

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER DISPOSITIONAL REVIEW/ PERMANENCY PLANNING HEARING (CHILD PROTECTIVE PROCEEDINGS) ORDER ____ OF ____	CASE NO. PETITION NO. JUDGE
Court address _____	Court telephone no. _____	

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

1. Removal date: _____ (Specify for each child if different.)

Last permanency planning hearing date: _____ (Specify for each child if different.)

2. As of the last order, the child(ren) named above was/were in the protective/temporary custody of the court, and
 remained in the home. was/were placed with the department.

3. Notice of hearing for the review permanency planning combined review and permanency planning hearing was served as required by law. Notice of proceedings is to be given as required by law.

4. This hearing is being conducted under MCR 3.974(D)(2) 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:

5. a. The lawyer-guardian ad litem has has not complied with the requirements of MCL 712A.17d.
 b. The lawyer-guardian ad litem informed the court of the child(ren)'s wishes and preferences. These are:

c. The lawyer-guardian ad litem did not inform the court of the child(ren)'s wishes and preferences because:

d. The child(ren)'s expressed interests are inconsistent with the lawyer-guardian ad litem's determination of the child(ren)'s best interests. An attorney should be appointed for the child(ren). (See item 34.)

6. 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.

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.

7. 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.19(6) 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.

Use Note: Do not use this form for review or permanency planning hearings after termination. Use form JC 76 instead.

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

8. Returning the child(ren) to the parent(s), guardian, or legal custodian would would not cause a substantial risk of harm to the child(ren)'s life, physical health, or mental well-being.
9. The child(ren) should not be returned to the parent(s), guardian, or legal custodian. (State reasons for a. or b. in the space below.)
- a. The agency should should not initiate proceedings to terminate the parental rights to the child(ren) because:
- b. The child has been in foster care for 15 months of the most recent 22 months, and the agency
- should initiate proceedings to terminate the parental rights to the child(ren).
- should not initiate proceedings to terminate the parental rights to the child(ren) for the following compelling reasons:

10. a. Reasonable efforts were were not made to preserve and reunify the family to make it possible for child(ren) to safely return to the child(ren)'s home. (Specify reasonable efforts below, and if applicable, the reasons for return.)
- 1) Reasonable efforts for reunification should be continued.
- 2) Those reasonable efforts were successful and the child(ren) should be released to

Name(s) of parent(s), guardian, or legal custodian

The reasonable efforts include: (Specify.)

- b. Reasonable efforts to preserve and reunify the family to make it possible for the child(ren) to safely return to the child(ren)'s home are not required based on a prior order.
11. In accordance with MCL 712A.19(7), progress toward alleviating or mitigating the conditions that caused the child(ren) to be placed or to remain in temporary foster care
- was made by _____
List names
- was not made by _____
List names
12. The child(ren)'s continued placement is necessary and appropriate and is meeting the child(ren)'s needs.
 is no longer necessary or appropriate.
13. The needs of the child
- cannot be met in a foster family home, placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and is consistent with the goals in the permanency plan for the child.
- can be met in a foster family home, placement of the child in a qualified residential treatment program does not provide the most effective and appropriate level of care for the child in the least restrictive environment, and is not consistent with the goals in the permanency plan for the child.

- 14. The child(ren) is/are Indian as defined in MCR 3.002(12), and placement remains does not remain appropriate and does does not comply with MCR 3.967(F).
- 15. The child(ren) is/are Indian and the court finds that active efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
- 16. *Reasonable efforts have have not been made to finalize the court-approved permanency plan of
 - a. return to the parent, guardian, or legal custodian for the child(ren) named _____
 - b. adoption for the child(ren) named _____
 - c. legal guardianship for the child(ren) named _____
 - d. placement with a fit and willing relative for the child(ren) named _____
 - e. placement in another planned permanent living arrangement (APPLA) for the child(ren) age 16 or older named _____

_____ due to the compelling reasons that: (Specify the compelling reasons for another planned permanent living arrangement by entering the language that corresponds to the number[s] from the list on the last page.)

The reasonable efforts made to finalize the court-approved permanency plan identified above include:
(Specify the permanency plan for each child and the reasonable efforts made toward finalizing that plan.)

