

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION BARRY COUNTY	NOTICE OF HEARING	CASE NO. 20009409-NA
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206 W COURT ST STE 302
HASTINGS MI 49058

(269) 945-1390

In the matter of JOSHUA THOMAS MARSH
name(s), alias(es), DOB JACE ALLEN MARSH

01/05/2016
04/17/2014

Petition #: 20009917 20009918

TO: JOSHUA MARK PEASE
420 S WAVERLY RD
STE 4
LANSING MI 48917

TAKE NOTICE: A hearing will be held on 4/20/2021 at 10:30 a.m., at
Date Time

BARRY COUNTY TRIAL COURT
FAMILY DIVISION
206 W COURT ST STE 302
HASTINGS MI 49058
Location

before WILLIAM MICHAEL DOHERTY 41960
Judge/Referee Bar no.

FOR THE FOLLOWING PURPOSE:

- ☐ Preliminary Hearing
- ☐ Pretrial
- ☐ Trial
- ☐ Determination of support
- ☐ Hearing on violation of a minor personal protection order
- ☒ Dispositional review hearing (See advice of legal rights in item 2 below.*)
- ☐ Hearing to extend jurisdiction over the juvenile until 21 years of age; the juvenile has the right to an attorney at this hearing
- ☒ Permanency planning hearing to review the status of the child(ren) and the progress being made toward the child(ren)'s return home or permanent placement. **Notice: The hearing may result in further proceedings to terminate parental rights.**
(See advice of legal rights in item 2 below.*)
- ☐ Hearing to terminate parental rights
- ☐ Post-termination review hearing (See advice of legal rights in item 2 below.*)
- ☒ OTHER: INITIAL 182 DAY REVIEW HEARING
Type of hearing

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

ADVICE OF LEGAL RIGHTS:

1. If you are the juvenile or respondent, you have a right to be represented by an attorney. If you desire to employ an attorney, you should do so immediately in order that s/he may be ready at the hearing date. If you are financially unable to employ an attorney, you must notify the court immediately upon receipt of this notice. If the court appoints an attorney, you may be required to reimburse the court in whole or in part for the cost of such services.
- *2. If this hearing is a dispositional review hearing or a permanency planning hearing in a child protective proceeding, the parties have the right to participate in the hearing.

See additional pages.

NOTE TO CLERK: Complete a separate Proof of Service form (JC 12a or JC 12b). The Department of Health and Human Services (DHHS) shall complete and file proof of service when the court requires DHHS to serve notice.

Do not write below this line - For court use only

Any information a party wishes to provide should be submitted in advance to the court, the agency, the lawyer-guardian ad litem for the child, or an attorney for one of the parties.

3. Court rules require the appointment of an attorney for minors in certain cases. If your child(ren) fall(s) under this category, an attorney will be appointed by the court.

Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise for good cause shown.

- ☒ The Department of Health and Human Services shall serve notice on the foster parent(s), preadoptive parent(s), and relative caregiver(s) of the child(ren) and shall file proof of that service with the court pursuant to 42 USC 629h and 45 CFR 1356.21(o). The court will confirm, at the hearing, that these persons have been notified.

5th **STATE OF MICHIGAN**
JUDICIAL CIRCUIT - FAMILY DIVISION
Barry **COUNTY****ORDER OF DISPOSITION**
(CHILD PROTECTIVE PROCEEDINGS)
ORDER _____ OF _____**CASE NO. 20-9409-NA**
PETITION NO. 20009917-18**Court address** 206 W. Court St., Suite 302, Hastings MI 49058**Court telephone no.**
269-945-13901. In the matter of Joshua Marsh 01/05/2016; Jace Marsh 04/17/2014
name(s), alias(es), DOB2. Date of hearing: 02/09/2021 Judge/Referee: Hon. William M. Doherty P41960
Bar no.☒ 3. Removal date: 12/10/2020 (Specify for each child if different.)

4. An adjudication was held and the child(ren) was/were found to come within the jurisdiction of the court.

☐ 5. Release of the parental rights to _____ was executed by
Name(s) of child(ren)_____ pursuant to the adoption code on _____
Name(s) of parent(s) Date☐ 6. This hearing is being conducted under MCR 3.974(D)(1) for an Indian child who was removed from the home. The Indian child
removal hearing ☐ was held with this hearing. ☐ was previously held. ☐ is scheduled for _____.**THE COURT FINDS:**☒ 7. Notice of hearing was given as required by law.8. The lawyer-guardian ad litem ☒ has ☐ has not complied with the requirements of MCL 712A.17d.☒ 9. ☒ 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.)

Joshua and Jace Marsh -- Brett Marsh/Legal

☐ 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.10. The court has considered the case service plan and other evidence presented. The findings below are specific to this case
and are based upon this hearing and☒ the following report(s): _____
Identify report(s) and date(s) of report(s)

Specific conditions reviewed on the record as required by MCL 712A.18f(4) were

a. compliance with the case service plan with respect to services provided or offered to the child and his or her parent(s),
guardian, or legal custodian and whether the parent(s), guardian, or legal custodian complied with and benefited from
those services.b. compliance with the case service plan with respect to parenting time with the child and whether parenting time did not
occur or was infrequent and the reasons why.c. the extent to which the parent(s), guardian, or legal custodian complied with each provision of the case service plan,
prior court orders, and any agreement between the parent(s), guardian, or legal custodian and the agency.

d. likely harm to the child if the child continued to be separated from his or her parent(s), guardian, or legal custodian.

e. likely harm to the child if the child was returned to his or her parent(s), guardian, or legal custodian.

