



Michigan Supreme Court

State Court Administrative Office

Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

MEMORANDUM

DATE: April 12, 2021

TO: Judges, Court Administrators, and Probate Registers

FROM: Thomas Myers, Forms and Records Manager

RE: Revised JC 49, Order of Adjudication (Child Protective Proceedings)

Form JC 49 has been revised. A brief explanation of the changes and a copy of the forms with the changes highlighted are provided below.

If a form is used by the court through a JIS case management system, you will receive a separate notice from JIS regarding the release of the form. Until then, please use the current version posted to the One Court of Justice website.

For questions, comments, or suggestions about court forms, contact 517-373-5626 or CourtFormsInfo@courts.mi.gov.

[JC 49, Order of Adjudication \(Child Protective Proceedings\)](#)

Most recent update: (4/21)

Use of existing stock: Existing stock cannot be used.

- Click here to see the highlighted changes.

This form was revised per MCL 712A.2(b)(2).

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER OF ADJUDICATION (CHILD PROTECTIVE PROCEEDINGS) ORDER ____ OF ____	CASE NO. PETITION NO. JUDGE
--------------------------------------------------------------------------	---------------------------------------------------------------------------------------------	--------------------------------------------------------

Court address _____ Court telephone no. _____

In the matter of _____
First and last name(s), alias(es)

1. Date of hearing: _____ Judge/Referee: _____

2. Removal date: _____ (Specify for each child if different.)

THE COURT FINDS:

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

4. The child(ren) is/are is not/are not subject to the continuing jurisdiction of another court.

Court: _____

5. Notice of hearing was given as required by law. Notice of proceedings is to be given as required by law.

6. a. Based on testimony, there is probable cause to believe the legal/putative father(s) is/are:
(Name each child, his/her father, and whether legal or putative.)

b. The putative father of _____ is unknown and cannot be identified.

c. The natural father was notified as required by law and failed to establish paternity within the time set by the court.
The natural father waives all rights to further notice, including the right to notice of termination of parental rights and the right to an attorney.

7. The respondent(s) _____
Name(s)

did not appear appeared in court in person or by _____
Manner of appearance

and was/were represented by an attorney. waived representation by an attorney.

8. The plea by _____
Name(s)

is knowingly, understandingly, and voluntarily made.

Use Note: Use of this form is optional when the court conducts the dispositional hearing immediately following adjudication.

Reference Note: The term "department" refers to the Michigan Department of Health and Human Services.

9. After trial, admission of plea, no contest plea, and by a preponderance of the evidence, clear and convincing evidence,
- a. there are no statutory grounds to exercise jurisdiction over the child(ren).
- b. there are statutory grounds to exercise jurisdiction over the child(ren) (MCL 712A.2[b]). The statutory ground(s) is/are:
- failure to provide, when able to do so, support, education, medical, surgical, or other necessary care for health or morals.
 - substantial risk of harm to mental well-being.
 - abandonment by parents, guardian, or other custodian.
 - lack of proper custody or guardianship.
 - an unfit home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian.
 - failure to comply with a limited guardianship placement plan.
 - failure to comply with a court-structured guardianship plan.
 - when a guardianship is in place, failure to provide support or to regularly visit, contact or communicate with the child(ren) for a period of 2 years, either before or after a guardianship petition was filed and a support order entered.
 - the juvenile is in danger of substantial physical or psychological harm and is dependent because
 - the juvenile is homeless or not domiciled with a parent or other legally responsible person.
 - the juvenile has repeatedly run away from home and is beyond the control of a parent or other legally responsible person.
 - the juvenile is alleged to have committed a commercial sexual activity as that term is defined in MCL 750.462a or a delinquent act that is the result of force, fraud, coercion, or manipulation exercised by a parent or other adult.
 - the juvenile's custodial parent or legally responsible person has died or has become permanently incapacitated and no appropriate parent or legally responsible person is willing and able to provide care for the juvenile.

10. Specific findings of facts and law are on the record. in the attached written opinion. as noted below.

11. a. Contrary to the welfare findings were made in a prior order.
 b. It is contrary to the welfare of the child(ren) to remain in the home because: (Attach separate sheets as necessary.)

