



# SENATE BILL No. 1273

September 21, 1994, Introduced by Senators WELBORN,  
VAN REGENMORTER and DINGELL and referred to the  
Committee on Judiciary

A bill to amend sections 601, 666, 667, 834, 841, 859, 861,  
867, 874, and 876 of Act No 236 of the Public Acts of 1961,  
entitled as amended

"Revised judicature act of 1961,"

section 859 as amended by Act No 308 of the Public Acts of 1986  
and section 861 as amended by Act No 318 of the Public Acts of  
1982, being sections 600 601, 600 666, 600 667, 600 834, 600 841,  
600 859, 600 861, 600 867, 600 874, and 600 876 of the Michigan  
Compiled Laws to add chapters 92, 93, 94, 95, and 96 and to  
repeal certain acts and parts of acts

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 601, 666, 667, 834, 841, 859, 861, 867,  
2 874, and 876 of Act No 236 of the Public Acts of 1961, section  
3 859 as amended by Act No 308 of the Public Acts of 1986 and  
4 section 861 as amended by Act No 318 of the Public Acts of 1982,

1 being sections 600 601, 600 666, 600 667, 600 834, 600 841,  
 2 600 859, 600 861, 600 867, 600 874, and 600 876 of the Michigan  
 3 Compiled Laws, are amended and chapters 92, 93, 94, 95, and 96  
 4 are added to read as follows

5       Sec 601   ~~Circuit courts have~~ EXCEPT AS PROVIDED IN  
 6 SECTION 9231, THE CIRCUIT COURT HAS the power and jurisdiction

7       (A) ~~—(1)—possessed—~~ POSSESSED by courts of record at the  
 8 common law, as altered by the STATE constitution ~~—and—~~ OF 1963,  
 9 THE laws of this state, and the rules of the supreme court   ~~—~~  
 10 and—

11       (B) ~~—(2)—possessed—~~ POSSESSED by courts and judges in chan-  
 12 cery in England on March 1, 1847, as altered by the STATE consti-  
 13 tution ~~—and—~~ OF 1963, THE laws of this state, and the rules of  
 14 the supreme court   ~~—, and—~~

15       (C) ~~—(3)—prescribed—~~ PRESCRIBED by ~~—rule—~~ THE RULES of the  
 16 supreme court

17       Sec 666   The clerk of each FAMILY DIVISION OF circuit ~~—and~~  
 18 probate— court shall maintain a registry in which ALL OF THE  
 19 FOLLOWING shall be entered   ~~—the following—~~

20       (a) Certified copies of custody decrees or judgments of  
 21 other states received for filing

22       (b) Communications as to the pendency of custody proceedings  
 23 in other states

24       (c) Communications concerning a finding of inconvenient  
 25 forum by a court of another state

26       (d) Other communications or documents concerning custody  
 27 proceedings in another state which may affect the jurisdiction of

1 a court of this state or the disposition to be made by it in a  
2 custody proceeding

3       Sec 667    The clerk of ~~the~~ EACH FAMILY DIVISION OF cir-  
4 cult ~~or probate~~ court of this state, at the request of the  
5 court of another state or at the request of a person who is  
6 affected by, or has a legitimate interest in, a custody decree or  
7 judgment, shall certify and forward a copy of the decree or judg-  
8 ment to that court or person

9       Sec 834    (1) Except as provided in subsection (2), a pro-  
10 bate register or deputy probate register is competent to exercise  
11 any of the following powers in an uncontested matter or hearing  
12 when authorized by general order of the probate judge or chief  
13 probate judge of the county in which the probate register or  
14 deputy probate register was appointed

15       (a) Determine whether the petitioner or the petitioner's  
16 attorney has complied with the requirements of law and supreme  
17 court rules

18       (b) Take acknowledgments

19       (c) Administer oaths

20       (d) Set hearings

21       (e) Sign notices, citations, and subpoenas

22       (f) Take testimony required by law or supreme court rules in

23 ALL OF the following

24       (1) Appointment of a fiduciary of an estate of a deceased or  
25 minor

26       (11) Admission to probate of a will, codicil, or other  
27 testamentary instrument

1     ~~(iii) Change of name of persons~~

2     (111) ~~(iv)~~ Determination of heirs

3     (1v) ~~(v)~~ Sale, mortgage, or lease of property

4     (v) ~~(vi)~~ Assignment of residue of an estate or any part

5 ~~thereof~~ OF THE RESIDUE OF AN ESTATE

6     (v1) ~~(vii)~~ Setting and approval of bonds

7     (v11) ~~(viii)~~ Removal of fiduciaries

8     ~~(ix) Issuing of a license to marry, if the issuance of the~~  
 9 ~~license is authorized under section 1 of Act No 180 of the~~  
 10 ~~Public Acts of 1897, as amended, being section 551-201 of the~~  
 11 ~~Michigan Compiled Laws~~

12       (2) A probate register or deputy probate register may not  
 13 enter a judgment     A probate register or deputy probate register  
 14 may not exercise any power provided in subsection (1) if the  
 15 matter or hearing is

16       (a) For a commitment to, or incarceration in, an institution  
 17 or facility

18       (b) For appointment of a guardian of a legally incapacitated  
 19 person or the appointment of a conservator for a reason other  
 20 than minority

21       (c) For or involves a developmentally disabled person

22       (3) An order made by a probate register or deputy probate  
 23 register shall be made over the name of the probate judge for  
 24 whom the order is made, and the probate register or deputy pro-  
 25 bate register shall place his or her signature under the name of  
 26 the judge     An act done or order made by the probate register or  
 27 deputy probate register authorized under this section shall have

1 the same validity, force, and effect as though done or made by  
2 the judge

3 (4) Upon the oral or written request of an interested party  
4 made before commencement or during the hearing of the proceeding,  
5 the proceeding shall be taken immediately before the judge for  
6 trial or hearing of the issues

7 Sec 841 The probate court has jurisdiction and power as  
8 follows

9 (a) As conferred upon it under the revised probate code, ACT  
10 NO 642 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS  
11 700 1 TO 700 993 OF THE MICHIGAN COMPILED LAWS

12 ~~-(b) As conferred upon it under chapters 10, 11 and 12a of~~  
13 ~~Act No 288 of the Public Acts of 1939, as amended, being sec-~~  
14 ~~tions 710 21 to 712a 28 of the Michigan Compiled Laws—~~

15 ~~-(c) as conferred upon it under Act No 258 of the Public~~  
16 ~~Acts of 1974, as amended, being sections 330 1001 to 330 2106 of~~  
17 ~~the Michigan Compiled Laws—~~

18 (B) ~~-(d)~~ As conferred upon it under this act

19 (C) ~~-(e)~~ As conferred upon it pursuant to any other law or  
20 compact

21 Sec 859 (1) The following testimony before a probate  
22 judge shall be taken by an official court reporter or by an offi-  
23 cial court recorder on a recording device approved by the state  
24 court administrator

25 (a) Testimony in A contested ~~matters~~ MATTER

1       ~~(b) Testimony in matters pertaining to the admission to a~~  
2 ~~hospital or other facility for mentally ill or developmentally~~  
3 ~~disabled persons—~~

4       (B) ~~—(c)—~~ Testimony in ~~matters—~~ A MATTER pertaining to  
5 ~~persons—~~ A PERSON having a contagious disease

6       (C) ~~—(d)—~~ Testimony in other matters if requested by an  
7 interested party

8       (D) ~~—(e)—~~ Testimony and other proceedings required by  
9 supreme court rule

10       (2) In matters not governed by subsection (1), testimony  
11 before a probate judge, probate register, or deputy probate reg-  
12 ister may be given orally without a record being made of the  
13 testimony

14       (3) The reporter or recorder shall keep sufficient index of  
15 the testimony and the court shall keep the index and the original  
16 notes for ~~at least~~ NOT LESS THAN 10 years   The reporter or  
17 recorder need not transcribe the testimony, except when a tran-  
18 script is ordered by the court or a party   Except in those cases  
19 in which the testimony is transcribed and filed with the record  
20 of the case, notes pertaining to a hearing for the admission of  
21 any person to a hospital or other place of detention as a men-  
22 tally ill or developmentally disabled person or as a person with  
23 a contagious disease, shall be destroyed only after the discharge  
24 of the person from the hospital or facility

25       (4) Notes may not be destroyed until after 10 years after  
26 the date of the hearing or as provided in subsection (3),  
27 whichever is longer

1       Sec 861    A party to a proceeding in the probate court may  
2 appeal the following orders as a matter of right to the court of  
3 appeals

4       (a) A final order affecting the rights or interests of any  
5 interested person in an estate or trust

6       ~~(b) An order entered in an adoption proceeding under chap-~~  
7 ~~ter X of Act No 288 of the Public Acts of 1939, as amended,~~  
8 ~~being sections 710 21 to 710 70 of the Michigan Compiled Laws,~~  
9 ~~and appealed in accordance with section 65 of chapter X of Act~~  
10 ~~No 288 of the Public Acts of 1939, as amended, being section~~  
11 ~~710 65 of the Michigan Compiled Laws~~

12       ~~(c) The following final orders entered by the juvenile divi-~~  
13 ~~sion of the probate court:~~

14       ~~(i) An order of disposition placing a child under the super-~~  
15 ~~vision of the court or removing the child from his or her home~~

16       ~~(ii) An order terminating parental rights~~

17       (B) ~~(d)~~ A final order in a condemnation case entered under  
18 the drain code of 1956, Act No 40 of the Public Acts of 1956, as  
19 amended being sections 280 1 to 280 630 of the Michigan Compiled  
20 Laws

21       Sec 867    ~~(1)~~ After an appeal is claimed and notice of  
22 the appeal is given at the probate court, all further proceedings  
23 in pursuance of the order, sentence, or judgment appealed from  
24 shall cease until the appeal is determined ~~except as otherwise~~  
25 ~~provided in subsection (2) and in section 65(2) of chapter 10 of~~  
26 ~~Act No 288 of the Public Acts of 1939, being section 710 65 of~~  
27 ~~the Michigan Compiled Laws~~

1       ~~(2) The pendency of an appeal from the juvenile division of~~  
 2 ~~the probate court or from an order of the probate court entered~~  
 3 ~~pursuant to Act No 258 of the Public Acts of 1974, as amended,~~  
 4 ~~being sections 330 1001 to 330 2106 of the Michigan Compiled Laws~~  
 5 ~~shall not suspend the order unless the court to which the appeal~~  
 6 ~~is taken specifically orders the suspension~~ An application for  
 7 ~~a delayed appeal from an order of the juvenile division shall be~~  
 8 ~~filed within 6 months after entry of the order~~

9       Sec 874   ~~(1)~~ The probate court shall charge and collect  
 10 the following fees

11       ~~(a) For performing a marriage ceremony, \$10 00~~

12       (A) ~~(b)~~ For issuance of a commission to take testimony,  
 13 \$7 00

14       (B) ~~(c)~~ For taking, certifying, sealing, and forwarding  
 15 depositions, \$5 00, and 10 cents per folio, which fees shall be  
 16 considered as costs in the case and for each copy of the deposi-  
 17 tion furnished, 3 cents per folio

18       ~~(2) A probate judge may waive the fee for performing a mar-~~  
 19 ~~riage ceremony if the parties thereto are indigent~~

20       Sec 876   A charge shall not be made nor shall ~~any~~ A fee  
 21 be collected on account of, or by reason of, the furnishing of A  
 22 certified ~~copies~~ COPY in connection with proceedings ~~for the~~  
 23 ~~admission and commitment of persons to mental hospitals or any~~  
 24 ~~facility or institution maintained or operated by the state or~~  
 25 ~~the federal government for the care of mentally ill or retarded~~  
 26 ~~persons, or~~ for determining inheritance tax



1 CHAPTER 92

2 SEC 9201 THE FAMILY DIVISION OF CIRCUIT COURT IS CREATED  
3 AS AN INDEPENDENT BRANCH OF CIRCUIT COURT AND IS ORGANIZED PURSU-  
4 ANT TO THIS CHAPTER

5 SEC 9202 EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, ALL  
6 PROVISIONS OF THIS ACT GOVERNING CIRCUIT COURTS APPLY TO THE  
7 FAMILY DIVISION OF CIRCUIT COURT

8 SEC 9203 (1) EACH JUDICIAL CIRCUIT SHALL HAVE A FAMILY  
9 DIVISION OF CIRCUIT COURT

10 (2) EACH JUDICIAL CIRCUIT SHALL HAVE AT LEAST 1 JUDGE OF THE  
11 FAMILY DIVISION OF CIRCUIT COURT JUDGES OF THE FAMILY DIVISION  
12 OF CIRCUIT COURT MAY BE ADDED AS PROVIDED IN SECTION 550 JUDGES  
13 OF THE FAMILY DIVISION OF CIRCUIT COURT ALSO MAY BE ADDED BY RES-  
14 OLUTION ADOPTED BY THE COUNTY BOARD OF COMMISSIONERS IN THE  
15 COUNTY OR COUNTIES IN A JUDICIAL CIRCUIT OR PROBATE COURT DIS-  
16 TRICT TRANSFERRING 1 OR MORE JUDGESHIPS OF THE CIRCUIT COURT OR  
17 PROBATE COURT TO THE FAMILY DIVISION OF CIRCUIT COURT

18 (3) JUDGES OF THE FAMILY DIVISION OF CIRCUIT COURT SHALL BE  
19 NOMINATED AND ELECTED PURSUANT TO THE MICHIGAN ELECTION LAW, ACT  
20 NO 116 OF THE PUBLIC ACTS OF 1954, BEING SECTIONS 168 1 TO  
21 168 992 OF THE MICHIGAN COMPILED LAWS

22 (4) IN A JUDICIAL CIRCUIT HAVING MORE THAN 1 JUDGE OF THE  
23 FAMILY DIVISION OF CIRCUIT COURT, THE JUDGES' TERMS SHALL BE  
24 ARRANGED IN THE SAME MANNER PRESCRIBED FOR CIRCUIT JUDGES IN SEC-  
25 TION 416B OF ACT NO 116 OF THE PUBLIC ACTS OF 1954, BEING SEC-  
26 TION 168 416B OF THE MICHIGAN COMPILED LAWS

1 (5) THE NAMES OF THE CANDIDATES FOR JUDGESHIIPS OF THE FAMILY  
2 DIVISION OF CIRCUIT COURT SHALL APPEAR ON THE BALLOT SEPARATELY  
3 FROM THE NAMES OF OTHER CANDIDATES FOR JUDGESHIIPS OF THE CIRCUIT  
4 COURT

5 SEC 9205 (1) A JUDGE OF THE FAMILY DIVISION OF CIRCUIT  
6 COURT SHALL MEET THE ELIGIBILITY REQUIREMENTS OF SECTION 431 OF  
7 THE MICHIGAN ELECTION LAW, ACT NO 116 OF THE PUBLIC ACTS OF  
8 1954, BEING SECTION 168 431 OF THE MICHIGAN COMPILED LAWS

9 (2) IN EACH CIRCUIT HAVING MORE THAN 1 JUDGE OF THE FAMILY  
10 DIVISION OF CIRCUIT COURT, THE JUDGES ANNUALLY SHALL ELECT 1 OF  
11 THEIR MEMBERS TO SERVE AS PRESIDING JUDGE OF THE FAMILY DIVISION  
12 OF CIRCUIT COURT FOR THAT CIRCUIT

13 SEC 9207 (1) THE TERM OF A JUDGE OF THE FAMILY DIVISION  
14 OF CIRCUIT COURT SHALL COMMENCE ON THE JANUARY 1 IMMEDIATELY FOL-  
15 LOWING THE DATE OF ELECTION

16 (2) A JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT SHALL  
17 QUALIFY BY TAKING THE CONSTITUTIONAL OATH OF OFFICE THE JUDGE  
18 SHALL SUBSCRIBE THE OATH AND FILE THE OATH IN THE OFFICE OF THE  
19 COUNTY CLERK

20 SEC 9211 THE FAMILY DIVISION OF CIRCUIT COURT SHALL NOT  
21 HAVE TERMS OF COURT THE FAMILY DIVISION OF CIRCUIT COURT SHALL  
22 BE OPEN AT REASONABLE TIMES AS FIXED BY THE JUDGE OF THE FAMILY  
23 DIVISION OF CIRCUIT COURT OR, IN A COUNTY HAVING MORE THAN 1  
24 JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT, BY THE PRESIDING  
25 JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT

26 SEC 9213 THE COUNTY OR COUNTIES IN EACH JUDICIAL CIRCUIT  
27 SHALL PROVIDE THE BOOKS, PRINTED BLANK FORMS, AND OTHER

1 STATIONERY NECESSARY FOR KEEPING THE RECORDS IN THE OFFICE OF THE  
2 JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT, AND ALL FURNITURE,  
3 EQUIPMENT, AND SUPPLIES NECESSARY FOR EQUIPPING AND MAINTAINING  
4 THE OFFICE

5       SEC 9215     (1) IF THE OFFICE OF JUDGE OF THE FAMILY DIVI-  
6 SION OF CIRCUIT COURT IS VACANT OR THE JUDGE IS TEMPORARILY  
7 ABSENT FROM THE JUDICIAL CIRCUIT, IS PERFORMING OTHER DUTIES  
8 REQUIRED BY LAW, OR IS INCAPACITATED FROM EXECUTING THE DUTIES OF  
9 OFFICE, A JUDGE OF THE CIRCUIT COURT SERVING IN THAT JUDICIAL  
10 CIRCUIT SHALL SERVE AS A JUDGE OF THE FAMILY DIVISION OF CIRCUIT  
11 COURT UNLESS THAT CIRCUIT JUDGE IS INCAPACITATED FROM EXECUTING  
12 THE DUTIES     IF A CIRCUIT JUDGE WITHIN THAT COUNTY IS NOT AVAIL-  
13 ABLE BECAUSE OF INCAPACITY, THEN A CIRCUIT JUDGE OF ANY CIRCUIT  
14 OR A JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT OF ANY JUDI-  
15 CIAL CIRCUIT WHO IS NOT INCAPACITATED FROM EXECUTING THE DUTIES  
16 OF JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT MAY SERVE AS A  
17 JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT FOR THE JUDICIAL  
18 CIRCUIT, IF A WRITTEN REQUEST IS MADE BY THE JUDGE OF THE FAMILY  
19 DIVISION OF CIRCUIT COURT FOR THAT JUDICIAL CIRCUIT, OR IF A  
20 WRITTEN REQUEST IS MADE BY A CIRCUIT JUDGE OF THAT JUDICIAL CIR-  
21 CUIT WHEN THE JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT IS  
22 TEMPORARILY ABSENT OR IS LEGALLY DISABLED FROM MAKING THE  
23 REQUEST

24       (2) A JUDGE SERVING TEMPORARILY UNDER SUBSECTION (1) SHALL  
25 HAVE ALL THE POWERS AND PERFORM ALL THE DUTIES OF THE JUDGE OF  
26 THE FAMILY DIVISION OF CIRCUIT COURT FOR THE JUDICIAL CIRCUIT  
27 UNTIL THE JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT FOR THE

1 JUDICIAL CIRCUIT RETURNS, THE INCAPACITY IS REMOVED, OR ANOTHER  
2 JUDGE IS ELECTED AND QUALIFIED

3 (3) A JUDGE WHO, WHILE SERVING TEMPORARILY AS A JUDGE OF THE  
4 FAMILY DIVISION OF CIRCUIT COURT UNDER THIS SECTION, BEGINS A  
5 HEARING WHICH IS NOT CONCLUDED WHEN THE ACTING JUDGE'S TEMPORARY  
6 SERVICE TERMINATES UNDER SUBSECTION (2), MAY HEAR THE MATTER TO  
7 ITS CONCLUSION AND GIVE JUDGMENT ON THE MATTER

8 SEC 9219 THE JUDGES OF THE FAMILY DIVISION OF CIRCUIT  
9 COURT FOR A JUDICIAL CIRCUIT HAVING 2 OR MORE JUDGES SHALL HAVE  
10 EQUAL POWERS, DUTIES, AND COMPENSATION, EXCEPT THE POWER OF NOMI-  
11 NATION, APPOINTMENT, AND REMOVAL OF THE EMPLOYEES OF THE FAMILY  
12 DIVISION OF CIRCUIT COURT THE GENERAL DIRECTION AND CONTROL OF  
13 THE BUSINESS OF THE FAMILY DIVISION OF CIRCUIT COURT, INCLUDING  
14 THE DIVISION OF WORK BETWEEN OR AMONG THE JUDGES, SHALL BE VESTED  
15 IN THE PRESIDING JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT

16 SEC 9220 (1) IN EACH JUDICIAL CIRCUIT THE JUDGE OF THE  
17 FAMILY DIVISION OF CIRCUIT COURT OR THE PRESIDING JUDGE IN A  
18 JUDICIAL CIRCUIT HAVING 2 OR MORE JUDGES OF THE FAMILY DIVISION  
19 OF CIRCUIT COURT, SHALL HAVE POSSESSION OF THE SEAL, RECORDS,  
20 BOOKS, FILES, AND PAPERS BELONGING TO THE FAMILY DIVISION OF CIR-  
21 CUIT COURT EACH JUDGE SHALL KEEP A TRUE AND CORRECT RECORD OF  
22 EACH ORDER, SENTENCE, AND DECREE OF THE FAMILY DIVISION OF CIR-  
23 CUIT COURT, AND OF ALL OTHER OFFICIAL ACTS MADE OR DONE BY THE  
24 JUDGE AND OF ALL OTHER THINGS PROPER TO BE RECORDED IN THE FAMILY  
25 DIVISION OF CIRCUIT COURT

26 (2) THE RECORDS, EXCEPT AS OTHERWISE PROVIDED BY LAW, MAY BE  
27 INSPECTED WITHOUT CHARGE BY AN INTERESTED PERSON

1 (3) THE FAMILY DIVISION OF CIRCUIT COURT SHALL MAINTAIN AN  
2 ALPHABETICAL INDEX TO THE RECORDS OF THE FAMILY DIVISION OF CIR-  
3 CUIT COURT PROCEEDINGS IN EACH JUDICIAL CIRCUIT

4 SEC 9221 (1) SUBJECT TO SECTION 9219, THE JUDGE OF THE  
5 FAMILY DIVISION OF CIRCUIT COURT MAY APPOINT COURT STENOGRAPHERS,  
6 CLERKS, PROBATION OFFICERS, COUNSELORS, BAILIFFS, REGISTRARS,  
7 COUNTY AGENTS, REFEREES, FRIENDS OF THE COURT, AND OTHER EMPLOY-  
8 EES NECESSARY TO SERVICE THE FAMILY DIVISION OF CIRCUIT COURT  
9 EMPLOYEES OF THE FAMILY DIVISION OF CIRCUIT COURT SHALL BE COM-  
10 PENSATED AS PROVIDED BY THE COUNTY BOARD OR BOARDS OF COMMISSION-  
11 ERS OF THE COUNTIES IN THE JUDICIAL CIRCUIT

12 (2) THE OFFICE AND FACILITIES OF THE FRIEND OF THE COURT,  
13 THE MARRIAGE COUNSELOR OF THE CIRCUIT COURT, AND THE STAFF OF THE  
14 JUVENILE DIVISION OF THE PROBATE COURT IS TRANSFERRED TO, AND  
15 SHALL OPERATE AS A PART OF, THE FAMILY DIVISION OF CIRCUIT  
16 COURT THE FRIEND OF THE COURT, THE CIRCUIT COURT MARRIAGE COUN-  
17 SELOR, AND THE STAFF OF THE JUVENILE DIVISION OF THE PROBATE  
18 COURT SHALL CONTINUE TO PROVIDE SERVICES TO THE CIRCUIT AND PRO-  
19 BATE COURTS FOR CASES PENDING ON THE EFFECTIVE DATE OF THIS  
20 CHAPTER

21 (3) STATE AND OTHER PUBLIC AGENCIES WHICH, BEFORE THE EFEC-  
22 TIVE DATE OF THIS CHAPTER, PROVIDED ASSISTANCE TO FAMILIES OR  
23 JUVENILES, OR BOTH, SHALL PROVIDE ASSISTANCE TO THE FAMILY DIVI-  
24 SION OF CIRCUIT COURT

25 SEC 9231 (1) THE FAMILY DIVISION OF CIRCUIT COURT SHALL  
26 HAVE AND EXERCISE SOLE AND EXCLUSIVE JURISDICTION OVER THE

1 FOLLOWING CASES COMMENCED AFTER THE EFFECTIVE DATE OF THIS

2 CHAPTER

3 (A) CASES OF DIVORCE AND ANCILLARY MATTERS AS SET FORTH IN  
4 THE FOLLOWING STATUTES

5 (1) CHAPTER 84 OF THE REVISED STATUTES OF 1846, BEING SEC-  
6 TIONS 552 1 TO 552 45 OF THE MICHIGAN COMPILED LAWS

7 (11) ACT NO 259 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS  
8 552 101 TO 552 104 OF THE MICHIGAN COMPILED LAWS

9 (111) ACT NO 52 OF THE PUBLIC ACTS OF 1911, BEING SECTIONS  
10 552 121 TO 552 123 OF THE MICHIGAN COMPILED LAWS

11 (1v) ACT NO 379 OF THE PUBLIC ACTS OF 1913, BEING SECTIONS  
12 552 151 TO 552 155 OF THE MICHIGAN COMPILED LAWS

13 (v) THE FRIEND OF THE COURT ACT, ACT NO 294 OF THE PUBLIC  
14 ACTS OF 1982, BEING SECTIONS 552 501 TO 552 535 OF THE MICHIGAN  
15 COMPILED LAWS

16 (v1) ACT NO 299 OF THE PUBLIC ACTS OF 1905, BEING SECTION  
17 552 391 OF THE MICHIGAN COMPILED LAWS

18 (v11) ACT NO 42 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS  
19 552 401 TO 552 402 OF THE MICHIGAN COMPILED LAWS

20 (v111) ACT NO 138 OF THE PUBLIC ACTS OF 1966, BEING SEC-  
21 TIONS 552 451 TO 552 459 OF THE MICHIGAN COMPILED LAWS

22 (1x) THE INTERSTATE INCOME WITHHOLDING ACT, ACT NO 216 OF  
23 THE PUBLIC ACTS OF 1985, BEING SECTIONS 552 671 TO 552 685 OF THE  
24 MICHIGAN COMPILED LAWS

25 (B) CASES INVOLVING GUARDIANS AND CONSERVATORS AS PROVIDED  
26 IN CHAPTER 93

1 (C) CASES OF ADOPTION AS PROVIDED IN CHAPTER 94

2 (D) CASES INVOLVING CERTAIN CHILDREN INCAPABLE OF ADOPTION

3 UNDER ACT NO 271 OF THE PUBLIC ACTS OF 1925, BEING SECTIONS

4 722 531 TO 722 534 OF THE MICHIGAN COMPILED LAWS

5 (E) CASES INVOLVING A CHANGE OF NAME AS PROVIDED IN CHAPTER

6 95

7 (F) CASES INVOLVING JUVENILES AS PROVIDED IN CHAPTER 96

8 (G) CASES INVOLVING THE STATUS OF MINORS AND THE EMANCIPA-

9 TION OF MINORS UNDER ACT NO 293 OF THE PUBLIC ACTS OF 1968,

10 BEING SECTIONS 722 1 TO 722 6 OF THE MICHIGAN COMPILED LAWS

11 (H) CASES OF CHILD CUSTODY UNDER THE CHILD CUSTODY ACT OF

12 1970, ACT NO 91 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS

13 722 21 TO 722 29 OF THE MICHIGAN COMPILED LAWS, AND CHILD CUSTODY

14 JURISDICTION AS PROVIDED IN SECTIONS 651 TO 673

15 (I) CASES INVOLVING PATERNITY AND CHILD SUPPORT UNDER THE

16 PATERNITY ACT, ACT NO 205 OF THE PUBLIC ACTS OF 1956, BEING

17 SECTIONS 722 711 TO 722 730 OF THE MICHIGAN COMPILED LAWS

18 (J) CASES INVOLVING CHILD SUPPORT UNDER THE REVISED UNIFORM

19 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, ACT NO 8 OF THE PUBLIC

20 ACTS OF 1952, BEING SECTIONS 780 151 TO 780 183 OF THE MICHIGAN

21 COMPILED LAWS

22 SEC 9235 NOTICE FOR AN ACTION OR PROCEEDING CONDUCTED

23 UNDER THIS CHAPTER SHALL BE GOVERNED BY SUPREME COURT RULE

24 SEC 9237 (1) EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS 93

25 TO 96, JURISDICTION ASSUMED IN A CASE BY THE FAMILY DIVISION OF

26 CIRCUIT COURT, SO FAR AS IT DEPENDS ON THE PLACE OF RESIDENCE OF

27 A PERSON, SHALL NOT BE CONTESTED IN ANY OTHER ACTION OR

1 PROCEEDING THIS LIMITATION SHALL NOT APPLY TO AN APPEAL FROM  
2 THE FAMILY DIVISION OF CIRCUIT COURT IN THE ORIGINAL CASE OR IF  
3 THE LACK OF JURISDICTION APPEARS ON THE FACE OF A COMPLAINT OR  
4 PETITION OR FROM THE RECORD

