

<b>STATE OF MICHIGAN</b> JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	<b>ORDER AFTER PRETRIAL HEARING</b> <b>(CHILD PROTECTIVE PROCEEDINGS)</b> ORDER ____ OF ____	<b>CASE NO.</b> <b>PETITION NO.</b> <b>JUDGE</b>
Court address		Court telephone no.

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

☐ 1. Removal date: \_\_\_\_\_ (Specify for each child if different.)

**THE COURT FINDS:**

2. A petition has been submitted alleging that the above child(ren) come(s) within the provisions of MCL 712A.2(b).  
3. The child(ren) ☐ is/are ☐ is not/are not subject to the continuing jurisdiction of another court.

Court: \_\_\_\_\_

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

5. a. The lawyer-guardian ad litem ☐ has ☐ has not complied with the requirements of MCL 712A.17d.  
☐ b. The lawyer-guardian ad litem informed the court of the child(ren)'s wishes and preferences. These are:

☐ c. The lawyer-guardian ad litem did not inform the court of the child(ren)'s wishes and preferences because:

☐ d. The child(ren)'s expressed interests are inconsistent with the lawyer-guardian ad litem's determination of the child(ren)'s best interests. ☐ An attorney should be appointed for the child(ren). (See item 26.)

6. ☐ a. 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 putative father was notified as required by law and failed to establish paternity within the time set by the court. The putative 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 child(ren) has not/have not been removed prior to this hearing and an order to take the child(ren) into protective custody is necessary because:
- a. the child(ren) is/are at substantial risk of harm or is/are in surroundings that present an imminent risk of harm and the child(ren)'s immediate removal from those surroundings is necessary to protect the child(ren)'s health and safety;
  - b. the circumstances warrant issuing this order; and
  - c. no remedy other than protective custody is reasonably available to protect the child(ren).

(If item 7 is checked, contrary to the welfare and reasonable efforts findings must be made. See items 8 and 9.)

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

- ☐ 8. ☐ 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: (Include separate sheets as necessary.)

- ☐ 9. ☐ 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: (Include separate sheets as necessary.)

- ☐ c. Reasonable efforts to prevent or eliminate removal of the child(ren) from the home were not made.

- ☐ 10. The child(ren) is/are Indian as defined in MCR 3.002(12).  
☐ A removal hearing as required by MCR 3.967 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 the  
Name(s)

Indian child(ren's) tribe, and testified that the continued custody of the child by the parent or Indian custodian  
☐ is ☐ is not likely to result in serious emotional or physical damage to the child(ren).

- ☐ 11. 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(ren) by the parent or Indian custodian ☐ is ☐ is not likely to result in serious emotional or physical damage to the Indian child(ren).  
☐ d. the Indian child(ren) ☐ should ☐ should not be removed from the home.

- ☐ 12. 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- |                                   |                                   |  |
|-----------------------------------|-----------------------------------|--|
| <input type="checkbox"/> mother's | <input type="checkbox"/> father's | conviction for murder of another child of the parent.  |
| <input type="checkbox"/> mother's | <input type="checkbox"/> father's | conviction for voluntary manslaughter of another child of the parent.  |
| <input type="checkbox"/> mother's | <input type="checkbox"/> 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. |
| <input type="checkbox"/> mother's | <input type="checkbox"/> father's | conviction for felony assault that resulted in serious bodily injury to the child(ren) or another child of the parent.   |
| <input type="checkbox"/> mother's | <input type="checkbox"/> 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.   |
| <input type="checkbox"/> mother   | <input type="checkbox"/> 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 12 is checked, either complete item 14 below or schedule a permanency planning hearing within 28 days of this determination.)

- ☐ 13. ☐ 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.
- ☐ 14. 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 After Dispositional Review/Permanency Planning Hearing.)
15. 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.

- ☐ 16. ☐ 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 23 to order sibling contact):

- ☐ 17. Parenting time with \_\_\_\_\_, even if supervised, may be harmful to the child(ren).  
☐ 18. A motion has been made to dismiss the petition.

**IT IS ORDERED:**

- ☐ 19. The petition is dismissed.  
☐ 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 for 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(18).

- ☐ 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. remain home with or is/are released to \_\_\_\_\_ under the supervision of the department. ☐ The following terms and conditions apply to the parent/guardian/legal custodian:

- ☐ 22. The child(ren) named \_\_\_\_\_ shall have ☐ a psychological evaluation ☐ counseling to determine appropriateness and conditions of parenting time.

- ☐ 23. Sibling contact shall be as follows:

**IT IS ORDERED:** (continued)

- ☐ 24. ☐ 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.

25. Until further order of the court, placement shall continue pending ☐ resumption of the pretrial ☐ trial  
on \_\_\_\_\_ .  
Date and time

☐ 26. Other: (Include orders regarding discovery, scheduling orders, amendments/corrections, termination withdrawals, stipulations, etc.)

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

Recommended by:

\_\_\_\_\_  
Referee signature and date

\_\_\_\_\_  
Judge signature and date