

STATE OF MICHIGAN 6 <sup>TH</sup> JUDICIAL CIRCUIT COURT	CREATION OF SPECIAL DOCKET FOR CHILDREN ABSENT FROM COURT- ORDERED PLACEMENTS WITHOUT LEGAL PERMISSION	ADMINISTRATIVE ORDER 2003-01
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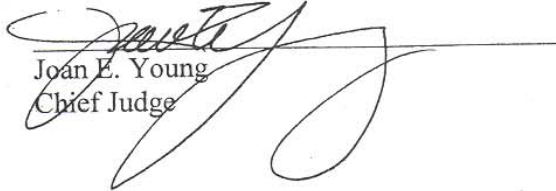
This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2002-4. The purpose of this order is to provide for the review of cases of children absent without legal permission from court-ordered placements in Child Protective Proceedings or Juvenile Delinquency Proceedings.

**IT IS ORDERED:**

1. The Sixth Judicial Circuit Court has established a plan for review of cases involving children absent from court-ordered placements without legal permission.
2. The court's plan, attached, may be modified from time to time as circumstances warrant.
3. The Chief Judge is responsible for ensuring compliance with the plan.
4. A Special Docket is hereby created for cases involving children absent from court-ordered placement without legal permission. The Special Docket shall be operated in accordance with the provisions of the plan.
5. The Chief Judge shall designate a judge of the Family Division to serve as the judge for this special docket, as follows:
  - A. If the Chief Judge is serving in the Family Division, the Chief Judge shall select the Special Docket judge, and may self-select.
  - B. If the Chief Judge is serving in the General Jurisdiction Division, the Presiding Judge of the Family Division shall select the judge for the Special Docket, subject to the approval of the Chief Judge. The presiding judge of the Family Division may self-select.
6. Priority of hearing on the Special Docket shall be given to the review of cases involving children who have been abducted, are fifteen years old or younger, are at serious risk, or where other circumstances warrant expedited review.
7. Addition of cases to the Special Docket, and removal of cases from it shall be done in conformity with the provisions of the plan.
8. The court, the Family Independence Agency, and the Office of the Prosecuting Attorney shall each designate named individuals who will facilitate exchange of information and coordinate efforts to locate children who are absent from court-ordered placement without legal permission.
9. Hearings on the Special Docket shall be conducted by a Judge and shall not be assigned to a referee.
10. Any reports received for cases on the Special Docket shall be non-public and shall be placed in the court's confidential file.

Date:

2/4/03

  
Joan E. Young  
Chief Judge

SIXTH JUDICIAL CIRCUIT COURT  
FAMILY DIVISION PLAN FOR REVIEWING CASES  
INVOLVING CHILDREN  
ABSENT FROM COURT-ORDERED PLACEMENTS  
WITHOUT LEGAL PERMISSION

I. DEFINITIONS

Unless otherwise indicated by the context, the following definitions apply:

- A. An AWOLP Minor means a juvenile or child
  - (1) who has been placed by court order,
  - (2) for whom the court has given the Family Independence Agency care and planning responsibility,
  - (3) who is absent from that placement without legal permission, and
  - (4) who is presently subject to the jurisdiction of the court under the juvenile code.
- B. The Court means the Family Division of the Sixth Judicial Circuit Court.
- C. FIA means the Oakland County office of the Michigan Family Independence Agency.
- D. 'Missing Child' means either an AWOLP minor or a temporary or permanent court ward who:
  - (1) has been placed by court order, and
  - (2) is absent from that placement without legal permission.
- E. Supervising Agency means either the FIA, if the FIA is providing direct services to a minor, the agency with whom FIA has contracted to purchase services for the minor, or the Court, if the Court has assigned an employee to supervise the minor.

II. CREATION OF SPECIAL DOCKET

- A. The court has created a centralized 'Missing Children's Docket' before a single judge to review the cases of and to help locate AWOLP Minors and Missing Children.
- B. A minor's case will be placed on the Missing Children's Docket and heard after the supervising agency has been given the opportunity to conduct a diligent search for the minor but has been unable to locate the minor.



