

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER PRELIMINARY HEARING/INQUIRY (DELINQUENCY)	CASE NO. PETITION NO. JUDGE
Court address		Court telephone no.

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

THE COURT FINDS:

1. The court has received a complaint or a petition alleging that the juvenile comes within the provisions of MCL 712A.2.
2. ☐ 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.
- ☐ 3. There is not probable cause to believe the juvenile committed the offense(s).
- ☐ 4. The juvenile is charged with an offense that requires collection of biometric data and it has not been collected.
- ☐ 5. The court has considered the results of a detention screening tool before making this decision.
- ☐ 6. In accordance with MCR 3.935(C), the juvenile should be ☐ released (see item 7) ☐ detained (see item 8) for
☐ the reasons stated on the record.
☐ the following reasons:
- ☐ 7. ☐ 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.

*Do not check item 2b 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.

- ☐ 8. 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.

- ☐ 9. 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:

- ☐ 10. ☐ 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:

- ☐ 11. The juvenile is Indian 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 the removal hearing required by MCL 712B.15(2).
☐ The removal hearing required by MCL 712B.15(2) was conducted in conjunction with this hearing.
☐ The evidence included the testimony of at least one qualified expert witness,

_____, who has/have knowledge of the child rearing practices of
Name(s)
the Indian child's tribe, and testified that the continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

- ☐ 12. The court finds by clear and convincing evidence that
- ☐ a. active efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. (Specify active efforts found as defined in MCR 3.002[1] and MCL 712B.3[a]. Include separate sheets as necessary.)
- ☐ b. these efforts have proved ☐ unsuccessful. ☐ successful.
- ☐ c. the continued custody of the Indian child by the parent or Indian custodian ☐ is ☐ is not likely to result in serious emotional or physical damage to the Indian child.
- ☐ d. the Indian child ☐ should ☐ should not be removed from the home.

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

MCL 712B.15(2). 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 and date

Judge signature and date

ACKNOWLEDGMENT OF RELEASE CONDITIONS

I acknowledge and understand the terms and conditions of my release. If I fail to perform all the terms and conditions, I may be apprehended and detained immediately. If my release is revoked and bond was posted, the full amount of my bond, regardless of who posted it, may be forfeited.

Date

Juvenile's signature

Bond posted by juvenile's parent: If all the terms and conditions of pretrial release are met, the money deposited (bond) will be used to pay any restitution imposed by disposition. Any balance will be returned to me as authorized by statute and court rule.

Date

Parent's signature

Bond deposited by ☐ **Third Party:** ☐ **Surety/Agent:** I understand and agree that if the juvenile fails to appear, the money deposited (bond) may be forfeited and a judgment entered for the entire amount of the bond. If the juvenile appears as directed, the full amount of the bond will be returned to me unless I deposited a 10% cash bond. In that instance, the court will return only 90% of the bond to me.

Date

Signature of depositor/surety/agent and identification

Name of depositor/surety/agent (type or print)

Address

City, state, zip

Telephone no.

Note: If a third party or surety posted bond for the juvenile, the court clerk may provide the third party or surety with a copy of the terms and conditions of release.