



Sixth Judicial Circuit Court – Family Division

Oakland County Juvenile Court

FILING A HOME STATUS OFFENSE PETITION IN OAKLAND COUNTY

The Circuit Court Family Division has jurisdiction over children under 18 who run away from home (truancy) or repeatedly disobey the reasonable and lawful commands of their parents or legal guardians (incorrigibility). These court proceedings are called “status” offenses because of the age status of the person committing the violation. Home status offenses begin when the child’s parent or guardian files a petition with the court. **Only a parent who possesses primary physical custody of a juvenile may file a petition for a status offense.**

Incorrigibility Petitions

If a parent files a home incorrigibility petition, the parent must prove that –

- the child is repeatedly disobedient to the reasonable and lawful commands of his or her parents, guardian, or custodian, and,
- there is “clear and convincing evidence” that court-accessed services are necessary to solve the incorrigibility.

Incorrigibility is more than simple disobedience. The juvenile court will not accept a home incorrigibility petition unless the child has engaged in incorrigible behavior for at least the last three months before the filing of the petition. Second, the child’s incorrigibility must be causing significant problems for the child, parents, or the legal guardians in the home. Examples of incorrigible behavior include:

- Leaving home without permission or violating curfew,
- Threatening to cause or causing deliberate physical harm to family members,
- Causing property damage to the home or property of family members,
- Stealing money or property from other family members,
- Using alcohol, drugs, or other illegal substances,
- Constantly using vulgar or abusive language to parents and/or family members,
- Not following the parents’ reasonable requests,
- Associating with undesirable people,
- Skipping school or being disruptive in school against the parents’ directives.

These behaviors must be chronic in nature – not one-time instances of normal child rebellion.

Truancy Petitions

If a parent files a home truancy petition, the parent must prove that –

- the child has deserted his or her home without sufficient cause, and,
- the child –
 - has been placed or refused alternative placement (other than the child’s home), OR,
 - the child and his parents have exhausted or refused family counseling.

If a child is currently truant at the time the parent files the petition with the court, the court may issue an Order to Take Into Custody (“OTTIC”). When apprehended, the child will be temporarily placed in Oakland County Children’s Village shelter care pending a preliminary hearing within 24 hours (excluding holidays and weekends). Absent extreme circumstances, the child will be returned home following the preliminary hearing.

Status Offense Court Procedure

Once the court receives a status offense petition, the case will be referred to Oakland County Youth Assistance for an intake evaluation and further services designed to divert the matter from the formal court system. The Youth Assistance caseworker will work with the family to determine the next steps. Those steps could include a recommendation for further non-court action, such as:

- Attending individual and family therapy,
- Working with the child’s school,
- Exploring arrangements for the child to live with a relative if necessary, or,
- Trying other actions identified by Youth Assistance.

If efforts have been made to solve the problem and the situation has still not improved, Youth Assistance may recommend that the court accept the parents’ petition. If so, the parent must file an updated petition, including specific information concerning the child’s and parent’s involvement with Youth Assistance services. **Youth Assistance will not recommend further court action if the parents have not fully cooperated with Youth Assistance recommendations during the diversionary process. Likewise, the court will not take further action unless the parent files the updated petition in a timely fashion.** Upon acceptance of an updated petition, a time for a Court hearing will be set. That hearing could be –

- A preliminary inquiry between the child, the parents, and a juvenile court referee.
- A pretrial hearing before a juvenile court referee on the court’s formal docket.

If the matter is scheduled for a hearing on the court’s formal docket, the court will appoint an attorney to represent the child. Formal court proceedings can lead to either a plea from the child that he or she committed the offense in the petition, or a trial in which the parents must produce evidence to prove that the child is incorrigible or truant. The trial can be before a juvenile court referee, a Family Division judge, or a jury of 6 members of the public. If the child is found guilty of the offense, the court will set a disposition hearing to determine what orders the child must follow.

What you should know about :

- **A parent’s responsibilities during the court process:** The juvenile court has a “family-focused” approach to all cases. If the court accepts an updated petition after the parent has worked cooperatively with Youth Assistance, the court may issue orders to the parent in the context of the child’s case. Those orders could include a psychological evaluation, family therapy, individual therapy, or parent education classes. If the parent fails to follow those court orders, the court will in all likelihood dismiss the parent’s petition. Likewise, the court will dismiss the petition if the parent no longer wishes court involvement. Acceptance of subsequent petitions will be reviewed in light of parental participation in previous petitions.

- **Pretrial detention:** State and federal law DO NOT allow status offenders to be detained in a secure facility while engaging in diversionary services or while awaiting a trial on a petition. It is important for parents to know that the child MUST remain at home during this time. The court can issue orders to ensure the child complies with behavioral norms.

Instructions for Completing Your Petition

1. You must complete the petition. Incomplete petitions will be rejected. Court employees may not provide legal advice or assist you in completing a petition.
2. The allegations about your child's behavior must be current. This behavior must have occurred within the last three months.
3. You must include documentation from a counselor or community-based agency that details your efforts to solve your child's truancy or incorrigibility issue.
4. You must include your child's descriptive information on the next page of this packet. Without descriptive information, the court cannot issue an order for your child's apprehension if he or she has run away from home.
5. You must include a completed Dental Form for your child. The form is attached and must be filled out by your child's dentist's office. You must also include a copy of your most recent custody order, if applicable.
6. When completed, email the petition and supporting documentation to intake@oakgov.com, or, mail or deliver them to:

Juvenile Intake Department
Ground Floor, East Wing
Courthouse Tower
1200 N. Telegraph Road
Pontiac, MI 48341

7. Should you wish to contact Youth Assistance, you may do so at:

Oakland County Youth Assistance
1200 N. Telegraph Road
Pontiac, Michigan 48341
(248) 858-0050