislature. The position of Child Advocate is a full-time, unclassified position.

32           **2. Term.** The Child Advocate serves a term of 5 years and until a successor is  
33 appointed and approved. A vacancy in the position of Child Advocate must be filled in the  
34 same manner as the original appointment was made for the remainder of the unexpired  
35 term. The Child Advocate's term may be renewed as described in subsection 3.

36           **3. Reappointment.** The advisory committee may recommend reappointment of the  
37 Child Advocate by providing notice to the Governor. If the Governor does not respond to  
38 the recommendation for reappointment within 8 weeks after receiving the recommendation  
39 from the advisory committee, the Child Advocate's reappointment must be referred to the  
40 Legislature for approval.

41           **4. Qualifications.** A person appointed to the position of Child Advocate must be  
42 selected without regard to political affiliation and on the basis of integrity and demonstrated  
43 ability and must possess a professional graduate degree in law, health care, public health,  
44 social work or a related field and be qualified by education, experience and expertise to  
45 perform the duties of the position. The appointee must have knowledge of safety science

1 and juvenile correctional practices or be willing to undergo training as determined by  
2 industry standards for safety science-based system and juvenile correctional practices.

3 **5. Removal.** The Child Advocate may be removed from office for cause by the  
4 Governor with approval by a 2/3 vote of the Senate. As used in this subsection, "cause"  
5 includes, but is not limited to, substantial neglect of duty, gross misconduct or conviction  
6 of a crime. The cause for removal of the Child Advocate must be stated in writing, and  
7 that document must be sent to the Secretary of the Senate and the Clerk of the House of  
8 Representatives and is a public document.

9 **6. Associate Child Advocate hire; other personnel.** The Child Advocate shall hire  
10 an Associate Child Advocate, who must meet the same qualifications required of the Child  
11 Advocate as specified in subsection 4. The Child Advocate may, subject to available  
12 appropriations, hire such other personnel as the Child Advocate considers necessary for the  
13 efficient management of the office. The duties of the personnel must be performed under  
14 the supervision of the Child Advocate. If a vacancy occurs in the position of Child  
15 Advocate and until such time as a candidate has been appointed by the Governor and  
16 approved by the Legislature, the Associate Child Advocate shall serve as the acting Child  
17 Advocate and is entitled to the compensation and privileges of and exercises the powers of  
18 the Child Advocate.

19 **§26205. Access to personnel, files, records and facilities; confidentiality**

20 When necessary to fulfill its duties as described in this chapter, the office has access to  
21 files, records, personnel and facilities as described in this section.

22 **1. Access to Department of Health and Human Services and certain facilities and**  
23 **residential programs.** Access by the office to the Department of Health and Human  
24 Services and facilities and residential programs serving children is governed by this  
25 subsection.

26 A. The office has access, for which a fee may not be imposed, to files and records of  
27 the Department of Health and Human Services and to the personnel of the department  
28 for the purposes of an investigation of a complaint or for a case-specific review. The  
29 office may also enter the premises of the department for the purposes of investigation  
30 of a complaint or case-specific review without prior notice.

31 B. The office may visit facilities and residential programs serving children.

32 C. Information obtained by the office under this subsection is confidential. Disclosure  
33 may be made as allowed or required in accordance with the provisions of Title 22,  
34 section 4008, subsections 2 and 3. Unlawful dissemination is subject to the provisions  
35 of Title 22, section 4008, subsection 4.

36 **2. Access to Department of Corrections.** Access by the office to the Department of  
37 Corrections is governed by this subsection.

38 A. The Child Advocate has access, for which a fee may not be imposed, to information  
39 regarding juveniles, subject to the limitations specified in Title 34-A, section 1216,  
40 held by the Department of Corrections, except that juvenile intelligence and  
41 investigative record information remains subject to Title 15, section 3308-A and  
42 personnel records remain subject to section 7070. The Child Advocate may also enter  
43 the premises of the department for the purposes of investigation of an inquiry or

1 complaint without prior notice as long as such entry does not create a safety and  
2 security concern.