- Because adoption is the court-approved permanency plan, the department shall be ordered to initiate proceedings to terminate parental rights.
- 17. The permanency planning goal in item 16 is appropriate. is no longer appropriate and shall be: _____
- 18. The appointment of a juvenile guardian is in the best interest of the child(ren) named above in item 16c. The court has received and considered the information required by MCR 3.979(A)(1), and the proposed guardian should be appointed.
- 19. The department, foster home, or institutional placement has has not followed the reasonable prudent parenting standard that the child(ren) has/have regular opportunities to engage in age or developmentally appropriate activities.
- 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 30 to order sibling contact):

- 21. Parenting time with _____, even if supervised, may be harmful to the child(ren).
- 22. A juvenile guardian was appointed and jurisdiction over _____ under MCL 712A.2(b) should be terminated. (This finding is considered at the first review hearing after the appointment.)
- 23. A juvenile guardianship for _____ was revoked under MCR 3.979(F), and this hearing is held under MCR 3.979(F)(7).

Note: *MCL 712A.19a provides that these reasonable efforts findings must be made within 12 months from when the child was removed from his/her home and every 12 months thereafter.

IT IS ORDERED:

- 24. 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.
- 25. The child(ren) is/are continued in the protective/temporary custody of this court, and (Check only a, b, c, or d.)
 - 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(18).
 - 4) after thorough consideration of the assessment made by the qualified individual, the child's placement in a qualified residential treatment program is is not approved.
 - b. remain home with or is/are released to _____ under the supervision of the department. The following terms and conditions apply to the parent(s) guardian/legal custodian: _____
 - c. the current placement with the department shall continue. The department shall:
 - 1) conduct a criminal record check and central registry clearance of the residents of the home of the proposed juvenile guardian and submit the results to the court within 7 days.
 - 2) perform a home study with a copy submitted to the court within 28 days, unless a home study has been performed within the immediately preceding 365 days of this order, in which case, a copy of that home study shall be submitted to the court.
 - d. placed under guardianship under MCR 3.979(B). (See separate order, form JC 91.)
- 26. While the child(ren) is/are placed out of the home, the friend of the court must take the necessary steps to appropriately assign or redirect child support pursuant to law.
- 27. The department shall comply with MCR 3.967(F).
- 28. The department shall initiate proceedings to terminate parental rights to the child(ren) no later than 28 days from the date of this hearing.
- 29. The adjudicated respondent(s) _____ shall comply with, and benefit from, the case service plan.
 - In addition,
- 30. Sibling contact shall be as follows:
- 31. 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)

- 32. Jurisdiction of this court is terminated. The court reserves the right to enforce payments of reimbursement that have accrued up to and including the date of this order. The child(ren) is/are released to _____.
- 33. Previous reimbursement orders shall continue.
- 34. Other: (Attach separate sheets as necessary.)

35. Prior orders remain in effect except as modified in this order.

36. 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 _____ permanency planning hearing _____

dispositional review hearing to terminate jurisdiction under MCR 3.979(C) _____

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, no less than 7 days before the scheduled hearing.

37. A hearing to appoint the juvenile guardian under MCR 3.979(B) shall be held _____.

38. Notice of the next hearing has been provided as required by law. Notice of the next hearing shall be provided.

Recommended by: _____

Referee signature and date

Judge signature and date

The following are examples of compelling reasons for a permanency plan other than return to parent, legal guardianship, placement with a fit and willing relative, or adoption.

1. No relative has been identified who is appropriate or available to assume the permanent custody of the child.
2. The current caregiver is not an adoptive resource.
3. Reasonable efforts to recruit an adoptive home have been unsuccessful.
4. The child does not want to be adopted and is of an age where due consideration must be given to his/her wishes.
5. It is contrary to the child's best interests to break the child's attachment to the current caregivers.
6. The current caregiver is committed to providing a permanent placement for the child.
7. The placement allows the siblings to remain together.
8. The child's special needs can best be met in this placement.
9. The child wants to remain in the current placement, which is only available as foster care.
10. The placement is preparing the child for transition into independent living (specify the services being provided to the child to assist with transition such as referral to an independent living skills program, enrollment in a vocational program, referral for a mentor, continued out-of-home placement in foster care beyond age 18 to allow the child to complete secondary school, placement in a resource that provides on-site training for independent living, and other similar services).
11. The child comes under the Indian Child Welfare Act and Michigan Indian Family Preservation Act, and the child's tribe recommends permanent placement in long-term foster care.
12. Other (specify in the findings in item 16e).