



Michigan Supreme Court
State Court Administrative Office
Trial Court Services Division
Michigan Hall of Justice
P.O. Box 30048
Lansing, MI 48909

March 15, 2010

TO: Michigan Court Forms Committee – Circuit Court Family Division Section

FROM: Amy L. Byrd, Forms and Records Manager

RE: Agenda and Materials for **March 25, 2010 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing (map enclosed)

Below is the agenda for the March 25 special meeting for the Circuit Court Family Division Section of the Michigan Court Forms Committee. The meeting starts at 9:30 a.m. and ends at 3:30 p.m. **Luncheon reservations have been made for you; if you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 West Ottawa. A map and directions are provided.

Pursuant to Supreme Court order, Michigan Court Rules were adopted, effective May 1, 2010, that incorporate provisions of the federal Indian Child Welfare Act (ICWA). These rules affect a number of forms for juvenile, adoption, and guardianship proceedings. Included for your information is a memorandum from Kelly Howard, Director of the Child Welfare Services Division of the State Court Administrative Office, a copy of the Supreme Court order, the draft forms, comments received during the public comment period on the draft forms, and a copy of the Indian Child Welfare Act.

You may also want to bring a copy of the Michigan Court Rules, the Juvenile Code and the *2009 Indian Child Welfare Act of 1978: A Court Resource Guide*, which can be printed from <http://courts.michigan.gov/scao/resources/publications/manuals/cws/ICWActResourceGuide.pdf>.

1. JC 01, Complaint (Request for Action, Delinquency Proceedings)

The one suggestion is to revise item 5 pursuant to the terms used in the ICWA and MCR 3.002(5). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

2. JC 02, Complaint (Request for Action, Child Protective Proceedings)

No suggestions for change.

3. JC 04a, Petition (Delinquency Proceedings)

The one suggestion is to revise item 2 pursuant to MCR 3.931(B) and the terms used in the ICWA and MCR 3.002(5).

4. JC 04b, Petition (Child Protective Proceedings)

The one suggestion is to revise item 2 pursuant to MCR 3.961(B) and the terms used in the ICWA and MCR 3.002(5).

5. JC 05a, Order to Apprehend and Detrain (Delinquency Proceedings)

Suggestions include adding a new item 5 pursuant to the terms used in the ICWA and MCR 3.002(5) and adding reference to MCR 3.905(C).

6. JC 05b, Order to Take Child(ren) into Protective Custody (Child Protective Proceedings)

Suggestions include adding item 6 pursuant to MCR 3.963 and the terms used in the ICWA and MCR 3.002(5) and adding reference to MCR 3.905(C). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

7. JC 10, Order After Preliminary Hearing/Inquiry (Delinquency Proceedings)

Suggestions include adding items 10, 11, and 18 pursuant to MCR 3.920(C)(1) and the terms used in the ICWA and MCR 3.002(5) and adding reference to MCR 3.905(C). See draft form. Based on comments received during the public comment period, an alternative draft is provided.

8. JC 11a, Order After Preliminary Hearing (Child Protective Proceedings)

Suggestions include adding items 20 and 23 and item 12 of the checklist pursuant to MCR 3.920(C)(1), MCR 3.965(B)(2), MCR 3.967, and the terms used in the ICWA and MCR 3.002(5) and adding reference to MCR 3.905(C). Based on comments received during the public comment period, an alternative draft is provided.

9. JC 19, Order Following Dispositional Review/Permanency Planning Hearing (Child Protective Proceedings)

Suggestions include adding items 6, 14, and 22 pursuant to MCR 3.967 and MCR 3.974(C) and the terms used in the ICWA and MCR 3.002(5) and adding reference to

MCR 3.905(C). Based on comments received during the public comment period, an alternative draft is provided.

10. JC 45, Notice of Hearing

There are no suggested changes to this form.

11. JC 48, Notice of Proceedings Concerning an Indian Child

Suggested changes include revisions to the title and items 2 and 3 pursuant to MCR 3.920(C)(1) and the terms used in the ICWA and MCR 3.002(5). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

12. JC 51, Statement of Preference

It is suggested the form be deleted. The Department of Human Services has its own form for placement preferences. See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

13. JC 63, Order Following Hearing to Terminate Parental Rights

Suggestions include adding item 8 and replacing reference to MCR 3.980 with MCR 3.977 and adding reference to MCR 3.905(C).

14. JC 75, Order Following Emergency Removal Hearing (Child Protective Proceedings)

Suggestions include removing items 5 and 6 and adding items 15 and 22 pursuant to MCR 3.905(C), MCR 3.920(C)(1), MCR 3.967 and MCR 3.974(B) and (C) and the terms used in the ICWA and MCR 3.002(5). Based on comments received during the public comment period, an alternative draft is provided. See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

15. JC 103, Order Following Indian Child Welfare Act Removal Hearing (Child Protective Proceedings)

New form pursuant to MCR 3.905(C), MCR 3.965(B), MCR 3.967 and MCR 3.974 and the terms used in the ICWA and MCR 3.002(5). Based on comments received during the public comment period, alternative drafts are included for JC 10, JC 11a, JC 19, and JC 75, which would eliminate the need for this form.

