

Position Code

POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.	
2. Employee's Name (Last, First, M.I.)	8. Department/Agency MDHHS-DPT OF HUMAN SVC CNTL OF
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Bureau of Legal Affairs
4. Civil Service Position Code Description DEPARTMENTAL SPECIALIST-3	10. Division Children's Services Legal Division
5. Working Title (What the agency calls the position) Departmental Specialist-14	11. Section Child Welfare Section
6. Name and Position Code Description of Direct Supervisor LARRIVEY, JENNIFER; STATE ADMINISTRATIVE MANAGER-1	12. Unit
7. Name and Position Code Description of Second Level Supervisor BRENNAN, MARY; STATE DIVISION ADMINISTRATOR	13. Work Location (City and Address)/Hours of Work 235 S GRAND AVE; LANSING, MI 48933 / Monday - Friday; 8am to 5pm
14. General Summary of Function/Purpose of Position	
<p>This position is located within the Bureau of Legal Affairs, Children's Services Legal Division (CSLD) and is the statewide legal specialist for the Department of Health and Human Services (MDHHS) primarily in the areas of adoption, adoption subsidy, child welfare licensing-proposed orders, guardianship, and guardianship assistance. The primary MDHHS client served by this position is the Department's Children's Services Agency.</p> <p>This position requires a proficiency of law and policy regarding adoption, adoption subsidy, child welfare licensing-proposed orders, guardianship, and guardianship assistance issues, as well as a general knowledge of child welfare law. The position requires the application of independent judgment and discretion. Specifically, this position is responsible for performing legal research and analysis relative to a broad and complex variety of issues, questions, and concerns affecting MDHHS, in child welfare matters focusing on adoption, adoption subsidy, child welfare licensing-proposed orders, guardianship, and guardianship assistance, as well as providing guidance to Children's Services Agency Central Office executive and child welfare program staff, business service center staff, local MDHHS office staff, and CSLD management/staff regarding applicable federal and state statutes, regulations, administrative rules, case law, and policy. Additionally, this position works with the Michigan Office of Attorney General (AG) in coordinating necessary legal representation his position also functions as a liaison with the AG's office regarding departmental position, policy, and strategy involving administrative hearings and court proceedings (i.e., litigation).</p> <p>This position is responsible for reviewing a court orders and opinions for legal sufficiency, appropriateness, and compliance. This position, along with any necessary supervisory direction, determines the appropriate MDHHS response to improper, inappropriate, or otherwise objectionable court orders or opinions.</p> <p>Additional responsibilities include the authoring of guidance memoranda for use in setting policy, the proposing or review of legislation, and the analysis of case law.</p>	



15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary:

Percentage: 45

Provision of interpretation and guidance regarding a broad and complex range of issues, questions, and concerns pertaining to adoption, adoption subsidy, foster care, child welfare licensing, and guardianship assistance matters.

Individual tasks related to the duty:

- Performs legal research and analysis of federal and state statutes, case law, rules and regulations, court orders, and other rulings of law and fact.
- Prepares memoranda that include summaries and analyses of applicable legal authority and factual issues.
- Prepares position statements, draft administrative rules, and proposed legislation at the request of the Child Welfare Section Manager or Division Director.
- Reviews questions and other inquiries received from MDHHS Central Office and program staff, business service center staff, and local MDHHS office staff to determine whether legal issues exist.
- Responds to questions and other inquiries from MDHHS Central Office and program staff, business services center staff, and local MDHHS office staff providing guidance based on knowledge, education, research results, and experience.
- Ensures that all legal inquiries, questions, and concerns are properly submitted and responded to in a timely manner.
- Analyzes program operations, practice, processes, and policy to ensure compliance with applicable federal and state statutes, case law, rules, and regulations for the purpose of reducing liability and risk, improving efficiency, and conformance with applicable and proper legal format, style, and citation.
- Monitors various information sources to provide updates regarding legal or policy changes in federal, sister-state, and Michigan case law, statutes, rules and regulations, and policies.
- Drafts MDHHS responses to correspondence and complaints from Michigan constituents.
- Drafts responses to correspondence received from attorneys, citizens, advocacy groups, and others.
- Maintains appropriate records and prepares reports and correspondence.
- Performs duties of unusual significance or importance to the Department.