- C. Hearings on the Missing Children's Docket will be in addition to the regularly scheduled hearings for the minors, unless otherwise ordered by the judge responsible for the Missing Children's Docket.
- D. All hearings will be on a single court call, before the judge responsible for reviewing the cases on the Missing Children's Docket.
- E. The docket shall be structured so any case will be heard at least once each month while the minor is missing from court-ordered placement.

### III. INITIAL COORDINATION OF EFFORTS TO DOCUMENT MINOR'S STATUS AS MISSING

- A. The FIA, the Court, and the Oakland County Prosecuting Attorney's Office will each designate a named individual to serve as the coordinator for AWOLP minors' cases. These individuals shall facilitate prompt action and communication regarding AWOLP minors.
- B. When a minor is determined to be missing, the supervising agency shall:
  - 1. Notify the court's Juvenile Intake unit.
  - 2. Request the court issue an Order to Take into Temporary Custody ('OTTIC')
  - 3. Request the minor be listed on the Law Enforcement Information Network (LEIN) as 'Missing and Endangered'.
  - 4. Complete the necessary documentation to support issuance of the OTTIC and LEIN entry, and forward it to the court.
- C. When the court is notified a minor is missing, the court shall:
  - 1. Notify the prosecutor that the supervising agency is requesting an OTTIC for the missing minor.
  - 2. Schedule the proceeding for hearing at 1:00 p.m. in Intake, before a referee, except for Sundays and holidays.
  - 3. Notify the minor's lawyer-guardian ad litem, if the minor has one, that the court will be hearing the request for OTTIC.

### IV. ORDER TO TAKE MISSING MINOR INTO TEMPORARY CUSTODY AND LEIN ENTRY.

- A. The court shall hold a hearing when the supervising agency alleges a minor is missing.
- B. The referee may recommend a judge issue an OTTIC when:
  - 1. A Petition for OTTIC has been presented, and

2. The court has received further testimony to establish the minor is missing.
- C. Immediately following the hearing, or on the next business day if the court is closed, the OTTIC will be presented to the assigned judge for signature. If the assigned judge is unavailable, the OTTIC will be presented to the duty judge.
- D. When the OTTIC has been signed, the caseworker representing FIA or the supervising agency will present the completed LEIN entry form for processing. The supervisor of juvenile intake or designee will review the form for completeness, mark it 'received', and provide a copy to the worker.
- E. The original of the form will be forwarded to the Oakland County Sheriff's Department for LEIN entry. "MISSING/ENDANGERED" must appear at top of the form.
- F. The minor's name and information will be added to the Runaway List along with notation (\*NOL) indicating that the LEIN Warrant is being processed. [\*NOL = *Not on LEIN*]
- G. When the LEIN entry is complete, the "\*NOL" designation on the Runaway List is removed. The Runaway List is sent daily to FIA and is maintained by the court.
- H. Upon request from a police agency not in possession of a copy of the OTTIC, the court staff will either provide a copy by facsimile transmission or clarify for the police that they may take action based on the LEIN entry.

#### V. ADDING A CASE TO THE MISSING CHILDREN'S DOCKET

- A. A case will be added to the missing children's docket at the time the OTTIC is issued, but the supervising agency will be given time to perform a diligent search before the first hearing.
- B. In scheduling the hearing on the Missing Children's Docket, the court will set the hearing at least 14 days after the OTTIC is issued, unless subparagraph (C) applies.
- C. If at the hearing on the OTTIC it is established that the minor was abducted, is 15 years of age or younger, is at serious risk, foul play is suspected, or other circumstances warrant early review, the case will be scheduled for hearing on the Missing Children's Docket for the next regularly scheduled court call, or at such other time as the court directs.
- D. The court will issue a Notice of Hearing to the following individuals/entities:
  1. The prosecutor



2. The FIA (AWOLP minors only)
  3. The supervising agency,
  4. The lawyer-guardian ad litem, if one has been appointed
  5. The parents, guardian, or legal custodian of the minor
  6. Other individuals who have been identified to the court as having knowledge of the possible whereabouts of the missing minor.
- E. On its' own initiative or upon the request of a party, the court may issue or authorize the issuance of subpoenas to compel attendance at the hearing.
- F. On the disposition sheet prepared for the hearing, the court staff will note whether an OTTIC has been entered, whether the OTTIC is on LEIN, and the expiration of the OTTIC.

## VI. REPORTS

- A. Before each hearing on the Missing Children's Docket, the supervising agency shall submit a brief report regarding efforts to locate the missing minor. The written report may be supplemented by testimony at the hearing.
- B. If the Prosecutor has assigned an investigator to the missing minor's case, the prosecutor investigator's report may be submitted and may be supplemented by testimony at the hearing.
- C. Any other individuals involved in the case, including the lawyer-guardian ad litem, may submit written reports.
- D. The reports received shall be shared among the individuals providing them, unless the court determines that information in the report should be restricted.
- E. All reports so received shall be placed in the Confidential File, and are non-public.
- F. The report for AWOLP minors will follow FIA AWOLP Policies and Procedures including:
  1. Date of the review of FIA case records and the identification of potential locations for the minor.
  2. Date school was contacted and verification that the minor is not in school and information from friends and teachers of possible whereabouts.
  3. Date school district was contacted to determine if child has enrolled in another school.
  4. Date and results of automated systems check to search for and identify known family members.

5. Date and results of the review of the medical passport and medical records.
6. Date and to whom the worker notified of search results.

## VII. HEARINGS

- A. All hearings on the Missing Children's Docket are open to the public. For good cause shown, a portion of the hearing may be closed.
- B. The court will conduct hearings on the Missing Children's Docket approximately every two weeks. A missing minor's case need not be scheduled for every court call, but should be heard at least once monthly.
- C. The court shall receive testimony and reports at the hearings. As appropriate, subpoenaed witnesses may be called and examined. The court may direct the parties take specific actions before the next scheduled hearing and provide written documentation of their actions.
- D. At the conclusion of each hearing, the court shall schedule the next date for review of the minor's case.
- E. If a missing minor appears at the hearing, the court may take a statement from the minor or may elect to interview the minor *in camera*.
- F. If a minor has been located, the court may continue the hearings on the Missing Children's Docket for a brief period and utilize community resources, as appropriate, to assist the minor.
- G. If a missing minor's case is scheduled for a periodic hearing before his/her assigned judge or referee, that hearing may be substituted for hearing on the Missing Children's Docket, at the discretion of the judge hearing the Missing Children's Docket.
- H. An FIA supervisor or management representative shall attend the Missing Children's Docket hearings on AWOLP minors to assist, as appropriate.

## VIII. USE OF COMMUNITY RESOURCES

- A. In locating missing minors, information or representatives from any or all of the following resources may be employed:
  1. Schools and school records
  2. Hospitals and clinics
  3. Shelters

4. Law enforcement agencies
  5. Other community organizations with actual knowledge of the minor.
- B. In attempting to locate missing minors, the court may order the publication of a minor's name and photograph in newspapers or other media.
  - C. The minor's name and photograph may be distributed on fliers to law enforcement agencies where such dissemination is appropriate.
  - D. When a missing minor has been located, the court may appoint a volunteer advocate for the minor to investigate the situation, regularly contact the minor, report to the court, and appear at hearings.

#### IX. ACTIONS WHEN A MINOR IS NO LONGER MISSING

- A. When a minor is again in custody, the Order to Take Into Temporary Custody is no longer applicable and the LEIN entry needs to be cancelled.
- B. The supervising agency shall provide the court with written notification that the minor is no longer absent without legal permission.
- C. Upon receipt of the notification, the court will:
  1. Remove the minor from the Runaway List.
  2. Notify the Oakland County Sheriff's Department to cancel the LEIN entry.
  3. Verify LEIN cancellation and preserve the record.
  4. Cancel the OTTIC.
- D. At the next regularly scheduled court call on the Missing Children's Docket, the supervising agency will report that the minor is no longer missing.
- E. Upon receipt of this report and after giving the parties opportunity to be heard, the judge conducting reviews on the Missing Children's Docket may take any of the following actions as is appropriate under the circumstances:
  1. Enter a Supplemental Order of Disposition, or
  2. Remove the matter from the Missing Children's docket and return all case oversight to the assigned judge, or
  3. After consulting with the judge with oversight of the minor's case, terminate court jurisdiction and dismiss the matter.