

## Temporary Placement<sup>1</sup> Checklist (Filing of Transfer Report)

Once a transfer report under [MCL 710.23d\(2\)](#) has been filed, the court must:<sup>2</sup>

- Within 45 days of a child's temporary placement, determine whether the adoption attorney or child placing agency filed a disposition report. See [MCL 710.23d\(3\)](#).
  - If YES, review report and determine whether an adoption petition has been filed or the child has been returned to the agency or to a parent or someone else with legal custody. See [MCL 710.23d\(3\)](#).
  - If NO, *immediately* investigate and determine whether an adoption petition has been filed or the child has been returned to a parent or someone else with legal custody. [MCL 710.23d\(4\)](#).
- If adoption petition was filed, maintain temporary placement and proceed towards adoption and termination of parental rights UNLESS
  - Parent or legal guardian files a petition to revoke temporary placement and request the child's return. See [MCL 710.23d\(5\)](#).
  - Immediately* issue an ex parte order directing prospective adoptive parent to return the child to the parent/legal guardian within 24 hours of receiving the order or child placing agency if it has legal custody. See [MCL 710.23e\(2\)](#), [MCL 710.23e\(5\)](#).

OR

- Appoint an attorney to represent the child or refer the matter to DHHS. [MCL 710.23e\(2\)-\(3\)](#).
  - If appointing an attorney/removing the matter to DHHS, remove child from home of prospective adoptive parent and make a temporary disposition appropriate for the child's welfare as authorized by [MCL 712A.18](#). [MCL 710.23e\(3\)](#).

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<sup>1</sup> *Temporary placement* means "a placement that occurs before court approval under [[MCL 710.51](#)] and that meets the requirements of [[MCL 710.23d](#)]." [MCL 710.22\(x\)](#).

<sup>2</sup> For a detailed discussion on temporary placements, see the Michigan Judicial Institute's [Adoption Proceedings Benchbook](#), Chapter 5.

- If no petition has been filed within 14 days after appointing an attorney/referring the matter to the DHHS, order the child returned to the parent/legal guardian, or child placing agency if agency has legal custody. [MCL 710.23e\(3\)](#).
- If no adoption petition was filed and the child was not returned to the agency or to a parent or someone with legal custody, *immediately* report this to the prosecutor. [MCL 710.23d\(4\)](#).
- Hold a custody hearing to determine custody within 14 days of:
  - Prosecutor's petition to determine custody, [MCL 710.23d\(4\)](#).
  - Prospective adoptive parent's petition to determine custody, [MCL 710.23d\(6\)](#).
  - Child placing agency's petition to determine custody, [MCL 710.23d\(7\)](#).

For court forms related to adoption proceedings, see the One Court of Justice [website](#).