

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER REMOVAL HEARING (CHILD PROTECTIVE PROCEEDINGS) ORDER ____ OF ____	CASE NO. PETITION NO.
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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. a. This emergency removal hearing is held preadjudication postadjudication under MCR 3.974(C).

Protective custody of the child(ren) was already ordered on _____ (form JC 05b or other).
 Taking the child(ren) into protective custody was necessary to protect the health, safety, or welfare of the child(ren), and it is is not necessary that removal continue pending the next hearing (see item 18).
 Contrary to the welfare findings were made in the order authorizing the emergency removal (form JC 05b or other).
 Each parent, guardian, or legal custodian from whom the child(ren) was/were removed has received a written statement of the reasons for the emergency removal and has been advised of his/her rights in accordance with MCR 3.974(C)(3).

b. This removal hearing is held preadjudication postadjudication under MCR 3.974(B). 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 not necessary.
 is necessary. Under MCL 712A.2(b) and MCR 3.965(C) there is reasonable cause to believe:
 1) 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,
 2) the circumstances warrant issuing this order,
 3) consistent with the circumstances, reasonable efforts were made to prevent or eliminate the need for removal of the child(ren) as stated in item 7,
 4) no remedy other than protective custody is reasonably available to protect the child(ren), and
 5) continuing to reside in the home is contrary to the child(ren)'s welfare because: (Attach separate sheets as necessary.)

4. The parent(s), guardian, or legal custodian were present and/or attempts were made to secure the presence of each parent, guardian, or legal custodian.

5. The lawyer-guardian ad litem for the child(ren) was present.

6. The child(ren) is/are Indian as defined in MCR 3.002(12). The petitioner has has not given notice of this removal hearing as required by MCR 3.920(C)(1).
 The 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 10).

A qualified expert, _____, testified as required by law.
Name

See additional pages.

Use Note: Use JC 75 when all of these circumstances exist: (1) a supplemental or amended petition has been filed for removal from a parent's home, (2) a preliminary hearing has already been held, and (3) a petition was already authorized.

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

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MCL 712A.13a, MCR 3.002, MCR 3.920(C)(2)(a), MCR 3.965(C), MCR 3.974, MCR 3.979(F)(2)

- 7. a. Consistent with the circumstances, reasonable efforts to prevent or eliminate removal of the child(ren) from the home were made as determined in the order authorizing the emergency removal (form JC 05b or other). **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 7.b. or 7.c. are: (Specify the efforts from 7.b. or 7.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.

- 8. 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:

9. 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.
10. 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.)
11. 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.
12. 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 16 to order sibling contact):

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

IT IS ORDERED:

14. 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 the
Name(s) of parent(s), guardian, or legal custodian
department. The following terms and conditions apply to the parent(s), guardian, or legal custodian:
15. The child(ren) named _____ shall have a psychological evaluation counseling to determine appropriateness and conditions of parenting time.

IT IS ORDERED: (continued)

16. Sibling contact shall be as follows:

17. 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.

18. This matter is set for
 an adjudication (within 63 days of removal under MCR 3.972[A])
 a dispositional hearing (within 28 days of removal under MCR 3.974[D][1])
 a dispositional review hearing (within 14 days of removal under MCR 3.974[D][2])

before _____ on _____ .
Name Date and time

19. This matter is set for an Indian child removal hearing on _____ under MCR 3.967. The
Date and time
petitioner shall give notice of these proceedings as required by MCR 3.920(C)(2). (Use form JC 48.)

20. Other:

Recommended by: _____
Referee signature Date

Date

Judge