Duty 2

General Summary:

Percentage: 30

Provision of guidance, coordination, and communication regarding administrative hearings and court proceedings involving adoption, adoption subsidy, foster care, child welfare licensing, and guardianship assistance matters.

Individual tasks related to the duty:

- Collects and reviews proposed litigation materials and prepares litigation packet for administrative hearings and court proceedings requiring legal representation of MDHHS. Independently, or in conjunction with the Division Director or Child Welfare Section Manager, determines which legal matters may be resolved internally by MDHHS and which matters require AG or private attorney representation.
- Prepares requests for and coordinates AG representation in administrative hearing matters, and serves as the liaison between MDHHS and the AG through final appeal and case closure.
- Assists in the authorization of the hiring of private counsel to represent MDHHS in adoption, adoption subsidy, foster care, child welfare licensing, and guardianship assistance proceedings, when necessary.
- Provides guidance regarding adoption, adoption subsidy, foster care, child welfare licensing, and guardianship

assistance matters in the administrative hearing process.

- Provides guidance regarding the legal sufficiency of court orders and independently, or in conjunction with the Division Director or Child Welfare Section Manager, determines the appropriate MDHHS response to improper court orders.
- Provides guidance and recommendations to local MDHHS office and county prosecutors regarding improper court orders and serves as the liaison for improper, inappropriate, or otherwise objectionable court orders or opinions referred to the AG through final appeal and case closure.
- Provides legal direction regarding the Department's response to requests for discovery and guidance involving litigation regarding depositions, interrogatories, subpoenas, and other legal documents.
- Provides guidance in the resolution of administrative hearing cases.
- Provides guidance on complex litigation issues.
- Assists the Division Director, Child Welfare Section Manager, the AG's office, and private counsel with other tasks as needed for successful handling of the Department's litigation.
- Assists the AG's office or private counsel in preparing MDHHS staff for deposition, other testimony, and expert witness testimony.
- Provides updates and communicates outcomes of administrative hearings and litigation to MDHHS staff.
- Provides guidance to ensure that court and administrative hearing decisions and orders are understood and properly implemented by the appropriate MDHHS staff.
- Drafts administrative hearing and litigation documents, which may include affidavits, position statements, or legal memoranda, at the direction of the Division Director or Child Welfare Section Manager, and in consultation with the AG's office or private counsel representing MDHHS.
- Drafts and provides summaries of litigation or administrative hearings to senior MDHHS leadership.
- Drafts proposed final decisions and orders regarding child welfare licensing matters for the MDHHS Director's review and signature.
- Maintains appropriate records and prepares reports and correspondence related to litigation and administrative hearing proceedings.

Duty 3

General Summary:

Percentage: 20

Engages in other special projects, tasks, responsibilities, and duties related to adoption, adoption subsidy, foster care, child welfare licensing, and guardianship assistance matters.

Individual tasks related to the duty:

- Provides guidance regarding proposed legislative changes, administrative rule promulgation, or MDHHS policy revision to ensure compliance with federal and state law, as requested.
- Attends and participates in various meetings, committees, and work groups, as requested.
- Participates in the training of MDHHS staff in adoption, adoption subsidy, foster care, child welfare licensing, and guardianship assistance matters.
- Provides expert testimony, as requested.
- Provides backup and overflow assistance in other Child Welfare related areas, including but not limited to foster care and subpoenas and requests for production of documents.
- Engage in other legal-related matters, as requested

Duty 4

General Summary:

Percentage: 5

Other duties as assigned.