3 B. Information obtained under this subsection is confidential. Disclosure may be made  
4 as allowed under Title 34-A, section 1216 and Title 15, section 3308-A. Unlawful  
5 dissemination is subject to the provisions of Title 34-A, section 1216, subsection 3.

6 **§26206. Confidentiality of records**

7 1. Confidentiality; disclosure. A record held by or created by the office is  
8 confidential and may be disclosed only as described in subsection 2 and section 26205.

9 2. Disclosure of investigation findings. Notwithstanding any provision of law to the  
10 contrary, if the Child Advocate determines that the health, safety or welfare of a child is at  
11 risk, the office may disclose to the relevant entity only those details of investigation  
12 findings necessary to address the issue, subject to the following limitations.

13 A. The name, address or other identifying information of an individual who is the  
14 subject of a confidential proceeding or that is subject to a statutory confidentiality  
15 provision may not be released by the relevant entity to the public.

16 B. Unless agreed to by the Department of Health and Human Services, the Department  
17 of Corrections and the Office of the Attorney General, investigation findings may not  
18 be released by the relevant entity if there is a pending child protection action, a pending  
19 criminal investigation, a pending prosecution or a pending proceeding under the Maine  
20 Juvenile Code.

21 3. Exception to archive laws. Notwithstanding section 95-C, subsection 1, paragraph  
22 C, any records held by or created by the Child Advocate must remain confidential until the  
23 relevant records have been in existence for 100 years.

24 **§26207. Notification of child death**

25 The Department of Health and Human Services shall notify the Child Advocate of a  
26 death of a child if:

27 1. Child welfare involvement. The child was involved with child welfare services at  
28 any time; or

29 2. Abuse or neglect. The fatality is suspected of being the result of abuse or neglect  
30 as defined in Title 22, section 4002, subsection 1.

31 Notification under this section must occur within 48 hours of a determination by the  
32 department that this section applies to the child death. The notification may be provided  
33 by oral or electronic communication.

34 **§26208. Reporting and oversight**

35 1. Annual report. Beginning in 2028, the Child Advocate shall report annually by  
36 January 15th to the Governor, the joint standing committee of the Legislature having  
37 jurisdiction over health and human services matters, the joint standing committee of the  
38 Legislature having jurisdiction over juvenile justice matters and the advisory committee on  
39 the activities of the office. The report must include an account of complaints received,  
40 case-specific reviews conducted, systems-wide recommendations, information and referral  
41 services, outreach and advocacy and any obstacles to carrying out the requirements of the  
42 office. The report is a public record.

1           **2. Oversight.** The joint standing committee of the Legislature having jurisdiction over  
2 health and human services matters shall review the operations of the office and may make  
3 recommendations to the Governor regarding the operations and administration of the  
4 office. The joint standing committee may report out legislation related to the annual report  
5 under subsection 1.

6           **§26209. Advisory Committee to the Child Advocate**

7           **1. Membership.** The Advisory Committee to the Child Advocate, as established in  
8 section 12004-G, subsection 5-B, consists of the following members:

9           A. A member of the Senate appointed by the President of the Senate;

10           B. A member of the House of Representatives appointed by the Speaker of the House;

11           C. Two members with lived experience with children's services administered by a state  
12 agency, including child protection, juvenile justice and developmental or educational  
13 services, as a child or family member, one of whom is appointed by the President of  
14 the Senate and one of whom is appointed by the Speaker of the House;

15           D. One member with expertise in special education appointed by the President of the  
16 Senate;

17           E. One member with expertise in mental health and substance use disorder treatment  
18 appointed by the Speaker of the House;

19           F. One member with expertise in juvenile justice systems and restorative justice  
20 appointed by the President of the Senate;

21           G. One member with policy expertise in children's behavioral health services or child  
22 welfare appointed by the Speaker of the House;

23           H. One member representing the Maine Chapter of the American Academy of  
24 Pediatrics or a successor organization appointed by the Governor;

25           I. One member with expertise in standards that apply in juvenile correctional facilities  
26 appointed by the Governor; and

27           J. A member of the public appointed by the Governor.

28           The advisory committee members shall elect a chair at the beginning of each calendar year.  
29 The chair may be reelected by the advisory committee.

