

Initial Dispositional Hearing ~Judicial Bench Card

MCR 3.973 | SCAO Form JC 17 | MCL 712.18

The purpose of the dispositional phase is to determine what measures the court will take regarding a child properly within its jurisdiction and, when applicable, against any adult, once the court has determined following trial, plea of admission, or plea or no contest that one or more of the statutory grounds alleged in the petition are true. The dispositional phase includes disposition, dispositional review hearings, permanency planning hearings, and termination of parental rights hearings. (If the agency requested termination of parental rights at the initial dispositional hearing, see the Termination of Parental Rights Bench Card.)

Procedural Issues

A dispositional hearing may be held immediately after the adjudication, but when the child is in placement the hearing must be held within 28 days of adjudication, unless good cause is shown for delay. There is no right to a jury trial during the dispositional phase, even where a supplemental petition is subsequently filed containing new allegations of abuse or neglect.

Was legally sufficient notice given to the parties?

If the hearing is held more than 91 days after petition authorization, has the LGAL met with or observed the child and complied with the other statutory duties in [MCL 712A.17d](#)?

Is the child present in court? If not, why?

If a parent is in a Michigan prison, he or she must be afforded an opportunity to participate in person or via telephone/video conference pursuant to [MCR 2.004](#). A parent incarcerated in an out-of-state facility may attend a hearing via telephone/video conference.

Review of Case Service Plan

Before the court enters the order of disposition, it must consider the case service plan. The court may order compliance with all or part of the case service plan.

Have the parent(s) been assessed and offered appropriate services? Are they participating? Have they signed the treatment plan? Does the plan need to be modified?

Does the LGAL believe the services to the child are appropriate?

The case service plan must include:

- The type of home or institution in which the child is to be placed and the reasons for the selected placement.
- Clear, understandable and actionable items to be made by the child's parent, and the agency, to enable the child to return to his or her home.

- Schedule of services to be provided to the parent, child, and if the child is to be placed in foster care, the foster parent, to facilitate the child's return to his or her home or to facilitate the child's permanent placement.
- A schedule for regular and frequent family time between the child and his/her parent (unless there is a safety exception)

Efforts made by the agency to return the child to his or her home.

Efforts made by the agency to provide frequent, in-person family time or other interactions between siblings.

The court should ensure that the plan is consistent with the specific needs of the family, and that the parent(s) understands what is required to have their child(ren) returned home.

Child's Placement

If only one of two legal parents has been adjudicated, consider placement of the child with the non-respondent parent, if appropriate.

Have relatives been identified and considered for placement or contact with the child? If not, what diligent efforts have been made to locate/engage them? Ask the parents at the court hearing if there are any willing and available relatives for placement or contact.

Does the child have siblings? If so, has the agency placed them together? If not, is there a plan for placement as well as frequent sibling family time?

Has the child changed placements since the last court hearing? If so, what are the reasons for the move?

Continued on reverse

Initial Dispositional Hearing Cont.

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Safety and Permanency Issues

What prevents a safe return home with a parent today?

Have the caseworker and LGAL visited the home and found the child safe and well cared for?

Have there been any instances of abuse/neglect while the child has been under court jurisdiction?

Has the LGAL talked to the child about his or her permanency wishes? Are those wishes consistent with the LGAL's determination of the child's best interests?

Education Well-Being

Is the child currently enrolled and attending school or a preschool program?

Does the child's placement allow the child to maintain school placement and other important family and social connections?

Is the child eligible for special education services? Is the child receiving any services to address the identified needs?

Is the child engaged in any extracurricular activities? If so, are there resources available for the child to continue?

Health Services

Is the child up-to-date on medical and dental exams?

Does the child require mental health treatment? If so,

- What medications and services are being provided?
- Inquire as to the child's views on the mental health treatment.

Family Time with Parent(s) & Siblings

Family time should occur **as often as possible** but must occur at a minimum of at least once a week unless exigent circumstances exist.

Where and how frequently has parenting time occurred? Are the visits supervised or unsupervised?

What is the plan for sibling visitation or interaction?

Denial of parenting time may not be used as a punishment for noncompliance with the case service plan.

How does the parenting time plan incorporate continued parental responsibilities such as appointments, school events, or extracurricular activities?

If supervised parenting time is requested, what are the specific safety risks preventing unsupervised parenting time?

What is needed for expanded or unsupervised parenting time?

Consider additional electronic contact (email, phone, etc.) between visits.



Required Judicial Findings/Orders

A dispositional order cannot be entered against a parent unless that parent has been adjudicated.

The order of disposition may do any of the following:

- Return or maintain the child in the home under the court's jurisdiction. The court must return the child to the parent unless the return would cause a substantial risk of harm to the child's life, physical health, or mental well-being.
- Continue the child's foster care placement.
- Order medical care for the child.
- Appoint a guardian for the child.
- Terminate the court's jurisdiction.

The order may require the friend of the court to redirect child support to a caretaker who does not receive foster care payments.

Order participation in all or part of the case service plan.

Order specific evaluation and/or services to be provided to the parent(s) and child.

Schedule next hearing.