5 (2) THE VENUE OF A PROCEEDING OR A PORTION OF A PROCEEDING  
6 MAY BE CHANGED FOR THE CONVENIENCE OF THE PARTIES AND WITNESSES,  
7 OR WHEN AN IMPARTIAL TRIAL CANNOT BE HAD, TO THE FAMILY DIVISION  
8 OF CIRCUIT COURT FOR ANOTHER JUDICIAL CIRCUIT UPON PETITION OF AN  
9 INTERESTED PARTY OR UPON THE MOTION OF THE JUDGE WHO HAS OR WOULD  
10 HAVE JURISDICTION COPIES OF DOCUMENTS, AS SPECIFIED BY THE COM-  
11 PLAINANT OR PETITIONER, WHICH ARE ON FILE IN THE FAMILY DIVISION  
12 OF CIRCUIT COURT WHERE THE PROCEEDINGS ARE PENDING, TOGETHER WITH  
13 AN ORIGINAL INSTRUMENT AS SPECIFIED, WITHOUT PAYMENT, SHALL BE  
14 TRANSMITTED BY THE FAMILY DIVISION OF CIRCUIT COURT TO THE FAMILY  
15 DIVISION OF CIRCUIT COURT FOR THE JUDICIAL CIRCUIT GRANTED  
16 VENUE AFTER VENUE IS CHANGED, A NOTICE OF HEARING WHICH IS  
17 REQUIRED TO BE PUBLISHED SHALL BE PUBLISHED IN THE JUDICIAL CIR-  
18 CUIT FROM WHICH VENUE WAS CHANGED

19 (3) IN A CASE OF CONTESTED VENUE, THE PROCEEDING SHALL BE  
20 STAYED EXCEPT IN THE FAMILY DIVISION OF CIRCUIT COURT FOR THE  
21 JUDICIAL CIRCUIT WHERE FIRST FILED UNTIL FINAL DETERMINATION OF  
22 VENUE IS MADE THERE

23 SEC 9239 (1) IF A PARTY TO AN ACTION IN THE FAMILY DIVI-  
24 SION OF CIRCUIT COURT DEMANDS A JURY, THE JURY SHALL BE SUMMONED  
25 AND SELECTED PURSUANT TO CHAPTER 13 WITH RESPECT TO JURORS AN  
26 EXAMINATION, CHALLENGE, REPLACEMENT, OATH, OR OTHER PRACTICE



1 WHICH IS NOT GOVERNED BY CHAPTER 13 SHALL BE GOVERNED BY RULES  
2 ADOPTED BY THE SUPREME COURT

3 (2) IF A JURY TRIAL IS DEMANDED IN AN ACTION BY A PARTY  
4 HAVING A RIGHT TO HAVE A JURY DETERMINE AN ISSUE, THE DEMANDING  
5 PARTY SHALL PAY INTO COURT A JURY FEE IN AN AMOUNT EQUAL TO THE  
6 JURY FEE REQUIRED IN THE CIRCUIT COURT IN THE SAME JUDICIAL CIR-  
7 CUIT, BUT NOT TO EXCEED \$30 00 A JURY FEE SHALL NOT BE REQUIRED  
8 FROM A PARTY DEMANDING A JURY TRIAL UNDER CHAPTER 96 OR UNDER THE  
9 MENTAL HEALTH CODE, ACT NO 258 OF THE PUBLIC ACTS OF 1974, BEING  
10 SECTIONS 330 1001 TO 330 2106 OF THE MICHIGAN COMPILED LAWS

11 SEC 9241 (1) IF IT APPEARS REASONABLE AND PROPER, THE  
12 FAMILY DIVISION OF CIRCUIT COURT MAY REQUIRE A PARTY TO A PRO-  
13 CEEDING, BEFORE A HEARING, TO GIVE SUFFICIENT SECURITY FOR ALL  
14 COSTS AS MAY BE AWARDED AGAINST THAT PARTY

15 (2) IN A CONTESTED CASE, THE FAMILY DIVISION OF CIRCUIT  
16 COURT MAY AWARD COSTS TO EITHER PARTY TO BE PAID BY THE OTHER  
17 PARTY AS JUSTICE AND EQUITY REQUIRE

18 SEC 9245 (1) TESTIMONY REQUIRED TO BE TAKEN IN A MATTER  
19 IN THE FAMILY DIVISION OF CIRCUIT COURT SHALL BE TAKEN BY AN  
20 OFFICIAL COURT STENOGRAPHER OR A MECHANICAL RECORDING DEVICE  
21 APPROVED BY THE SUPREME COURT TESTIMONY MAY BE TAKEN BEFORE A  
22 JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT

23 (2) THE STENOGRAPHER SHALL KEEP A SUFFICIENT INDEX OF THE  
24 TESTIMONY AND THE COURT SHALL KEEP THE INDEX AND THE ORIGINAL  
25 NOTES FOR NOT LESS THAN 15 YEARS THE STENOGRAPHER NEED NOT  
26 TRANSCRIBE THE TESTIMONY, EXCEPT WHEN A TRANSCRIPT IS ORDERED BY  
27 THE COURT OR A PARTY

1 (3) NOTES MAY NOT BE DESTROYED UNTIL AFTER 15 YEARS AFTER  
2 THE DATE OF THE HEARING OR AS PROVIDED IN SUBSECTION (2), WHICH-  
3 EVER IS LONGER

4 SEC 9251 (1) A PARTY TO A PROCEEDING IN THE FAMILY DIVI-  
5 SION OF CIRCUIT COURT MAY APPEAL AS A MATTER OF RIGHT A FINAL  
6 ORDER OF THE FAMILY DIVISION OF CIRCUIT COURT TO THE COURT OF  
7 APPEALS

8 (2) AN APPEAL FROM THE FAMILY DIVISION OF CIRCUIT COURT  
9 SHALL BE ON A WRITTEN TRANSCRIPT OF THE RECORD MADE IN THE COURT  
10 OR ON A RECORD SETTLED AND AGREED TO BY THE PARTIES AND APPROVED  
11 BY THE COURT AN APPEAL SHALL NOT BE TRIED DE NOVO

12 (3) NOTICE OF APPEAL SHALL BE GIVEN TO EACH INTERESTED PARTY  
13 AS PROVIDED BY SUPREME COURT RULE

14 (4) AN APPEAL FROM THE FAMILY DIVISION OF CIRCUIT COURT  
15 SHALL BE GOVERNED BY SUPREME COURT RULE

16 CHAPTER 93

17 SEC 9301 AS USED IN THIS CHAPTER

18 (A) "CONSERVATOR" MEANS A PERSON APPOINTED BY THE COURT TO  
19 EXERCISE POWERS OVER THE ESTATE OF A PROTECTED PERSON

20 (B) "COURT" MEANS THE FAMILY DIVISION OF CIRCUIT COURT CRE-  
21 ATED IN CHAPTER 92

22 (C) "GUARDIAN" MEANS A PERSON APPOINTED BY THE COURT OR DES-  
23 IGNATED AS A GUARDIAN IN A WILL TO EXERCISE POWERS OVER THE  
24 PERSON OF A MINOR OR A LEGALLY INCAPACITATED PERSON

25 (D) "LEGALLY INCAPACITATED PERSON" MEANS A PERSON, OTHER  
26 THAN A MINOR, WHO IS UNABLE TO MANAGE OR PROTECT HIS OR HER  
27 PROPERTY OR PERSON BY REASON OF MENTAL INCOMPETENCY, MENTAL

1 RETARDATION, CHRONIC USE OF DRUGS, CHRONIC USE OF ALCOHOL, OR  
2 CHRONIC GAMBLING, OR BY REASON OF DETENTION BY A FOREIGN POWER,  
3 ABSENCE OR DISAPPEARANCE, OR BEING UNBORN OR UNASCERTAINED

4 (E) "WARD" MEANS A PERSON FOR WHOM A FIDUCIARY IS  
5 APPOINTED A MINOR WARD IS A MINOR FOR WHOM A FIDUCIARY IS  
6 APPOINTED SOLELY BECAUSE OF MINORITY

7 (F) THE FOLLOWING WORDS HAVE THE SAME MEANING AS PRESCRIBED  
8 TO THEM IN THE REVISED PROBATE CODE, ACT NO 642 OF THE PUBLIC  
9 ACTS OF 1978, BEING SECTIONS 700 1 TO 700 993 OF THE MICHIGAN  
10 COMPILED LAWS

11 (1) ESTATE

12 (11) FIDUCIARY

13 (111) MINOR

14 (1v) PERSON

15 (v) PROPERTY

16 (v1) PROTECTED PERSON

17 (v11) WILL

18 SEC 9302 (1) THE COURT HAS JURISDICTION OVER PROTECTIVE  
19 PROCEEDINGS AND GUARDIANSHIP PROCEEDINGS

20 (2) WHEN BOTH GUARDIANSHIP AND PROTECTIVE PROCEEDINGS AS TO  
21 THE SAME PERSON ARE COMMENCED OR PENDING IN THE SAME COURT, THE  
22 PROCEEDINGS MAY BE CONSOLIDATED

23 (3) IN PROCEEDINGS UNDER THIS ARTICLE, A SPOUSE MAY TESTIFY  
24 FOR OR AGAINST THE OTHER SPOUSE

25 SEC 9303 A PERSON UNDER A DUTY TO PAY OR DELIVER MONEY OR  
26 PERSONAL PROPERTY TO A MINOR MAY PERFORM THIS DUTY, IN AMOUNTS  
27 NOT EXCEEDING \$5,000 00 PER YEAR, BY PAYING OR DELIVERING THE

1 MONEY OR PROPERTY TO 1 OF THE FOLLOWING THE MINOR, IF THE MINOR  
2 IS MARRIED A PERSON HAVING THE CARE AND CUSTODY OF THE MINOR  
3 WITH WHOM THE MINOR RESIDES A GUARDIAN OF THE MINOR OR A FINAN-  
4 CIAL INSTITUTION INCIDENT TO A DEPOSIT IN A FEDERALLY INSURED  
5 SAVINGS ACCOUNT IN THE SOLE NAME OF THE MINOR AND GIVING NOTICE  
6 OF THE DEPOSIT TO THE MINOR THIS SECTION DOES NOT APPLY IF THE  
7 PERSON MAKING PAYMENT OR DELIVERY HAS ACTUAL KNOWLEDGE THAT A  
8 CONSERVATOR IS APPOINTED OR PROCEEDINGS FOR APPOINTMENT OF A CON-  
9 SERVATOR OF THE ESTATE OF THE MINOR ARE PENDING THE PERSON,  
10 OTHER THAN THE MINOR OR A FINANCIAL INSTITUTION, WHO IS RECEIVING  
11 MONEY OR PROPERTY FOR A MINOR, IS OBLIGATED TO APPLY THE MONEY TO  
12 THE SUPPORT AND EDUCATION OF THE MINOR, BUT MAY NOT PAY HIMSELF  
13 OR HERSELF EXCEPT BY WAY OF REIMBURSEMENT FOR OUT-OF-POCKET  
14 EXPENSES FOR GOODS AND SERVICES NECESSARY FOR THE MINOR'S  
15 SUPPORT AN EXCESS SUM SHALL BE PRESERVED FOR FUTURE SUPPORT OF  
16 THE MINOR A BALANCE NOT USED FOR THE SUPPORT AND EDUCATION OF  
17 THE MINOR OR PROPERTY RECEIVED FOR THE MINOR SHALL BE TURNED OVER  
18 TO THE MINOR WHEN THE MINOR ATTAINS MAJORITY A PERSON WHO PAYS  
19 OR DELIVERS MONEY OR PERSONAL PROPERTY TO A MINOR PURSUANT TO  
20 THIS SECTION IS NOT RESPONSIBLE FOR THE PROPER APPLICATION OF THE  
21 SUMS

22 SEC 9305 A PARENT, A GUARDIAN OF A MINOR, OR GUARDIAN OF  
23 A LEGALLY INCAPACITATED PERSON, BY A PROPERLY EXECUTED POWER OF  
24 ATTORNEY, MAY DELEGATE TO ANOTHER PERSON, FOR A PERIOD NOT  
25 EXCEEDING 6 MONTHS, ANY OF THE PARENT'S OR GUARDIAN'S POWERS  
26 REGARDING CARE, CUSTODY, OR PROPERTY OF THE MINOR CHILD OR WARD,

1 EXCEPT THE POWER TO CONSENT TO MARRIAGE OR ADOPTION OF A MINOR  
2 WARD

3 SEC 9307 THE COURT SHALL HAVE JURISDICTION OF THE MATTERS  
4 DESCRIBED IN THIS SECTION A PERSON 14 YEARS OF AGE OR MORE MAY  
5 GIVE 1 OF THE PERSON'S 2 KIDNEYS TO A FATHER, MOTHER, SON, DAUGH-  
6 TER, BROTHER, OR SISTER FOR A TRANSPLANTATION NEEDED BY THE  
7 DONEE, WHEN AUTHORIZED BY ORDER OF THE COURT WHICH HAS JURISDIC-  
8 TION OF THE PERSON THE PETITION FOR AN ORDER MAY BE MADE BY THE  
9 GUARDIAN, PARENT, SPOUSE, CHILD, OR OTHER NEXT OF KIN OF THE  
10 PERSON OTHER THAN THE INTENDED DONEE IF THE PERSON DOES NOT  
11 HAVE A GUARDIAN, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO  
12 PROTECT THE PERSON'S INTERESTS THE COURT SHALL HOLD A HEARING  
13 ON THE PETITION AND CAUSE NOTICE OF THE HEARING TO BE GIVEN THE  
14 PROSPECTIVE DONOR SHALL BE PRESENT AT THE HEARING AND SHALL BE  
15 EXAMINED BY THE PETITIONER OR THE COURT, OR BOTH IF THE COURT  
16 DETERMINES THAT THE PROSPECTIVE DONOR IS SUFFICIENTLY SOUND OF  
17 MIND TO UNDERSTAND THE NEEDS AND PROBABLE CONSEQUENCES OF THE  
18 GIFT TO BOTH THE DONOR AND DONEE, AND AGREES TO THE GIFT, THE  
19 COURT MAY ENTER AN ORDER AUTHORIZING THE MAKING OF THE GIFT

20 SEC 9321 A PERSON BECOMES A GUARDIAN OF A MINOR BY ACCEP-  
21 TANCE OF A TESTAMENTARY APPOINTMENT OR UPON APPOINTMENT BY THE  
22 COURT THE GUARDIANSHIP STATUS CONTINUES UNTIL TERMINATED, WITH-  
23 OUT REGARD TO THE LOCATION OF THE GUARDIAN AND MINOR WARD

24 SEC 9322 THE PARENT OF A MINOR MAY APPOINT BY WILL A  
25 GUARDIAN OF AN UNMARRIED MINOR SUBJECT TO THE RIGHT OF THE  
26 MINOR UNDER SECTION 9323, A TESTAMENTARY APPOINTMENT BECOMES  
27 EFFECTIVE UPON THE FILING OF THE GUARDIAN'S ACCEPTANCE IN THE

1 COURT IN WHICH THE WILL IS PROBATED, IF BEFORE ACCEPTANCE BOTH  
2 PARENTS ARE DEAD OR THE SURVIVING PARENT IS ADJUDGED LEGALLY  
3 INCAPACITATED IF BOTH PARENTS ARE DEAD, AN EFFECTIVE APPOINT-  
4 MENT BY THE PARENT WHO DIED LATER HAS PRIORITY THIS STATE REC-  
5 OGNIZES A TESTAMENTARY APPOINTMENT EFFECTED BY FILING THE  
6 GUARDIAN'S ACCEPTANCE UNDER A WILL PROBATED IN ANOTHER STATE  
7 WHICH IS THE TESTATOR'S DOMICILE

8 SEC 9323 A MINOR 14 YEARS OF AGE OR OLDER MAY PREVENT AN  
9 APPOINTMENT OF A TESTAMENTARY GUARDIAN FROM BECOMING EFFECTIVE,  
10 OR MAY CAUSE A PREVIOUSLY ACCEPTED APPOINTMENT TO TERMINATE, BY  
11 FILING WITH THE COURT IN WHICH THE WILL IS PROBATED A WRITTEN  
12 OBJECTION TO THE APPOINTMENT BEFORE IT IS ACCEPTED OR WITHIN 28  
13 DAYS AFTER ITS ACCEPTANCE AN OBJECTION MAY BE WITHDRAWN AN  
14 OBJECTION DOES NOT PRECLUDE APPOINTMENT BY THE COURT OF THE TES-  
15 TAMENTARY NOMINEE, OR ANY OTHER SUITABLE PERSON IN A PROPER  
16 PROCEEDING

17 SEC 9324 (1) A PERSON INTERESTED IN THE WELFARE OF A  
18 MINOR, OR A MINOR IF 14 YEARS OF AGE OR OLDER, MAY PETITION FOR  
19 THE APPOINTMENT OF A GUARDIAN OF THE MINOR THE COURT MAY ORDER  
20 THE DEPARTMENT OF SOCIAL SERVICES OR AN EMPLOYEE OR AGENT OF THE  
21 COURT TO CONDUCT AN INVESTIGATION OF THE PROPOSED GUARDIANSHIP  
22 AND FILE A WRITTEN REPORT OF THE INVESTIGATION

23 (2) THE COURT MAY APPOINT A GUARDIAN FOR AN UNMARRIED MINOR  
24 IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST

25 (A) THE PARENTAL RIGHTS OF BOTH PARENTS OR OF THE SURVIVING  
26 PARENT HAVE BEEN TERMINATED OR SUSPENDED BY PRIOR COURT ORDER, BY  
27 JUDGMENT OF DIVORCE OR SEPARATE MAINTENANCE, BY DEATH, BY

1 JUDICIAL DETERMINATION OF MENTAL INCOMPETENCY, BY DISAPPEARANCE,  
2 OR BY CONFINEMENT IN A PLACE OF DETENTION

3 (B) THE PARENT OR PARENTS HAVE PERMITTED THE MINOR TO RESIDE  
4 WITH ANOTHER PERSON AND HAVE NOT PROVIDED THE OTHER PERSON WITH  
5 LEGAL AUTHORITY FOR THE CARE AND MAINTENANCE OF THE MINOR

6 (C) ALL OF THE FOLLOWING

7 (1) THE MINOR'S BIOLOGICAL PARENTS HAVE NEVER BEEN MARRIED  
8 TO ONE ANOTHER

9 (11) THE MINOR'S PARENT WHO HAS CUSTODY OF THE MINOR DIES OR  
10 IS MISSING AND THE OTHER PARENT HAS NOT BEEN GRANTED LEGAL CUS-  
11 TODY UNDER COURT ORDER

12 (111) THE PERSON WHOM THE PETITION ASKS TO BE APPOINTED  
13 GUARDIAN IS RELATED TO THE MINOR WITHIN THE FIFTH DEGREE BY MAR-  
14 RIAGE, BLOOD, OR ADOPTION

15 (3) A LIMITED GUARDIAN OF A MINOR MAY PETITION TO BE  
16 APPOINTED A GUARDIAN FOR THAT MINOR, EXCEPT THAT THE PETITION  
17 SHALL NOT BE BASED UPON SUSPENSION OF PARENTAL RIGHTS BY THE  
18 ORDER THAT APPOINTED THAT PERSON THE LIMITED GUARDIAN OF THAT  
19 MINOR

20 (4) A GUARDIAN APPOINTED BY WILL AS PROVIDED IN SECTION 9322  
21 WHOSE APPOINTMENT IS NOT PREVENTED OR NULLIFIED UNDER SECTION  
22 9323 HAS PRIORITY OVER A GUARDIAN WHO MAY BE APPOINTED BY THE  
23 COURT THE COURT MAY PROCEED WITH AN APPOINTMENT UPON A FINDING  
24 THAT THE TESTAMENTARY GUARDIAN HAS FAILED TO ACCEPT THE TESTAMEN-  
25 TARY APPOINTMENT WITHIN 30 DAYS AFTER NOTICE OF THE GUARDIANSHIP  
26 PROCEEDING

1 (5) FOR THE WELFARE OF THE MINOR WARD, THE COURT MAY AT ANY  
2 TIME ORDER REASONABLE SUPPORT AND REASONABLE VISITATION AND  
3 CONTACT OF THE MINOR WARD BY HIS OR HER PARENTS

4 SEC 9324A (1) BEGINNING DECEMBER 20, 1990, THE COURT MAY  
5 APPOINT A LIMITED GUARDIAN FOR AN UNMARRIED MINOR UNDER THIS SEC-  
6 TION UPON THE PETITION OF THE PARENT OR PARENTS IF ALL OF THE  
7 FOLLOWING REQUIREMENTS ARE MET

8 (A) THE PARENTS WITH CUSTODY OF THE MINOR CONSENT OR, IN THE  
9 CASE OF ONLY 1 PARENT HAVING CUSTODY OF THE MINOR, THE SOLE  
10 PARENT CONSENTS TO THE APPOINTMENT OF A LIMITED GUARDIAN

11 (B) THE PARENT OR PARENTS VOLUNTARILY CONSENT TO THE SUSPEN-  
12 SION OF THEIR PARENTAL RIGHTS

13 (C) THE COURT APPROVES A LIMITED GUARDIANSHIP PLACEMENT PLAN  
14 AGREED TO BY BOTH OF THE FOLLOWING PARTIES

15 (1) THE PARENTS WITH CUSTODY OF THE MINOR OR, IN THE CASE OF  
16 ONLY 1 PARENT HAVING CUSTODY OF THE MINOR, THE SOLE PARENT WHO  
17 HAS CUSTODY OF THE MINOR

18 (11) THE PERSON OR PERSONS WHO THE COURT WILL APPOINT AS  
19 LIMITED GUARDIAN OF THE MINOR

20 (2) THE PARENT OR PARENTS OF A MINOR WHO DESIRE TO HAVE THE  
21 COURT APPOINT A LIMITED GUARDIAN FOR THAT MINOR AND THE PERSON OR  
22 PERSONS WHO DESIRE TO BE APPOINTED LIMITED GUARDIAN FOR THAT  
23 MINOR SHALL DEVELOP A LIMITED GUARDIANSHIP PLACEMENT PLAN THE  
24 PARTIES SHALL USE A LIMITED GUARDIANSHIP PLACEMENT PLAN FORM PRE-  
25 SCRIBED BY THE STATE COURT ADMINISTRATOR A LIMITED GUARDIANSHIP  
26 PLACEMENT PLAN FORM SHALL INCLUDE A NOTICE THAT INFORMS A PARENT  
27 WHO IS A PARTY TO THE PLAN THAT SUBSTANTIAL FAILURE TO COMPLY



1 WITH THE PLAN WITHOUT GOOD CAUSE MAY RESULT IN THE TERMINATION OF  
2 THE PARENT'S PARENTAL RIGHTS PURSUANT TO CHAPTER 96 THE PRO-  
3 POSED LIMITED GUARDIANSHIP PLACEMENT PLAN SHALL BE ATTACHED TO  
4 THE PETITION REQUESTING THE COURT TO APPOINT A LIMITED GUARDIAN  
5 THE LIMITED GUARDIANSHIP PLACEMENT PLAN SHALL INCLUDE PROVISIONS  
6 CONCERNING ALL OF THE FOLLOWING

7 (A) THE REASON WHY THE PARENT OR PARENTS ARE REQUESTING THE  
8 COURT TO APPOINT A LIMITED GUARDIAN FOR THE MINOR

9 (B) VISITATION AND CONTACT WITH THE MINOR BY HIS OR HER  
10 PARENT OR PARENTS SUFFICIENT TO MAINTAIN A PARENT AND CHILD  
11 RELATIONSHIP

12 (C) THE DURATION OF THE LIMITED GUARDIANSHIP

13 (D) FINANCIAL SUPPORT FOR THE MINOR

14 (E) ANY OTHER PROVISIONS THAT THE PARTIES AGREE TO INCLUDE  
15 IN THE PLAN

16 (3) THE COURT SHALL REVIEW A PROPOSED LIMITED GUARDIANSHIP  
17 PLACEMENT PLAN FILED WITH THE COURT PURSUANT TO THIS SECTION AND  
18 SHALL DO 1 OF THE FOLLOWING

19 (A) APPROVE THE PROPOSED PLAN

20 (B) DISAPPROVE THE PROPOSED PLAN

21 (C) ON ITS OWN MOTION, MODIFY A PROPOSED PLAN AND APPROVE IT  
22 AS MODIFIED, IF THE PARTIES AGREE TO THE MODIFICATION THE MODI-  
23 FIED PLAN SHALL BE FILED WITH THE COURT

24 (4) A LIMITED GUARDIANSHIP PLACEMENT PLAN THAT HAS BEEN  
25 APPROVED BY THE COURT MAY BE MODIFIED UPON AGREEMENT OF THE PAR-  
26 TIES AND APPROVAL OF THE COURT A MODIFIED LIMITED GUARDIANSHIP  
27 PLACEMENT PLAN SHALL BE FILED WITH THE COURT

1 (5) THE SUSPENSION OF PARENTAL RIGHTS UNDER THIS SECTION  
2 DOES NOT PREVENT THE PARENT OR PARENTS FROM FILING A PETITION TO  
3 TERMINATE THE LIMITED GUARDIANSHIP AT ANY TIME PURSUANT TO SEC-  
4 TION 9324C APPOINTMENT OF A LIMITED GUARDIAN UNDER THIS SECTION  
5 SHALL BE A CONTINUING APPOINTMENT

6 (6) A LIMITED GUARDIAN APPOINTED UNDER THIS SECTION SHALL  
7 HAVE ALL OF THE POWERS AND DUTIES ENUMERATED IN SECTION 9329,  
8 EXCEPT THAT A LIMITED GUARDIAN MAY NOT CONSENT TO THE ADOPTION OF  
9 THE MINOR OR RELEASE OF THE MINOR FOR ADOPTION NOR MAY A LIMITED  
10 GUARDIAN CONSENT TO THE MARRIAGE OF A MINOR WARD

11 SEC 9324B (1) THE COURT MAY REVIEW A GUARDIANSHIP FOR A  
12 MINOR AS IT CONSIDERS NECESSARY AND SHALL REVIEW A GUARDIANSHIP  
13 ANNUALLY IF THE MINOR IS UNDER 6 YEARS OF AGE IN CONDUCTING THE  
14 REVIEW, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING FACTORS

15 (A) THE PARENT'S AND GUARDIAN'S COMPLIANCE WITH EITHER OF  
16 THE FOLLOWING, AS APPLICABLE

17 (1) A LIMITED GUARDIANSHIP PLACEMENT PLAN

18 (11) A COURT-STRUCTURED PLAN UNDER SUBSECTION (3) (B) (11) (B)  
19 OR SECTION 9324C(4) (B) (11)

20 (B) WHETHER THE GUARDIAN HAS ADEQUATELY PROVIDED FOR THE  
21 WELFARE OF THE MINOR

22 (C) THE NECESSITY OF CONTINUING THE GUARDIANSHIP

23 (D) THE WILLINGNESS AND ABILITY OF THE GUARDIAN TO CONTINUE  
24 TO PROVIDE FOR THE WELFARE OF THE MINOR

25 (E) THE EFFECT UPON THE WELFARE OF THE MINOR IF THE GUARD-  
26 IANSHIP IS CONTINUED

1 (F) ANY OTHER FACTOR THAT THE COURT CONSIDERS RELEVANT TO  
2 THE WELFARE OF THE MINOR

3 (2) THE COURT MAY ORDER THE DEPARTMENT OF SOCIAL SERVICES OR  
4 AN EMPLOYEE OR AGENT OF THE COURT TO CONDUCT AN INVESTIGATION AND  
5 FILE A WRITTEN REPORT OF THE INVESTIGATION REGARDING FACTORS  
6 DESCRIBED IN SUBSECTION (1)

7 (3) UPON COMPLETION OF A REVIEW OF A GUARDIANSHIP, THE COURT  
8 MAY DO EITHER OF THE FOLLOWING

9 (A) CONTINUE THE GUARDIANSHIP

10 (B) SCHEDULE AND CONDUCT A HEARING ON THE STATUS OF THE  
11 GUARDIANSHIP AND DO ANY OF THE FOLLOWING

12 (1) IF THE GUARDIANSHIP IS A LIMITED GUARDIANSHIP, DO EITHER  
13 OF THE FOLLOWING

14 (A) CONTINUE THE LIMITED GUARDIANSHIP

15 (B) ORDER THE PARTIES TO MODIFY THE LIMITED GUARDIANSHIP  
16 PLACEMENT PLAN AS A CONDITION TO CONTINUING THE LIMITED  
17 GUARDIANSHIP

18 (11) IF THE GUARDIANSHIP WAS ESTABLISHED UNDER SECTION 424,  
19 DO EITHER OF THE FOLLOWING

20 (A) CONTINUE THE GUARDIANSHIP

21 (B) ORDER THE PARTIES TO FOLLOW A COURT-STRUCTURED PLAN  
22 DESIGNED TO RESOLVE THE CONDITIONS IDENTIFIED AT THE REVIEW  
23 HEARING