30           **2. Designees.** A member of the advisory committee may appoint a designee to  
31 represent the member on the advisory committee. A designee, once appointed, qualifies as  
32 a full voting member of the advisory committee with all the rights and privileges of full  
33 membership on the advisory committee.

34           **3. Terms of members.** Legislative members of the advisory committee serve a term  
35 coterminous with their term in office. All other members serve 3-year terms. Members  
36 may be reappointed. Any vacancy on the advisory committee must be filled in the same  
37 manner as the original appointment, but for the unexpired term.

38           **4. Duties.** The advisory committee shall:

39           A. Recommend at least 3 qualified candidates to the Governor, ranked in order by  
40 qualifications, for appointment to the position of Child Advocate, except that, at the  
41 conclusion of the Child Advocate's 5-year term and upon receipt of a request from the

1 Child Advocate to be considered for reappointment, the advisory committee shall  
2 determine whether to recommend reappointment;

3 B. Evaluate the Child Advocate's performance as determined necessary based on  
4 feedback received related to the Child Advocate;

5 C. Annually recommend whether the Child Advocate should receive a cost-of-living  
6 increase, salary increase or both in accordance with performance evaluations and  
7 request that the Governor include the necessary appropriation in the next biennial or  
8 supplemental budget;

9 D. Advise the Child Advocate on the strategic direction of the office and its mission  
10 and help promote the use of, engagement in and access to the office;

11 E. Work cooperatively with the Child Advocate to provide fiscal oversight of the  
12 general operating budget of the office and ensure that the office operates in compliance  
13 with the provisions of this chapter and state and federal laws relating to children's  
14 services; and

15 F. Provide consultation to the office in its effort to promote an effective,  
16 comprehensive and coordinated system of services and programs for children and  
17 families.

18 **5. Quorum; meetings.** Six members of the advisory committee constitute a quorum  
19 for a meeting. The advisory committee may meet as often as necessary but no less than 3  
20 times a year.

21 **§26210. Rules**

22 The office shall adopt rules to carry out this chapter. The rules must include, but are  
23 not limited to, procedures and processes related to the complaint system, case-specific  
24 reviews and coordination with other entities with overlapping jurisdiction and during co-  
25 occurring investigations or reviews, including state agencies; child advocacy centers  
26 established pursuant to Title 22, section 4019; the child death and serious injury review  
27 panel established pursuant to Title 22, section 4004, subsection 1, paragraph E; and  
28 criminal justice agencies as defined in Title 16, section 803, subsection 4 with  
29 responsibility for juvenile justice records collected pursuant to Title 15, sections 3308-A  
30 and 3308-B. Rules adopted pursuant to this section are routine technical rules as defined  
31 in chapter 375, subchapter 2-A.

32 **Sec. 4. 18-C MRSA §5-127, sub-§4,** as enacted by PL 2017, c. 402, Pt. A, §2 and  
33 affected by PL 2019, c. 417, Pt. B, §14, is amended by amending the first blocked paragraph  
34 to read:

35 The organization shall maintain records on the training and background checks of agents,  
36 including the content and dates of training and full transcripts of background checks, for a  
37 period of not less than 5 years after the minor attains 18 years of age. The organization  
38 shall make the records available to a parent or guardian executing a power of attorney under  
39 this section and to the ~~ombudsman~~ Office of the Child Advocate under Title 22 ~~5, section~~  
40 ~~4087-A chapter 641~~ and any local, state or federal authority conducting an investigation  
41 involving the agent, the parent or guardian or the minor.