16. PCA 301, Petition for Adoption

Suggestions include adding items 11 and 17 pursuant to MCR 3.802(A)(3), 25 USC 1913(a), and the terms used in the ICWA and MCR 3.002(5). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

17. PCA 301a, Petition for Direct Placement Adoption

Suggestions include adding items 13 and 19 pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

18. PCA 302, Supplemental Petition and Affidavit to Terminate Parental Rights of Noncustodial Parent

The one suggestion is to add an option in the case entitlement pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

19. PCA 303, Notice of Hearing, Termination of Parental Rights

Suggestions include adding an option in the case entitlement pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to MCR 3.802(A)(3)(b).

20. PCA 304, Order Terminating Rights of Noncustodial Parent

Suggestions include adding item 11 pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to MCR 3.807(B)(2). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

21. PCA 308, Consent to Adoption by Parent

Suggestions include revising items 3 and 6 and the Certification pursuant to MCR 3.802(A)(3), MCR 3.807(B)(7), 25 USC 1913(a), and the terms used in the ICWA and MCR 3.002(5).

22. PCA 310, Petition for Hearing to Identify Father and Determine or Terminate His Rights

The one suggestions is to add item 5 pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5).

23. PCA 311, Notice of Hearing to Identify Father and Determine or Terminate His Rights

Suggestions include adding an option in the case entitlement pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding references to MCR 3.802(A)(3)(b) and 25 USC 1912. See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

24. PCA 312, Order Terminating Parental Rights of Father Without Release or Consent

Suggestions include adding item 5 pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to 25 USC 1912(f). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

25. PCA 314, Notice of Intent to Release or Consent

No suggested changes to this form.

26. PCA 318, Order Terminating Parental Rights After Release or Consent

Suggestions include adding item 4 pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to 25 USC 1912(f). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

27. PCA 319, Order Placing Child (Stepparent Adoption)

Suggestions include adding an option in the case entitlement pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to 25 USC 1915. See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

28. PCA 320 Order Placing Child After Consent

Suggestions include adding an option in the case entitlement pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to 25 USC 1915. See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

29. PCA 322, Order Committing to Agency/Department of Human Services

Suggestions include adding an option in the case entitlement pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding reference to 25 USC 1915.

30. PCA 323, Advice of Rights After Order Terminating Parental Rights (Adoption Code)

Suggestions include adding item 4 pursuant to 25 USCA 1913, MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5) and adding references to 25 USC 1913 and 25 USC 1916.

31. PCA 352, Notice of Adoption Proceedings Concerning Indian Child

New form pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

32. PCA 353, Request for Confidentiality

Suggestion is to change JC 50 to PCA 353 pursuant to 25 USC 1951(c) and to revise item 2 pursuant to MCR 3.802(A)(3) and the terms used in the ICWA and MCR 3.002(5).

33. PC 650, Petition for Appointment of Limited Guardian of Minor

Suggestions include revising item 4 pursuant to MCR 5.404(A) and the terms used in the ICWA and MCR 3.002(5) and adding references to 25 USC 1912, MCR 5.109, and MCR 5.125(A)(8). See comments from George Strander, Ingham County Probate Court.

34. PC 651, Petition for Appointment of Guardian of Minor

Suggestions include adding item 3 and removing item 5 pursuant to MCR 5.404(A) and the terms used in the ICWA and MCR 3.002(5) and adding references to 25 USC 1912, MCR 5.109, MCR 5.125(A)(8) and (C)(19), and MCR 5.404. See comments from George Strander, Ingham County Probate Court.

35. PC 653, Order Regarding Appointment Guardian/Limited Guardian of a Minor

Suggestions include revising item 5 and adding item 8 pursuant to MCR 5.404(A) and the terms used in the ICWA and MCR 3.002(5) and adding references to 25 USC 1912, 25 USC 1913, 25 USC 1915, and MCR 5.402(E).

36. PC 670, Minor Guardianship Social History

The one suggestion is to add space for providing information regarding an Indian child pursuant to MCR 5.404(A). See comments received during publication from Allie Maldonado, Assistant General Counsel to the Little Traverse Bay Bands of Odawa Indians.

37. PC 678, Notice of Guardianship Proceedings Concerning Indian Child

New form pursuant to MCR 5.109(1) and the terms used in the ICWA and MCR 3.002(5). See comments from George Strander, Ingham County Probate Court.

38. PC 562, Notice of Hearing

Suggestions include adding a use note to the court about giving notice of any hearing involving an Indian child in adoption and guardianship proceedings pursuant to MCR 5.109(2) and adding references to MCR 5.109(2) and MCR 3.802(A)(3).

Attachments

cc: Steve Capps
Anne Boomer
Sally LaCross
Jennifer Pettibone
Regional Offices