Preliminary	
Inquiry (PI)	Hearing (PH)
• In/formal	· Formal
· Request	· Request
Jurisdiction	Jurisdiction
· No Placement (JC	· Placement
11)	· Hearing held
 No time limit for 	within 24 hours
hearing	· Immediate Notice
· Notice by	· written or oral
Summons	· Contrary to
	child's welfare
	· Reasonable
	efforts
• Δuthorize the Petition	

- Authorize the Petition
- · Burden: Probable Cause
- · 1 or more of the allegations are true & it brings the child within the JC
- Appoint Attorneys
- Consider all evidence including hearsay
- Defendants' right to cross-examine

Pretrial Conference

- · Not Required, Court & Attorneys only
- Considers ways to expedite disposition
 - · Simplify issues
 - · Time necessary for discovery
 - · Time needed for trial
 - · Identify witnesses
 - · Limit the number of expert witnesses
 - · Possibility of settlement,
 - · Alternate resolution i.e. mediation.

Pretrial

- · Not required
- · Time is left to court's discretion
- · Requires Notice by Summons (writing)
- · Can matter be settled out of court?
- · Have parties w/standing received notice?
- · Will petition be dismissed?
- · Will respondent enter a plea?
- · Will respondent request a trial?
- · Who will be the trier of fact? Judge/Jury

Trial (AKA: Adjudication)

No Placement	Placement
• Six months	ASAP, WI/63 Days

- · Formal i.e. on the record
- Fact Finding Process
- Written Summons of Notice to parties
- Right to Cross Examine
- Rules of Evidence apply i.e. hearsay is not admissible (unless exception applies)
- Introduce Evidence
- · Witnesses offer testimony
- Burden:
- · Preponderance: non-Indian Children
- · Clear & convincing: Indian Children
- ·1 or more of the allegations are true & bring the child within the JC
- * Judge or Jury can be trier of fact for Jurisdiction

Initial Disposition	
No Placement	Placement
· Court's discretion	· 28D from Trial.

- What to do to remedy the problem? i.e. What do you recommend?
- Written or oral <u>Notice</u> to parties
- · Rules of Evidence do not apply
- · Court must review Case Service Plan
- Court required to enter an Order of Disposition
- Judgement on reasonable efforts
- · Services to be complied with
- Temporary or Permanent Custody

Disposition Review

No placement

Placement

First Year

- 182 Days from Petition Date
- · 91 Days from Review Hearing
- · Review Progress
- · Notice to Parties

Second Year

· Progress reviewed no later then 182 days

Permanency Planning

Out-of-Home Placement Only

- 12 months from the date of placement
- May consider all information
- Court must review written & oral information
- · Written Notice to parties
- · Right to Cross Examine
- What next, safely return home order that a termination petition to be filed?
- · Not required for children in own home placement
- . Requirement that a PPH be held w/in 30 days of a finding that reasonable efforts "were not required"
- *If worker is ordered to file a TPR, this must be done within 14 days.

Termination

- Written <u>notice</u> of hearing
- Right to Judge but not jury
- On initial TPR determined at IDH
- Commence WI/42 days of supplemental petition requesting TPR
- · Conclude WI/70 of day commenced
- Right to cross-examine
- Determine Legal Basis MCL 719A.19b(3)
- · Burden:
- · Clear & Convincing Non-Indian
- Beyond a Reasonable doubt Indian and testimonyof expert witness
- Is termination in minor's best interest?
- Can terminate on one or both parents
- Parents do not need to be present for court to terminate.

Post Termination

- Notice to parties, excluding parents
- Held ever 91 days so long as minor is in Foster Care.
- Consider placement & progress
- * Foster Parent and child age 14 and older need to receive notice and have an opportunity to be heard.