42 **Sec. 5. 22 MRSA §4004, sub-§1, ¶E,** as amended by PL 2023, c. 261, §1, is further  
43 amended to read:

1 E. Establishing a child death and serious injury review panel for reviewing deaths and  
2 serious injuries to children. The panel consists of the following members: the Chief  
3 Medical Examiner, a pediatrician, a public health nurse, forensic and community  
4 mental health clinicians, law enforcement officers, departmental child welfare staff,  
5 district attorneys, criminal or civil assistant attorneys general and the ombudsman  
6 pursuant to section 4087-A Child Advocate or a designee of the ombudsman Child  
7 Advocate.

8 The purpose of the panel is to recommend to state and local agencies methods of  
9 improving the child protection system, including modifications of statutes, rules,  
10 policies and procedures. Beginning January 1, 2023 and every 2 years thereafter, the  
11 department shall submit a report to the joint standing committee of the Legislature  
12 having jurisdiction over health and human services matters.

13 The panel shall submit a report to the joint standing committee of the Legislature  
14 having jurisdiction over health and human services matters at least every 3 months.  
15 The panel may submit a combined report with the child welfare advisory panel  
16 established in section 4010-D or any judicial branch task force or panel with a focus  
17 on the child welfare system or child protective proceedings. Any presentation of the  
18 report to the committee must be presented by the citizen members of the panels to the  
19 extent possible. Each quarterly report must contain, at a minimum, the following:

20 (1) A summary of generalized and anonymized observations in the prior 3-month  
21 period regarding efforts by the Office of Child and Family Services to improve the  
22 child welfare system;

23 (2) A summary of the collaboration between the child welfare advisory panel and  
24 the child death and serious injury review panel as well as any judicial branch task  
25 force or panel with a focus on the child welfare system or child protective  
26 proceedings; and

27 (3) Any recommendations on how to further protect the State's children through  
28 department policy and rulemaking and through legislation;

29 **Sec. 6. 22 MRSA c. 1071, sub-c. 10-A**, as amended, is repealed.

30 **Sec. 7. Funds transferred.** Notwithstanding the Maine Revised Statutes, Title 5,  
31 sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or allocations,  
32 transfers, revenues or other available funds in any account or subdivision of an account of  
33 the Department of Health and Human Services or the Executive Department and authorized  
34 for use by the child welfare services ombudsman program under Title 22, section 4087-A  
35 must be reallocated to the Department of Administrative and Financial Services, Office of  
36 the Child Advocate under Title 5, chapter 641 on October 1, 2026.

37 **Sec. 8. Personnel transfer.** As of October 1, 2026, 3 personnel from the child  
38 welfare services ombudsman program employed under the contract on the effective date of  
39 this Act are transferred to the Office of the Child Advocate at their existing budgeted  
40 compensation until such time as the Legislature has confirmed the Child Advocate. As  
41 authorized by the Maine Revised Statutes, Title 5, section 26204, subsection 6, the Child  
42 Advocate confirmed by the Legislature shall hire an Associate Child Advocate and any  
43 staff necessary for the efficient management of the Office of the Child Advocate. The  
44 Child Advocate may hire any of the staff transferred to the office during the interim period.

1 All personnel employed by the Office of the Child Advocate are state employees with all  
2 the rights and privileges of state employees.

3 **Sec. 9. Interim Child Advocate.** The Governor shall appoint an interim Child  
4 Advocate no later than October 1, 2026 to serve until a Child Advocate is appointed  
5 according to the Maine Revised Statutes, Title 5, chapter 641, giving preference to the child  
6 welfare services ombudsman contracted under Title 22, section 4087-A. The Governor  
7 shall appoint a Child Advocate no later than July 15, 2027.

8 **Sec. 10. Implementation resource needs assessment.** Prior to the Governor's  
9 appointment of the Child Advocate, the interim Child Advocate shall prepare an in-depth  
10 report of resource needs, including but not limited to staffing, equipment, travel,  
11 consultancies, access to records and any other requirements for implementing the  
12 requirements of the Maine Revised Statutes, Title 5, chapter 641. The report must be  
13 submitted to the joint standing committee of the Legislature having jurisdiction over health  
14 and human services matters no later than February 15, 2027. The joint standing committee  
15 may report out legislation to the 133rd Legislature in 2027 to make any necessary  
16 adjustments to the Office of the Child Advocate related to the report.

