

Order

**Michigan Supreme Court
Lansing, Michigan**

Entered: November 19, 2002

Maura D. Corrigan,
Chief Justice

ADM File No. 2002-48

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly

Administrative Order 2002-4

Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Cases Involving Children
Absent From Court-Ordered
Placement Without Legal Permission

In Michigan, the family division of the circuit court is entrusted with protecting the welfare of children who are under its jurisdiction. This includes thousands of victims of abuse or neglect who are placed by court order in a variety of environments, such as foster care, to ensure their safety.

Recently, there have been reports of several hundred children in Michigan who are absent from court-ordered placements without permission from the court. In some situations, the child has run away. Other times, especially in the case of younger children, there has been an abduction, often by a family member. Regardless of the reason, there can be no justification for the unauthorized disappearance from court-ordered placement of even one child.

The Legislature has given the Family Independence Agency the responsibility of supervising children who are under court jurisdiction because of abuse or neglect. Any effort to locate children who are absent from court-ordered placements thus must include both the agency and the courts. Accordingly, on order of the Court, each circuit court must develop a plan for reviewing cases involving children who are absent from court-ordered placements without permission from the court. Such plans must include the establishment of a special docket or other expedited process for review of such cases, either through the dispositional review hearings that are required by statute and court rule in all child-protective proceedings, or through formal status conferences or emergency status reviews. In addition, the plans should:

- A. identify the judge who has responsibility for ensuring compliance with the plan;
- B. address the coordination of the efforts of the Family Independence Agency and the court to locate absent children;
- C. describe the process for reviewing such cases;
- D. address any special problems that the court has identified;

- E. describe the court's procedures for obtaining information regarding the whereabouts of absent children and for promptly scheduling hearings to determine their legal status; and
- F. describe the court's procedures for giving priority to cases involving children ages 15 and younger, particularly if the child may have been abducted.

Each circuit court must submit a local administrative order to the State Court Administrative Office by February 1, 2003, describing its plan for reviewing cases involving children who are absent from court-ordered placements without permission from the court.