24 (111) TAKE ANY OF THE ACTIONS DESCRIBED IN SECTION 9324(4)

25 SEC 9324C (1) THE PARENT OR PARENTS OF A MINOR MAY PETI-  
26 TION THE COURT TO TERMINATE A GUARDIANSHIP FOR THE MINOR, AS  
27 FOLLOWS

1 (A) IF THE GUARDIANSHIP IS A LIMITED GUARDIANSHIP, THE  
2 PARENTS OR THE SOLE PARENT WITH A RIGHT TO CUSTODY OF THE MINOR

3 (B) IF THE GUARDIANSHIP WAS ESTABLISHED UNDER SECTION 9324,  
4 THE PARENT OR PARENTS OF THE MINOR

5 (2) IF A PETITION HAS BEEN FILED TO TERMINATE A GUARDIANSHIP  
6 PURSUANT TO THIS SECTION, THE COURT MAY DO 1 OR MORE OF THE  
7 FOLLOWING

8 (A) ORDER THE DEPARTMENT OF SOCIAL SERVICES OR AN EMPLOYEE  
9 OR AGENT OF THE COURT TO CONDUCT AN INVESTIGATION AND FILE A  
10 WRITTEN REPORT OF THE INVESTIGATION REGARDING THE BEST INTERESTS  
11 OF THE MINOR OR GIVE TESTIMONY CONCERNING THE INVESTIGATION

12 (B) UTILIZE THE COMMUNITY RESOURCES IN BEHAVIORAL SCIENCES  
13 AND OTHER PROFESSIONS IN THE INVESTIGATION AND STUDY OF THE BEST  
14 INTERESTS OF THE MINOR AND CONSIDER THEIR RECOMMENDATIONS FOR THE  
15 DISPOSITION OF THE PETITION

16 (C) APPOINT A GUARDIAN AD LITEM OR ATTORNEY TO REPRESENT THE  
17 MINOR

18 (D) TAKE ANY OTHER ACTION CONSIDERED NECESSARY IN A PARTICU-  
19 LAR CASE

20 (3) AFTER NOTICE AND HEARING ON A PETITION TO TERMINATE A  
21 LIMITED GUARDIANSHIP, THE COURT SHALL TERMINATE THE LIMITED  
22 GUARDIANSHIP IF IT DETERMINES THAT THE PARENT OR PARENTS OF THE  
23 MINOR HAVE SUBSTANTIALLY COMPLIED WITH THE LIMITED GUARDIANSHIP  
24 PLACEMENT PLAN THE COURT MAY ENTER ORDERS TO FACILITATE THE  
25 REINTEGRATION OF THE MINOR INTO THE HOME OF THE PARENT OR PARENTS  
26 FOR A PERIOD OF UP TO 6 MONTHS PRIOR TO THE TERMINATION

1 (4) FOR ALL PETITIONS TO TERMINATE A GUARDIANSHIP IN WHICH  
2 SUBSECTION (3) DOES NOT APPLY, THE COURT, AFTER NOTICE AND  
3 HEARING, MAY DO ANY OF THE FOLLOWING

4 (A) TERMINATE THE GUARDIANSHIP IF THE COURT DETERMINES THAT  
5 IT IS IN THE BEST INTERESTS OF THE MINOR, AND MAY DO ANY OF THE  
6 FOLLOWING

7 (1) ENTER ORDERS TO FACILITATE THE REINTEGRATION OF THE  
8 MINOR INTO THE HOME OF THE PARENT FOR A PERIOD OF UP TO 6 MONTHS  
9 PRIOR TO THE TERMINATION

10 (11) ORDER THE DEPARTMENT OF SOCIAL SERVICES TO SUPERVISE  
11 THE TRANSITION PERIOD WHEN THE MINOR IS BEING REINTEGRATED INTO  
12 THE HOME OF HIS OR HER PARENT

13 (111) ORDER THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE  
14 SERVICES TO FACILITATE THE REINTEGRATION OF THE MINOR INTO THE  
15 HOME OF HIS OR HER PARENT

16 (B) CONTINUE THE GUARDIANSHIP FOR NOT MORE THAN 1 YEAR FROM  
17 THE DATE OF THE HEARING IF THE COURT DETERMINES THAT IT IS IN THE  
18 BEST INTERESTS OF THE MINOR, AND DO ANY OF THE FOLLOWING

19 (1) IF THE GUARDIANSHIP IS A LIMITED GUARDIANSHIP, ORDER THE  
20 PARENT OR PARENTS TO COMPLY WITH 1 OF THE FOLLOWING

21 (A) THE LIMITED GUARDIANSHIP PLACEMENT PLAN

22 (B) A COURT-MODIFIED LIMITED GUARDIANSHIP PLACEMENT PLAN

23 (C) IF THE LIMITED GUARDIANSHIP WAS ESTABLISHED BEFORE  
24 DECEMBER 20, 1990, A COURT-STRUCTURED PLAN THAT ENABLES THE CHILD  
25 TO RETURN TO THE HOME OF HIS OR HER PARENT OR PARENTS

26 (11) IF THE GUARDIANSHIP WAS ORDERED PURSUANT TO SECTION  
27 9324, ORDER THE PARENT OR PARENTS TO FOLLOW A COURT-STRUCTURED

1 PLAN THAT ENABLES THE CHILD TO RETURN TO THE HOME OF HIS OR HER  
2 PARENT OR PARENTS

3 (111) IF A GUARDIANSHIP IS CONTINUED PURSUANT TO SUBPARA-  
4 GRAPH (1) OR (11), SCHEDULE AND CONDUCT A HEARING TO REVIEW THE  
5 GUARDIANSHIP BEFORE THE EXPIRATION OF THE PERIOD OF TIME THAT THE  
6 GUARDIANSHIP IS CONTINUED AND EITHER TERMINATE THE GUARDIANSHIP  
7 OR LIMITED GUARDIANSHIP, OR PROCEED PURSUANT TO SUBDIVISION (C)  
8 OR (D)

9 (C) IF THE MINOR HAS RESIDED WITH THE GUARDIAN OR LIMITED  
10 GUARDIAN FOR NOT LESS THAN 1 YEAR AND IF THE COURT FINDS THAT THE  
11 PARENT OR PARENTS OF THE MINOR HAVE FAILED TO PROVIDE THE MINOR  
12 WITH PARENTAL CARE, LOVE, GUIDANCE, AND ATTENTION APPROPRIATE TO  
13 THE CHILD'S AGE AND INDIVIDUAL NEEDS RESULTING IN A SUBSTANTIAL  
14 DISRUPTION OF THE PARENT-CHILD RELATIONSHIP, CONTINUE THE GUARD-  
15 IANSHIP IF IT IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE  
16 THAT THE CONTINUATION WOULD SERVE THE BEST INTERESTS OF THE  
17 MINOR

18 (D) APPOINT AN ATTORNEY TO REPRESENT THE MINOR OR REFER THE  
19 MATTER TO THE DEPARTMENT OF SOCIAL SERVICES THE ATTORNEY OR THE  
20 DEPARTMENT OF SOCIAL SERVICES MAY FILE A COMPLAINT ON BEHALF OF  
21 THE MINOR REQUESTING THE JUVENILE DIVISION OF THE PROBATE COURT  
22 TO TAKE JURISDICTION OF THE MINOR UNDER SECTION 9603(2)

23 (5) AS USED IN THIS SECTION, "BEST INTERESTS OF THE MINOR"  
24 MEANS THE SUM TOTAL OF THE FOLLOWING FACTORS TO BE CONSIDERED,  
25 EVALUATED, AND DETERMINED BY THE COURT

26 (A) THE LOVE, AFFECTION, AND OTHER EMOTIONAL TIES EXISTING  
27 BETWEEN THE PARTIES INVOLVED AND THE CHILD

1 (B) THE CAPACITY AND DISPOSITION OF THE PARTIES INVOLVED TO  
2 GVE THE CHILD LOVE, AFFECTION, AND GUIDANCE AND CONTINUATION OF  
3 THE EDUCATING AND RAISING OF THE CHILD IN ITS RELIGION OR CREED,  
4 IF ANY

5 (C) THE CAPACITY AND DISPOSITION OF THE PARTIES INVOLVED TO  
6 PROVIDE THE CHILD WITH FOOD, CLOTHING, MEDICAL CARE OR OTHER  
7 REMEDIAL CARE RECOGNIZED AND PERMITTED UNDER THE LAWS OF THIS  
8 STATE IN PLACE OF MEDICAL CARE, AND OTHER MATERIAL NEEDS

9 (D) THE LENGTH OF TIME THE CHILD HAS LIVED IN A STABLE, SAT-  
10 ISFACTORY ENVIRONMENT, AND THE DESIRABILITY OF MAINTAINING  
11 CONTINUITY

12 (E) THE PERMANENCE, AS A FAMILY UNIT, OF THE EXISTING OR  
13 PROPOSED CUSTODIAL HOME

14 (F) THE MORAL FITNESS OF THE PARTIES INVOLVED

15 (G) THE MENTAL AND PHYSICAL HEALTH OF THE PARTIES INVOLVED

16 (H) THE HOME, SCHOOL, AND COMMUNITY RECORD OF THE CHILD

17 (I) THE REASONABLE PREFERENCE OF THE CHILD, IF THE COURT  
18 CONSIDERS THE CHILD TO BE OF SUFFICIENT AGE TO EXPRESS  
19 PREFERENCE

20 (J) THE WILLINGNESS AND ABILITY OF THE GUARDIAN TO FACILI-  
21 TATE AND ENCOURAGE A CLOSE AND CONTINUING PARENT-CHILD RELATION-  
22 SHIP BETWEEN THE CHILD AND HIS OR HER PARENT OR PARENTS

23 (K) ANY OTHER FACTOR CONSIDERED BY THE COURT TO BE RELEVANT  
24 TO A PARTICULAR DISPUTE REGARDING TERMINATION OF A GUARDIANSHIP,  
25 REMOVAL OF A GUARDIAN, OR VISITATION

26 (6) THIS SECTION APPLIES TO ALL GUARDIANSHIPS ESTABLISHED  
27 BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SECTION

1        SEC 9324D    UPON RECEIPT OF A COPY OF A JUDGMENT OR AN  
2 ORDER OF DISPOSITION IN A CHILD CUSTODY ACTION REGARDING A MINOR  
3 THAT IS SENT TO THE COURT PURSUANT TO SECTION 6B(4) OF THE CHILD  
4 CUSTODY ACT OF 1970, ACT NO 91 OF THE PUBLIC ACTS OF 1970, BEING  
5 SECTION 722 26B OF THE MICHIGAN COMPILED LAWS, THE COURT SHALL  
6 TERMINATE THE GUARDIANSHIP OR LIMITED GUARDIANSHIP FOR THAT  
7 MINOR

8        SEC 9325    THE VENUE FOR GUARDIANSHIP PROCEEDINGS FOR A  
9 MINOR IS IN THE PLACE WHERE THE MINOR RESIDES OR IS PRESENT

10       SEC 9326    THE COURT MAY APPOINT AS GUARDIAN A PERSON WHOSE  
11 APPOINTMENT WOULD SERVE THE WELFARE OF THE MINOR    THE COURT  
12 SHALL APPOINT A PERSON NOMINATED BY THE MINOR, IF THE MINOR IS 14  
13 YEARS OF AGE OR OLDER, UNLESS THE COURT FINDS THE APPOINTMENT  
14 CONTRARY TO THE WELFARE OF THE MINOR

15       SEC 9327    (1) NOTICE OF THE TIME AND PLACE OF HEARING OF A  
16 PETITION FOR THE APPOINTMENT OF A GUARDIAN OF A MINOR SHALL BE  
17 GIVEN BY THE PETITIONER TO EACH OF THE FOLLOWING

18       (A) THE MINOR, IF 14 YEARS OF AGE OR OLDER

19       (B) THE PERSON WHO HAD THE PRINCIPAL CARE AND CUSTODY OF THE  
20 MINOR DURING THE 60 DAYS PRECEDING THE DATE OF THE PETITION

21       (C) EACH LIVING PARENT OF THE MINOR OR, IF NEITHER OF THEM  
22 IS LIVING, THE ADULT NEAREST OF KIN TO THE MINOR

23       (2) UPON HEARING, IF THE COURT FINDS THAT A QUALIFIED PERSON  
24 SEEKS APPOINTMENT, VENUE IS PROPER, THE REQUIRED NOTICES HAVE  
25 BEEN GIVEN, THE REQUIREMENTS OF SECTION 9324 OR 9324A ARE SATIS-  
26 FIED, AND THE WELFARE OF THE MINOR WILL BE SERVED BY THE  
27 REQUESTED APPOINTMENT, IT SHALL MAKE THE APPOINTMENT    IN OTHER



1 CASES THE COURT MAY DISMISS THE PROCEEDINGS OR MAKE ANY OTHER  
2 DISPOSITION OF THE MATTER THAT WILL SERVE THE WELFARE OF THE  
3 MINOR

4 (3) IF NECESSARY, THE COURT MAY APPOINT A TEMPORARY GUARDIAN  
5 WITH THE STATUS OF AN ORDINARY GUARDIAN OF A MINOR, BUT THE  
6 AUTHORITY OF A TEMPORARY GUARDIAN SHALL NOT EXCEED 6 MONTHS

7 (4) IF, AT ANY TIME IN THE PROCEEDING, THE COURT DETERMINES  
8 THAT THE INTERESTS OF THE MINOR ARE OR MAY BE INADEQUATELY REPRESENTED,  
9 THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE MINOR,  
10 GIVING CONSIDERATION TO THE PREFERENCE OF THE MINOR IF THE MINOR  
11 IS 14 YEARS OF AGE OR OLDER

12 SEC 9328 BY ACCEPTING A TESTAMENTARY OR COURT APPOINTMENT  
13 AS GUARDIAN, A GUARDIAN SUBMITS PERSONALLY TO THE JURISDICTION OF  
14 THE COURT IN ANY PROCEEDING RELATING TO THE GUARDIANSHIP THAT MAY  
15 BE INSTITUTED BY AN INTERESTED PERSON NOTICE OF A PROCEEDING  
16 SHALL BE DELIVERED TO THE GUARDIAN, OR MAILED TO THE GUARDIAN BY  
17 FIRST CLASS MAIL AT THE GUARDIAN'S ADDRESS AS LISTED IN THE COURT  
18 RECORDS AND TO THE GUARDIAN'S ADDRESS AS THEN KNOWN TO THE  
19 PETITIONER A LETTER OF GUARDIANSHIP SHALL INDICATE WHETHER THE  
20 GUARDIAN WAS APPOINTED BY WILL OR BY COURT ORDER

21 SEC 9329 (1) A GUARDIAN OF A MINOR HAS THE POWERS AND  
22 RESPONSIBILITIES OF A PARENT WHO IS NOT DEPRIVED OF CUSTODY OF  
23 THE PARENT'S MINOR AND UNEMANCIPATED CHILD, EXCEPT THAT A GUARD-  
24 IAN IS NOT LEGALLY OBLIGATED TO PROVIDE FROM THE GUARDIAN'S OWN  
25 FUNDS FOR THE WARD AND IS NOT LIABLE TO THIRD PERSONS BY REASON  
26 OF THE PARENTAL RELATIONSHIP FOR ACTS OF THE WARD A GUARDIAN  
27 HAS THE FOLLOWING POWERS AND DUTIES

1 (A) THE GUARDIAN SHALL TAKE REASONABLE CARE OF A WARD'S  
2 PERSONAL EFFECTS AND COMMENCE PROTECTIVE PROCEEDINGS IF NECESSARY  
3 TO PROTECT OTHER PROPERTY OF THE WARD

4 (B) THE GUARDIAN MAY RECEIVE MONEY PAYABLE FOR THE SUPPORT  
5 OF THE WARD TO THE WARD'S PARENT, GUARDIAN, OR CUSTODIAN UNDER  
6 THE TERMS OF ANY STATUTORY BENEFIT OR INSURANCE SYSTEM, OR ANY  
7 PRIVATE CONTRACT, DEVISE, TRUST, CONSERVATORSHIP, OR  
8 CUSTODIANSHIP THE GUARDIAN MAY RECEIVE MONEY OR PROPERTY OF THE  
9 WARD PAID OR DELIVERED PURSUANT TO SECTION 9303 A SUM SO  
10 RECEIVED SHALL BE APPLIED TO THE WARD'S CURRENT NEEDS FOR SUP-  
11 PORT, CARE, AND EDUCATION THE GUARDIAN SHALL EXERCISE DUE CARE  
12 TO CONSERVE ANY EXCESS FOR THE WARD'S FUTURE NEEDS UNLESS A CON-  
13 SERVATOR IS APPOINTED FOR THE ESTATE OF THE WARD, IN WHICH CASE  
14 EXCESS SHALL BE PAID OVER AT LEAST ANNUALLY TO THE CONSERVATOR  
15 A SUM SO RECEIVED BY THE GUARDIAN IS NOT TO BE USED FOR COMPENSA-  
16 TION FOR THE GUARDIAN'S SERVICES EXCEPT AS APPROVED BY ORDER OF  
17 THE COURT OR AS DETERMINED BY A DULY APPOINTED CONSERVATOR OTHER  
18 THAN THE GUARDIAN A GUARDIAN MAY INSTITUTE PROCEEDINGS TO  
19 COMPEL THE PERFORMANCE BY A PERSON OF A DUTY TO SUPPORT THE WARD  
20 OR TO PAY SUMS FOR THE WELFARE OF THE WARD

21 (C) THE GUARDIAN SHALL FACILITATE THE WARD'S EDUCATION AND  
22 SOCIAL OR OTHER ACTIVITIES, AND SHALL AUTHORIZE MEDICAL OR OTHER  
23 PROFESSIONAL CARE, TREATMENT, OR ADVICE A GUARDIAN IS NOT  
24 LIABLE BY REASON OF THIS CONSENT FOR INJURY TO THE WARD RESULTING  
25 FROM THE NEGLIGENCE OR ACTS OF THIRD PERSONS UNLESS IT WOULD BE  
26 ILLEGAL FOR A PARENT TO HAVE CONSENTED A GUARDIAN MAY CONSENT  
27 TO THE MARRIAGE OF A MINOR WARD SUBJECT TO THE CONDITIONS AND

1 RESTRICTIONS OF CHAPTER 94, A GUARDIAN MAY CONSENT TO THE  
2 ADOPTION OF A MINOR WARD OR RELEASE A MINOR WARD FOR ADOPTION

3 (D) A GUARDIAN SHALL REPORT THE CONDITION OF THE WARD AND OF  
4 THE WARD'S ESTATE WHICH IS SUBJECT TO THE GUARDIAN'S POSSESSION  
5 OR CONTROL, AS ORDERED BY COURT ON PETITION OF ANY PERSON INTER-  
6 ESTED IN THE MINOR'S WELFARE OR AS REQUIRED BY COURT RULE THE  
7 REPORT SHALL DETAIL THE CONDITION OF THE WARD, ANY MEDICAL OR  
8 SANITARY TREATMENT OR CARE TO WHICH THE WARD WAS SUBJECTED, AND  
9 WHAT REASON, IF ANY, EXISTS FOR THE CONTINUATION OF THE  
10 GUARDIANSHIP

11 (2) IF A MINOR DIES WHILE UNDER GUARDIANSHIP, AND A CONSER-  
12 VATOR HAS NOT BEEN APPOINTED FOR THE ESTATE OF THE MINOR, AND IF  
13 THE GUARDIAN HAS POSSESSION OF ANY MONEY OF THE DECEASED MINOR,  
14 THE COURT MAY, UPON PETITION OF THE GUARDIAN AND WITH OR WITHOUT  
15 NOTICE, HEAR A CLAIM FOR BURIAL EXPENSES OR ANY OTHER CLAIM AS  
16 THE COURT CONSIDERS ADVISABLE UPON HEARING THE CLAIM, THE COURT  
17 MAY ENTER AN ORDER ALLOWING OR DISALLOWING THE CLAIM OR ANY PART  
18 OF IT AND PROVIDE IN THE ORDER OF ALLOWANCE THAT THE CLAIM OR ANY  
19 PART OF IT BE PAID IMMEDIATELY IF THE PAYMENT CAN BE MADE WITHOUT  
20 INJURY OR SERIOUS INCONVENIENCE TO THE MINOR'S ESTATE

21 SEC 9333 A GUARDIAN'S AUTHORITY AND RESPONSIBILITY TERMI-  
22 NATES UPON THE DEATH, RESIGNATION, OR REMOVAL OF THE GUARDIAN OR  
23 UPON THE MINOR'S DEATH, ADOPTION, MARRIAGE, OR ATTAINMENT OF  
24 MAJORITY TERMINATION DOES NOT AFFECT THE GUARDIAN'S LIABILITY  
25 FOR PRIOR ACTS NOR THE GUARDIAN'S OBLIGATION TO ACCOUNT FOR FUNDS  
26 AND ASSETS OF A WARD RESIGNATION OF A GUARDIAN DOES NOT  
27 TERMINATE THE GUARDIANSHIP UNTIL IT IS APPROVED BY THE COURT A

1 TESTAMENTARY APPOINTMENT OF A GUARDIAN UNDER AN INFORMALLY  
2 PROBATED WILL TERMINATES IF THE WILL IS LATER DENIED PROBATE IN A  
3 FORMAL PROCEEDING

4 SEC 9335 (1) THE COURT IN THE COUNTY WHERE THE WARD  
5 RESIDES HAS CONCURRENT JURISDICTION WITH THE COURT WHICH  
6 APPOINTED THE GUARDIAN OR IN WHICH ACCEPTANCE OF A TESTAMENTARY  
7 APPOINTMENT WAS FILED OVER RESIGNATION, REMOVAL, ACCOUNTING, AND  
8 OTHER PROCEEDINGS RELATING TO THE GUARDIANSHIP

9 (2) IF THE COURT IN THE COUNTY WHERE THE WARD RESIDES IS NOT  
10 THE COURT IN WHICH ACCEPTANCE OF APPOINTMENT IS FILED, THE COURT  
11 IN WHICH PROCEEDINGS SUBSEQUENT TO APPOINTMENT ARE COMMENCED, IN  
12 ALL APPROPRIATE CASES, SHALL NOTIFY THE OTHER COURT, IN THIS OR  
13 ANOTHER STATE, AND AFTER CONSULTATION WITH THAT COURT, SHALL  
14 DETERMINE WHETHER TO RETAIN JURISDICTION OR TRANSFER THE PROCEED-  
15 INGS TO THE OTHER COURT, WHICHEVER WILL SERVE THE WELFARE OF THE  
16 WARD AFTER THIS DETERMINATION HAS BEEN MADE, THE COURT ACCEPT-  
17 ING A RESIGNATION OR REMOVING A GUARDIAN SHALL DIRECT THIS FIDU-  
18 CIARY TO PREPARE AND SUBMIT A FINAL REPORT TO BOTH COURTS A  
19 COPY OF AN ORDER ACCEPTING A RESIGNATION OR REMOVING A GUARDIAN  
20 AND A COPY OF THE FINAL REPORT SHALL BE SENT TO THE COURT IN  
21 WHICH ACCEPTANCE OF APPOINTMENT IS FILED THE COURT ENTERING  
22 THIS ORDER MAY PERMIT CLOSING OF THE GUARDIANSHIP IN THE COURT IN  
23 WHICH ACCEPTANCE OF APPOINTMENT IS FILED, WITHOUT NOTICE TO  
24 INTERESTED PERSONS

25 SEC 9337 (1) A PERSON INTERESTED IN THE WELFARE OF A WARD  
26 OR THE WARD, IF 14 OR MORE YEARS OF AGE, MAY PETITION FOR REMOVAL  
27 OF A GUARDIAN ON THE GROUND THAT REMOVAL WOULD SERVE THE WELFARE

1 OF THE WARD A GUARDIAN MAY PETITION FOR PERMISSION TO RESIGN  
2 A PETITION FOR REMOVAL OR FOR PERMISSION TO RESIGN MAY INCLUDE A  
3 REQUEST FOR APPOINTMENT OF A SUCCESSOR GUARDIAN

4 (2) AFTER NOTICE AND HEARING ON A PETITION FOR REMOVAL OR  
5 FOR PERMISSION TO RESIGN, THE COURT MAY TERMINATE THE GUARDIAN-  
6 SHIP AND MAKE ANY FURTHER ORDER THAT MAY BE APPROPRIATE

7 (3) IF, AT ANY TIME IN THE PROCEEDING, THE COURT DETERMINES  
8 THAT THE INTERESTS OF THE WARD ARE, OR MAY BE, INADEQUATELY REP-  
9 RESENTED, IT MAY APPOINT AN ATTORNEY TO REPRESENT THE MINOR,  
10 GIVING CONSIDERATION TO THE PREFERENCE OF THE MINOR IF THE MINOR  
11 IS 14 OR MORE YEARS OF AGE

12 SEC 9341 (1) IF SERVING AS GUARDIAN, THE PARENT OF A  
13 LEGALLY INCAPACITATED PERSON MAY APPOINT A SUCCESSOR GUARDIAN OF  
14 THE LEGALLY INCAPACITATED PERSON BY WILL A TESTAMENTARY  
15 APPOINTMENT BY A PARENT BECOMES EFFECTIVE WHEN, AFTER HAVING  
16 GIVEN 5 DAYS' PRIOR WRITTEN NOTICE OF THE INTENTION TO DO SO TO  
17 THE LEGALLY INCAPACITATED PERSON AND TO THE PERSON HAVING THE  
18 LEGALLY INCAPACITATED PERSON'S CARE OR TO HIS OR HER NEAREST  
19 ADULT RELATIVE, THE SUCCESSOR GUARDIAN FILES ACCEPTANCE OF  
20 APPOINTMENT IN THE COURT IN WHICH THE WILL IS PROBATED

21 (2) IF SERVING AS GUARDIAN, THE SPOUSE OF A MARRIED LEGALLY  
22 INCAPACITATED PERSON MAY APPOINT A SUCCESSOR GUARDIAN OF THE  
23 INCAPACITATED PERSON BY WILL THE APPOINTMENT BECOMES EFFECTIVE  
24 WHEN, AFTER HAVING GIVEN 5 DAYS' PRIOR WRITTEN NOTICE OF THE  
25 INTENTION TO DO SO TO THE LEGALLY INCAPACITATED PERSON AND TO THE  
26 PERSON HAVING THE PERSON'S CARE OR TO THE PERSON'S NEAREST ADULT

1 RELATIVE, THE SUCCESSOR GUARDIAN FILES ACCEPTANCE OF APPOINTMENT  
2 IN THE COURT IN WHICH THE WILL IS PROBATED

3 (3) THIS STATE SHALL RECOGNIZE A TESTAMENTARY APPOINTMENT  
4 EFFECTED BY FILING ACCEPTANCE UNDER A WILL PROBATED AT THE  
5 TESTATOR'S DOMICILE IN ANOTHER STATE

6 (4) ON THE FILING WITH THE COURT IN WHICH THE WILL WAS PRO-  
7 BATED OF WRITTEN OBJECTION TO THE APPOINTMENT BY THE PERSON FOR  
8 WHOM A TESTAMENTARY APPOINTMENT OF GUARDIAN IS MADE, THE APPOINT-  
9 MENT IS TERMINATED AN OBJECTION SHALL NOT PREVENT APPOINTMENT  
10 BY THE COURT OF THE TESTAMENTARY NOMINEE OR ANY OTHER SUITABLE  
11 PERSON IN PROCEEDINGS UNDER THIS SECTION AND SECTIONS 9342 TO  
12 9357

13 SEC 9342 THE VENUE FOR GUARDIANSHIP PROCEEDINGS FOR A  
14 LEGALLY INCAPACITATED PERSON IS IN THE PLACE WHERE THE LEGALLY  
15 INCAPACITATED PERSON RESIDES OR IS PRESENT IF THE LEGALLY INCA-  
16 PACITATED PERSON IS ADMITTED TO AN INSTITUTION PURSUANT TO THE  
17 ORDER OF A COURT OF COMPETENT JURISDICTION, VENUE IS ALSO IN THE  
18 COUNTY IN WHICH THAT COURT IS LOCATED

19 SEC 9343 (1) A PERSON IN HIS OR HER OWN BEHALF, OR ANY  
20 PERSON INTERESTED IN THE PERSON'S WELFARE, MAY PETITION FOR A  
21 FINDING OF INCAPACITY AND APPOINTMENT OF A GUARDIAN THE PETI-  
22 TION SHALL CONTAIN SPECIFIC FACTS ABOUT THE PERSON'S CONDITION  
23 AND SPECIFIC EXAMPLES OF THE PERSON'S RECENT CONDUCT THAT DEMON-  
24 STRATE THE NEED FOR THE APPOINTMENT OF A GUARDIAN

25 (2) UPON THE FILING OF A PETITION, THE COURT SHALL SET A  
26 DATE FOR HEARING ON THE ISSUES OF INCAPACITY AND UNLESS THE  
27 ALLEGEDLY INCAPACITATED PERSON HAS LEGAL COUNSEL OF HIS OR HER

