

Children Absent from Court-Ordered Placements Without Legal Permission

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This article will outline Oakland County's Circuit Court-Family Division plan and Administrative Order creating a special docket for children absent from court-ordered placement without legal permission (AWOLP). While not under the Probate Court's jurisdiction but recognizing that many of our Probate practitioners also practice in the area of juvenile law, as the Oakland County Family Division Administrator I would like to take this opportunity to summarize Oakland County's plan.

Michigan Supreme Court Administrative Order 2002-4 required that each circuit court submit a Local Administrative Order to the State Court Administrative Office by February 1, 2003, outlining its plan for reviewing cases involving children who are absent from court-ordered placements without permission. Chief Justice Maura Corrigan indicated that chief circuit court judges must make it a priority to assist in locating these children and to assure a safe and appropriate placement or other disposition.

Immediately, Oakland County set to work in cooperation with the Family Independence Agency to identify and locate these missing children. A special docket was created and Chief Circuit Court Judge Joan E. Young presided over it. While Oakland County's list of children missing from state placements was relatively short, several of these children were located almost immediately. It is also important to understand that while the Michigan Supreme Court Administrative Order directs the creation of this special docket for children who are state wards, Oakland County expanded the use of this special docket to include any Oakland County child that was missing or absent without legal permission. Below please find some highlights of our Administrative Order and plan:

- The court has created a centralized "Missing Children's Docket" to be heard by a single judge who will hold hearings on this docket in addition to the regularly scheduled hearings already in place by the court. These cases will be heard at

least once each month or more frequently if the court orders while the minor is missing from court-ordered placement.

- The Family Independence Agency, the court, and the Oakland County Prosecuting Attorney's Office will each designate a named individual to serve as the coordinator for these AWOLP cases.
- When a minor is determined to be missing, the supervising agency will notify the court's Juvenile Intake unit and request the court issue an "Order to Take Into Temporary Custody" (OTTIC) as well as be placed on the Law Enforcement Information Network (LEIN).
- Once a case is added to the Missing Children's Docket and an OTTIC is issued, the supervising agency will be given time to perform a diligent search before the first hearing. The court will set an initial hearing at least 14 days after the OTTIC is issued unless 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, in which case the hearing will be scheduled for the next regularly scheduled court call.
- Before each hearing, the supervising agency shall submit a brief report regarding efforts to locate the missing minor.
- All hearings on the Missing Children's Docket are open to the public unless good cause is shown to close a portion of the hearing.
- The court will conduct hearings on this docket approximately every two weeks and will receive testimony and reports at the hearings. The court may direct the parties to take specific actions before the next scheduled hearing and provide written documentation of their actions.
- If a minor has been located, the court may continue the hearings on the Missing Children's Docket for a brief period of time to utilize community resources as appropriate to assist the minor.
- In attempting to locate missing minors, the court may order the publication of the minor's name and photograph

in the newspaper or other media and may distribute flyers to law enforcement agencies where appropriate. The court may also appoint a voluntary advocate for the minor who will investigate the situation, regularly contact the minor, and report to the court and appear at hearings.

- When a minor is again in custody, the supervising agency will report at the next regularly scheduled court hearing that the minor is no longer missing. Upon receipt of that report and after giving the parties an opportunity to be heard, the judge conducting reviews may enter a "Supplemental Order of Disposition," remove the matter from the Missing Children's Docket and return all case oversight to the assigned judge or, after consulting with the judge

having oversight of the minor case, terminate court jurisdiction and dismiss the matter.

Oakland County Circuit Court has approved the Administrative Order and plan for these children and has submitted it to the State Court Administrative Office for their review and approval.

The initiative undertaken by the court for this special docket has been highly successful in locating Oakland County's missing children and continuing to provide for their care and safety. For copies of the proposed Administrative Order and plan, please contact my office. Stay tuned!

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