12. a. Consistent with the circumstances, reasonable efforts to prevent or eliminate removal of the child(ren) from the home were made as determined in a prior order. **OR**
- b. Consistent with the circumstances, reasonable efforts were made to prevent or eliminate removal of the child(ren) from the home. Those efforts include: (Specify below.) **OR**
- c. The child(ren) is/are Indian, and the court finds by clear and convincing evidence and the testimony of a qualified expert witness who has knowledge about the child-rearing practices of the Indian child's tribe, that active efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. These efforts have proved unsuccessful, successful, the continued custody of the child(ren) by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child(ren), and the child(ren) should should not be removed from the home. (Specify below.)

The efforts for 12.b or 12.c are: (Specify the efforts from 12.b or 12.c here. If the child is an Indian child, specify active efforts as defined by MCR 3.002[1] and MCL 712B.3[a].)

- d. Reasonable efforts to prevent or eliminate removal of the child(ren) from the home were not made.
 e. Reasonable efforts to prevent or eliminate removal of the child(ren) from the home were not required as determined in a prior order.

Note: If the child(ren) were not removed before adjudication and the court determines at trial that removal is necessary, the court must make the required findings regarding contrary to the welfare and reasonable efforts to prevent removal.

13. a. Reasonable efforts are not required to prevent or eliminate the child(ren)'s removal from the home due to the
 mother father subjecting the child(ren) to the aggravated circumstance(s) of
_____ as provided in section MCL 722.638(1) and (2), and as evidenced
by _____

- mother's father's conviction for murder of another child of the parent.
- mother's father's conviction for voluntary manslaughter of another child of the parent.
- mother's father's conviction for aiding or abetting in the murder or manslaughter of another child of the parent, attempting to murder the child(ren) or another child of the parent, or conspiring or soliciting to commit the murder of the child(ren) or another child of the parent.
- mother's father's conviction for felony assault that resulted in serious bodily injury to the child(ren) or another child of the parent.
- mother's father's involuntary termination of parental rights to a sibling of the child(ren) and failure by that parent to rectify the conditions that led to that termination.
- mother father being required to register under the Sex Offender Registration Act.

b. Reasonable efforts to preserve and reunify the family to make it possible for the child(ren) to safely return home are
 not required because the parent subjected the child or another child of the parent to one of the circumstances stated above.

OR

still recommended because:

(When item 13 is checked, either complete item 15 below or schedule a permanency planning hearing within 28 days of this determination.)

- 14. a. Reasonable efforts shall be made to preserve and reunify the family to make it possible for the child(ren) to safely return home.
- b. Reasonable efforts shall not be made to preserve and reunify the family because it would be detrimental to the child(ren)'s health and safety.

15. Because reasonable efforts to prevent or eliminate removal or to reunite the child(ren) and family are not required, a permanency planning hearing was conducted. (Use and attach form JC 19, Order Following Dispositional Review/Permanency Planning Hearing.)

16. Custody of the child(ren) with the parent/guardian/legal custodian

- a. presents a substantial risk of harm to the child(ren)'s life, physical health, or mental well-being.
 - No provision of service or other arrangement except removal of the child(ren) is reasonably available to adequately safeguard the child(ren) from the risk of harm to the child(ren)'s life, physical health, or 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)'s health and welfare.
- b. does not present a substantial risk of harm to the child(ren)'s life, physical health, or mental well-being.

- 17. a. All siblings are in joint placement.
- b. All siblings are not in joint placement because:

Sibling contact is occurring according to law. is not occurring because (see item 24 to order sibling contact):

18. Parenting time with _____, even if supervised, may be harmful to the child(ren).

IT IS ORDERED:

- 19. The petition is dismissed, the child(ren) is/are released to _____, and the jurisdiction of this court is terminated except that the court reserves the right to enforce orders for reimbursement of court costs, attorney fees, and other assessments that have accrued up to and including the date of this order.
- 20. Notice is to be given to the legal/putative father(s) as required by law. The father was not present and must appear at the next hearing. The putative father was present at this hearing and shall establish paternity within 14 days.
- 21. The child(ren)
 - a. is/are placed with the department for care and supervision, and
 - 1) the parent(s), guardian, or legal custodian shall execute all documents necessary to release confidential information regarding the child(ren), including medical, mental, and educational reports, and shall also, within 7 days, provide the department with the name(s) and address(es) of the medical provider(s) for the child(ren). Any medical provider of the child(ren) shall release the medical records of the child(ren) to the department.
 - 2) if the child(ren) is/are placed in the home of a relative, a home study shall be performed by the department and a copy of the home study submitted to the court not more than 30 days after the placement.
 - 3) upon request, the department shall release to the foster parent the information concerning the child(ren) in accordance with MCL 712A.13a(15). The child(ren) shall be taken into protective custody. To effect this order, _____ is authorized to enter the premises located at _____. This authorization to enter the premises and take the child(ren) into protective custody expires _____.
 Enter on LEIN
 - b. is/are released to _____ under the supervision of _____
Name(s) of parent(s), guardian, or legal custodian
the department. The following terms and conditions apply to the parent(s), guardian, or legal custodian:
- 22. While the child(ren) is/are placed out of the home, the friend of the court shall redirect current support due on behalf of the child(ren) to the person with whom the child(ren) is/are placed as long as that person is not receiving foster care maintenance payments. Unpaid child support that charged during the unfunded placement shall also be redirected unless otherwise assigned.
- 23. The child(ren) named _____ shall have a psychological evaluation counseling to determine appropriateness and conditions of parenting time.
- 24. Sibling contact shall be as follows:
- 25. a. Parenting time of _____ is
 unsupervised. supervised until further order of the court.
 The department has discretion to allow unsupervised or supervised parenting time by its designee.
- b. Parenting time of _____ is
 unsupervised. supervised until further order of the court.
 The department has discretion to allow unsupervised or supervised parenting time by its designee.
- c. Parenting time of _____ is
 unsupervised. supervised until further order of the court.
 The department has discretion to allow unsupervised or supervised parenting time by its designee.
- d.

IT IS ORDERED: (continued)

26. Placement shall continue pending disposition on _____ .
Date and time

27. Other:

28. Prior orders remain in effect except as modified by this order.

Recommended by: Referee signature and date

Judge signature and date

MCL 722.638 - AGGRAVATED CIRCUMSTANCES

- (1) The department shall submit a petition for authorization by the court under Section 2(b) of Chapter XIIA of 1939 PA 288, MCL 712A.2, if one or more of the following apply:
 - (a) The department determines that a parent, guardian, or legal custodian, or a person who is 18 years of age or older and who resides for any length of time in the child's home, has abused the child or a sibling of the child and the abuse included one or more of the following:
 - (i) Abandonment of a young child.
 - (ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
 - (iii) Battering, torture, or other severe physical abuse.
 - (iv) Loss or serious impairment of an organ or limb.
 - (v) Life threatening injury.
 - (vi) Murder or attempted murder.
 - (b) The department determines that there is risk of harm, child abuse, or child neglect to the child and either of the following is true:
 - (i) The parent's rights to another child were terminated as a result of proceedings under Section 2(b) of Chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state and the parent has failed to rectify the conditions that led to the prior termination of parental rights.
 - (ii) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under Section 2(b) of Chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state, the parent has failed to rectify the conditions that led to the prior termination of parental rights, and the proceeding involved abuse that included 1 or more of the following:
 - (A) Abandonment of a young child.
 - (B) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
 - (C) Battering, torture, or other severe physical abuse.
 - (D) Loss or serious impairment of an organ or limb.
 - (E) Life-threatening injury.
 - (F) Murder or attempted murder.
 - (G) Voluntary manslaughter.
 - (H) Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter.
- (2) In a petition submitted as required by subsection (1), if a parent is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to eliminate that risk, the department shall include a request for termination of parental rights at the initial dispositional hearing as authorized under Section 19b of Chapter XIIA of 1939 PA 288, MCL 712A.19b.
- (3) If the department is considering petitioning for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b, even though the facts of the child's case do not require departmental action under subsection (1), the department shall hold a conference among the appropriate agency personnel to agree upon the course of action. The department shall notify the attorney representing the child of the time and place of the conference, and the attorney may attend. If an agreement is not reached at this conference, the department director or the director's designee shall resolve the disagreement after consulting the attorneys representing both the department and the child.