1 OWN CHOICE, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO  
2 REPRESENT THE PERSON IN THE PROCEEDING

3 (3) IF NECESSARY, THE COURT MAY ORDER THAT A PERSON ALLEGED  
4 TO BE LEGALLY INCAPACITATED BE EXAMINED BY A PHYSICIAN OR MENTAL  
5 HEALTH PROFESSIONAL APPOINTED BY THE COURT WHO SHALL SUBMIT A  
6 REPORT IN WRITING TO THE COURT AT LEAST 5 DAYS BEFORE THE  
7 HEARING A REPORT PREPARED PURSUANT TO THIS SUBSECTION SHALL NOT  
8 BE MADE A PART OF THE PUBLIC RECORD OF THE PROCEEDING, BUT SHALL  
9 BE AVAILABLE TO THE COURT OR AN APPELLATE COURT TO WHICH THE PRO-  
10 CEEDINGS ARE SUBJECT TO REVIEW, TO THE ALLEGED LEGALLY INCAPACI-  
11 TATED PERSON, THE PETITIONER, THEIR LEGAL COUNSELS, AND TO OTHER  
12 PERSONS AS THE COURT DIRECTS, AND MAY BE USED PURSUANT TO THE  
13 MICHIGAN RULES OF EVIDENCE

14 (4) THE ALLEGED LEGALLY INCAPACITATED PERSON HAS THE RIGHT,  
15 AT HIS OR HER OWN EXPENSE, OR IF INDIGENT, AT THE EXPENSE OF THE  
16 STATE, TO SECURE AN INDEPENDENT EVALUATION COMPENSATION FOR AN  
17 INDEPENDENT EVALUATION AT PUBLIC EXPENSE SHALL BE IN AN AMOUNT  
18 THAT, BASED UPON TIME AND EXPENSE, THE COURT APPROVES AS  
19 REASONABLE

20 (5) A REPORT PREPARED PURSUANT TO THIS SECTION SHALL CONTAIN  
21 ALL OF THE FOLLOWING

22 (A) A DETAILED DESCRIPTION OF THE PHYSICAL OR PSYCHOLOGICAL  
23 INFIRMITIES OF THE PERSON

24 (B) AN EXPLANATION OF HOW AND TO WHAT EXTENT ANY INFIRMITIES  
25 INTERFERE WITH THE ABILITY OF THE PERSON TO RECEIVE OR EVALUATE  
26 INFORMATION IN MAKING DECISIONS

1 (C) A LISTING OF ALL MEDICATIONS THE PERSON IS RECEIVING,  
2 THE DOSAGE OF THE MEDICATIONS, AND A DESCRIPTION OF THE EFFECTS  
3 EACH MEDICATION HAS UPON THE PERSON'S BEHAVIOR

4 (D) A PROGNOSIS FOR IMPROVEMENT IN THE PERSON'S CONDITION  
5 AND A RECOMMENDATION FOR THE MOST APPROPRIATE REHABILITATION  
6 PLAN

7 (E) THE SIGNATURES OF ALL PERSONS WHO PERFORMED THE EVALU-  
8 ATIONS UPON WHICH THE REPORT IS BASED

9 (6) THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED IS ENTI-  
10 TLED TO BE PRESENT AT THE HEARING IN PERSON AND TO SEE OR HEAR  
11 ALL EVIDENCE BEARING UPON THE PERSON'S CONDITION IF THE PERSON  
12 WISHES TO BE PRESENT AT THE HEARING, ALL PRACTICAL STEPS SHALL BE  
13 TAKEN TO ENSURE HIS OR HER PRESENCE, INCLUDING, IF NECESSARY,  
14 MOVING THE SITE OF THE HEARING

15 (7) THE PERSON IS ENTITLED TO BE REPRESENTED BY LEGAL COUN-  
16 SEL, TO PRESENT EVIDENCE, TO CROSS-EXAMINE WITNESSES, INCLUDING  
17 THE COURT-APPOINTED PHYSICIAN OR MENTAL HEALTH PROFESSIONAL AND  
18 THE VISITOR, AND TO TRIAL BY JURY

19 (8) THE ISSUE MAY BE DETERMINED AT A CLOSED HEARING WITHOUT  
20 A JURY IF REQUESTED BY THE PERSON ALLEGED TO BE LEGALLY INCAPACI-  
21 TATED OR THAT PERSON'S LEGAL COUNSEL

22 SEC 9343A (1) THE DUTIES OF A GUARDIAN AD LITEM SHALL  
23 INCLUDE ALL OF THE FOLLOWING

24 (A) PERSONALLY VISITING THE PERSON ALLEGED TO BE LEGALLY  
25 INCAPACITATED



1 (B) EXPLAINING TO THE PERSON ALLEGED TO BE LEGALLY  
2 INCAPACITATED THE NATURE, PURPOSE, AND LEGAL EFFECTS OF THE  
3 APPOINTMENT OF A GUARDIAN

4 (C) EXPLAINING TO THE PERSON ALLEGED TO BE LEGALLY INCAPACI-  
5 TATED THE HEARING PROCEDURE AND THE PERSON'S RIGHTS IN THE HEAR-  
6 ING PROCEDURE, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO CON-  
7 TEST THE PETITION, TO REQUEST LIMITS ON THE GUARDIAN'S POWERS, TO  
8 OBJECT TO A PARTICULAR PERSON BEING APPOINTED GUARDIAN, TO BE  
9 PRESENT AT THE HEARING, TO BE REPRESENTED BY LEGAL COUNSEL, AND  
10 THAT LEGAL COUNSEL WILL BE APPOINTED FOR THE PERSON IF HE OR SHE  
11 IS UNABLE TO AFFORD LEGAL COUNSEL

12 (D) INFORMING THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
13 OF THE NAME OF ANY PERSON KNOWN TO BE SEEKING APPOINTMENT AS  
14 GUARDIAN

15 (E) MAKING DETERMINATIONS, AND INFORMING THE COURT OF THOSE  
16 DETERMINATIONS, ON ALL OF THE FOLLOWING

17 (1) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
18 WISHES TO BE PRESENT AT THE HEARING

19 (11) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
20 WISHES TO CONTEST THE PETITION

21 (111) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
22 WISHES LIMITS PLACED ON THE GUARDIAN'S POWERS

23 (1v) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
24 OBJECTS TO A PARTICULAR PERSON BEING APPOINTED GUARDIAN

25 (2) IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED WISHES  
26 TO CONTEST THE PETITION, TO HAVE LIMITS PLACED ON THE GUARDIAN'S  
27 POWERS, OR TO OBJECT TO A PARTICULAR PERSON BEING APPOINTED

1 GUARDIAN, THE COURT SHALL APPOINT LEGAL COUNSEL, IF LEGAL COUNSEL  
2 HAS NOT BEEN SECURED, TO REPRESENT THE PERSON ALLEGED TO BE  
3 LEGALLY INCAPACITATED IF THE PERSON ALLEGED TO BE LEGALLY INCA-  
4 PACITATED IS INDIGENT, THE STATE SHALL BEAR THE EXPENSE OF LEGAL  
5 COUNSEL

6 (3) IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
7 REQUESTS LEGAL COUNSEL, OR IF THE GUARDIAN AD LITEM DETERMINES IT  
8 IS IN THE BEST INTEREST OF THE PERSON TO HAVE LEGAL COUNSEL, AND  
9 IF LEGAL COUNSEL HAS NOT BEEN SECURED, THE COURT SHALL APPOINT  
10 LEGAL COUNSEL IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED  
11 IS INDIGENT, THE STATE SHALL BEAR THE EXPENSE OF LEGAL COUNSEL

12 (4) IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED HAS  
13 LEGAL COUNSEL APPOINTED PURSUANT TO SUBSECTION (2) OR (3), THE  
14 APPOINTMENT OF A GUARDIAN AD LITEM SHALL TERMINATE

15 SEC 9344 (1) THE COURT MAY APPOINT A GUARDIAN IF IT IS  
16 SATISFIED BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON FOR  
17 WHOM A GUARDIAN IS SOUGHT IS A LEGALLY INCAPACITATED PERSON, AND  
18 THAT THE APPOINTMENT IS NECESSARY AS A MEANS OF PROVIDING CON-  
19 TINUING CARE AND SUPERVISION OF THE PERSON OF THE LEGALLY INCA-  
20 PACITATED PERSON ALTERNATELY, THE COURT MAY DISMISS THE PRO-  
21 CEEDING, OR MAY ENTER ANY OTHER APPROPRIATE ORDER

22 (2) A GUARDIAN SHALL BE GRANTED ONLY THOSE POWERS AND ONLY  
23 FOR THAT PERIOD OF TIME AS IS NECESSARY TO PROVIDE FOR THE DEMON-  
24 STRATED NEED OF THE LEGALLY INCAPACITATED PERSON, AND THE GUARD-  
25 IANSHIP SHALL BE DESIGNED TO ENCOURAGE THE DEVELOPMENT OF MAXIMUM  
26 SELF-RELIANCE AND INDEPENDENCE IN THE PERSON A COURT ORDER

1 ESTABLISHING A GUARDIANSHIP SHALL SPECIFY ANY LIMITATIONS ON THE  
2 GUARDIAN'S POWERS AND ANY TIME LIMITS ON THE GUARDIANSHIP

3 (3) IF IT IS FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE  
4 PERSON IS LEGALLY INCAPACITATED AND LACKS THE CAPACITY TO DO  
5 SOME, BUT NOT ALL, OF THE TASKS NECESSARY TO CARE FOR HIMSELF OR  
6 HERSELF, THE COURT MAY APPOINT A LIMITED GUARDIAN TO PROVIDE  
7 GUARDIANSHIP SERVICES TO THE PERSON, BUT THE COURT SHALL NOT  
8 APPOINT A FULL GUARDIAN

9 (4) IF IT IS FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE  
10 PERSON IS LEGALLY INCAPACITATED AND IS TOTALLY WITHOUT CAPACITY  
11 TO CARE FOR HIMSELF OR HERSELF, THE COURT SHALL SPECIFY THAT  
12 FINDING OF FACT IN ANY ORDER AND MAY APPOINT A FULL GUARDIAN

13 SEC 9345 BY ACCEPTING APPOINTMENT, A GUARDIAN PERSONALLY  
14 SUBMITS TO THE JURISDICTION OF THE COURT IN A PROCEEDING RELATING  
15 TO THE GUARDIANSHIP THAT MAY BE INSTITUTED BY AN INTERESTED  
16 PERSON NOTICE OF A PROCEEDING SHALL BE DELIVERED TO THE GUARD-  
17 IAN OR MAILED TO THE GUARDIAN BY FIRST CLASS MAIL AT THE  
18 GUARDIAN'S ADDRESS AS LISTED IN THE COURT RECORDS AND TO HIS OR  
19 HER ADDRESS AS THEN KNOWN TO THE PETITIONER

20 SEC 9346 THE AUTHORITY AND RESPONSIBILITY OF A GUARDIAN  
21 FOR A LEGALLY INCAPACITATED PERSON TERMINATES UPON THE DEATH OF  
22 THE GUARDIAN OR WARD, THE DETERMINATION OF INCAPACITY OF THE  
23 GUARDIAN, OR UPON REMOVAL OR RESIGNATION AS PROVIDED IN

24 SECTION 9347 TESTAMENTARY APPOINTMENT UNDER A WILL PROBATED  
25 PURSUANT TO ARTICLE 3 OF THE REVISED PROBATE CODE, ACT NO 642 OF  
26 THE PUBLIC ACTS OF 1978, BEING SECTIONS 700 301 TO 700 362 OF THE

1 MICHIGAN COMPILED LAWS, TERMINATES IF THE WILL IS LATER DENIED  
2 PROBATE UNDER A SUPERVISED PROBATE PROCEEDING

3 SEC 9346A THE COURT SHALL REVIEW A GUARDIANSHIP NOT LATER  
4 THAN 1 YEAR AFTER THE APPOINTMENT OF THE GUARDIAN AND NOT LATER  
5 THAN EVERY 3 YEARS THEREAFTER

6 SEC 9347 (1) ON PETITION OF THE GUARDIAN AND SUBJECT TO  
7 THE FILING AND APPROVAL OF A REPORT PREPARED PURSUANT TO  
8 SECTION 9355(1)(E), THE COURT SHALL ACCEPT THE GUARDIAN'S RESIG-  
9 NATION AND MAKE ANY OTHER ORDER WHICH MAY BE APPROPRIATE

10 (2) THE WARD OR A PERSON INTERESTED IN THE WARD'S WELFARE  
11 MAY PETITION FOR AN ORDER REMOVING THE GUARDIAN, APPOINTING A  
12 SUCCESSOR GUARDIAN, MODIFYING THE TERMS OF THE GUARDIANSHIP, OR  
13 TERMINATING THE GUARDIANSHIP A REQUEST FOR AN ORDER UNDER THIS  
14 SUBSECTION MAY BE MADE BY INFORMAL LETTER TO THE COURT OR JUDGE  
15 A PERSON WHO KNOWINGLY INTERFERES WITH TRANSMISSION OF A REQUEST  
16 TO THE COURT OR JUDGE FOR AN ORDER UNDER THIS SUBSECTION IS  
17 SUBJECT TO A FINDING OF CONTEMPT OF COURT EXCEPT AS OTHERWISE  
18 PROVIDED IN THE ORDER FINDING LEGAL INCAPACITY, UPON RECEIVING A  
19 PETITION OR REQUEST, THE COURT SHALL SET A DATE FOR A HEARING TO  
20 BE HELD WITHIN 28 DAYS AFTER THE RECEIPT OF THE PETITION OR  
21 REQUEST AN ORDER FINDING LEGAL INCAPACITY MAY SPECIFY A MINIMUM  
22 PERIOD, NOT EXCEEDING 180 DAYS, DURING WHICH A PETITION OR  
23 REQUEST FOR A FINDING THAT A WARD IS NO LONGER LEGALLY INCAPACI-  
24 TATED OR AN ORDER REMOVING THE GUARDIAN, MODIFYING THE TERMS OF  
25 THE GUARDIANSHIP, OR TERMINATING THE GUARDIANSHIP, MAY NOT BE  
26 FILED WITHOUT SPECIAL LEAVE OF THE COURT

1 (3) BEFORE REMOVING A GUARDIAN, APPOINTING A SUCCESSOR  
2 GUARDIAN, MODIFYING THE TERMS OF THE GUARDIANSHIP, OR TERMINATING  
3 A GUARDIANSHIP, THE COURT, FOLLOWING THE SAME PROCEDURES TO SAFE-  
4 GUARD THE RIGHTS OF THE WARD AS APPLY TO A PETITION FOR APPOINT-  
5 MENT OF A GUARDIAN, MAY SEND A VISITOR TO THE RESIDENCE OF THE  
6 PRESENT GUARDIAN AND TO THE PLACE WHERE THE WARD RESIDES OR IS  
7 DETAINED, TO OBSERVE CONDITIONS AND REPORT IN WRITING TO THE  
8 COURT

9 SEC 9349 A VISITOR IS, WITH RESPECT TO GUARDIANSHIP PRO-  
10 CEEDINGS, A PERSON WHO IS TRAINED IN LAW, NURSING, OR SOCIAL  
11 WORK IS AN OFFICER, EMPLOYEE, OR SPECIAL APPOINTEE OF THE COURT  
12 AND HAS NO PERSONAL INTEREST IN THE PROCEEDINGS

13 SEC 9351 (1) IN A PROCEEDING FOR THE APPOINTMENT OR  
14 REMOVAL OF A GUARDIAN OF A LEGALLY INCAPACITATED PERSON OTHER  
15 THAN THE APPOINTMENT OF A TEMPORARY GUARDIAN OR TEMPORARY SUSPEN-  
16 SION OF A GUARDIAN, NOTICE OF HEARING SHALL BE GIVEN TO EACH OF  
17 THE FOLLOWING

18 (A) THE WARD OR THE PERSON ALLEGED TO BE LEGALLY INCAPACI-  
19 TATED AND THAT PERSON'S SPOUSE, PARENTS, AND ADULT CHILDREN

20 (B) A PERSON WHO IS SERVING AS THE GUARDIAN, CONSERVATOR, OR  
21 WHO HAS THE PERSON'S CARE AND CUSTODY

22 (C) IF KNOWN, A PERSON NAMED AS ATTORNEY IN FACT UNDER A  
23 DURABLE POWER OF ATTORNEY

24 (D) IN CASE NO OTHER PERSON IS NOTIFIED UNDER SUBDIVISION

25 (A), AT LEAST 1 OF THE PERSON'S CLOSEST ADULT RELATIVES, IF ANY  
26 CAN BE FOUND

1           (2) NOTICE SHALL BE SERVED PERSONALLY ON THE ALLEGED LEGALLY  
2 INCAPACITATED PERSON   NOTICE TO ALL OTHER PERSONS SHALL BE GIVEN  
3 AS PRESCRIBED BY COURT RULE   WAIVER OF NOTICE BY THE PERSON  
4 ALLEGED TO BE INCAPACITATED IS NOT EFFECTIVE UNLESS THE PERSON  
5 ATTENDS THE HEARING OR A WAIVER OF NOTICE IS CONFIRMED IN AN  
6 INTERVIEW WITH THE VISITOR

7           (3) IN A PROCEEDING FOR THE APPOINTMENT OF A GUARDIAN UNDER  
8 SECTION 9343, A COPY OF THE PETITION SHALL BE ATTACHED TO THE  
9 NOTICE OF HEARING, AND THE NOTICE TO THE ALLEGED INCAPACITATED  
10 PERSON SHALL CONTAIN THE FOLLOWING INFORMATION

11           (A) THE NATURE, PURPOSE, AND LEGAL EFFECTS OF THE APPOINT-  
12 MENT OF A GUARDIAN

13           (B) THE RIGHTS OF THE ALLEGED INCAPACITATED PERSON IN THE  
14 PROCEEDING, INCLUDING THE RIGHT TO APPOINTED LEGAL COUNSEL

15           SEC 9353   (1) IF A PERSON DOES NOT HAVE A GUARDIAN, AN  
16 EMERGENCY EXISTS, AND NO OTHER PERSON APPEARS TO HAVE AUTHORITY  
17 TO ACT IN THE CIRCUMSTANCES, THE COURT SHALL PROVIDE NOTICE TO  
18 THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED AND SHALL HOLD A  
19 HEARING   UPON A SHOWING THAT THE PERSON IS LEGALLY INCAPACI-  
20 TATED, THE COURT MAY EXERCISE THE POWER OF A GUARDIAN, OR APPOINT  
21 A TEMPORARY GUARDIAN WITH ONLY SUCH POWERS AND FOR SUCH PERIOD OF  
22 TIME AS MAY BE ORDERED BY THE COURT   A HEARING WITH NOTICE AS  
23 PROVIDED IN SECTION 9351 SHALL BE HELD WITHIN 28 DAYS AFTER THE  
24 COURT HAS ACTED PURSUANT TO THIS SUBSECTION

25           (2) IF AN APPOINTED GUARDIAN IS NOT EFFECTIVELY PERFORMING  
26 HIS OR HER DUTIES AND THE COURT FURTHER FINDS THAT THE WELFARE OF  
27 THE LEGALLY INCAPACITATED PERSON REQUIRES IMMEDIATE ACTION, IT

1 MAY APPOINT, WITH OR WITHOUT NOTICE, A TEMPORARY GUARDIAN FOR THE  
2 LEGALLY INCAPACITATED PERSON FOR A SPECIFIED PERIOD NOT TO EXCEED  
3 6 MONTHS

4 (3) A TEMPORARY GUARDIAN IS ENTITLED TO THE CARE AND CUSTODY  
5 OF THE WARD AND THE AUTHORITY OF ANY PERMANENT GUARDIAN PREVI-  
6 OUSLY APPOINTED BY THE COURT IS SUSPENDED AS LONG AS A TEMPORARY  
7 GUARDIAN HAS AUTHORITY A TEMPORARY GUARDIAN MAY BE REMOVED AT  
8 ANY TIME A TEMPORARY GUARDIAN SHALL MAKE REPORTS AS REQUIRED BY  
9 THE COURT IN OTHER RESPECTS THE PROVISIONS OF THIS ACT CONCERN-  
10 ING GUARDIANS APPLY TO TEMPORARY GUARDIANS

11 SEC 9354 (1) ANY COMPETENT PERSON MAY BE APPOINTED GUARD-  
12 IAN OF A LEGALLY INCAPACITATED PERSON THE COURT SHALL NOT  
13 APPOINT AS GUARDIAN ANY AGENCY, PUBLIC OR PRIVATE, WHICH FINAN-  
14 CIALY BENEFITS FROM DIRECTLY PROVIDING HOUSING, MEDICAL, OR  
15 SOCIAL SERVICES TO THE LEGALLY INCAPACITATED PERSON

16 (2) IN APPOINTING A GUARDIAN UNDER THIS SECTION, THE COURT  
17 SHALL APPOINT A PERSON, IF SUITABLE AND WILLING TO SERVE, DESIG-  
18 NATED BY THE PERSON WHO IS THE SUBJECT OF THE PETITION IF A  
19 SPECIFIC DESIGNATION IS NOT MADE OR A PERSON DESIGNATED IS NOT  
20 SUITABLE OR WILLING TO SERVE, THE COURT MAY APPOINT AS GUARDIAN A  
21 PERSON NAMED AS ATTORNEY IN FACT THROUGH A DURABLE POWER OF  
22 ATTORNEY

23 (3) IF A PERSON IS NOT DESIGNATED UNDER SUBSECTION (2) OR A  
24 PERSON DESIGNATED UNDER SUBSECTION (2) IS NOT SUITABLE OR WILLING  
25 TO SERVE, THE COURT MAY APPOINT AS A GUARDIAN A PERSON WHO IS  
26 RELATED TO THE SUBJECT OF THE PETITION, IN THE FOLLOWING ORDER OF  
27 PREFERENCE

1 (A) THE SPOUSE OF THE LEGALLY INCAPACITATED PERSON,  
2 INCLUDING A PERSON NOMINATED BY WILL OR OTHER WRITING SIGNED BY A  
3 DECEASED SPOUSE

4 (B) AN ADULT CHILD OF THE LEGALLY INCAPACITATED PERSON

5 (C) A PARENT OF THE LEGALLY INCAPACITATED PERSON, INCLUDING  
6 A PERSON NOMINATED BY WILL OR OTHER WRITING SIGNED BY A DECEASED  
7 PARENT

8 (D) A RELATIVE OF THE LEGALLY INCAPACITATED PERSON WITH WHOM  
9 THE PERSON HAS RESIDED FOR MORE THAN 6 MONTHS BEFORE THE FILING  
10 OF THE PETITION

11 (E) A PERSON NOMINATED BY THE PERSON WHO IS CARING FOR THE  
12 PERSON OR PAYING BENEFITS TO THE PERSON

13 (4) IF NONE OF THE PERSONS LISTED IN SUBSECTION (3) IS SUIT-  
14 ABLE OR WILLING TO SERVE, THE COURT MAY APPOINT ANY COMPETENT  
15 PERSON WHO IS SUITABLE AND WILLING TO SERVE

16 SEC 9355 (1) EXCEPT AS LIMITED UNDER SECTION 9344(3), A  
17 GUARDIAN OF A LEGALLY INCAPACITATED PERSON IS RESPONSIBLE FOR THE  
18 CARE, CUSTODY, AND CONTROL OF THE WARD, BUT IS NOT LIABLE TO  
19 THIRD PERSONS BY REASON OF THAT RESPONSIBILITY FOR ACTS OF THE  
20 WARD IN PARTICULAR, AND WITHOUT QUALIFYING THE FOREGOING, A  
21 GUARDIAN HAS THE FOLLOWING POWERS AND DUTIES, EXCEPT AS MODIFIED  
22 BY ORDER OF THE COURT

23 (A) TO THE EXTENT THAT IT IS CONSISTENT WITH THE TERMS OF AN  
24 ORDER BY A COURT OF COMPETENT JURISDICTION RELATING TO DETENTION  
25 OR COMMITMENT OF THE WARD, THE GUARDIAN IS ENTITLED TO CUSTODY OF  
26 THE PERSON OF HIS OR HER WARD AND MAY ESTABLISH THE WARD'S PLACE  
27 OF RESIDENCE WITHIN OR WITHOUT THIS STATE THE GUARDIAN SHALL



1 NOTIFY THE COURT WITHIN 14 DAYS OF ANY CHANGE IN THE WARD'S PLACE  
2 OF RESIDENCE

3 (B) IF ENTITLED TO CUSTODY OF THE WARD THE GUARDIAN SHALL  
4 MAKE PROVISION FOR THE CARE, COMFORT, AND MAINTENANCE OF THE WARD  
5 AND, WHEN APPROPRIATE, ARRANGE FOR THE WARD'S TRAINING AND  
6 EDUCATION THE GUARDIAN SHALL HAVE THE RESPONSIBILITY OF SECUR-  
7 ING SERVICES TO RESTORE THE WARD TO THE BEST POSSIBLE STATE OF  
8 MENTAL AND PHYSICAL WELL-BEING SO THAT THE WARD CAN RETURN TO  
9 SELF-MANAGEMENT AT THE EARLIEST POSSIBLE TIME WITHOUT REGARD TO  
10 CUSTODIAL RIGHTS OF THE WARD'S PERSON, THE GUARDIAN SHALL TAKE  
11 REASONABLE CARE OF THE WARD'S CLOTHING, FURNITURE, VEHICLES, AND  
12 OTHER PERSONAL EFFECTS AND COMMENCE PROTECTIVE PROCEEDINGS IF  
13 OTHER PROPERTY OF THE WARD IS IN NEED OF PROTECTION

14 (C) A GUARDIAN MAY GIVE ANY CONSENT OR APPROVAL THAT MAY BE  
15 NECESSARY TO ENABLE THE WARD TO RECEIVE MEDICAL OR OTHER PROFES-  
16 SIONAL CARE, COUNSEL, TREATMENT, OR SERVICE

17 (D) IF A CONSERVATOR FOR THE ESTATE OF THE WARD IS NOT  
18 APPOINTED, A GUARDIAN MAY

19 (1) INSTITUTE PROCEEDINGS TO COMPEL A PERSON UNDER A DUTY TO  
20 SUPPORT THE WARD OR TO PAY SUMS FOR THE WELFARE OF THE WARD TO  
21 PERFORM THAT DUTY

22 (11) RECEIVE MONEY AND TANGIBLE PROPERTY DELIVERABLE TO THE  
23 WARD AND APPLY THE MONEY AND PROPERTY FOR SUPPORT, CARE, AND EDU-  
24 CATION OF THE WARD THE GUARDIAN MAY NOT USE FUNDS FROM THE  
25 WARD'S ESTATE FOR ROOM AND BOARD WHICH THE GUARDIAN OR THE  
26 GUARDIAN'S SPOUSE, PARENT, OR CHILD HAVE FURNISHED THE WARD  
27 UNLESS A CHARGE FOR THE SERVICE IS APPROVED BY ORDER OF THE COURT

1 MADE UPON NOTICE TO AT LEAST 1 OF THE NEXT OF KIN OF THE  
2 INCOMPETENT WARD, IF NOTICE IS POSSIBLE THE GUARDIAN SHALL  
3 EXERCISE CARE TO CONSERVE ANY EXCESS FOR THE WARD'S NEEDS

4 (E) TO REPORT THE CONDITION OF THE WARD AND OF THE ESTATE  
5 WHICH IS SUBJECT TO THE GUARDIAN'S POSSESSION OR CONTROL, AS  
6 REQUIRED BY THE COURT, BUT NOT LESS OFTEN THAN ANNUALLY A  
7 REPORT SHALL CONTAIN ALL OF THE FOLLOWING

8 (1) THE WARD'S CURRENT MENTAL, PHYSICAL, AND SOCIAL  
9 CONDITION

10 (11) ANY IMPROVEMENT OR DETERIORATION IN THE WARD'S MENTAL,  
11 PHYSICAL, AND SOCIAL CONDITION THAT HAS OCCURRED DURING THE PAST  
12 YEAR

13 (111) THE WARD'S PRESENT LIVING ARRANGEMENT AND ANY CHANGES  
14 IN HIS OR HER LIVING ARRANGEMENT THAT HAVE OCCURRED DURING THE  
15 PAST YEAR

16 (1V) WHETHER THE GUARDIAN RECOMMENDS A MORE SUITABLE LIVING  
17 ARRANGEMENT FOR THE WARD

18 (V) ANY MEDICAL TREATMENT RECEIVED BY THE WARD

19 (V1) SERVICES RECEIVED BY THE WARD

20 (V11) A LIST OF THE GUARDIAN'S VISITS WITH, AND ACTIVITIES  
21 ON BEHALF OF, THE WARD

22 (V111) A RECOMMENDATION AS TO THE NEED FOR CONTINUED  
23 GUARDIANSHIP

24 (F) IF A CONSERVATOR IS APPOINTED, THE WARD'S ESTATE  
25 RECEIVED BY THE GUARDIAN IN EXCESS OF THOSE FUNDS EXPENDED TO  
26 MEET CURRENT EXPENSES FOR SUPPORT, CARE, AND EDUCATION OF THE  
27 WARD SHALL BE PAID TO THE CONSERVATOR FOR MANAGEMENT AS PROVIDED

