

<b>STATE OF MICHIGAN</b> JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	<b>ORDER AFTER PRELIMINARY HEARING</b> <b>CHILD REMOVED FROM HOME</b> <b>(CHILD PROTECTIVE PROCEEDINGS), PAGE 1</b>	<b>CASE NO.</b>
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1. In the matter of \_\_\_\_\_  
(name(s), alias(es), DOB)

2. Date of hearing: \_\_\_\_\_ Judge/Referee: \_\_\_\_\_ Bar no. \_\_\_\_\_

**THE COURT FINDS:**

3. A petition has been submitted alleging that the above child(ren) come(s) within the provisions of MCL 712A.2.

4. Notice of hearing was given as required by law.

5. There is good cause to adjourn the preliminary hearing.  Petitioner recommends immediate removal of the child(ren) from the child(ren)'s home.

6. There  is  is not probable cause that one or more of the allegations in the petition are true.

7. There is probable cause the  parent  guardian  custodian  other person residing in the child(ren)'s home abused the child(ren). Presence of the alleged abuser in the home  does  does not present a substantial risk of harm to the child(ren)'s life, physical health, or mental well being and he/she  should  should not be ordered out of the home. (Use form JC 65, Order Removing Alleged Abuser from Child's Home as appropriate)

8. It is contrary to the welfare of the child(ren) to remain in the home  because \_\_\_\_\_ **OR**  
 because there is probable cause to believe the facts in the petition are true.

9.  a. Based on  the following findings (attach list if more space is needed)

the report \_\_\_\_\_ dated \_\_\_\_\_  
Identify type of report

testimony of \_\_\_\_\_ backed up by written transcript  
Name

reasonable efforts  were  were not made prior to the placement of the child(ren) in foster care, to prevent or eliminate the need for removing the child(ren) from the child(ren)'s home and  
reasonable efforts  were  were not made to prevent the child(ren)'s removal from child(ren)'s home or to rectify the conditions that caused the child(ren)'s removal from the child(ren)'s home in accordance with MCL 712A.18f(4).

b. Reasonable efforts to preserve and unify the family are not required because the parent subjected the child(ren) or another child of the parent to abuse including one or more of the types under MCL 712A.19b(k).

(SEE SECOND PAGE)

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<b>STATE OF MICHIGAN</b> <b>JUDICIAL CIRCUIT - FAMILY DIVISION</b> <b>COUNTY</b>	<b>ORDER AFTER PRELIMINARY HEARING</b> <b>CHILD REMOVED FROM HOME</b> <b>(CHILD PROTECTIVE PROCEEDINGS), PAGE 2</b>	<b>CASE NO.</b>
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In the matter of

10. Conditions of custody in the home and with the individual with whom the child(ren) reside(s)  are  are not adequate to safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.

No provision of service or other arrangement except removal of the child is reasonably available to adequately safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.

Conditions of custody at the placement away from the home and with the individual with whom the child(ren) is/are placed are adequate to safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.

11. Parenting time with \_\_\_\_\_, even if supervised, may be harmful to the child(ren).

12. The child may be/is a member of or eligible for membership in an American Indian tribe or band (complete and mail Form JC 48). Findings have been made on the record.

**IT IS ORDERED:**

13. The petition is authorized. The child(ren) are placed with \_\_\_\_\_.

a. The parent/legal guardian shall execute all documents necessary to release confidential information regarding the child(ren) including medical, mental, and educational reports. The parent, guardian, and/or custodian of the child(ren), within 7 days, shall provide the supervising agency with the name and address of the medical providers for the child(ren). Any medical provider of the child(ren) shall release the medical records of the child(ren) to the supervising agency.

b. If the child(ren) are placed in the home of a relative, a home study shall be performed by the Family Independence Agency and a copy of the home study submitted to the court not more than 30 days after the placement.

c. Upon request, the Family Independence Agency shall release to the foster parent the information concerning the child(ren) in accordance with MCL 712A.13a(13).

14. Each child shall have  a psychological evaluation  counseling to determine appropriateness and conditions of parenting time.

15. Parenting time of \_\_\_\_\_ is as follows:  
 regular and frequent as approved by \_\_\_\_\_  supervised by \_\_\_\_\_ the Family Independence Agency.  
 suspended while psychological evaluation or counseling is conducted and until ordered by the court.

16. Parenting time of \_\_\_\_\_ is as follows:  
 regular and frequent as approved by \_\_\_\_\_  supervised by \_\_\_\_\_ the Family Independence Agency.  
 suspended while psychological evaluation or counseling is conducted and until ordered by the court.

17. Placement shall continue pending  resumption of the preliminary hearing  pre-trial  trial  disposition

on \_\_\_\_\_ .  
Date and time

18. Other:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

## CHECKLIST FOR ADVICE OF RIGHTS AND GENERAL PROCEDURE FOR PRELIMINARY HEARING

1.  Determine whether parents have been notified, are present, and if not present, whether to proceed in their absence.
2.  Determine whether attorney representing the child is present at hearing.
3.  Determine whether petition should be dismissed, whether matter should be referred to alternate services or whether matter shall continue with preliminary hearing.
4.  Advise respondent of right to an attorney.
5.  Advise respondent of right to hearing by judge and right to request a review of referee's findings or recommendations.
6.  Inquire if minor or parent is registered member of American Indian tribe or band or if minor is eligible for membership.
7.  Read allegations in the petition unless waived.
8.  Determine whether temporary or permanent custody is sought.
9.  Allow respondent an opportunity to deny or admit allegations and make statement of explanation.
10.  Direct that respondent and each attorney receive a copy of petition authorized to be filed.
11.  Advise respondent of right to trial by a judge or jury and that a referee may be assigned to hear the case unless demand for a judge or jury is filed.
12.  Advise parent where additional costs or reimbursement may be assessed.
13.  Having ordered placement of the child outside the child's home, inform the parties of the following:
  - a. That the agency has the responsibility to prepare an initial services plan within 30 days of the child's placement.
  - b. The general elements of an initial services plan as required by the rules promulgated pursuant to 1973 PA 116, MCL 722.111 to 722.128.
    - the background of the child(ren) and the family;
    - an evaluation of the experiences and problems of the child(ren);
    - a projection of the expected length of stay in foster care; and
    - an identification of specific goals and projected time frames for meeting the goals.
  - c. That participation in an initial services plan is voluntary without court order.
14.  Having found the alleged abuser should be ordered out of the home, complete JC 65, Order Removing Alleged Abuser from Child's Home
15.  If this is the first court order authorizing removal of the child, make contrary to the welfare findings regarding the efforts to prevent removal. Reasonable efforts findings must be made now or within 60 days of the date of removal.