17 **Sec. 11. Appointments to Advisory Committee to the Child Advocate.**  
18 Appointments to the Advisory Committee to the Child Advocate, as established in the  
19 Maine Revised Statutes, Title 5, section 26209, must be made by the relevant appointing  
20 authorities no later than March 15, 2027. Notwithstanding Title 5, section 26209,  
21 subsection 3, the members initially appointed pursuant to Title 5, section 26209, subsection  
22 1, paragraphs D, E and J serve for a one-year term and the members initially appointed  
23 pursuant to Title 5, section 26209, subsection 1, paragraphs C and H serve for a 2-year  
24 term.

25 **Sec. 12. Appropriations and allocations.** The following appropriations and  
26 allocations are made.

27 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**  
28 **Office of the Child Advocate N580**

29 Initiative: Establishes one Public Service Coordinator II position and 2 Public Service  
30 Coordinator I positions in the Office of the Child Advocate, beginning October 1, 2026.

31	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
32	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
33	Personal Services	\$0	\$324,220
34	All Other	\$0	\$16,326
35			
36	GENERAL FUND TOTAL	\$0	\$340,546

37 **Office of the Child Advocate N580**

38 Initiative: Provides one-time funding for office needs, staffing needs, contracting services  
39 and training during the transition into the Office of the Child Advocate.

40	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
41	All Other	\$0	\$100,000
42			
43	GENERAL FUND TOTAL	\$0	\$100,000

1	<b>Office of the Child Advocate N580</b>		
2	Initiative: Establishes one Public Service Coordinator I position and one Office Associate		
3	II position, beginning April 1, 2027.		
4	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
5	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
6	Personal Services	\$0	\$55,204
7	All Other	\$0	\$3,628
8			
9	GENERAL FUND TOTAL	\$0	\$58,832
10			
11	<b>ADMINISTRATIVE AND FINANCIAL</b>		
12	<b>SERVICES, DEPARTMENT OF</b>		
13	<b>DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
14			
15	GENERAL FUND	\$0	\$499,378
16			
17	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$499,378
18	<b>EXECUTIVE DEPARTMENT</b>		
19	<b>Ombudsman Program 0103</b>		
20	Initiative: Deappropriates and deallocates funding from the contract for the child welfare		
21	ombudsman program to be transferred over to the new Office of the Child Advocate,		
22	effective October 1, 2026.		
23	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
24	All Other	\$0	(\$241,539)
25			
26	GENERAL FUND TOTAL	\$0	(\$241,539)
27			
28	<b>FEDERAL EXPENDITURES FUND</b>	<b>2025-26</b>	<b>2026-27</b>
29	All Other	\$0	(\$37,150)
30			
31	FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$37,150)
32			
33	<b>EXECUTIVE DEPARTMENT</b>		
34	<b>DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
35			
36	GENERAL FUND	\$0	(\$241,539)
37	FEDERAL EXPENDITURES FUND	\$0	(\$37,150)
38			
39	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$278,689)
40	<b>LEGISLATURE</b>		
41	<b>Legislature 0081</b>		

1 Initiative: Appropriates funds for the costs of Legislators participating on the Advisory  
 2 Committee to the Child Advocate.

3	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
4	Personal Services	\$0	\$330
5	All Other	\$0	\$720
6			
7	GENERAL FUND TOTAL	\$0	\$1,050

8			
9	<b>LEGISLATURE</b>		
10	<b>DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
11			
12	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$1,050</b>
13			
14	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$1,050</b>

15			
16	<b>SECTION TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
17			
18	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$258,889</b>
19	<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>(\$37,150)</b>
20			
21	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$221,739</b>

22 **Sec. 13. Effective date.** This Act takes effect October 1, 2026.'

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 24 number to read consecutively.