1 IN THIS ACT, AND THE GUARDIAN SHALL ACCOUNT TO THE CONSERVATOR  
2 FOR FUNDS EXPENDED

3 (2) A GUARDIAN OF A PERSON FOR WHOM A CONSERVATOR ALSO IS  
4 APPOINTED SHALL CONTROL THE CUSTODY AND CARE OF THE WARD AND IS  
5 ENTITLED TO RECEIVE REASONABLE SUMS FOR HIS OR HER SERVICES AND  
6 FOR ROOM AND BOARD FURNISHED TO THE WARD AS AGREED UPON BETWEEN  
7 THE GUARDIAN AND THE CONSERVATOR IF THE AMOUNTS AGREED UPON ARE  
8 REASONABLE UNDER THE CIRCUMSTANCES THE GUARDIAN MAY REQUEST THE  
9 CONSERVATOR TO EXPEND THE WARD'S ESTATE BY PAYMENT TO THIRD PER-  
10 SONS OR INSTITUTIONS FOR THE WARD'S CARE AND MAINTENANCE

11 (3) IF A WARD DIES WHILE UNDER GUARDIANSHIP, AND A CONSERVA-  
12 TOR HAS NOT BEEN APPOINTED FOR THE ESTATE OF THE WARD, AND IF THE  
13 GUARDIAN HAS POSSESSION OF ANY MONEY OF THE DECEASED WARD, THE  
14 COURT MAY, UPON PETITION OF THE GUARDIAN AND WITH OR WITHOUT  
15 NOTICE, HEAR A CLAIM FOR BURIAL EXPENSE OR ANY OTHER CLAIM AS THE  
16 COURT CONSIDERS ADVISABLE UPON HEARING THE CLAIM, THE COURT MAY  
17 ENTER AN ORDER ALLOWING OR DISALLOWING THE CLAIM OR ANY PART OF  
18 IT AND PROVIDE IN THE ORDER OF ALLOWANCE THAT THE CLAIM OR ANY  
19 PART OF IT BE PAID IMMEDIATELY IF THE PAYMENT CAN BE MADE WITHOUT  
20 INJURY OR SERIOUS INCONVENIENCE TO THE WARD'S ESTATE

21 SEC 9356 TO ENCOURAGE SELF-RELIANCE AND INDEPENDENCE IN A  
22 LEGALLY INCAPACITATED PERSON, THE COURT MAY AUTHORIZE THE INDI-  
23 VIDUAL TO FUNCTION WITHOUT THE CONSENT OR SUPERVISION OF THE  
24 PERSON'S GUARDIAN OR CONSERVATOR IN THE HANDLING OF PART OF HIS  
25 OR HER MONEY OR OTHER PROPERTY, INCLUDING THE MAINTENANCE OF A  
26 SAVINGS OR CHECKING ACCOUNT IN A BANK OR OTHER INSTITUTION, AND

1 TO THE EXTENT AUTHORIZED ANY PERSON MAY DEAL WITH THAT INDIVIDUAL  
2 AS THOUGH THE INDIVIDUAL WERE MENTALLY COMPETENT

3 SEC 9357 (1) THE COURT IN THE COUNTY WHERE THE WARD  
4 RESIDES HAS CONCURRENT JURISDICTION WITH THE COURT WHICH  
5 APPOINTED THE GUARDIAN OR THE COURT IN WHICH ACCEPTANCE OF A TES-  
6 TAMENTARY APPOINTMENT WAS FILED, OVER RESIGNATION, REMOVAL,  
7 ACCOUNTING, AND OTHER PROCEEDINGS RELATING TO THE GUARDIANSHIP

8 (2) IF THE COURT IN THE COUNTY WHERE THE WARD RESIDES IS NOT  
9 THE COURT IN WHICH THE ACCEPTANCE OF APPOINTMENT IS FILED, THE  
10 COURT IN WHICH PROCEEDINGS SUBSEQUENT TO APPOINTMENT ARE COM-  
11 MENCED IN APPROPRIATE CASES SHALL NOTIFY THE OTHER COURT, IN THIS  
12 OR ANOTHER STATE, AND AFTER CONSULTATION WITH THAT COURT SHALL  
13 DETERMINE WHETHER TO RETAIN JURISDICTION OR TRANSFER THE PROCEED-  
14 INGS TO THE OTHER COURT, WHICHEVER IS IN THE BEST INTERESTS OF  
15 THE WARD AFTER THIS DETERMINATION HAS BEEN MADE, THE COURT  
16 ACCEPTING A RESIGNATION OR REMOVING A GUARDIAN SHALL DIRECT THIS  
17 FIDUCIARY TO PREPARE AND SUBMIT A FINAL REPORT TO BOTH COURTS A  
18 COPY OF AN ORDER ACCEPTING A RESIGNATION OR REMOVING A GUARDIAN  
19 AND A COPY OF THE FINAL REPORT SHALL BE SENT TO THE COURT IN  
20 WHICH ACCEPTANCE OF APPOINTMENT IS FILED THE COURT ENTERING  
21 THIS ORDER MAY PERMIT CLOSING OF THE GUARDIANSHIP IN THE COURT IN  
22 WHICH ACCEPTANCE OF APPOINTMENT IS FILED, WITHOUT NOTICE TO  
23 INTERESTED PERSONS

24 SEC 9361 UPON PETITION AND AFTER NOTICE AND HEARING PUR-  
25 SUANT TO THIS SECTION AND SECTIONS 9362 TO 9391, THE COURT MAY  
26 APPOINT A CONSERVATOR OR MAKE OTHER PROTECTIVE ORDER FOR CAUSE AS  
27 FOLLOWS

1           (A) APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER  
2 MAY BE MADE IN RELATION TO THE ESTATE AND AFFAIRS OF A MINOR IF  
3 THE COURT DETERMINES THAT THE MINOR OWNS MONEY OR PROPERTY THAT  
4 REQUIRES MANAGEMENT OR PROTECTION WHICH CANNOT OTHERWISE BE PRO-  
5 VIDED, HAS OR MAY HAVE BUSINESS AFFAIRS WHICH MAY BE JEOPARDIZED  
6 OR PREVENTED BY THE PERSON'S MINORITY, OR THAT FUNDS ARE NEEDED  
7 FOR THE PERSON'S SUPPORT AND EDUCATION AND THAT PROTECTION IS  
8 NECESSARY OR DESIRABLE TO OBTAIN, RETAIN, OR PROVIDE FUNDS

9           (B) APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER  
10 MAY BE MADE IN RELATION TO THE ESTATE AND AFFAIRS OF A PERSON IF  
11 THE COURT DETERMINES THAT THE PERSON IS UNABLE TO MANAGE HIS OR  
12 HER PROPERTY AND AFFAIRS EFFECTIVELY FOR REASONS SUCH AS MENTAL  
13 ILLNESS, MENTAL INCOMPETENCY, PHYSICAL ILLNESS OR DISABILITY,  
14 CHRONIC USE OF DRUGS, CHRONIC INTOXICATION, CONFINEMENT, DETEN-  
15 TION BY A FOREIGN POWER, OR DISAPPEARANCE AND THE PERSON HAS  
16 PROPERTY WHICH WILL BE WASTED OR DISSIPATED UNLESS PROPER MANAGE-  
17 MENT IS PROVIDED, OR THAT FUNDS ARE NEEDED FOR THE SUPPORT, CARE,  
18 AND WELFARE OF THE PERSON OR THOSE ENTITLED TO BE SUPPORTED BY  
19 THE PERSON AND THAT PROTECTION IS NECESSARY OR DESIRABLE TO  
20 OBTAIN OR PROVIDE FUNDS

21           (C) APPOINTMENT OF A CONSERVATOR MAY BE MADE IN RELATION TO  
22 THE ESTATE AND AFFAIRS OF A PERSON WHO IS MENTALLY COMPETENT, BUT  
23 DUE TO AGE OR PHYSICAL INFIRMITY IS UNABLE TO MANAGE HIS OR HER  
24 PROPERTY AND AFFAIRS EFFECTIVELY AND WHO, RECOGNIZING THIS DIS-  
25 ABILITY, REQUESTS APPOINTMENT OF A CONSERVATOR

26           SEC 9362 AFTER THE SERVICE OF NOTICE IN A PROCEEDING  
27 SEEKING THE APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE

1 ORDER AND UNTIL TERMINATION OF THE PROCEEDING, THE COURT IN WHICH  
2 THE PETITION IS FILED HAS

3 (A) EXCLUSIVE JURISDICTION TO DETERMINE THE NEED FOR A CON-  
4 SERVATOR OR OTHER PROTECTIVE ORDER UNTIL THE PROCEEDINGS ARE  
5 TERMINATED

6 (B) EXCLUSIVE JURISDICTION TO DETERMINE HOW THE ESTATE OF  
7 THE PROTECTED PERSON WHICH IS SUBJECT TO THE LAWS OF THIS STATE  
8 SHALL BE MANAGED, EXPENDED, OR DISTRIBUTED TO OR FOR THE USE OF  
9 THE PROTECTED PERSON OR ANY OF THE PROTECTED PERSON'S  
10 DEPENDENTS

11 (C) CONCURRENT JURISDICTION TO DETERMINE THE VALIDITY OF  
12 CLAIMS AGAINST THE PERSON OR ESTATE OF THE PROTECTED PERSON AND  
13 HIS OR HER TITLE TO ANY PROPERTY OR CLAIM

14 SEC 9363 VENUE FOR PROCEEDINGS UNDER SECTIONS 9361  
15 TO 9391 IS

16 (A) IN THE PLACE IN THIS STATE WHERE THE PERSON TO BE PRO-  
17 TECTED RESIDES, WHETHER OR NOT A GUARDIAN IS APPOINTED IN ANOTHER  
18 PLACE

19 (B) IF THE PERSON TO BE PROTECTED DOES NOT RESIDE IN THIS  
20 STATE, IN ANY PLACE WHERE THE PERSON HAS PROPERTY

21 SEC 9364 (1) THE PERSON TO BE PROTECTED, A PERSON WHO IS  
22 INTERESTED IN THAT PERSON'S ESTATE, AFFAIRS, OR WELFARE INCLUDING  
23 HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN, OR A PERSON WHO WOULD  
24 BE ADVERSELY AFFECTED BY LACK OF EFFECTIVE MANAGEMENT OF THE  
25 PROPERTY AND AFFAIRS OF THE PERSON TO BE PROTECTED MAY PETITION  
26 FOR THE APPOINTMENT OF A CONSERVATOR OR FOR OTHER APPROPRIATE  
27 PROTECTIVE ORDER HOWEVER, IF THE PERSON TO BE PROTECTED IS

1 MENTALLY COMPETENT BUT DUE TO AGE OR PHYSICAL INFIRMITY DESIRES  
2 THE APPOINTMENT OF A CONSERVATOR TO ASSIST IN THE MANAGEMENT OF  
3 HIS OR HER PROPERTY AND AFFAIRS, ONLY THAT PERSON MAY PETITION  
4 FOR THE APPOINTMENT OF A CONSERVATOR

5 (2) THE PETITION SHALL SET FORTH TO THE EXTENT KNOWN, THE  
6 INTEREST OF THE PETITIONER THE NAME, AGE, RESIDENCE, AND ADDRESS  
7 OF THE PERSON TO BE PROTECTED THE NAME AND ADDRESS OF HIS OR HER  
8 GUARDIAN THE NAME AND ADDRESS OF HIS OR HER NEAREST RELATIVE  
9 KNOWN TO THE PETITIONER, A GENERAL STATEMENT OF HIS OR HER PROP-  
10 ERTY WITH AN ESTIMATE OF THE VALUE OF THE PROPERTY, INCLUDING ANY  
11 COMPENSATION, INSURANCE, PENSION, OR ALLOWANCE TO WHICH THE  
12 PERSON IS ENTITLED AND THE REASON WHY APPOINTMENT OF A CONSERVA-  
13 TOR OR OTHER PROTECTIVE ORDER IS NECESSARY IF THE APPOINTMENT  
14 OF A CONSERVATOR IS REQUESTED, THE PETITION SHALL SET FORTH THE  
15 NAME AND ADDRESS OF THE PERSON WHOSE APPOINTMENT IS SOUGHT AND  
16 THE BASIS OF THAT PERSON'S PRIORITY FOR APPOINTMENT

17 SEC 9365 ON A PETITION FOR APPOINTMENT OF A CONSERVATOR  
18 OR OTHER PROTECTIVE ORDER, THE PERSON TO BE PROTECTED AND THE  
19 PERSON'S SPOUSE OR IF NONE, THE PERSON'S PARENTS SHALL BE  
20 SERVED PERSONALLY WITH NOTICE OF THE PROCEEDING AT LEAST 10 DAYS  
21 BEFORE THE DATE OF HEARING IF THEY CAN BE FOUND WITHIN THE STATE,  
22 OR, IF THEY CANNOT BE FOUND WITHIN THE STATE, THEY SHALL BE GIVEN  
23 NOTICE AS REQUIRED BY COURT RULE WAIVER BY THE PERSON TO BE  
24 PROTECTED IS NOT EFFECTIVE UNLESS THE PERSON ATTENDS THE HEARING,  
25 OR, IF MINORITY IS NOT THE REASON FOR THE PROCEEDING, UNLESS  
26 WAIVER IS CONFIRMED IN AN INTERVIEW WITH A VISITOR OR GUARDIAN AD  
27 LITEM

1        SEC 9367    (1) UPON RECEIPT OF A PETITION FOR APPOINTMENT  
2 OF A CONSERVATOR OR OTHER PROTECTIVE ORDER BECAUSE OF MINORITY,  
3 THE COURT SHALL SET A DATE FOR HEARING ON THE MATTERS ALLEGED IN  
4 THE PETITION    IF, AT ANY TIME IN THE PROCEEDING, THE COURT  
5 DETERMINES THAT THE INTERESTS OF THE MINOR ARE OR MAY BE INADE-  
6 QUATELY REPRESENTED, THE COURT MAY APPOINT AN ATTORNEY TO REPRE-  
7 SENT THE MINOR, GIVING CONSIDERATION TO THE CHOICE OF THE MINOR  
8 IF 14 YEARS OF AGE OR OLDER    AN ATTORNEY APPOINTED BY THE COURT  
9 TO REPRESENT A MINOR HAS THE POWERS AND DUTIES OF A GUARDIAN AD  
10 LITEM

11        (2) UPON RECEIPT OF A PETITION FOR APPOINTMENT OF A CONSER-  
12 VATOR OR OTHER PROTECTIVE ORDER FOR REASONS OTHER THAN MINORITY,  
13 THE COURT SHALL SET A DATE FOR HEARING    UNLESS THE PERSON TO BE  
14 PROTECTED HAS PRIVATE COUNSEL, OR UNLESS THE PERSON TO BE PRO-  
15 TECTED IS MENTALLY COMPETENT BUT AGED OR PHYSICALLY INFIRM, THE  
16 COURT SHALL APPOINT A GUARDIAN AD LITEM TO REPRESENT THE PERSON  
17 IF THE ALLEGED DISABILITY IS MENTAL ILLNESS, MENTAL INCOMPETENCY,  
18 PHYSICAL ILLNESS OR DISABILITY, CHRONIC USE OF DRUGS, OR CHRONIC  
19 INTOXICATION, THE COURT MAY DIRECT THAT THE PERSON TO BE PRO-  
20 TECTED BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE COURT, PREF-  
21 ERABLY A PHYSICIAN WHO IS NOT CONNECTED WITH AN INSTITUTION IN  
22 WHICH THE PERSON IS A PATIENT OR IS DETAINED    THE COURT MAY SEND  
23 A VISITOR TO INTERVIEW THE PERSON TO BE PROTECTED    THE VISITOR  
24 MAY BE A GUARDIAN AD LITEM OR AN OFFICER OR EMPLOYEE OF THE  
25 COURT

26        (3) AFTER HEARING, UPON FINDING THAT A BASIS FOR THE  
27 APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER IS



1 ESTABLISHED, THE COURT SHALL MAKE AN APPOINTMENT OR OTHER  
2 APPROPRIATE PROTECTIVE ORDER

3 SEC 9368 (1) THE COURT HAS THE FOLLOWING POWERS WHICH MAY  
4 BE EXERCISED DIRECTLY OR THROUGH A CONSERVATOR WITH RESPECT TO  
5 THE ESTATE AND AFFAIRS OF PROTECTED PERSONS

6 (A) WHILE A PETITION FOR APPOINTMENT OF A CONSERVATOR OR  
7 OTHER PROTECTIVE ORDER IS PENDING AND AFTER PRELIMINARY HEARING  
8 AND WITHOUT NOTICE TO OTHERS, THE COURT MAY PRESERVE AND APPLY  
9 THE PROPERTY OF THE PERSON TO BE PROTECTED AS MAY BE REQUIRED FOR  
10 THE PERSON'S BENEFIT OR THE BENEFIT OF THE PERSON'S DEPENDENTS

11 (B) AFTER A HEARING, AND UPON DETERMINING THAT A BASIS FOR  
12 AN APPOINTMENT OR OTHER PROTECTIVE ORDER EXISTS WITH RESPECT TO A  
13 MINOR WITHOUT OTHER DISABILITY, THE COURT HAS ALL THOSE POWERS  
14 OVER THE ESTATE AND AFFAIRS OF THE MINOR WHICH ARE OR MAY BE NEC-  
15 ESSARY FOR THE BEST INTERESTS OF THE MINOR, THE MINOR'S FAMILY,  
16 AND MEMBERS OF THE MINOR'S HOUSEHOLD

17 (C) AFTER A HEARING, AND UPON DETERMINING THAT A BASIS FOR  
18 AN APPOINTMENT OR OTHER PROTECTIVE ORDER EXISTS WITH RESPECT TO A  
19 PERSON FOR REASONS OTHER THAN MINORITY THE COURT FOR THE BENE-  
20 FIT OF THE PERSON AND MEMBERS OF THE PERSON'S HOUSEHOLD, HAS ALL  
21 THE POWERS OVER THE PERSON'S ESTATE AND AFFAIRS WHICH THE PERSON  
22 COULD EXERCISE IF PRESENT AND NOT UNDER DISABILITY, EXCEPT THE  
23 POWER TO MAKE A WILL THESE POWERS INCLUDE THE POWER TO MAKE  
24 GIFTS, TO CONVEY OR RELEASE CONTINGENT AND EXPECTANT INTERESTS IN  
25 PROPERTY INCLUDING MARITAL PROPERTY RIGHTS AND ANY RIGHT OF SUR-  
26 VIVORSHIP INCIDENT TO JOINT TENANCY OR TENANCY BY THE ENTIRETY,  
27 TO EXERCISE OR RELEASE POWERS AS TRUSTEE, PERSONAL

1 REPRESENTATIVE, CUSTODIAN FOR MINORS, CONSERVATOR, OR DONEE OF A  
2 POWER OF APPOINTMENT, TO ENTER INTO CONTRACTS, TO CREATE REVOCABLE OR IRREVOCABLE TRUSTS OF PROPERTY OF THE ESTATE WHICH MAY  
3 EXTEND BEYOND DISABILITY OR LIFE, TO EXERCISE OPTIONS OF THE DISABLED PERSON TO PURCHASE SECURITIES OR OTHER PROPERTY, TO EXERCISE RIGHTS TO ELECT OPTIONS AND CHANGE BENEFICIARIES UNDER  
4 INSURANCE AND ANNUITY POLICIES AND TO SURRENDER THE POLICIES FOR  
5 THEIR CASH VALUE, TO EXERCISE THE RIGHT TO AN ELECTIVE SHARE IN  
6 THE ESTATE OF A DECEASED SPOUSE, AND TO RENOUNCE ANY INTEREST BY  
7 TESTATE OR INTESTATE SUCCESSION OR BY INTER VIVOS TRANSFER

8 (D) THE COURT MAY EXERCISE, OR DIRECT THE EXERCISE OF, ITS  
9 AUTHORITY TO EXERCISE OR RELEASE POWERS OF APPOINTMENT OF WHICH  
10 THE PROTECTED PERSON IS DONEE, TO RENOUNCE INTERESTS, TO MAKE  
11 GIFTS IN TRUST OR OTHERWISE EXCEEDING 20% OF ANY YEAR'S INCOME OF  
12 THE ESTATE, OR TO CHANGE BENEFICIARIES UNDER INSURANCE AND ANNUITY POLICIES, ONLY IF SATISFIED, AFTER NOTICE AND HEARING, THAT  
13 IT IS IN THE BEST INTERESTS OF THE PROTECTED PERSON AND THAT THE  
14 PERSON IS INCAPABLE OF CONSENTING OR HAS CONSENTED TO THE PROPOSED EXERCISE OF POWER

15 (2) AN ORDER MADE PURSUANT TO THIS SECTION DETERMINING THAT  
16 A BASIS FOR APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE  
17 ORDER EXISTS, DOES NOT AFFECT THE CAPACITY OF THE PROTECTED  
18 PERSON

19 (3) TO ENCOURAGE THE SELF-RELIANCE AND INDEPENDENCE OF A  
20 PROTECTED PERSON, THE COURT MAY AUTHORIZE THE INDIVIDUAL TO FUNCTION WITHOUT THE CONSENT OR SUPERVISION OF THE PERSON'S  
21 CONSERVATOR IN THE HANDLING OF PART OF HIS OR HER MONEY OR

1 PROPERTY, INCLUDING THE MAINTENANCE OF A SAVINGS OR CHECKING  
2 ACCOUNT IN A BANK OR OTHER INSTITUTION, AND, TO THE EXTENT AUTHO-  
3 RIZED, ANY PERSON MAY DEAL WITH THAT INDIVIDUAL AS THOUGH THE  
4 INDIVIDUAL WERE MENTALLY COMPETENT

5       SEC 9369     (1) IF IT IS ESTABLISHED IN A PROPER PROCEEDING  
6 THAT A BASIS EXISTS AS DESCRIBED IN SECTION 9361 FOR AFFECTING  
7 THE PROPERTY AND AFFAIRS OF A PERSON, THE COURT, WITHOUT APPOINT-  
8 ING A CONSERVATOR, MAY AUTHORIZE, DIRECT, OR RATIFY A TRANSACTION  
9 NECESSARY OR DESIRABLE TO ACHIEVE ANY SECURITY, SERVICE, OR CARE  
10 ARRANGEMENT MEETING THE FORESEEABLE NEEDS OF THE PROTECTED  
11 PERSON     PROTECTIVE ARRANGEMENTS INCLUDE PAYMENT, DELIVERY,  
12 DEPOSIT, OR RETENTION OF FUNDS OR PROPERTY, SALE, MORTGAGE, LEASE  
13 OR OTHER TRANSFER OF PROPERTY, ENTRY INTO AN ANNUITY CONTRACT, A  
14 CONTRACT FOR LIFE CARE, A DEPOSIT CONTRACT, A CONTRACT FOR TRAIN-  
15 ING AND EDUCATION, OR ADDITION TO OR ESTABLISHMENT OF A SUITABLE  
16 TRUST

17       (2) WHEN IT IS ESTABLISHED IN A PROPER PROCEEDING THAT A  
18 BASIS EXISTS AS DESCRIBED IN SECTION 9361 FOR AFFECTING THE PROP-  
19 ERTY AND AFFAIRS OF A PERSON, THE COURT, WITHOUT APPOINTING A  
20 CONSERVATOR, MAY AUTHORIZE, DIRECT, OR RATIFY A CONTRACT, TRUST,  
21 OR OTHER TRANSACTION RELATING TO THE PROTECTED PERSON'S FINANCIAL  
22 AFFAIRS OR INVOLVING THE PERSON'S ESTATE IF THE COURT DETERMINES  
23 THAT THE TRANSACTION IS IN THE BEST INTERESTS OF THE PROTECTED  
24 PERSON

25       (3) BEFORE APPROVING A PROTECTIVE ARRANGEMENT OR OTHER  
26 TRANSACTION UNDER THIS SECTION, THE COURT SHALL CONSIDER THE  
27 INTERESTS OF CREDITORS AND DEPENDENTS OF THE PROTECTED PERSON

1 AND, IN VIEW OF THE PERSON'S DISABILITY, WHETHER THE PROTECTED  
2 PERSON NEEDS THE CONTINUING PROTECTION OF A CONSERVATOR THE  
3 COURT MAY APPOINT A SPECIAL CONSERVATOR TO ASSIST IN THE ACCOM-  
4 PLISHMENT OF ANY PROTECTIVE ARRANGEMENT OR OTHER TRANSACTION  
5 AUTHORIZED UNDER THIS SECTION WHO SHALL HAVE THE AUTHORITY CON-  
6 FERRED BY THE ORDER AND SERVE UNTIL DISCHARGED BY ORDER AFTER  
7 REPORT TO THE COURT OF ALL MATTERS DONE PURSUANT TO THE ORDER OF  
8 APPOINTMENT

9 SEC 9370 (1) THE COURT MAY APPOINT AN INDIVIDUAL OR A  
10 CORPORATION WITH GENERAL POWER TO SERVE AS TRUSTEE OR AS CONSER-  
11 VATOR OF THE ESTATE OF A PROTECTED PERSON THE FOLLOWING ARE  
12 ENTITLED TO CONSIDERATION FOR APPOINTMENT IN THE ORDER LISTED

13 (A) A CONSERVATOR, GUARDIAN OF PROPERTY, OR OTHER IDENTICAL  
14 FIDUCIARY APPOINTED OR RECOGNIZED BY THE APPROPRIATE COURT OF  
15 ANOTHER JURISDICTION IN WHICH THE PROTECTED PERSON RESIDES

16 (B) AN INDIVIDUAL OR CORPORATION NOMINATED BY THE PROTECTED  
17 PERSON IF THE PROTECTED PERSON IS 14 YEARS OF AGE OR OLDER AND,  
18 IN THE OPINION OF THE COURT, HAS SUFFICIENT MENTAL CAPACITY TO  
19 MAKE AN INTELLIGENT CHOICE

20 (C) THE SPOUSE OF THE PROTECTED PERSON

21 (D) AN ADULT CHILD OF THE PROTECTED PERSON

22 (E) A PARENT OF THE PROTECTED PERSON, OR A PERSON NOMINATED  
23 BY THE WILL OF A DECEASED PARENT

24 (F) A RELATIVE OF THE PROTECTED PERSON WITH WHOM THE PERSON  
25 HAS RESIDED FOR MORE THAN 6 MONTHS BEFORE THE FILING OF THE  
26 PETITION

1 (G) A PERSON NOMINATED BY THE PERSON WHO IS CARING FOR THE  
2 PROTECTED PERSON OR PAYING BENEFITS TO THE PROTECTED PERSON

3 (2) A PERSON DESCRIBED IN A PRIORITY UNDER  
4 SUBSECTION (1)(A), (C), (D), (E), OR (F) MAY NOMINATE IN WRITING  
5 A PERSON TO SERVE IN THE PERSON'S STEAD WITH RESPECT TO PERSONS  
6 HAVING EQUAL PRIORITY, THE COURT SHALL SELECT THE PERSON BEST  
7 QUALIFIED OF THOSE WILLING TO SERVE THE COURT, FOR GOOD CAUSE,  
8 MAY PASS OVER A PERSON HAVING PRIORITY AND APPOINT A PERSON  
9 HAVING LESS PRIORITY OR NO PRIORITY

10 SEC 9371 THE COURT MAY REQUIRE A CONSERVATOR TO FURNISH A  
11 BOND CONDITIONED UPON FAITHFUL DISCHARGE OF THE DUTIES OF THE  
12 TRUST ACCORDING TO LAW, WITH SURETIES AS THE COURT SPECIFIES  
13 UNLESS OTHERWISE DIRECTED, THE BOND SHALL BE IN THE AMOUNT OF THE  
14 AGGREGATE CAPITAL VALUE OF THE PROPERTY OF THE ESTATE IN THE  
15 PERSON'S CONTROL PLUS 1 YEAR'S ESTIMATED INCOME MINUS THE VALUE  
16 OF SECURITIES DEPOSITED UNDER ARRANGEMENTS REQUIRING AN ORDER OF  
17 THE COURT FOR THEIR REMOVAL AND THE VALUE OF LAND WHICH THE FIDU-  
18 CIARY, BY EXPRESS LIMITATION OF POWER, LACKS POWER TO SELL OR  
19 CONVEY WITHOUT COURT AUTHORIZATION THE COURT, INSTEAD OF SURE-  
20 TIES ON A BOND, MAY ACCEPT OTHER SECURITY FOR THE PERFORMANCE OF  
21 THE BOND, INCLUDING A PLEDGE OF SECURITIES OR A MORTGAGE OF  
22 LAND

23 SEC 9372 (1) THE FOLLOWING APPLY TO A BOND REQUIRED UNDER  
24 SECTION 9371

25 (A) UNLESS OTHERWISE PROVIDED BY THE TERMS OF THE APPROVED  
26 BOND, SURETIES ARE JOINTLY AND SEVERALLY LIABLE WITH THE  
27 CONSERVATOR AND WITH EACH OTHER

1 (B) BY EXECUTING AN APPROVED BOND OF A CONSERVATOR, THE  
2 SURETY CONSENTS TO THE JURISDICTION OF THE COURT WHICH ISSUED  
3 LETTERS TO THE PRIMARY OBLIGOR IN EACH PROCEEDING PERTAINING TO  
4 THE FIDUCIARY DUTIES OF THE CONSERVATOR AND NAMING THE SURETY AS  
5 A PARTY DEFENDANT NOTICE OF A PROCEEDING SHALL BE DELIVERED TO  
6 THE SURETY OR MAILED TO THE SURETY BY REGISTERED MAIL AT THE  
7 SURETY'S ADDRESS AS LISTED WITH THE COURT WHERE THE BOND IS FILED  
8 AND TO THE SURETY'S ADDRESS AS THEN KNOWN TO THE PETITIONER

9 (C) ON PETITION OF A SUCCESSOR CONSERVATOR OR AN INTERESTED  
10 PERSON, A PROCEEDING MAY BE INITIATED AGAINST A SURETY FOR BREACH  
11 OF THE OBLIGATION OF THE BOND OF THE CONSERVATOR

12 (D) THE BOND OF THE CONSERVATOR IS NOT VOID AFTER THE FIRST  
13 RECOVERY BUT MAY BE PROCEEDED AGAINST UNTIL THE ENTIRE PENALTY IS  
14 EXHAUSTED

15 (2) A PROCEEDING MAY NOT BE COMMENCED AGAINST THE SURETY ON  
16 A MATTER AS TO WHICH AN ACTION OR PROCEEDING AGAINST THE PRIMARY  
17 OBLIGOR IS BARRED BY ADJUDICATION OR LIMITATION

18 SEC 9373 BY ACCEPTING APPOINTMENT, A CONSERVATOR SUBMITS  
19 PERSONALLY TO THE JURISDICTION OF THE COURT IN A PROCEEDING  
20 RELATING TO THE ESTATE THAT MAY BE INSTITUTED BY AN INTERESTED  
21 PERSON NOTICE OF A PROCEEDING SHALL BE DELIVERED TO THE CONSER-  
22 VATOR, OR MAILED TO THE CONSERVATOR BY REGISTERED MAIL AT THE  
23 CONSERVATOR'S ADDRESS AS LISTED IN THE PETITION FOR APPOINTMENT  
24 OR AS THEREAFTER REPORTED TO THE COURT AND TO THE CONSERVATOR'S  
25 ADDRESS AS THEN KNOWN TO THE PETITIONER

26 SEC 9374 IF NOT OTHERWISE COMPENSATED FOR SERVICES  
27 RENDERED, A GUARDIAN AD LITEM, VISITOR, ATTORNEY, PHYSICIAN,

1 CONSERVATOR, OR SPECIAL CONSERVATOR APPOINTED IN A PROTECTIVE  
2 PROCEEDING IS ENTITLED TO REASONABLE COMPENSATION FROM THE  
3 ESTATE

4 SEC 9375 THE COURT MAY REMOVE A CONSERVATOR FOR GOOD  
5 CAUSE, UPON NOTICE AND HEARING OR ACCEPT THE RESIGNATION OF A  
6 CONSERVATOR AFTER THE CONSERVATOR'S DEATH, RESIGNATION, OR  
7 REMOVAL, THE COURT MAY APPOINT ANOTHER CONSERVATOR A CONSERVA-  
8 TOR SO APPOINTED SUCCEEDS TO THE TITLE AND POWERS OF HIS OR HER  
9 PREDECESSOR

10 SEC 9376 (1) A PERSON INTERESTED IN THE WELFARE OF A  
11 PERSON FOR WHOM A CONSERVATOR IS APPOINTED MAY FILE A PETITION IN  
12 THE APPOINTING COURT FOR AN ORDER

13 (A) REQUIRING BOND OR SECURITY OR ADDITIONAL BOND OR SECURI-  
14 TY, OR REDUCING BOND

15 (B) REQUIRING AN ACCOUNTING FOR THE ADMINISTRATION OF THE  
16 TRUST

17 (C) DIRECTING DISTRIBUTION

18 (D) REMOVING THE CONSERVATOR AND APPOINTING A TEMPORARY OR  
19 SUCCESSOR CONSERVATOR

20 (E) GRANTING OTHER APPROPRIATE RELIEF

21 (2) A CONSERVATOR MAY PETITION THE APPOINTING COURT FOR  
22 INSTRUCTIONS CONCERNING HIS OR HER FIDUCIARY RESPONSIBILITY

23 (3) UPON NOTICE AND HEARING, THE COURT MAY GIVE APPROPRIATE  
24 INSTRUCTIONS OR MAKE ANY APPROPRIATE ORDER

25 SEC 9377 IN THE EXERCISE OF HIS OR HER POWERS, A CONSER-  
26 VATOR IS TO ACT AS A FIDUCIARY AND SHALL OBSERVE THE STANDARDS OF  
27 CARE APPLICABLE TO FIDUCIARIES AS DESCRIBED BY ARTICLE 5 OF THE

1 REVISED PROBATE CODE, ACT NO 642 OF THE PUBLIC ACTS OF 1978,  
2 BEING SECTIONS 700 501 TO 700 598 OF THE MICHIGAN COMPILED LAWS  
3 SEC 9378 WITHIN 60 DAYS AFTER HIS OR HER APPOINTMENT, A  
4 CONSERVATOR SHALL PREPARE AND FILE WITH THE APPOINTING COURT A  
5 COMPLETE INVENTORY OF THE ESTATE OF THE PROTECTED PERSON TOGETHER  
6 WITH AN OATH OR AFFIRMATION THAT IT IS COMPLETE AND ACCURATE SO  
7 FAR AS THE CONSERVATOR IS INFORMED THE CONSERVATOR SHALL PRO-  
8 VIDE A COPY OF THE INVENTORY TO THE PROTECTED PERSON IF THE PRO-  
9 TECTED PERSON CAN BE LOCATED, IS 14 YEARS OF AGE OR OLDER, AND  
10 HAS SUFFICIENT MENTAL CAPACITY TO UNDERSTAND THESE MATTERS AND TO  
11 ANY PARENT OR GUARDIAN WITH WHOM THE PROTECTED PERSON RESIDES  
12 THE CONSERVATOR SHALL KEEP SUITABLE RECORDS OF THE ADMINISTRATION  
13 AND EXHIBIT THE RECORDS ON REQUEST OF AN INTERESTED PERSON  
14 SEC 9379 A CONSERVATOR SHALL ACCOUNT TO THE COURT FOR THE  
15 ADMINISTRATION OF THE TRUST UPON RESIGNATION OR REMOVAL AND AT  
16 OTHER TIMES AS THE COURT DIRECTS ON TERMINATION OF THE PRO-  
17 TECTED PERSON'S MINORITY OR DISABILITY A CONSERVATOR MAY ACCOUNT  
18 TO THE COURT, OR MAY ACCOUNT TO THE FORMER PROTECTED PERSON OR TO  
19 THAT PERSON'S PERSONAL REPRESENTATIVE SUBJECT TO APPEAL OR  
20 VACATION WITHIN THE TIME PERMITTED, AN ORDER, MADE UPON NOTICE  
21 AND HEARING, ALLOWING AN INTERMEDIATE ACCOUNT OF A CONSERVATOR,  
22 ADJUDICATES AS TO THE CONSERVATOR'S LIABILITIES CONCERNING THE  
23 MATTERS CONSIDERED IN CONNECTION WITH THE LIABILITIES, AND AN  
24 ORDER, MADE UPON NOTICE AND HEARING, ALLOWING A FINAL ACCOUNT,  
25 ADJUDICATES AS TO THE PREVIOUSLY UNSETTLED LIABILITIES OF THE  
26 CONSERVATOR TO THE PROTECTED PERSON OR TO THAT PERSON'S  
27 SUCCESSORS RELATING TO THE CONSERVATORSHIP IN CONNECTION WITH



1 AN ACCOUNT, THE COURT MAY REQUIRE A CONSERVATOR TO SUBMIT TO A  
2 PHYSICAL CHECK OF THE ESTATE IN THE CONSERVATOR'S CONTROL, TO BE  
3 MADE IN A MANNER SPECIFIED BY THE COURT

4        SEC 9380    THE APPOINTMENT OF A CONSERVATOR VESTS IN THE  
5 CONSERVATOR TITLE AS TRUSTEE TO THE PROPERTY OF THE PROTECTED  
6 PERSON, HELD AT THE TIME OF THE APPOINTMENT OR ACQUIRED AFTER THE  
7 APPOINTMENT, INCLUDING TITLE TO PROPERTY HELD FOR THE PROTECTED  
8 PERSON BY A CUSTODIAN OR ATTORNEY IN FACT    THE APPOINTMENT OF A  
9 CONSERVATOR IS NOT A TRANSFER OR ALIENATION WITHIN THE MEANING OF  
10 GENERAL PROVISIONS OF A FEDERAL OR STATE STATUTE OR RULE, INSUR-  
11 ANCE POLICY, PENSION PLAN, CONTRACT, WILL OR TRUST INSTRUMENT  
12 IMPOSING RESTRICTIONS UPON OR PENALTIES FOR TRANSFER OR ALIEN-  
13 ATION BY THE PROTECTED PERSON OF THAT PERSON'S RIGHTS OR INTER-  
14 EST, BUT THIS SECTION DOES NOT RESTRICT THE ABILITY OF PERSONS TO  
15 MAKE SPECIFIC PROVISION BY CONTRACT OR DEPOSITIVE INSTRUMENT  
16 RELATING TO A CONSERVATOR

17        SEC 9381    A LETTER OF CONSERVATORSHIP IS EVIDENCE OF  
18 TRANSFER OF THE ASSETS OF A PROTECTED PERSON TO THE CONSERVATOR  
19 AN ORDER TERMINATING A CONSERVATORSHIP IS EVIDENCE OF TRANSFER OF  
20 THE ASSETS OF THE ESTATE FROM THE CONSERVATOR TO THE PROTECTED  
21 PERSON, OR THE PERSON'S SUCCESSORS    SUBJECT TO THE REQUIREMENTS  
22 OF LAW GOVERNING THE FILING OR RECORDATION OF DOCUMENTS OF TITLE  
23 TO LAND OR OTHER PROPERTY, A LETTER OF CONSERVATORSHIP OR AN  
24 ORDER TERMINATING A CONSERVATORSHIP MAY BE FILED OR RECORDED TO  
25 GIVE RECORD NOTICE OF TITLE AS BETWEEN THE CONSERVATOR AND THE  
26 PROTECTED PERSON

1           SEC 9382     A SALE OR ENCUMBRANCE TO A CONSERVATOR, THE  
2 CONSERVATOR'S SPOUSE, AGENT, OR ATTORNEY, OR A CORPORATION OR  
3 TRUST IN WHICH THE CONSERVATOR HAS A SUBSTANTIAL BENEFICIAL  
4 INTEREST, OR A TRANSACTION WHICH IS AFFECTED BY A SUBSTANTIAL  
5 CONFLICT OF INTEREST IS VOIDABLE UNLESS THE TRANSACTION IS  
6 APPROVED BY THE COURT AFTER NOTICE TO INTERESTED PERSONS AND  
7 OTHERS AS DIRECTED BY THE COURT

8           SEC 9383     A PERSON WHO IN GOOD FAITH ASSISTS A CONSERVATOR  
9 OR DEALS WITH A CONSERVATOR FOR VALUE IN A TRANSACTION OTHER THAN  
10 THOSE REQUIRING A COURT ORDER AS PROVIDED IN SECTION 9368, IS  
11 PROTECTED AS IF THE CONSERVATOR PROPERLY EXERCISED THE POWER  
12 THE FACT THAT A PERSON KNOWINGLY DEALS WITH A CONSERVATOR DOES  
13 NOT ALONE REQUIRE THE PERSON TO INQUIRE INTO THE EXISTENCE OF A  
14 POWER OR THE PROPRIETY OF ITS EXERCISE, EXCEPT THAT RESTRICTIONS  
15 ON THE POWERS OF A CONSERVATOR WHICH ARE INDORSED ON THE LETTERS  
16 OF APPOINTMENT AS PROVIDED IN SECTION 9386 ARE EFFECTIVE AS TO A  
17 THIRD PERSON     A PERSON IS NOT BOUND TO SEE TO THE PROPER APPLI-  
18 CATION OF ESTATE ASSETS PAID OR DELIVERED TO A CONSERVATOR     THE  
19 PROTECTION EXPRESSED IN THIS SECTION EXTENDS TO AN INSTANCE IN  
20 WHICH SOME PROCEDURAL IRREGULARITY OR JURISDICTIONAL DEFECT  
21 OCCURRED IN A PROCEEDING LEADING TO THE ISSUANCE OF A LETTER  
22 THE PROTECTION EXPRESSED IN THIS SECTION IS NOT TO BE SUBSTITUTED  
23 FOR THAT PROVIDED BY COMPARABLE PROVISIONS OF THE LAWS RELATING  
24 TO COMMERCIAL TRANSACTIONS AND LAWS SIMPLIFYING TRANSFERS OF  
25 SECURITIES BY FIDUCIARIES

26           SEC 9384     (1) A CONSERVATOR HAS THE POWERS CONFERRED IN  
27 THIS CHAPTER     IN ADDITION, A CONSERVATOR OF THE ESTATE OF AN

1 UNMARRIED MINOR AS TO WHOM NO PERSON HAS PARENTAL RIGHTS, HAS THE  
2 DUTIES AND POWERS OF A GUARDIAN OF A MINOR DESCRIBED IN  
3 SECTION 9369 UNTIL THE MINOR MARRIES BUT THE PARENTAL RIGHTS SO  
4 CONFERRED ON A CONSERVATOR DO NOT PRECLUDE APPOINTMENT OF A  
5 GUARDIAN AS PROVIDED BY SECTIONS 9321 TO 9337

6 (2) A CONSERVATOR, WITHOUT COURT AUTHORIZATION OR CONFIRMA-  
7 TION, MAY INVEST AND REINVEST FUNDS OF THE ESTATE AS WOULD A  
8 TRUSTEE

9 (3) A CONSERVATOR, ACTING REASONABLY IN EFFORTS TO ACCOM-  
10 PLISH THE PURPOSE FOR WHICH HE OR SHE WAS APPOINTED, MAY ACT  
11 WITHOUT COURT AUTHORIZATION OR CONFIRMATION TO

12 (A) COLLECT, HOLD, AND RETAIN ASSETS OF THE ESTATE, INCLUD-  
13 ING LAND IN ANOTHER STATE, UNTIL IN THE CONSERVATOR'S JUDGMENT,  
14 DISPOSITION OF THE ASSETS SHOULD BE MADE, WHICH ASSETS MAY BE  
15 RETAINED EVEN THOUGH THEY INCLUDE AN ASSET IN WHICH THE CONSERVA-  
16 TOR IS PERSONALLY INTERESTED

17 (B) RECEIVE ADDITIONS TO THE ESTATE

18 (C) CONTINUE OR PARTICIPATE IN THE OPERATION OF A BUSINESS  
19 OR OTHER ENTERPRISE

20 (D) ACQUIRE AN UNDIVIDED INTEREST IN AN ESTATE ASSET IN  
21 WHICH THE CONSERVATOR, IN A FIDUCIARY CAPACITY, HOLDS AN UNDI-  
22 VIDED INTEREST

23 (E) INVEST AND REINVEST ESTATE ASSETS PURSUANT TO  
24 SUBSECTION (2)

25 (F) DEPOSIT ESTATE FUNDS IN A BANK INCLUDING A BANK OPERATED  
26 BY THE CONSERVATOR

1 (G) ACQUIRE OR DISPOSE OF AN ESTATE ASSET INCLUDING LAND IN  
2 ANOTHER STATE FOR CASH OR ON CREDIT, AT PUBLIC OR PRIVATE SALE  
3 OR MANAGE, DEVELOP, IMPROVE, EXCHANGE, PARTITION, CHANGE THE  
4 CHARACTER OF, OR ABANDON AN ESTATE ASSET

5 (H) MAKE AN ORDINARY OR EXTRAORDINARY REPAIR OR ALTERATION  
6 IN A BUILDING OR OTHER STRUCTURE DEMOLISH AN IMPROVEMENT OR  
7 RAZE EXISTING OR ERECT A NEW PARTY WALL OR BUILDING

8 (I) SUBDIVIDE, DEVELOP, OR DEDICATE LAND TO PUBLIC USE MAKE  
9 OR OBTAIN THE VACATION OF A PLAT AND ADJUST BOUNDARIES ADJUST A  
10 DIFFERENCE IN VALUATION ON EXCHANGE OR TO PARTITION BY GIVING OR  
11 RECEIVING CONSIDERATION OR DEDICATE AN EASEMENT TO PUBLIC USE  
12 WITHOUT CONSIDERATION

13 (J) ENTER INTO A LEASE AS LESSOR OR LESSEE WITH OR WITHOUT  
14 OPTION TO PURCHASE OR RENEW FOR A TERM WITHIN OR EXTENDING BEYOND  
15 THE TERM OF THE CONSERVATORSHIP

16 (K) ENTER INTO A LEASE OR ARRANGEMENT FOR EXPLORATION AND  
17 REMOVAL OF MINERALS OR OTHER NATURAL RESOURCES OR ENTER INTO A  
18 POOLING OR UNITIZATION AGREEMENT

19 (L) GRANT AN OPTION INVOLVING DISPOSITION OF AN ESTATE ASSET  
20 OR TO TAKE AN OPTION FOR THE ACQUISITION OF AN ASSET

21 (M) VOTE A SECURITY, IN PERSON OR BY GENERAL OR LIMITED  
22 PROXY

23 (N) PAY CALLS, ASSESSMENTS, AND OTHER SUMS CHARGEABLE OR  
24 ACCRUING AGAINST OR ON ACCOUNT OF SECURITIES

25 (O) SELL OR EXERCISE A STOCK SUBSCRIPTION OR CONVERSION  
26 RIGHT OR CONSENT, DIRECTLY OR THROUGH A COMMITTEE OR OTHER

1 AGENT, TO THE REORGANIZATION, CONSOLIDATION, MERGER, DISSOLUTION,  
2 OR LIQUIDATION OF A CORPORATION OR OTHER BUSINESS ENTERPRISE

3 (P) HOLD A SECURITY IN THE NAME OF A NOMINEE OR IN OTHER  
4 FORM WITHOUT DISCLOSURE OF THE CONSERVATORSHIP SO THAT TITLE TO  
5 THE SECURITY MAY PASS BY DELIVERY THE CONSERVATOR IS LIABLE FOR  
6 ANY ACT OF THE NOMINEE IN CONNECTION WITH THE STOCK HELD

7 (Q) INSURE THE ASSETS OF THE ESTATE AGAINST DAMAGE OR LOSS,  
8 AND THE CONSERVATOR AGAINST LIABILITY WITH RESPECT TO A THIRD  
9 PERSON

10 (R) BORROW MONEY TO BE REPAID FROM ESTATE ASSETS OR OTHER-  
11 WISE OR ADVANCE MONEY FOR THE PROTECTION OF THE ESTATE OR THE  
12 PROTECTED PERSON AND FOR THE EXPENSES, LOSSES, AND LIABILITY SUS-  
13 TAINED IN THE ADMINISTRATION OF THE ESTATE OR BECAUSE OF THE  
14 HOLDING OR OWNERSHIP OF ESTATE ASSETS THE CONSERVATOR HAS A  
15 LIEN ON THE ESTATE AS AGAINST THE PROTECTED PERSON FOR AN ADVANCE  
16 SO MADE

17 (S) PAY OR CONTEST A CLAIM SETTLE A CLAIM BY OR AGAINST THE  
18 ESTATE OR THE PROTECTED PERSON BY COMPROMISE, ARBITRATION, OR  
19 OTHERWISE OR RELEASE IN WHOLE OR IN PART A CLAIM BELONGING TO  
20 THE ESTATE TO THE EXTENT THAT THE CLAIM IS UNCOLLECTIBLE

21 (T) PAY TAXES, ASSESSMENTS, COMPENSATION OF THE CONSERVATOR,  
22 AND OTHER EXPENSES INCURRED IN THE COLLECTION, CARE, ADMINISTRA-  
23 TION, AND PROTECTION OF THE ESTATE

24 (U) ALLOCATE ITEMS OF INCOME OR EXPENSE TO ESTATE INCOME OR  
25 PRINCIPAL, AS PROVIDED BY LAW, INCLUDING CREATION OF RESERVES OUT  
26 OF INCOME FOR DEPRECIATION, OBSOLESCENCE, OR AMORTIZATION, OR FOR  
27 DEPLETION IN MINERAL OR TIMBER PROPERTIES

1 (V) PAY A SUM DISTRIBUTABLE TO A PROTECTED PERSON OR THE  
2 PERSON'S DEPENDENT WITHOUT LIABILITY TO THE CONSERVATOR, BY  
3 PAYING THE SUM TO THE DISTRIBUTE OR BY PAYING THE SUM FOR THE  
4 USE OF THE DISTRIBUTE TO HIS OR HER GUARDIAN OR, IF NONE, TO A  
5 RELATIVE OR OTHER PERSON WITH CUSTODY OF HIS OR HER PERSON

6 (W) EMPLOY PERSONS, INCLUDING ATTORNEYS, AUDITORS, INVEST-  
7 MENT ADVISORS, OR AGENTS, EVEN IF THE PERSONS ARE ASSOCIATED WITH  
8 THE CONSERVATOR, TO ADVISE OR ASSIST THE CONSERVATOR IN THE PER-  
9 FORMANCE OF HIS OR HER ADMINISTRATIVE DUTIES ACT UPON THEIR REC-  
10 OMMENDATION WITHOUT INDEPENDENT INVESTIGATION OR INSTEAD OF  
11 ACTING PERSONALLY, TO EMPLOY 1 OR MORE AGENTS TO PERFORM AN ACT  
12 OF ADMINISTRATION, WHETHER OR NOT DISCRETIONARY

13 (X) PROSECUTE OR DEFEND ACTIONS, CLAIMS, OR PROCEEDINGS IN  
14 ANY JURISDICTION FOR THE PROTECTION OF ESTATE ASSETS AND OF THE  
15 CONSERVATOR IN THE PERFORMANCE OF HIS OR HER DUTIES

16 (Y) EXECUTE AND DELIVER AN INSTRUMENT WHICH WILL ACCOMPLISH  
17 OR FACILITATE THE EXERCISE OF THE POWERS VESTED IN THE  
18 CONSERVATOR

19 SEC 9385 (1) A CONSERVATOR MAY EXPEND OR DISTRIBUTE  
20 INCOME OR PRINCIPAL OF THE ESTATE WITHOUT COURT AUTHORIZATION OR  
21 CONFIRMATION FOR THE SUPPORT, EDUCATION, CARE, OR BENEFIT OF THE  
22 PROTECTED PERSON AND THE PERSON'S DEPENDENTS PURSUANT TO THE FOL-  
23 LOWING PRINCIPLES

24 (A) THE CONSERVATOR SHALL CONSIDER RECOMMENDATIONS RELATING  
25 TO THE APPROPRIATE STANDARD OF SUPPORT, EDUCATION, AND BENEFIT  
26 FOR THE PROTECTED PERSON MADE BY A PARENT OR GUARDIAN THE  
27 CONSERVATOR MAY NOT BE SURCHARGED FOR SUMS PAID TO PERSONS OR

1 ORGANIZATIONS ACTUALLY FURNISHING SUPPORT, EDUCATION, OR CARE TO  
2 THE PROTECTED PERSON PURSUANT TO THE RECOMMENDATIONS OF A PARENT  
3 OR GUARDIAN OF THE PROTECTED PERSON UNLESS THE CONSERVATOR KNOWS  
4 THAT THE PARENT OR GUARDIAN IS DERIVING PERSONAL FINANCIAL BENE-  
5 FIT FROM THE SUMS PAID, INCLUDING RELIEF FROM A PERSONAL DUTY OF  
6 SUPPORT, OR UNLESS THE RECOMMENDATIONS ARE CLEARLY NOT IN THE  
7 BEST INTERESTS OF THE PROTECTED PERSON

8 (B) THE CONSERVATOR SHALL EXPEND OR DISTRIBUTE SUMS REASON-  
9 ABLY NECESSARY FOR THE SUPPORT, EDUCATION, CARE, OR BENEFIT OF  
10 THE PROTECTED PERSON WITH DUE REGARD TO THE SIZE OF THE ESTATE,  
11 THE PROBABLE DURATION OF THE CONSERVATORSHIP AND THE LIKELIHOOD  
12 THAT THE PROTECTED PERSON, AT SOME FUTURE TIME, MAY BE FULLY ABLE  
13 TO MANAGE HIS OR HER AFFAIRS AND THE ESTATE WHICH IS CONSERVED  
14 FOR THE PERSON THE ACCUSTOMED STANDARD OF LIVING OF THE PRO-  
15 TECTED PERSON AND MEMBERS OF THE PERSON'S HOUSEHOLD AND OTHER  
16 FUNDS OR SOURCES USED FOR THE SUPPORT OF THE PROTECTED PERSON

17 (C) THE CONSERVATOR MAY EXPEND FUNDS OF THE ESTATE FOR THE  
18 SUPPORT OF PERSONS LEGALLY DEPENDENT ON THE PROTECTED PERSON AND  
19 OTHERS WHO ARE MEMBERS OF THE PROTECTED PERSON'S HOUSEHOLD WHO  
20 ARE UNABLE TO SUPPORT THEMSELVES AND WHO ARE IN NEED OF SUPPORT

21 (D) FUNDS EXPENDED UNDER THIS SUBSECTION MAY BE PAID BY THE  
22 CONSERVATOR TO A PERSON, INCLUDING THE PROTECTED PERSON, TO REIM-  
23 BURSE FOR EXPENDITURES WHICH THE CONSERVATOR MIGHT HAVE MADE, OR  
24 IN ADVANCE FOR SERVICES TO BE RENDERED TO THE PROTECTED PERSON  
25 WHEN IT IS REASONABLE TO EXPECT THAT THE SERVICES WILL BE PER-  
26 FORMED AND ADVANCE PAYMENTS ARE CUSTOMARY OR REASONABLY NECESSARY  
27 UNDER THE CIRCUMSTANCES

1           (2) IF THE ESTATE IS AMPLE TO PROVIDE FOR THE PURPOSES  
2 IMPLICIT IN THE DISTRIBUTIONS AUTHORIZED BY SUBSECTION (1), A  
3 CONSERVATOR FOR A PROTECTED PERSON OTHER THAN A MINOR MAY MAKE  
4 GIFTS TO CHARITY AND OTHER OBJECTS AS THE PROTECTED PERSON MIGHT  
5 HAVE BEEN EXPECTED TO MAKE, IN AMOUNTS WHICH DO NOT EXCEED IN  
6 TOTAL FOR ANY YEAR 20% OF THE INCOME FROM THE ESTATE

7           (3) WHEN A MINOR WHO IS NOT ADJUDGED DISABLED UNDER  
8 SECTION 9361(B) ATTAINS MAJORITY, THE CONSERVATOR, AFTER MEETING  
9 THE PRIOR CLAIMS AND EXPENSES OF ADMINISTRATION, SHALL PAY OVER  
10 AND DISTRIBUTE THE FUNDS AND PROPERTIES TO THE FORMER PROTECTED  
11 PERSON AS SOON AS POSSIBLE

12           (4) WHEN THE CONSERVATOR IS SATISFIED THAT A PROTECTED  
13 PERSON'S DISABILITY OTHER THAN MINORITY HAS CEASED, THE CONSERVA-  
14 TOR, AFTER MEETING THE PRIOR CLAIMS AND EXPENSES OF ADMINISTRA-  
15 TION, SHALL PAY OVER AND DISTRIBUTE THE FUNDS AND PROPERTIES TO  
16 THE FORMER PROTECTED PERSON AS SOON AS POSSIBLE

17           SEC 9386     SUBJECT TO THE RESTRICTIONS IN  
18 SECTION 9368(1)(D), THE COURT MAY CONFER ON A CONSERVATOR AT THE  
19 TIME OF APPOINTMENT OR LATER, IN ADDITION TO THE POWERS CONFERRED  
20 BY SECTIONS 9384 AND 9385, A POWER WHICH THE COURT ITSELF COULD  
21 EXERCISE UNDER SECTION 9368(1)(B) AND (C)     THE COURT, AT THE  
22 TIME OF APPOINTMENT OR LATER, MAY LIMIT THE POWERS OF A CONSERVA-  
23 TOR OTHERWISE CONFERRED BY SECTIONS 9384 AND 9385, OR PREVIOUSLY  
24 CONFERRED BY THE COURT, AND AT ANY TIME MAY RELIEVE THE CONSERVA-  
25 TOR OF ANY LIMITATION     IF THE COURT LIMITS A POWER CONFERRED ON  
26 THE CONSERVATOR BY SECTION 9384 OR 9385, THE LIMITATION SHALL BE  
27 INDORSED UPON THE LETTERS OF APPOINTMENT



