

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

Court telephone no.

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

1. Date of hearing: \_\_\_\_\_ Judge/Referee: \_\_\_\_\_

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

☐ 3. Military/nonmilitary affidavit attached.

**THE COURT FINDS:**

4. A petition has been submitted alleging that the above child(ren) come(s) within the provisions of MCL 712A.2(b).

5. The child(ren) ☐ is/are ☐ is not/are not subject to the continuing jurisdiction of another court.

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

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

7. ☐ 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.

☐ 8. The probable-cause determination was waived by all parties present.

9. There ☐ is ☐ is not probable cause that one or more of the allegations in the petition are true.

☐ 10. There is good cause to adjourn the preliminary hearing because \_\_\_\_\_.  
☐ Petitioner recommends removal of the child(ren) from the home to assure the immediate safety of the child(ren).

☐ 11. There is probable cause the ☐ parent ☐ guardian ☐ legal custodian ☐ other person residing in the child(ren)'s home abused the child(ren). Presence of the alleged abuser in the home ☐ does ☐ does not present a substantial risk of harm to the child(ren)'s life, physical health, or mental well-being and he/she ☐ should ☐ should not be ordered out of the home. (Use form JC 65, Order Removing Alleged Abuser from Child's Home, as appropriate.)

**Use Note:** Do not use this form for removals if a petition has already been authorized in this case. Use JC 75 instead.

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

- ☐ 12. 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 12 is checked, contrary to the welfare and reasonable efforts findings must be made. See items 14 and 15.)

- ☐ 13. The child(ren) is/are 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 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 15).

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

14. ☐ 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: (Attach separate sheets as necessary.)

- ☐ 15. ☐ 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: (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 15b. or 15c. are: (Specify the efforts from 15b. or 15c. 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.

- ☐ 16. 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 16 is checked, either complete item 18 below or schedule a permanency planning hearing within 28 days of this determination.)

- ☐ 17. ☐ 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.

- ☐ 18. 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.)

19. 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.

- ☐ 20. ☐ 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 27 to order sibling contact):

- ☐ 21. Parenting time with \_\_\_\_\_, even if supervised, may be harmful to the child(ren).

**IT IS ORDERED:**

22. The petition ☐ is authorized. ☐ is not authorized. ☐ is not authorized pending resumption of the preliminary hearing.
- ☐ 23. 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.
- ☐ 24. This matter is set for a continued preliminary/removal hearing on \_\_\_\_\_ pursuant to MCR 3.967. The petitioner shall give notice of these proceedings as required by MCR 3.920(C)(1). (Use form JC 48.)
- ☐ 25. 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(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 department.  
Name(s) of parent(s), guardian, or legal custodian
- ☐ The following terms and conditions apply to the parent(s), guardian, or legal custodian:
- ☐ 26. The child(ren) named \_\_\_\_\_ shall have ☐ a psychological evaluation ☐ counseling to determine appropriateness and conditions of parenting time.
- ☐ 27. Sibling contact shall be as follows:
- ☐ 28. ☐ 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.

**IT IS ORDERED:** (continued)

29. Until further order of the court, placement shall continue pending ☐ resumption of the preliminary hearing

☐ pretrial ☐ trial ☐ disposition on \_\_\_\_\_ .  
Date and time

☐ 30. Other:

Recommended by: \_\_\_\_\_

Referee signature and date

Judge signature and date