25 **SUMMARY**

26 This amendment replaces the bill. It eliminates the child welfare services ombudsman  
 27 program and replaces it with the Office of the Child Advocate. The ombudsman program  
 28 was established as a contract with a 5-year term. The Office of the Child Advocate is  
 29 established as an independent office within the Department of Administrative and Financial  
 30 Services for administrative purposes only. The Child Advocate is appointed for a 5-year  
 31 term that may be renewed. The Child Advocate must have a professional graduate degree  
 32 in law, health care, public health, social work or a related field. The Child Advocate must  
 33 also have knowledge of safety science and juvenile correctional practices or be willing to  
 34 undergo training. The Child Advocate is required to hire an Associate Child Advocate,  
 35 who must be similarly qualified.

36 The Office of the Child Advocate is established to provide independent oversight of  
 37 state agencies and promote the best interests of children and ensure that children receive  
 38 timely, safe and effective services in accordance with state and federal law.

39 The office is required to review complaints and determine if it is necessary to  
 40 investigate the actions of a state agency and make recommendations to address concerns,  
 41 identify whether the issue is systemic and make recommendations on specific complaints.  
 42 The office may complete case-specific reviews on the receipt of complaints or on the

**COMMITTEE AMENDMENT**

1 office's own initiative. In a child welfare case, if there is a pending active criminal  
2 investigation or prosecution in state or federal court, the office may consult with the  
3 Attorney General before proceeding with the review. If the review requires the office to  
4 interview a child receiving services from the Department of Health and Human Services,  
5 the office must consult with the Attorney General. If the review requires the office to  
6 interview a child receiving services from the Department of Corrections, the prosecuting  
7 attorney, the defense attorney for the child and the Attorney General must all agree to the  
8 interview, including any specific terms of the interview, in order for an interview to take  
9 place.

10 The office may complete systems-wide or periodic review of policies, programs, rules,  
11 procedures or services offered to children and offer recommendations to address systemic  
12 concerns.

13 The office is required to provide information and referral assistance to families and the  
14 public and assist them in navigating and accessing services although this does not constitute  
15 legal representation. The office is also required to perform educational outreach and  
16 advocacy.

17 The office has access to files and records from the Department of Health and Human  
18 Services and to the premises of the department. The office may also visit facilities and  
19 residential programs serving children. The office has access to juvenile information held  
20 by the Department of Corrections except for juvenile intelligence and investigative record  
21 information and personnel records. The office may enter the premises of the department  
22 as long as the entry does not create a safety and security concern. Information obtained,  
23 held or created by the office is confidential and may be disclosed only under certain  
24 circumstances.

25 The amendment creates the Advisory Committee to the Child Advocate, which is an  
26 11-member committee with members who serve 3-year terms, except for Legislators on the  
27 committee, whose terms are coterminous with their term in office. Members may be  
28 reappointed. The duties of the advisory committee include: recommending at least 3  
29 qualified candidates for the Child Advocate position to the Governor as well as determining  
30 whether to recommend reappointment of the Child Advocate; evaluating the Child  
31 Advocate's performance; recommending cost-of-living or salary increases for the Child  
32 Advocate and requesting the Governor to include any salary increase in the next budget;  
33 advising on the strategic direction of the office; working collaboratively with the Child  
34 Advocate to provide fiscal oversight and compliance with federal and state laws; and  
35 providing consultation to the office in its efforts to promote an effective, comprehensive  
36 and coordinated system of services and programs. Appointments to the advisory committee  
37 must be complete by March 15, 2027. The first terms of the members are staggered. The  
38 advisory committee must be in place to make recommendations of candidates to the  
39 Governor for the first Child Advocate.

40 The Child Advocate is required to report annually to the Governor, the joint standing  
41 committees of the Legislature having jurisdiction over health and human services matters  
42 and juvenile justice matters and the Advisory Committee to the Child Advocate. The joint  
43 standing committee of the Legislature having jurisdiction over health and human services  
44 matters has oversight over the operations of the office and may make recommendations to  
45 the Governor and report out legislation.