1        SEC 9387    IN INVESTING THE ESTATE, AND IN SELECTING ASSETS  
2 OF THE ESTATE FOR DISTRIBUTION UNDER SECTION 9385(1) AND (2), IN  
3 UTILIZING POWERS OF REVOCATION OR WITHDRAWAL AVAILABLE FOR THE  
4 SUPPORT OF THE PROTECTED PERSON, AND EXERCISABLE BY THE CONSERVA-  
5 TOR OR THE COURT, THE CONSERVATOR AND THE COURT SHALL TAKE INTO  
6 ACCOUNT A KNOWN ESTATE PLAN OF THE PROTECTED PERSON, INCLUDING  
7 THE PERSON'S WILL, A REVOCABLE TRUST OF WHICH HE OR SHE IS SET-  
8 TLOR, AND A CONTRACT, TRANSFER, OR JOINT OWNERSHIP ARRANGEMENT  
9 WITH PROVISIONS FOR PAYMENT OR TRANSFER OF BENEFITS OR INTEREST  
10 AT THE PROTECTED PERSON'S DEATH TO ANOTHER OR OTHERS WHICH THE  
11 PROTECTED PERSON MAY HAVE ORIGINATED    THE CONSERVATOR MAY  
12 EXAMINE THE WILL OF THE PROTECTED PERSON

13        SEC 9388    (1) A CONSERVATOR MAY PAY OR SECURE FROM THE  
14 ESTATE CLAIMS AGAINST THE ESTATE OR AGAINST THE PROTECTED PERSON  
15 ARISING BEFORE OR AFTER THE CONSERVATORSHIP UPON THEIR PRESENTA-  
16 TION AND ALLOWANCE AND IN ACCORDANCE WITH THE PRIORITIES LISTED  
17 IN SUBSECTION (4)    A CLAIM MAY BE PRESENTED BY EITHER OF THE  
18 FOLLOWING METHODS

19        (A) THE CLAIMANT MAY DELIVER OR MAIL TO THE CONSERVATOR A  
20 WRITTEN STATEMENT OF THE CLAIM INDICATING ITS BASIS, THE NAME AND  
21 MAILING ADDRESS OF THE CLAIMANT, AND THE AMOUNT CLAIMED

22        (B) THE CLAIMANT MAY FILE A WRITTEN STATEMENT OF THE CLAIM,  
23 IN THE FORM PRESCRIBED BY SUPREME COURT RULE, WITH THE COURT AND  
24 DELIVER OR MAIL A COPY OF THE STATEMENT TO THE CONSERVATOR

25        (2) A CLAIM SHALL BE CONSIDERED PRESENTED ON RECEIPT OF THE  
26 WRITTEN STATEMENT OF CLAIM BY THE CONSERVATOR OR ON THE FILING OF  
27 THE CLAIM WITH THE COURT, WHICHEVER OCCURS FIRST    A PRESENTED

1 CLAIM SHALL BE ALLOWED IF IT IS NOT DISALLOWED BY WRITTEN  
2 STATEMENT MAILED BY THE CONSERVATOR TO THE CLAIMANT WITHIN 63  
3 DAYS AFTER ITS PRESENTATION THE PRESENTATION OF A CLAIM TOLLS  
4 ANY STATUTE OF LIMITATION RELATING TO THE CLAIM UNTIL 28 DAYS  
5 AFTER ITS DISALLOWANCE

6 (3) A CLAIMANT WHOSE CLAIM IS NOT PAID MAY PETITION THE  
7 COURT FOR DETERMINATION OF THE CLAIM AT ANY TIME BEFORE IT IS  
8 BARRED BY THE APPLICABLE STATUTE OF LIMITATION AND, UPON DUE  
9 PROOF, PROCURE AN ORDER FOR ITS ALLOWANCE, PAYMENT, OR SECURITY  
10 FROM THE ESTATE IF A PROCEEDING IS PENDING AGAINST A PROTECTED  
11 PERSON AT THE TIME OF APPOINTMENT OF A CONSERVATOR OR IS INITI-  
12 ATED AGAINST THE PROTECTED PERSON THEREAFTER, THE MOVING PARTY  
13 SHALL GIVE NOTICE OF THE PROCEEDING TO THE CONSERVATOR IF THE  
14 PROCEEDING MAY RESULT IN CREATING A CLAIM AGAINST THE ESTATE

15 (4) IF IT APPEARS THAT THE ESTATE IN CONSERVATORSHIP IS  
16 LIKELY TO BE EXHAUSTED BEFORE ALL EXISTING CLAIMS ARE PAID, THE  
17 CONSERVATOR SHALL DISTRIBUTE THE ESTATE IN MONEY OR IN KIND IN  
18 PAYMENT OF CLAIMS IN THE FOLLOWING ORDER OF PRIORITY

19 (A) COSTS AND EXPENSES OF ADMINISTRATION

20 (B) CLAIMS OF THE FEDERAL OR STATE GOVERNMENT HAVING PRIOR-  
21 ITY UNDER LAW

22 (C) CLAIMS INCURRED BY THE CONSERVATOR FOR CARE, MAINTENANCE,  
23 AND EDUCATION PREVIOUSLY PROVIDED TO THE PROTECTED PERSON  
24 OR THE PROTECTED PERSON'S DEPENDENTS

25 (D) CLAIMS ARISING PRIOR TO THE CONSERVATORSHIP

26 (E) ALL OTHER CLAIMS

1 (5) PREFERENCE SHALL NOT BE GIVEN IN THE PAYMENT OF A CLAIM  
2 OVER ANOTHER CLAIM OF THE SAME CLASS, AND A CLAIM DUE AND PAYABLE  
3 SHALL NOT BE ENTITLED TO A PREFERENCE OVER A CLAIM NOT DUE IF  
4 IT APPEARS THAT THE ASSETS OF THE CONSERVATORSHIP ARE ADEQUATE TO  
5 MEET ALL EXISTING CLAIMS, THE COURT, ACTING IN THE BEST INTEREST  
6 OF THE PROTECTED PERSON, MAY ORDER THE CONSERVATOR TO GIVE A  
7 MORTGAGE OR OTHER SECURITY ON THE CONSERVATORSHIP ESTATE TO  
8 SECURE PAYMENT AT SOME FUTURE DATE OF ANY OR ALL CLAIMS UNDER  
9 SUBSECTION (4) (E)

10 (6) IF A PROTECTED PERSON DIES WHILE UNDER CONSERVATORSHIP,  
11 THE COURT MAY, UPON PETITION OF THE CONSERVATOR AND WITH OR WITH-  
12 OUT NOTICE, HEAR A CLAIM FOR BURIAL EXPENSE OR ANY OTHER CLAIM AS  
13 THE COURT CONSIDERS ADVISABLE UPON HEARING THE CLAIM, THE COURT  
14 MAY ENTER AN ORDER ALLOWING OR DISALLOWING THE CLAIM OR ANY PART  
15 OF IT AND PROVIDE IN THE ORDER OF ALLOWANCE THAT THE CLAIM OR ANY  
16 PART OF IT SHALL BE PAID IMMEDIATELY IF PAYMENT CAN BE MADE WITH-  
17 OUT INJURY OR SERIOUS INCONVENIENCE TO THE PROTECTED PERSON'S  
18 ESTATE

19 SEC 9389 (1) UNLESS OTHERWISE PROVIDED IN THE CONTRACT A  
20 CONSERVATOR IS NOT INDIVIDUALLY LIABLE ON A CONTRACT PROPERLY  
21 ENTERED INTO IN A FIDUCIARY CAPACITY IN THE COURSE OF ADMINISTRA-  
22 TION OF THE ESTATE UNLESS THE CONSERVATOR FAILS TO REVEAL HIS OR  
23 HER REPRESENTATIVE CAPACITY AND IDENTIFY THE ESTATE IN THE  
24 CONTRACT

25 (2) THE CONSERVATOR IS INDIVIDUALLY LIABLE FOR AN OBLIGATION  
26 ARISING FROM OWNERSHIP OR CONTROL OF PROPERTY OF THE ESTATE OR

1 FOR A TORT COMMITTED IN THE COURSE OF ADMINISTRATION OF THE  
2 ESTATE ONLY IF THE CONSERVATOR IS PERSONALLY AT FAULT

3 (3) A CLAIM BASED ON A CONTRACT ENTERED INTO BY A CONSERVA-  
4 TOR IN A FIDUCIARY CAPACITY, ON AN OBLIGATION ARISING FROM OWNER-  
5 SHIP OR CONTROL OF THE ESTATE, OR ON A TORT COMMITTED IN THE  
6 COURSE OF ADMINISTRATION OF THE ESTATE MAY BE ASSERTED AGAINST  
7 THE ESTATE BY PROCEEDING AGAINST THE CONSERVATOR IN HIS OR HER  
8 FIDUCIARY CAPACITY, WHETHER OR NOT THE CONSERVATOR IS INDIVIDU-  
9 ALLY LIABLE FOR THE CLAIM

10 (4) A QUESTION OF LIABILITY BETWEEN THE ESTATE AND THE CON-  
11 SERVATOR INDIVIDUALLY MAY BE DETERMINED IN A PROCEEDING FOR  
12 ACCOUNTING, SURCHARGE, OR INDEMNIFICATION, OR OTHER APPROPRIATE  
13 PROCEEDING OR ACTION

14 SEC 9390 THE PROTECTED PERSON, THE PROTECTED PERSON'S  
15 PERSONAL REPRESENTATIVE, THE CONSERVATOR, OR AN INTERESTED PERSON  
16 MAY PETITION THE COURT TO TERMINATE THE CONSERVATORSHIP A PRO-  
17 TECTED PERSON SEEKING THE TERMINATION IS ENTITLED TO THE SAME  
18 RIGHTS AND PROCEDURES AS IN AN ORIGINAL PROCEEDING FOR A PROTEC-  
19 TIVE ORDER THE COURT, UPON DETERMINING AFTER NOTICE AND HEARING  
20 THAT THE MINORITY OR DISABILITY OF THE PROTECTED PERSON HAS  
21 CEASED, MAY TERMINATE THE CONSERVATORSHIP UPON TERMINATION,  
22 TITLE TO ASSETS OF THE ESTATE PASSES TO THE FORMER PROTECTED  
23 PERSON OR TO HIS OR HER SUCCESSORS SUBJECT TO PROVISION IN THE  
24 ORDER FOR EXPENSES OF ADMINISTRATION OR TO CONVEYANCES FROM THE  
25 CONSERVATOR TO THE FORMER PROTECTED PERSON OR HIS OR HER SUCCES-  
26 SORS, TO EVIDENCE THE TRANSFER

1        SEC 9391    A PERSON INDEBTED TO A PROTECTED PERSON OR  
2 HAVING POSSESSION OF PROPERTY OR OF AN INSTRUMENT EVIDENCING A  
3 DEBT, STOCK, OR CHOSE IN ACTION BELONGING TO A PROTECTED PERSON,  
4 MAY PAY OR DELIVER TO A CONSERVATOR, GUARDIAN OF THE ESTATE, OR  
5 OTHER LIKE FIDUCIARY APPOINTED BY A COURT OF THE STATE OF RESI-  
6 DENCE OF THE PROTECTED PERSON, UPON BEING PRESENTED WITH PROOF OF  
7 HIS OR HER APPOINTMENT AND AN AFFIDAVIT MADE BY THE PERSON OR ON  
8 THE PERSON'S BEHALF STATING THAT A PROTECTIVE PROCEEDING RELATING  
9 TO THE PROTECTED PERSON IS NOT PENDING IN THIS STATE, AND THAT  
10 THE FOREIGN CONSERVATOR IS ENTITLED TO PAYMENT OR TO RECEIVE  
11 DELIVERY    IF THE PERSON TO WHOM THE AFFIDAVIT IS PRESENTED IS  
12 NOT AWARE OF ANY PROTECTIVE PROCEEDING PENDING IN THIS STATE,  
13 PAYMENT OR DELIVERY IN RESPONSE TO THE DEMAND AND AFFIDAVIT DIS-  
14 CHARGES THE DEBTOR OR POSSESSOR

15        SEC 9395    WHEN A PRINCIPAL DESIGNATES ANOTHER AS THE  
16 PRINCIPAL'S ATTORNEY IN FACT OR AGENT BY A POWER OF ATTORNEY IN  
17 WRITING AND THE WRITING CONTAINS THE WORDS "THIS POWER OF ATTOR-  
18 NEY SHALL NOT BE AFFECTED BY DISABILITY OF THE PRINCIPAL," OR  
19 "THIS POWER OF ATTORNEY SHALL BECOME EFFECTIVE UPON THE DISABIL-  
20 ITY OF THE PRINCIPAL," OR SIMILAR WORDS SHOWING THE INTENT OF THE  
21 PRINCIPAL THAT THE AUTHORITY CONFERRED SHALL BE EXERCISABLE NOT-  
22 WITHSTANDING THE PRINCIPAL'S DISABILITY, THE AUTHORITY OF THE  
23 ATTORNEY IN FACT OR AGENT IS EXERCISABLE BY THE ATTORNEY IN FACT  
24 OR AGENT AS PROVIDED IN THE POWER ON BEHALF OF THE PRINCIPAL NOT-  
25 WITHSTANDING LATER DISABILITY OR INCAPACITY OF THE PRINCIPAL AT  
26 LAW OR LATER UNCERTAINTY AS TO WHETHER THE PRINCIPAL IS DEAD OR  
27 ALIVE    AN ACT DONE BY THE ATTORNEY IN FACT OR AGENT PURSUANT TO

1 THE POWER DURING A PERIOD OF DISABILITY, INCOMPETENCE, OR  
2 UNCERTAINTY AS TO WHETHER THE PRINCIPAL IS DEAD OR ALIVE HAS THE  
3 SAME EFFECT AND INURES TO THE BENEFIT OF AND BINDS THE PRINCIPAL  
4 OR THE PRINCIPAL'S HEIRS, DEVISEES, AND PERSONAL REPRESENTATIVE  
5 AS IF THE PRINCIPAL WERE ALIVE, COMPETENT, AND NOT DISABLED  
6 AFTER THE APPOINTMENT OF THE PERSON AS AN ATTORNEY IN FACT OR  
7 AGENT BECOMES EFFECTIVE, IF A CONSERVATOR IS APPOINTED FOR THE  
8 PRINCIPAL, THE ATTORNEY IN FACT OR AGENT, DURING THE CONTINUANCE  
9 OF THE APPOINTMENT, SHALL ACCOUNT TO THE CONSERVATOR RATHER THAN  
10 THE PRINCIPAL THE CONSERVATOR HAS THE SAME POWER TO REVOKE THE  
11 POWER OF ATTORNEY OR AGENCY THAT THE PRINCIPAL WOULD HAVE HAD IF  
12 THE PRINCIPAL WERE NOT PROTECTED

13 SEC 9396 (1) A PERSON 18 YEARS OF AGE OR OLDER WHO IS OF  
14 SOUND MIND AT THE TIME A DESIGNATION IS MADE MAY DESIGNATE IN  
15 WRITING A PERSON WHO IS 18 YEARS OF AGE OR OLDER TO EXERCISE  
16 POWERS CONCERNING CARE, CUSTODY, AND MEDICAL TREATMENT DECISIONS  
17 FOR THE PERSON WHO MADE THE DESIGNATION FOR PURPOSES OF THIS  
18 SECTION, A PERSON WHO IS NAMED IN A DESIGNATION TO EXERCISE  
19 POWERS CONCERNING CARE, CUSTODY, AND MEDICAL TREATMENT DECISIONS  
20 SHALL BE KNOWN AS A PATIENT ADVOCATE AND A PERSON WHO MAKES A  
21 DESIGNATION SHALL BE KNOWN AS A PATIENT

22 (2) A DESIGNATION SHALL BE IN WRITING, SIGNED, WITNESSED  
23 PURSUANT TO SUBSECTION (3), DATED, EXECUTED VOLUNTARILY, AND  
24 BEFORE ITS IMPLEMENTATION SHALL BE MADE PART OF THE PATIENT'S  
25 MEDICAL RECORD WITH THE PATIENT'S ATTENDING PHYSICIAN AND, IF  
26 APPLICABLE, WITH THE FACILITY WHERE THE PATIENT IS LOCATED THE  
27 DESIGNATION SHALL INCLUDE A STATEMENT THAT THE AUTHORITY

1 CONFERRED UNDER THIS SECTION SHALL BE EXERCISABLE ONLY WHEN THE  
2 PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS

3 (3) A DESIGNATION SHALL BE EXECUTED IN THE PRESENCE OF AND  
4 SIGNED BY 2 WITNESSES THE WITNESSES SHALL NOT BE THE PATIENT'S  
5 SPOUSE, PARENT, CHILD, GRANDCHILD, SIBLING, PRESUMPTIVE HEIR,  
6 KNOWN DEVISEE AT THE TIME OF THE WITNESSING, PHYSICIAN, PATIENT  
7 ADVOCATE, AN EMPLOYEE OF A LIFE OR HEALTH INSURANCE PROVIDER FOR  
8 THE PATIENT, AN EMPLOYEE OF A HEALTH FACILITY THAT IS TREATING  
9 THE PATIENT, OR AN EMPLOYEE OF A HOME FOR THE AGED AS DEFINED IN  
10 SECTION 20106 OF THE PUBLIC HEALTH CODE, ACT NO 368 OF THE  
11 PUBLIC ACTS OF 1978, BEING SECTION 333 20106 OF THE MICHIGAN  
12 COMPILED LAWS, WHERE THE PATIENT RESIDES A WITNESS SHALL NOT  
13 SIGN THE DESIGNATION UNLESS THE PATIENT APPEARS TO BE OF SOUND  
14 MIND AND UNDER NO DURESS, FRAUD, OR UNDUE INFLUENCE

15 (4) A DESIGNATION MAY INCLUDE A STATEMENT OF THE PATIENT'S  
16 DESIRES ON CARE, CUSTODY, AND MEDICAL TREATMENT THE PATIENT MAY  
17 AUTHORIZE THE PATIENT ADVOCATE TO EXERCISE 1 OR MORE POWERS CON-  
18 CERNING THE PATIENT'S CARE, CUSTODY, AND MEDICAL TREATMENT, THAT  
19 THE PATIENT COULD HAVE EXERCISED ON HIS OR HER OWN BEHALF

20 (5) A PATIENT MAY DESIGNATE IN THE DESIGNATION A SUCCESSOR  
21 INDIVIDUAL AS A PATIENT ADVOCATE WHO MAY EXERCISE POWERS CONCERN-  
22 ING CARE, CUSTODY, AND MEDICAL TREATMENT DECISIONS FOR THE  
23 PATIENT IF THE FIRST INDIVIDUAL NAMED AS PATIENT ADVOCATE DOES  
24 NOT ACCEPT, IS INCAPACITATED, RESIGNS, OR IS REMOVED

25 (6) BEFORE ITS IMPLEMENTATION A COPY OF THE DESIGNATION  
26 SHALL BE GIVEN TO THE PROPOSED PATIENT ADVOCATE AND SHALL BE  
27 GIVEN TO A SUCCESSOR PATIENT ADVOCATE PRIOR TO THE SUCCESSOR

1 ACTING AS PATIENT ADVOCATE BEFORE ACTING AS A PATIENT ADVOCATE,  
2 THE PROPOSED PATIENT ADVOCATE SHALL SIGN AN ACCEPTANCE TO THE  
3 DESIGNATION

4 (7) THE ACCEPTANCE TO A DESIGNATION AS A PATIENT ADVOCATE  
5 SHALL CONTAIN THE FOLLOWING

6 "(A) THIS DESIGNATION SHALL NOT BECOME EFFECTIVE UNLESS THE  
7 PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS

8 (B) A PATIENT ADVOCATE SHALL NOT EXERCISE POWERS CONCERNING  
9 THE PATIENT'S CARE, CUSTODY, AND MEDICAL TREATMENT THAT THE  
10 PATIENT, IF THE PATIENT WERE ABLE TO PARTICIPATE IN THE DECISION,  
11 COULD NOT HAVE EXERCISED ON HIS OR HER OWN BEHALF

12 (C) THIS DESIGNATION CANNOT BE USED TO MAKE A MEDICAL TREAT-  
13 MENT DECISION TO WITHHOLD OR WITHDRAW TREATMENT FROM A PATIENT  
14 WHO IS PREGNANT THAT WOULD RESULT IN THE PREGNANT PATIENT'S  
15 DEATH

16 (D) A PATIENT ADVOCATE MAY MAKE A DECISION TO WITHHOLD OR  
17 WITHDRAW TREATMENT WHICH WOULD ALLOW A PATIENT TO DIE ONLY IF THE  
18 PATIENT HAS EXPRESSED IN A CLEAR AND CONVINCING MANNER THAT THE  
19 PATIENT ADVOCATE IS AUTHORIZED TO MAKE SUCH A DECISION, AND THAT  
20 THE PATIENT ACKNOWLEDGES THAT SUCH A DECISION COULD OR WOULD  
21 ALLOW THE PATIENT'S DEATH

22 (E) A PATIENT ADVOCATE SHALL NOT RECEIVE COMPENSATION FOR  
23 THE PERFORMANCE OF HIS OR HER AUTHORITY, RIGHTS, AND RESPONSIBIL-  
24 ITIES, BUT A PATIENT ADVOCATE MAY BE REIMBURSED FOR ACTUAL AND  
25 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER  
26 AUTHORITY, RIGHTS, AND RESPONSIBILITIES



1 (F) A PATIENT ADVOCATE SHALL ACT IN ACCORDANCE WITH THE  
2 STANDARDS OF CARE APPLICABLE TO FIDUCIARIES WHEN ACTING FOR THE  
3 PATIENT AND SHALL ACT CONSISTENT WITH THE PATIENT'S BEST  
4 INTERESTS THE KNOWN DESIRES OF THE PATIENT EXPRESSED OR EVI-  
5 DENCED WHILE THE PATIENT IS ABLE TO PARTICIPATE IN MEDICAL TREAT-  
6 MENT DECISIONS ARE PRESUMED TO BE IN THE PATIENT'S BEST  
7 INTERESTS

8 (G) A PATIENT MAY REVOKE HIS OR HER DESIGNATION AT ANY TIME  
9 AND IN ANY MANNER SUFFICIENT TO COMMUNICATE AN INTENT TO REVOKE

10 (H) A PATIENT ADVOCATE MAY REVOKE HIS OR HER ACCEPTANCE TO  
11 THE DESIGNATION AT ANY TIME AND IN ANY MANNER SUFFICIENT TO COM-  
12 MUNICATE AN INTENT TO REVOKE

13 (I) A PATIENT ADMITTED TO A HEALTH FACILITY OR AGENCY HAS  
14 THE RIGHTS ENUMERATED IN SECTION 20201 OF THE PUBLIC HEALTH CODE,  
15 ACT NO 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333 20201  
16 OF THE MICHIGAN COMPILED LAWS "

17 (8) THE AUTHORITY UNDER A DESIGNATION EXECUTED UNDER THIS  
18 SECTION SHALL BE EXERCISABLE BY A PATIENT ADVOCATE ONLY WHEN THE  
19 PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS  
20 THE PATIENT'S ATTENDING PHYSICIAN AND ANOTHER PHYSICIAN OR  
21 LICENSED PSYCHOLOGIST SHALL DETERMINE UPON EXAMINATION OF THE  
22 PATIENT WHEN THE PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL  
23 TREATMENT DECISIONS, SHALL PUT THE DETERMINATION IN WRITING,  
24 SHALL MAKE THE DETERMINATION PART OF THE PATIENT'S MEDICAL  
25 RECORD, AND SHALL REVIEW THE DETERMINATION NOT LESS THAN  
26 ANNUALLY IF THE PATIENT'S RELIGIOUS BELIEFS PROHIBIT AN  
27 EXAMINATION AND THIS IS STATED IN THE DESIGNATION, THE PATIENT

1 SHALL INDICATE IN THE DESIGNATION HOW IT SHALL BE DETERMINED WHEN  
2 THE PATIENT ADVOCATE SHALL EXERCISE POWERS CONCERNING DECISIONS  
3 ON BEHALF OF THE PATIENT IF A DISPUTE ARISES AS TO WHETHER THE  
4 PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS,  
5 A PETITION MAY BE FILED WITH THE COURT IN THE COUNTY IN WHICH THE  
6 PATIENT RESIDES OR IS FOUND REQUESTING THE COURT'S DETERMINATION  
7 AS TO WHETHER THE PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL  
8 TREATMENT DECISIONS IF A PETITION IS FILED UNDER THIS SUBSEC-  
9 TION, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO REPRESENT  
10 THE PATIENT FOR THE PURPOSES OF THIS SUBSECTION THE COURT SHALL  
11 CONDUCT A HEARING ON A PETITION UNDER THIS SUBSECTION AS SOON AS  
12 POSSIBLE AND WITHIN 7 DAYS OF THE COURT'S RECEIPT OF THE  
13 PETITION AS SOON AS POSSIBLE AND WITHIN 7 DAYS AFTER THE HEAR-  
14 ING, THE COURT SHALL DETERMINE WHETHER OR NOT THE PATIENT IS ABLE  
15 TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS IF THE COURT  
16 DETERMINES THAT THE PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL  
17 TREATMENT DECISIONS, THE PATIENT ADVOCATE'S AUTHORITY, RIGHTS,  
18 AND RESPONSIBILITIES SHALL BECOME EFFECTIVE IF THE COURT DETER-  
19 MINES THAT THE PATIENT IS ABLE TO PARTICIPATE IN MEDICAL TREAT-  
20 MENT DECISIONS, THE PATIENT ADVOCATE'S AUTHORITY, RIGHTS, AND  
21 RESPONSIBILITIES SHALL NOT BECOME EFFECTIVE

22 (9) AN INDIVIDUAL DESIGNATED AS A PATIENT ADVOCATE UNDER  
23 THIS SECTION SHALL HAVE THE FOLLOWING AUTHORITY, RIGHTS, RESPON-  
24 SIBILITIES, AND LIMITATIONS

25 (A) A PATIENT ADVOCATE SHALL ACT IN ACCORDANCE WITH THE  
26 STANDARDS OF CARE APPLICABLE TO FIDUCIARIES IN EXERCISING HIS OR  
27 HER POWERS

1 (B) A PATIENT ADVOCATE SHALL TAKE REASONABLE STEPS TO FOLLOW  
2 THE DESIRES, INSTRUCTIONS, OR GUIDELINES GIVEN BY THE PATIENT  
3 WHILE THE PATIENT WAS ABLE TO PARTICIPATE IN CARE, CUSTODY, OR  
4 MEDICAL TREATMENT DECISIONS, WHETHER GIVEN ORALLY OR AS WRITTEN  
5 IN THE DESIGNATION

6 (C) A PATIENT ADVOCATE SHALL NOT EXERCISE POWERS CONCERNING  
7 THE PATIENT'S CARE, CUSTODY, AND MEDICAL TREATMENT THAT THE  
8 PATIENT, IF THE PATIENT WERE ABLE TO PARTICIPATE IN THE DECISION,  
9 COULD NOT HAVE EXERCISED ON HIS OR HER OWN BEHALF

10 (D) THIS DESIGNATION CANNOT BE USED TO MAKE A MEDICAL TREAT-  
11 MENT DECISION TO WITHHOLD OR WITHDRAW TREATMENT FROM A PATIENT  
12 WHO IS PREGNANT THAT WOULD RESULT IN THE PREGNANT PATIENT'S  
13 DEATH

14 (E) A PATIENT ADVOCATE MAY MAKE A DECISION TO WITHHOLD OR  
15 WITHDRAW TREATMENT WHICH WOULD ALLOW A PATIENT TO DIE ONLY IF THE  
16 PATIENT HAS EXPRESSED IN A CLEAR AND CONVINCING MANNER THAT THE  
17 PATIENT ADVOCATE IS AUTHORIZED TO MAKE SUCH A DECISION, AND THAT  
18 THE PATIENT ACKNOWLEDGES THAT SUCH A DECISION COULD OR WOULD  
19 ALLOW THE PATIENT'S DEATH

20 (F) A PATIENT ADVOCATE UNDER THIS SECTION SHALL NOT DELEGATE  
21 HIS OR HER POWERS TO ANOTHER INDIVIDUAL WITHOUT PRIOR AUTHORIZA-  
22 TION BY THE PATIENT

23 (10) A DESIGNATION EXECUTED UNDER THIS SECTION IS SUSPENDED  
24 WHEN THE PATIENT REGAINS THE ABILITY TO PARTICIPATE IN MEDICAL  
25 TREATMENT DECISIONS THE SUSPENSION IS EFFECTIVE AS LONG AS THE  
26 PATIENT IS ABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS  
27 IF THE PATIENT SUBSEQUENTLY IS DETERMINED UNDER SUBSECTION (8) TO

