

<b>STATE OF MICHIGAN</b> JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	<b>ORDER AFTER          PRELIMINARY HEARING/INQUIRY          (DELINQUENCY/PERSONAL PROTECTION)</b>	<b>CASE NO.          PETITION NO.</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

1. In the matter of  
 name(s), alias(es), DOB

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

**THE COURT FINDS:**

3. The court has received a complaint or a petition alleging that the juvenile comes within the provisions of MCL 712A.2.

4.  a. A preliminary inquiry has been made, and it is in the interests of the public and the juvenile that the petition  
 not be authorized.       be referred to alternate services.       be placed on the consent calendar.  
 be set for further inquiry.       be placed on the formal calendar.

\*  b. A preliminary hearing was held. Notice of hearing was given as required by law.

5. There is not probable cause to believe the juvenile committed the offense(s).

6. The juvenile is charged with an offense that requires collection of biometric data and it has not been collected.

7. In accordance with MCR 3.935(C), the juvenile should be       released (see item 8)       detained (see item 9)      for  
 the reasons stated on the record.  
 the following reasons:

8.  a. The juvenile should be released without conditions.  
 b. Conditions are necessary for the juvenile's release to reasonably ensure the  
 juvenile's appearance in court.  
 safety of the public.

**See additional pages.**

\*Do not check item 4.b. if disposition is based on preliminary inquiry or investigation only. Note that preliminary hearings are mandatory in matters where a juvenile is not released.

**Note:** If a competency evaluation is ordered, the preliminary hearing must be conducted and this form completed.

Do not write below this line - For court use only

- 9. The juvenile should be detained/continued in detention because:
  - a.  There is probable cause to believe the juvenile committed the offense. **OR**
  - The juvenile is represented by an attorney and waived the probable cause determination.

**AND**

- b. One or more of the following circumstances is present:
  - The offense alleged is so serious that release would endanger public safety.
  - The juvenile is charged with a felony offense and will likely commit another offense pending trial if released, and
    - another petition is pending against the juvenile.  the juvenile is on probation.
    - the juvenile has a prior adjudication but was not under the court's jurisdiction at the time of apprehension.
  - There is substantial likelihood that if the juvenile is released to the parent(s), guardian, or legal custodian (with or without conditions), the juvenile will fail to appear at the next court proceeding.
  - The home conditions of the juvenile make detention necessary.
  - The juvenile has run away from home.
  - The juvenile has failed to remain in a detention facility or nonsecure facility or placement (in violation of a valid court order).
  - Pretrial detention is otherwise specifically authorized by law.
  - The juvenile is alleged to have violated a personal protection order and it appears there is a substantial likelihood of retaliation or continued violation.

- 10. The juvenile is an Indian child as defined in MCR 3.002(12). The petitioner  has  has not given notice of the preliminary hearing as required by MCR 3.920(C)(1).
  - The preliminary hearing must be adjourned pending conclusion of a removal hearing required by MCR 3.967.
  - The removal hearing required by MCR 3.967 was conducted in conjunction with this hearing (see required findings in item 11).

A qualified expert, \_\_\_\_\_, testified as required by law.

- 11. It is contrary to the welfare of the juvenile to remain in the home, or placement would be in the best interests of the juvenile, because:

- 12.  a. Reasonable efforts to prevent or eliminate removal of the juvenile from the home were not made. **OR**
- b. Consistent with the circumstances, reasonable efforts were made to prevent or eliminate removal of the juvenile from the home. Those efforts include: (Specify below.) **OR**
- c. The juvenile is an Indian child, 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 juvenile is an Indian child, specify active efforts as defined by MCR 3.002[1] and MCL 712B.3[a].)

**IT IS ORDERED:**

13. The petition is  authorized.  not authorized.

14. The petition  is dismissed.  placed on the consent calendar (complete form JC 89).  
 referred to alternate services in accordance with the Juvenile Diversion Act, MCL 722.821 *et seq.*

The parent(s), guardian, or legal custodian shall appear for further inquiry on \_\_\_\_\_  
Date, time, and location

15. The juvenile is released to \_\_\_\_\_  
Parent/Guardian/Legal custodian

without conditions.  
 under the terms and conditions  in item 20.  in the attached document.  specified in a separate order.

If bond is required as a release condition, the juvenile shall remain in detention/placement until the bond is paid.

16. The juvenile is temporarily placed with/detained at \_\_\_\_\_

17. Release/Placement continues pending  resumption of the preliminary hearing  pretrial  trial  disposition

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

18. This matter is set for a continued preliminary/removal hearing on \_\_\_\_\_ pursuant to  
Date and time

MCR 3.967. The petitioner shall give notice of these proceedings as required by MCR 3.920(C)(1) (use form JC 48).

19. The juvenile's fingerprints/biometric data shall be collected in accordance with the Order for Fingerprints (form MC 233).

20. Other:

Recommended by: \_\_\_\_\_  
Referee signature Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge