

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

In re: Juvenile Division Plan for Handling of
Cases of Children Absent from Placement
Without Legal Permission (AWOLP)

Local Administrative Order # **2012-08**

(Rescinds Local Administrative Order #2003-1)

IT IS ORDERED:

The following plan for reviewing the cases of children who are absent from Court ordered placement without legal permission (AWOLP) is adopted by the Macomb County Circuit Court – Family Division, pursuant to Michigan Supreme Court Administrative Order 2002-4.

1. **Establishment of Special Docket/Expedited Review Process**

Macomb County Circuit Court – Family Division has established a specialized docket for the review of cases of children who are absent from Court ordered placement without legal permission (AWOLP).

2. **Responsibility for Ensuring Compliance**

The Presiding Judge of the Family Division shall have the responsibility of ensuring compliance with Michigan Supreme Court Administrative Order 2002-4 and this Local Administrative Order.

3. **Coordination of Efforts with Department of Human Services**

A caseworker from the Department of Human Services (DHS) will notify the Court when a child is absent without permission from their court ordered placement and request that the Court issue a Take into Custody Order (TCO). Once a TCO is issued, the matter will be scheduled on the Court's AWOLP review docket and the DHS caseworker and the Attorney Guardian Ad Litem will be notified of the hearing date.

The Court will review the legal file and confer with the DHS caseworker and the Attorney Guardian Ad Litem to evaluate the legal status of the child.

At the initial AWOLP review, the Court will receive reports and take sworn testimony as to the circumstances regarding the child's absence, all efforts made to locate the child, and an action plan for ongoing efforts to locate the child. The Court will issue orders necessary to assist DHS in locating the child.

4. **Process for Review of Cases**

AWOLP review hearings are scheduled on a monthly basis and are heard by a Juvenile Division Referee assigned to the AWOLP docket. The Court will issue orders necessary to locate the missing child. Priority will be given to AWOLP cases involving individuals fifteen years of age or younger.

When DHS reports that a child is AWOLP, the case will be scheduled for the next AWOLP hearing date, which will be in thirty days or less. Subsequent hearings will be held every thirty days or sooner if there are special circumstances.

At the initial AWOLP hearing the Court will review the report submitted by the DHS caseworker, the TCO, and the police report associated with the incident. DHS will also submit a delinquency petition and that information will be entered into the Law Enforcement Information Network (LEIN). The Court will review the legal file and take testimony as to the efforts of DHS (such as contacting relatives, school personnel, or former foster placements) to determine the location of the child.

Each AWOLP case will continue to appear on the Court's AWOLP docket to be heard every thirty days or sooner as circumstances dictate.

5. **Identified Special Problems**

There are no special problems that have been identified.

6. **Obtaining Information and Scheduling Hearings**

As stated previously, AWOLP review hearings are scheduled every 30 days. When DHS is informed that a child is AWOLP from their placement, they will contact the Court to request a TCO and a hearing date. The case will be scheduled on the next AWOLP hearing date, which means it will be heard in thirty days or less.

A report will be submitted to the Court by DHS five days prior to the scheduled AWOLP review hearing.

7. **Priority to Cases of Children Ages 15 and Younger**

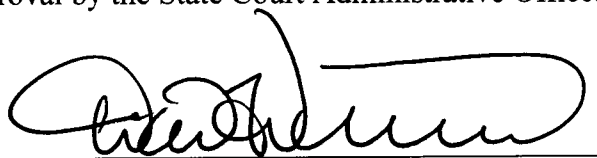
For cases involving children ages fifteen and younger, hearings will be scheduled within ten days of the reported absence. The Court will receive reports and take sworn testimony as to the circumstances regarding the child's absence, all efforts made to locate the child, and an action

plan for ongoing efforts to locate the child. The Court will issue orders necessary to assist DHS in locating the child.

Any information presented that indicates abduction will be given to the Macomb County Sheriff's Department and any local police jurisdictions involved.

This Order shall take effect immediately upon approval by the State Court Administrative Office.

Dated: 10/12/2012



David F. Viviano
Chief Judge
16th Judicial Circuit and
Macomb County Probate Courts