Individual tasks related to the duty:

Other projects, tasks, duties, or responsibilities as assigned by the Division Director, Child Welfare Section Manager, the Bureau of Legal Affairs Director, or the Legal Administration Senior Deputy Director.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

- Legal decisions on complex child welfare issues, primarily involving adoption, adoption subsidy, child welfare licensing-proposed orders, guardianship, and guardianship assistance issues, review of legal documents and consequent guidance to MDHHS staff. Engages in the determination of the Department's response to improper, inappropriate, or otherwise objectionable court or administrative hearing orders or opinions involving adoption, adoption subsidy, child welfare licensing-proposed orders, guardianship, and guardianship assistance proceedings. Determination of what legal issues, questions, conclusions, and the dissemination of such require Division Director or Child Welfare Section Manager review, approval, or consultation.
- The independent decision making required in this position includes the exercise of a great deal of latitude in analyzing and applying both federal and state law and policy. Decisions may have statewide impact and may affect the Department's legal exposure, its use of public funds/resources, and the public's perception of MDHHS. Decisions made in this position may affect adoption subsidy or guardianship assistance funding. Decisions made in this position may affect the immediate safety, health, and welfare of vulnerable children.
- The provision and content of adoption, adoption subsidy, guardianship, and guardianship assistance training to MDHHS staff.

17. Describe the types of decisions that require the supervisor's review.

Matters involving especially sensitive, highly confidential, or uniquely complex legal issues, matters where there is no precedential MDHHS guidance or position, and matters involving settlements in litigation or administrative hearing proceedings require Child Welfare Section Manager, Division Director, and/or Legal Administration consultation, review, and direction.

18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

Typical office environment.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

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| N | Complete and sign service ratings. | N | Assign work. |
| N | Provide formal written counseling. | N | Approve work. |
| N | Approve leave requests. | N | Review work. |
| N | Approve time and attendance. | N | Provide guidance on work methods. |
| N | Orally reprimand. | N | Train employees in the work. |

22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?

Yes

23. What are the essential functions of this position?

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Additional responsibilities include the authoring of guidance memoranda for use in setting policy, the proposing or review of legislation, and the analysis of case law.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

- Duty 3: Removed "Provides guidance and assistance in the processing of subpoenas and Freedom of Information (FOIA) notices, as requested."
- Duty 3: Added backup and overflow assistance for subpoenas and requests for production of documents.

25. What is the function of the work area and how does this position fit into that function?

The CSLD, part of the MDHHS Bureau of Legal Affairs, provides guidance to all levels of the Department, but primarily to staff within the Children's Services Agency. This position is a crucial component to the provision of this guidance.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

Possession of a bachelor's degree in any major.

Selective Position Requirement (SPR): Juris Doctorate degree from an ABA-accredited school of law.

EXPERIENCE:

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Four years of professional experience, including two years equivalent to the experienced (P11) level or one year equivalent to the advanced (12) level.

KNOWLEDGE, SKILLS, AND ABILITIES:

As listed on the Civil Service Job Specification. In addition:

- Knowledge of the operational and technical issues involved in the administration of the assigned specialized program or programs.
- Knowledge of the assigned program specialty(ies).
- Knowledge of state and federal laws, as well as legislative processes related to the assigned program specialty(ies).
- Knowledge of the statutory and regulatory authority, rules, and procedures associated with the assigned MDHHS program specialty(ies) adjudicated by the Michigan Administrative Hearings System and Michigan courts.
- Knowledge of legal writing techniques, jargon, and terms.
- Ability to quickly assimilate oral and written data, to analyze facts, and draw logical legal conclusions.
- Ability to prepare and draft logical and concise written summaries, analyses, memoranda, and other responses involving guidance.
- Ability to interpret complex statutes, case law, rules, regulations, and policy.
- Ability to maintain records, prepare reports, and conduct correspondence related to the assigned program specialty(ies).
- Ability to maintain favorable public relations, communicating with others verbally and in writing.
- Ability to maintain confidentiality as required.

The MDHHS mission is to provide opportunities, services, and programs that promote a healthy, safe, and stable environment for residents to be self-sufficient. We are committed to ensuring a diverse workforce and a work environment whereby all employees are treated with dignity, respect and fairness.

CERTIFICATES, LICENSES, REGISTRATIONS:

Member in good standing with the State Bar of Michigan.

NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

None

I certify that the entries on these pages are accurate and complete.

Appointing Authority

Date

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee

Date