Note: If it comes to the court's attention or new allegations are made during this hearing that require the removal of the child(ren), removal must be done in
accordance with MCR 3.974.**See additional pages.****Use Note:** Use this form when a release has been
executed under the adoption code after adjudication
and before the dispositional hearing.**Reference Note:** The term "department" refers to the
Department of Health and Human Services.

Do not write below this line - For court use only

PL 96-272, 41 USC 670 *et seq.*, MCL 400.55(h), MCL 400.203,

MCL 712A.13a, MCL 712A.18, MCL 712A.18f, MCL 712A.19, MCL 712A.20, MCR 3.921(C), MCR 3.973(F)

11. Return of the juvenile to his or her parent ☒ would ☐ would not cause a substantial risk of harm to the juvenile or society.
- ☒ 12. ☒ 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 12b or 12c are: (Specify the efforts from 12b or 12c 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.
☐ e. Reasonable efforts to prevent or eliminate removal were not required as determined in a prior order.
- ☐ 13. 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:

- ☒ 14. ☒ 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.
- ☐ c. Reasonable efforts to preserve and reunify the family were not previously required, but due to a change in circumstances, reasonable efforts are now required. Those reasonable efforts have begun and include: (Specify reasonable efforts, and if applicable, the reasons for return.)

☐ The child(ren) should be released to _____
Name(s) of parent(s), guardian, or legal custodian

- ☐ 15. 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.)

16. 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.
- ☐ c. are not relevant because the parent(s) released the child(ren) pursuant to the adoption code.
- ☒ 17. ☒ 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 25 to order sibling contact):

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

IT IS ORDERED:

- ☐ 19. _____ is warned and the jurisdiction of the court is terminated.
Name
- ☐ 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 the hearing and shall establish paternity within 14 days.
- ☒ 21. The child(ren) is/are in the temporary custody of this court and
- ☐ a. is/are placed with the department for care and supervision, and
- 1) the parent, 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 a home study has not yet been completed, then one 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).

IT IS ORDERED: (continued)

- ☒ b. remain home with or is/are released to Brett Marsh 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/legal custodian:

Father shall not allow any contact with the mother unless with permission from DHHS or the Court. The father shall allow access to the minor children as requested by the LGAL and DHHS.

- ☐ c. because the parent(s) released the child(ren) pursuant to the adoption code, the child(ren) is/are
☐ committed to the department for permanency planning, supervision, care, and placement under MCL 400.203.
☐ other:

A posttermination review hearing will be held _____ .
Date

- ☐ 22. While the child(ren) is/are placed out of the home, the friend of the court shall redirect current support due on behalf of the child(ren) to the person with whom the child(ren) is/are placed as long as that person is not receiving foster care maintenance payments. Unpaid child support that charged during the unfunded placement shall also be redirected unless otherwise assigned.

- ☐ 23. The director of the department is appointed special guardian to receive any benefits now due or to become due the child(ren) from the government of the United States.

24. ☒ a. The parent(s), guardian, or legal custodian shall comply with, and benefit from, the case service plan. ☐ In addition,

- ☐ b. The parent(s) need not comply with, and benefit from, the case service plan because parental rights were released pursuant to the adoption code.

- ☐ c. The parent(s) need not comply with, and benefit from, the case service plan because jurisdiction of the court is terminated.

- ☐ 25. Sibling contact shall be as follows:

- ☐ 26. ☐ 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. DHHS is authorized to disallow parenting time if the professionals and the assessment that it is improper, and DHHS is allowed to authorize parenting time under the conditions that the professionals recommend.

- ☐ 27. Reimbursement:

IT IS ORDERED: (continued)

- ☒ 28. Other: (Attach separate sheet if needed.) (An order for child support must comply with MCR 3.973[F][5] and MCR 3.211.)
- A. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND/OR ITS DESIGNEE, IS HEREBY AUTHORIZED TO SIGN DOCUMENTS IN THE BEST INTEREST OF THE MINOR CHILD(REN) TO RECEIVE THE NECESSARY MEDICAL, DENTAL, COUNSELING, AND/OR MENTAL HEALTH SERVICES.
- B. COST OF CARE, TANF; IF ELIGIBLE, BALANCE BARRY COUNTY CHILD CARE FUND
- C. PARENTS SHALL REIMBURSE THE COURT FOR COSTS INCURRED; PAYMENT IN FULL DUE UPON RECEIPT OF STATEMENT FROM THE COURT, UNLESS ARRANGEMENTS ARE MADE FOR INSTALLMENT PAYMENTS.
- D. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL NOTIFY ALL ATTORNEYS OF RECORD OF THE SCHEDULING OF A FAMILY TEAM MEETING WITH TIME TO ALLOW THE ATTORNEYS THE ABILITY TO BE PRESENT.

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

☒ 30. Review hearings shall be held as follows:

(Note: The review hearing shall not be delayed beyond the number of days required regardless whether a petition to terminate parental rights or another matter is pending. MCL 712A.19a provides that the permanency planning hearing shall not be delayed beyond 12 months from the date of removal of the child and every 12 months thereafter.) ☐ dispositional review hearing _____

☒ dispositional review hearing 04/20/2021 at 10:30 a.m. ☒ permanency planning hearing 04/20/2021 at 10:30 a.m.

The supervising agency shall provide documentation of progress relating to all aspects of the last court-ordered treatment plan, including copies of evaluations and therapy reports and verification of parenting time, not later than 5 business days before the scheduled hearing.

31. ☐ Notice of the next hearing has been provided as required by law. ☒ Notice of the next hearing shall be provided.

Recommended by: _____
Referee signature

2-9-21
Date

Date

W. A. [Signature] 4/19/20
Judge