1 BE UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECISIONS, THE  
2 PATIENT ADVOCATE'S AUTHORITY, RIGHTS, RESPONSIBILITIES, AND LIM-  
3 TATIONS SHALL AGAIN BECOME EFFECTIVE

4 (11) A DESIGNATION EXECUTED UNDER THIS SECTION IS REVOKED BY  
5 ANY OF THE FOLLOWING

6 (A) THE DEATH OF THE PATIENT

7 (B) AN ORDER OF DISSOLUTION BY THE COURT UNDER  
8 SUBSECTION (16)

9 (C) RESIGNATION OF THE PATIENT ADVOCATE OR REMOVAL OF THE  
10 PATIENT ADVOCATE BY THE COURT, UNLESS A SUCCESSOR PATIENT ADVO-  
11 CATE HAS BEEN DESIGNATED

12 (D) REVOCATION OF THE DESIGNATION BY THE PATIENT EVEN IF  
13 THE PATIENT IS UNABLE TO PARTICIPATE IN MEDICAL TREATMENT DECI-  
14 SIONS, A PATIENT MAY REVOKE A DESIGNATION AT ANY TIME AND IN ANY  
15 MANNER BY WHICH HE OR SHE IS ABLE TO COMMUNICATE AN INTENT TO  
16 REVOKE THE DESIGNATION IF THERE IS A DISPUTE AS TO THE INTENT  
17 OF THE PATIENT TO REVOKE THE DESIGNATION, THE COURT MAY MAKE A  
18 DETERMINATION ON THE INTENT OF THE PATIENT TO REVOKE THE  
19 DESIGNATION IF THE REVOCATION IS NOT IN WRITING, A PERSON WHO  
20 WITNESSES A REVOCATION OF A DESIGNATION SHALL DESCRIBE IN WRITING  
21 THE CIRCUMSTANCES OF THE REVOCATION, SHALL SIGN THE WRITING, AND  
22 SHALL NOTIFY, IF POSSIBLE, THE PATIENT ADVOCATE OF THE  
23 REVOCATION IF THE PATIENT'S PHYSICIAN OR HEALTH FACILITY HAS  
24 NOTICE OF THE PATIENT'S REVOCATION OF A DESIGNATION, THE PHYSI-  
25 CIAN OR HEALTH FACILITY SHALL NOTE THE REVOCATION IN THE  
26 PATIENT'S MEDICAL RECORDS AND BEDSIDE CHART, AND SHALL NOTIFY THE  
27 PATIENT ADVOCATE

1 (E) A SUBSEQUENT DESIGNATION THAT REVOKES THE PRIOR  
2 DESIGNATION EITHER EXPRESSLY OR BY INCONSISTENCY

3 (F) THE OCCURRENCE OF A PROVISION FOR REVOCATION CONTAINED  
4 IN THE DESIGNATION

5 (G) IF A DESIGNATION IS EXECUTED DURING A PATIENT'S MARRIAGE  
6 NAMING THE PATIENT'S SPOUSE AS THE PATIENT ADVOCATE, THE DESIGNA-  
7 TION SHALL BE SUSPENDED DURING THE PENDENCY OF AN ACTION FOR SEP-  
8 ARATE MAINTENANCE, ANNULMENT, OR DIVORCE AND SHALL BE REVOKED  
9 UPON THE ENTRY OF A JUDGMENT OF SEPARATE MAINTENANCE, ANNULMENT,  
10 OR DIVORCE, UNLESS THE PATIENT HAS NAMED A SUCCESSOR INDIVIDUAL  
11 TO SERVE AS A PATIENT ADVOCATE IF A SUCCESSOR PATIENT ADVOCATE  
12 IS NAMED, THAT INDIVIDUAL SHALL ACT AS THE PATIENT ADVOCATE

13 (12) THE REVOCATION OF A DESIGNATION OF A PATIENT ADVOCATE  
14 UNDER SUBSECTION (11) DOES NOT REVOKE OR TERMINATE THE AGENCY AS  
15 TO THE PATIENT ADVOCATE OR OTHER PERSON WHO ACTS IN GOOD FAITH  
16 UNDER THE DESIGNATION AND WITHOUT ACTUAL KNOWLEDGE OF THE  
17 REVOCATION AN ACTION TAKEN WITHOUT KNOWLEDGE OF THE REVOCATION,  
18 UNLESS THE ACTION IS OTHERWISE INVALID OR UNENFORCEABLE, BINDS  
19 THE PATIENT AND HIS OR HER HEIRS, DEVISEES, AND PERSONAL  
20 REPRESENTATIVES AN AFFIDAVIT EXECUTED BY THE PATIENT ADVOCATE  
21 STATING THAT HE OR SHE DID NOT HAVE AT THE TIME OF DOING AN ACT  
22 PURSUANT TO THE DESIGNATION ACTUAL KNOWLEDGE OF THE REVOCATION OF  
23 THE DESIGNATION IS, IN THE ABSENCE OF FRAUD, CONCLUSIVE PROOF  
24 THAT THE PATIENT ADVOCATE DID NOT HAVE ACTUAL KNOWLEDGE OF THE  
25 REVOCATION AT THAT TIME OF THE REVOCATION

26 (13) A CURRENT DESIRE BY A PATIENT, IRRESPECTIVE OF A  
27 PREVIOUS EXPRESSED OR EVIDENCED DESIRE, TO HAVE PROVIDED, AND NOT

1 WITHHELD OR WITHDRAWN, A SPECIFIC LIFE EXTENDING CARE, CUSTODY,  
2 OR MEDICAL TREATMENT SHALL BE BINDING ON THE PATIENT ADVOCATE, IF  
3 KNOWN BY THE PATIENT ADVOCATE, REGARDLESS OF THE THEN ABILITY OR  
4 INABILITY OF THE PATIENT TO PARTICIPATE IN CARE, CUSTODY, OR MED-  
5 ICAL TREATMENT DECISIONS OR THE COMPETENCY OF THE PATIENT

6 (14) A PERSON PROVIDING, PERFORMING, WITHHOLDING, OR WITH-  
7 DRAWING CARE, CUSTODY, OR MEDICAL TREATMENT AS A RESULT OF THE  
8 DECISION OF AN INDIVIDUAL WHO IS REASONABLY BELIEVED TO BE A  
9 PATIENT ADVOCATE AND WHO IS REASONABLY BELIEVED TO BE ACTING  
10 WITHIN THE AUTHORITY GRANTED BY THE DESIGNATION, IS LIABLE IN THE  
11 SAME MANNER AND TO THE SAME EXTENT AS IF THE PATIENT HAD MADE THE  
12 DECISION ON HIS OR HER OWN BEHALF

13 (15) A PERSON PROVIDING CARE, CUSTODY, OR MEDICAL TREATMENT  
14 TO A PATIENT IS BOUND BY SOUND MEDICAL PRACTICE AND BY THE  
15 INSTRUCTIONS OF A PATIENT ADVOCATE IF THE PATIENT ADVOCATE COM-  
16 PLIES WITH THIS SECTION, AND IS NOT BOUND BY THE INSTRUCTIONS OF  
17 A PATIENT ADVOCATE IF THE PATIENT ADVOCATE DOES NOT COMPLY WITH  
18 THIS SECTION

19 (16) IF A DISPUTE ARISES AS TO WHETHER A PATIENT ADVOCATE IS  
20 ACTING CONSISTENT WITH THE PATIENT'S BEST INTERESTS, OR IS OTHER-  
21 WISE NOT COMPLYING WITH THIS SECTION, A PETITION MAY BE FILED  
22 WITH THE COURT IN THE COUNTY IN WHICH THE PATIENT RESIDES OR IS  
23 FOUND REQUESTING THE COURT'S DETERMINATION AS TO THE CONTINUATION  
24 OF THE DESIGNATION OR THE REMOVAL OF THE PATIENT ADVOCATE

25 (17) A PATIENT ADVOCATE CANNOT MAKE A MEDICAL TREATMENT  
26 DECISION UNDER THE AUTHORITY OF OR UNDER THE PROCESS CREATED BY

1 THIS SECTION TO WITHHOLD OR WITHDRAW TREATMENT FROM A PREGNANT  
2 PATIENT THAT WOULD RESULT IN THE PREGNANT PATIENT'S DEATH

3 (18) A HEALTH CARE PROVIDER SHALL NOT REQUIRE A DESIGNATION  
4 TO BE EXECUTED AS A CONDITION OF PROVIDING, WITHHOLDING, OR WITH-  
5 DRAWING CARE, CUSTODY, OR MEDICAL TREATMENT

6 (19) A LIFE OR HEALTH INSURER SHALL NOT DO ANY OF THE FOL-  
7 LOWING BECAUSE OF THE EXECUTION OR IMPLEMENTATION OF A DESIGNA-  
8 TION OR BECAUSE OF THE FAILURE OR REFUSAL TO EXECUTE OR IMPLEMENT  
9 A DESIGNATION

10 (A) REFUSE TO PROVIDE OR CONTINUE COVERAGE TO THE PATIENT

11 (B) LIMIT THE AMOUNT OF COVERAGE AVAILABLE TO A PATIENT

12 (C) CHARGE A PATIENT A DIFFERENT RATE

13 (D) CONSIDER THE TERMS OF AN EXISTING POLICY OF LIFE OR  
14 HEALTH INSURANCE TO HAVE BEEN BREACHED OR MODIFIED

15 (E) INVOKE A SUICIDE OR INTENTIONAL DEATH EXEMPTION OR  
16 EXCLUSION IN A POLICY COVERING THE PATIENT

17 (20) A DESIGNATION EXECUTED UNDER THIS SECTION SHALL NOT BE  
18 CONSTRUED TO CONDONE, ALLOW, PERMIT, AUTHORIZE, OR APPROVE SUI-  
19 CIDE OR HOMICIDE

20 (21) EXCEPT AS PROVIDED IN SUBSECTIONS (18) AND (19), THIS  
21 SECTION SHALL ONLY APPLY TO OR AFFECT A PERSON WHO HAS EXECUTED A  
22 DESIGNATION THIS SECTION SHALL ONLY APPLY TO OR AFFECT A PERSON  
23 ACTING FOR OR ON BEHALF OF ANOTHER PERSON WHO HAS EXECUTED A  
24 DESIGNATION

25 (22) NOTHING IN THIS SECTION SHALL BE CONSIDERED TO AUTHO-  
26 RIZE OR COMPEL CARE, CUSTODY, OR MEDICAL TREATMENT DECISIONS FOR  
27 A PATIENT WHO OBJECTS ON RELIGIOUS GROUNDS

1       (23) A DESIGNATION EXECUTED BEFORE THE EFFECTIVE DATE OF  
2 THIS SECTION WITH THE INTENT OF ACCOMPLISHING A SIMILAR PURPOSE  
3 AS THIS SECTION IS VALID BUT SHALL BE SUBJECT TO SUBSECTION (1)  
4 AND SUBSECTIONS (4) THROUGH (23), SHALL BE IN WRITING, SIGNED,  
5 WITNESSED OR NOTARIZED, DATED, EXECUTED VOLUNTARILY, AND BEFORE  
6 ITS IMPLEMENTATION SHALL BE MADE PART OF THE PATIENT'S MEDICAL  
7 RECORD

8       SEC 9397   (1) THE DEATH, DISABILITY, OR INCOMPETENCE OF A  
9 PRINCIPAL WHO HAS EXECUTED A POWER OF ATTORNEY IN WRITING OTHER  
10 THAN A POWER AS DESCRIBED BY SECTION 9395, DOES NOT REVOKE OR  
11 TERMINATE THE AGENCY AS TO THE ATTORNEY IN FACT, AGENT, OR OTHER  
12 PERSON WHO, WITHOUT ACTUAL KNOWLEDGE OF THE DEATH, DISABILITY, OR  
13 INCOMPETENCE OF THE PRINCIPAL, ACTS IN GOOD FAITH UNDER THE POWER  
14 OF ATTORNEY OR AGENCY   UNLESS OTHERWISE INVALID OR UNENFORCE-  
15 ABLE, AN ACTION SO TAKEN BINDS THE PRINCIPAL AND THE PRINCIPAL'S  
16 HEIRS, DEVISEES, AND PERSONAL REPRESENTATIVES

17       (2) AN AFFIDAVIT   EXECUTED BY THE ATTORNEY IN FACT OR AGENT  
18 STATING THAT THE ATTORNEY IN FACT OR AGENT DID NOT HAVE, AT THE  
19 TIME OF DOING AN ACT PURSUANT TO THE POWER OF ATTORNEY, ACTUAL  
20 KNOWLEDGE OF THE REVOCATION OR TERMINATION OF THE POWER OF ATTOR-  
21 NEY BY DEATH, DISABILITY, OR INCOMPETENCE, IS, IN THE ABSENCE OF  
22 FRAUD, CONCLUSIVE PROOF OF THE NONREVOCATION OR NONTERMINATION OF  
23 THE POWER AT THAT TIME   IF THE EXERCISE OF THE POWER REQUIRES  
24 EXECUTION AND DELIVERY OF AN INSTRUMENT WHICH IS RECORDABLE, THE  
25 AFFIDAVIT WHEN AUTHENTICATED FOR RECORD IS LIKEWISE RECORDABLE



1 (3) THIS SECTION SHALL NOT BE CONSTRUED TO ALTER OR AFFECT  
2 ANY PROVISION FOR REVOCATION OR TERMINATION CONTAINED IN THE  
3 POWER OF ATTORNEY

4 SEC 9399 IF THIS CHAPTER CONFLICTS WITH THE MENTAL HEALTH  
5 CODE, ACT NO 258 OF THE PUBLIC ACTS OF 1974, BEING  
6 SECTIONS 330 1001 TO 330 2106 OF THE MICHIGAN COMPILED LAWS, THAT  
7 ACT SHALL CONTROL

8 CHAPTER 94

9 SEC 9401 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS  
10 THE "MICHIGAN ADOPTION CODE"

11 SEC 9401A THE GENERAL PURPOSES OF THIS CHAPTER ARE

12 (A) TO PROVIDE THAT EACH ADOPTEE IN THIS STATE WHO NEEDS  
13 ADOPTION SERVICES RECEIVES THOSE SERVICES

14 (B) TO PROVIDE PROCEDURES AND SERVICES WHICH WILL SAFEGUARD  
15 AND PROMOTE THE BEST INTERESTS OF EACH ADOPTEE IN NEED OF ADOP-  
16 TION AND WHICH WILL PROTECT THE RIGHTS OF ALL PARTIES CONCERNED  
17 IF CONFLICTS ARISE BETWEEN THE RIGHTS OF THE ADOPTEE AND THE  
18 RIGHTS OF ANOTHER, THE RIGHTS OF THE ADOPTEE SHALL BE PARAMOUNT

19 (C) TO PROVIDE PROMPT LEGAL PROCEEDINGS TO ASSURE THAT THE  
20 ADOPTEE IS FREE FOR ADOPTIVE PLACEMENT AT THE EARLIEST POSSIBLE  
21 TIME

22 SEC 9401B A COURT ORDER OR DECREE ESTABLISHING THE RELA-  
23 TIONSHIP OF PARENT AND CHILD BY ADOPTION AND ISSUED BY A COURT IN  
24 ANOTHER COUNTRY IS PRESUMED TO BE ISSUED IN ACCORDANCE WITH THE  
25 LAWS OF THAT COUNTRY AND SHALL BE RECOGNIZED IN THIS STATE THE  
26 RIGHTS AND OBLIGATIONS OF THE PARTIES AS TO MATTERS WITHIN THE

1 JURISDICTION OF THIS STATE SHALL BE DETERMINED AS THOUGH THE  
2 ORDER OR DECREE WERE ISSUED BY A COURT OF THIS STATE

3 SEC 9402 AS USED IN THIS CHAPTER

4 (A) "ADOPTEE" MEANS THE INDIVIDUAL WHO IS TO BE ADOPTED,  
5 REGARDLESS OF WHETHER THE INDIVIDUAL IS A CHILD OR AN ADULT

6 (B) "ADOPTION ATTORNEY" MEANS AN ATTORNEY ACTING AS COUNSEL  
7 IN A DIRECT PLACEMENT ADOPTION WHO MEETS ALL OF THE FOLLOWING  
8 REQUIREMENTS

9 (1) HAS COMPLETED AT LEAST 12 HOURS OF CONTINUING EDUCATION  
10 IN THIS STATE DURING THE PAST 5 YEARS IN COURSES INTEGRATING THE  
11 LEGAL AND SOCIAL ASPECTS OF ADOPTION

12 (11) MAINTAINS AN UP-TO-DATE FILE OF INDIVIDUALS LICENSED OR  
13 REGISTERED UNDER EITHER THE PUBLIC HEALTH CODE, ACT NO 368 OF  
14 THE PUBLIC ACTS OF 1978, BEING SECTIONS 333 1101 TO 333 25211 OF  
15 THE MICHIGAN COMPILED LAWS, OR THE OCCUPATIONAL CODE ACT NO 299  
16 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 339 101 TO 339 2721 OF  
17 THE MICHIGAN COMPILED LAWS AND AGENCIES TO WHOM REFERRALS MAY BE  
18 MADE FOR COUNSELING SERVICES NEEDED BY AN ADOPTION CLIENT

19 (111) HAS REGISTERED AS AN ADOPTION ATTORNEY WITH THE  
20 CHILDREN'S OMBUDSMAN AS PROVIDED IN SECTION 5 OF THE FOSTER CARE  
21 AND ADOPTION SERVICES ACT, ACT NO 203 OF THE PUBLIC ACTS OF  
22 1994, BEING SECTION 722 955 OF THE MICHIGAN COMPILED LAWS

23 (C) "ADULT FORMER SIBLING" MEANS AN INDIVIDUAL WHO IS 18  
24 YEARS OF AGE OR OLDER AND IS RELATED TO AN ADULT ADOPTEE EITHER  
25 BIOLOGICALLY OR THROUGH ADOPTION BY AT LEAST 1 COMMON PARENT,  
26 REGARDLESS OF WHETHER THE ADULT FORMER SIBLING EVER LIVED IN THE  
27 SAME HOUSEHOLD AS THE ADULT ADOPTEE

1 (D) "AGENCY PLACEMENT" MEANS A PLACEMENT IN WHICH A CHILD  
2 PLACING AGENCY, THE DEPARTMENT, OR A COURT SELECTS THE ADOPTIVE  
3 PARENT FOR THE CHILD AND TRANSFERS PHYSICAL CUSTODY OF THE CHILD  
4 TO THE PROSPECTIVE ADOPTIVE PARENT

5 (E) "ATTENDING PRACTITIONER" MEANS A LICENSED PHYSICIAN OR A  
6 REGISTERED PROFESSIONAL NURSE CERTIFIED AS A NURSE MIDWIFE BY THE  
7 MICHIGAN BOARD OF NURSING

8 (F) "BEST INTERESTS OF THE ADOPTEE" OR "BEST INTERESTS OF  
9 THE CHILD" MEANS THE SUM TOTAL OF THE FOLLOWING FACTORS TO BE  
10 CONSIDERED, EVALUATED, AND DETERMINED BY THE COURT TO BE APPLIED  
11 TO GIVE THE ADOPTEE PERMANENCE AT THE EARLIEST POSSIBLE DATE

12 (1) THE LOVE, AFFECTION, AND OTHER EMOTIONAL TIES EXISTING  
13 BETWEEN THE ADOPTING INDIVIDUAL OR INDIVIDUALS AND THE ADOPTEE  
14 OR, IN THE CASE OF A HEARING UNDER SECTION 9419, THE PUTATIVE  
15 FATHER AND THE ADOPTEE

16 (11) THE CAPACITY AND DISPOSITION OF THE ADOPTING INDIVIDUAL  
17 OR INDIVIDUALS OR, IN THE CASE OF A HEARING UNDER SECTION 9419,  
18 THE PUTATIVE FATHER TO GIVE THE ADOPTEE LOVE, AFFECTION, AND  
19 GUIDANCE, AND TO EDUCATE AND CREATE A MILIEU THAT FOSTERS THE  
20 RELIGION, RACIAL IDENTITY, AND CULTURE OF THE ADOPTEE

21 (111) THE CAPACITY AND DISPOSITION OF THE ADOPTING INDIVID-  
22 UAL OR INDIVIDUALS OR, IN THE CASE OF A HEARING UNDER SECTION  
23 9419, THE PUTATIVE FATHER, TO PROVIDE THE ADOPTEE WITH FOOD,  
24 CLOTHING, EDUCATION, PERMANENCE, MEDICAL CARE OR OTHER REMEDIAL  
25 CARE RECOGNIZED AND PERMITTED UNDER THE LAWS OF THIS STATE IN  
26 PLACE OF MEDICAL CARE, AND OTHER MATERIAL NEEDS

1           (1v) THE LENGTH OF TIME THE ADOPTEE HAS LIVED IN A STABLE,  
2 SATISFACTORY ENVIRONMENT, AND THE DESIRABILITY OF MAINTAINING  
3 CONTINUITY

4           (v) THE PERMANENCE AS A FAMILY UNIT OF THE PROPOSED ADOPTIVE  
5 HOME, OR, IN THE CASE OF A HEARING UNDER SECTION 9419, THE HOME  
6 OF THE PUTATIVE FATHER

7           (v1) THE MORAL FITNESS OF THE ADOPTING INDIVIDUAL OR INDI-  
8 VIDUALS OR, IN THE CASE OF A HEARING UNDER SECTION 9419, OF THE  
9 PUTATIVE FATHER

10          (v11) THE MENTAL AND PHYSICAL HEALTH OF THE ADOPTING INDI-  
11 VIDUAL OR INDIVIDUALS OR, IN THE CASE OF A HEARING UNDER SECTION  
12 9419, OF THE PUTATIVE FATHER, AND OF THE ADOPTEE

13          (v111) THE HOME, SCHOOL, AND COMMUNITY RECORD OF THE  
14 ADOPTEE

15          (1x) THE REASONABLE PREFERENCE OF THE ADOPTEE, IF THE  
16 ADOPTEE IS 14 YEARS OF AGE OR LESS AND IF THE COURT CONSIDERS THE  
17 ADOPTEE TO BE OF SUFFICIENT AGE TO EXPRESS A PREFERENCE

18          (x) THE ABILITY AND WILLINGNESS OF THE ADOPTING INDIVIDUAL  
19 OR INDIVIDUALS TO ADOPT THE ADOPTEE'S SIBLINGS

20          (x1) ANY OTHER FACTOR CONSIDERED BY THE COURT TO BE RELEVANT  
21 TO A PARTICULAR ADOPTION PROCEEDING, OR TO A PUTATIVE FATHER'S  
22 REQUEST FOR CHILD CUSTODY

23          (G) "BORN OUT OF WEDLOCK" MEANS A CHILD CONCEIVED AND BORN  
24 TO A WOMAN WHO WAS NOT MARRIED FROM THE CONCEPTION TO THE DATE OF  
25 BIRTH OF THE CHILD OR A CHILD WHOM THE COURT HAS DETERMINED TO  
26 BE A CHILD BORN DURING A MARRIAGE BUT NOT THE ISSUE OF THAT  
27 MARRIAGE

1       (H) "CENTRAL ADOPTION REGISTRY" MEANS THE REGISTRY  
2 ESTABLISHED BY THE DEPARTMENT PURSUANT TO SECTION 9407B TO CON-  
3 TROL THE RELEASE OF IDENTIFYING ADOPTION INFORMATION

4       (I) "CHILD" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE

5       (J) "CHILD PLACING AGENCY" MEANS A PRIVATE ORGANIZATION  
6 LICENSED UNDER ACT NO 116 OF THE PUBLIC ACTS OF 1973, BEING SEC-  
7 TIONS 722 111 TO 722 128 OF THE MICHIGAN COMPILED LAWS, TO PLACE  
8 CHILDREN FOR ADOPTION

9       (K) "CONSENT" MEANS A DOCUMENT IN WHICH ALL PARENTAL RIGHTS  
10 OVER A SPECIFIC CHILD ARE VOLUNTARILY RELINQUISHED TO THE COURT  
11 FOR PLACEMENT WITH A SPECIFIC ADOPTIVE PARENT

12       (L) "COURT" MEANS THE FAMILY DIVISION OF THE CIRCUIT COURT  
13 OF THIS STATE, AND WHEN THE CONTEXT REQUIRES, THE COURT HAVING  
14 JURISDICTION OVER ADOPTION IN ANOTHER STATE OR COUNTRY

15       (M) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF SOCIAL  
16 SERVICES

17       (N) "DIRECT PLACEMENT" MEANS A PLACEMENT IN WHICH A PARENT  
18 OR GUARDIAN SELECTS AN ADOPTIVE PARENT FOR A CHILD, OTHER THAN AN  
19 INDIVIDUAL RELATED TO THE CHILD WITHIN THE FIFTH DEGREE BY MAR-  
20 RIAGE, BLOOD, OR ADOPTION, AND TRANSFERS PHYSICAL CUSTODY OF THE  
21 CHILD TO THE PROSPECTIVE ADOPTIVE PARENT

22       (O) "FORMAL PLACEMENT" MEANS A PLACEMENT THAT IS APPROVED BY  
23 THE COURT UNDER SECTION 9431

24       (P) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
25 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY

1 (Q) "PETITIONER", EXCEPT AS USED IN SECTION 9453B, MEANS THE  
2 INDIVIDUAL OR INDIVIDUALS WHO FILE AN ADOPTION PETITION WITH THE  
3 COURT

4 (R) "PLACEMENT" OR "TO PLACE" MEANS SELECTION OF AN ADOPTIVE  
5 PARENT FOR A CHILD AND TRANSFER OF PHYSICAL CUSTODY OF THE CHILD  
6 TO A PROSPECTIVE ADOPTIVE PARENT PURSUANT TO THIS CHAPTER

7 (S) "RELEASE" MEANS A DOCUMENT IN WHICH ALL PARENTAL RIGHTS  
8 OVER A SPECIFIC CHILD ARE VOLUNTARILY RELINQUISHED TO THE DEPART-  
9 MENT OR TO A CHILD PLACING AGENCY

10 (T) "RESCISSION PETITION" MEANS A PETITION FILED BY AN ADULT  
11 ADOPTEE AND HIS OR HER PARENT WHOSE RIGHTS HAVE BEEN TERMINATED  
12 TO RESCIND THE ADOPTION IN WHICH A STEPPARENT ACQUIRED PARENTAL  
13 RIGHTS AND TO RESTORE PARENTAL RIGHTS OF THAT PARENT PURSUANT TO  
14 SECTION 9447

15 (U) "SUITABLE TO BE A PARENT OF AN ADOPTEE" MEANS A CONCLU-  
16 SION THAT THERE IS NO SPECIFIC CONCERN WITH RESPECT TO AN INDI-  
17 VIDUAL THAT WOULD SUGGEST THAT PLACEMENT OF ANY CHILD, OR A PAR-  
18 TICULAR CHILD, IN THE HOME OF THE INDIVIDUAL WOULD POSE A RISK OF  
19 HARM TO THE PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE CHILD

20 (V) "TEMPORARY PLACEMENT" MEANS A PLACEMENT THAT OCCURS  
21 BEFORE COURT APPROVAL UNDER SECTION 9431 AND THAT MEETS THE  
22 REQUIREMENTS OF SECTION 9403D

23 (W) "WITHIN THE FIFTH DEGREE BY MARRIAGE, BLOOD, OR  
24 ADOPTION" MEANS ANY OF THE FOLLOWING RELATIONSHIPS PARENT,  
25 STEP-PARENT, GRANDPARENT, STEP-GRANDPARENT, BROTHER,  
26 STEP-BROTHER, SISTER, STEP-SISTER, UNCLE, STEP-UNCLE, AUNT,  
27 STEP-AUNT, FIRST COUSIN, STEP-FIRST COUSIN, GREAT AUNT,

1 STEP-GREAT AUNT, GREAT UNCLE, STEP-GREAT UNCLE, GREAT  
2 GRANDPARENT, STEP-GREAT GRANDPARENT, FIRST COUSIN ONCE REMOVED,  
3 STEP-FIRST COUSIN ONCE REMOVED, GREAT GREAT GRANDPARENT,  
4 STEP-GREAT GREAT GRANDPARENT, GREAT GREAT UNCLE, STEP-GREAT GREAT  
5 UNCLE, GREAT GREAT AUNT, STEP-GREAT GREAT AUNT, GREAT GREAT GREAT  
6 GRANDPARENT, OR STEP-GREAT GREAT GREAT GRANDPARENT

7        SEC 9403     THE COURT SHALL HAVE JURISDICTION TO HEAR AN  
8 APPEAL BROUGHT UNDER SECTION 115F OF THE SOCIAL WELFARE ACT, ACT  
9 NO 280 OF THE PUBLIC ACTS OF 1939, BEING SECTION 400 115F OF THE  
10 MICHIGAN COMPILED LAWS     THE COURT MAY SET ASIDE, AFFIRM,  
11 REVERSE, OR MODIFY A FINAL DETERMINATION OF THE OFFICE OF CHIL-  
12 DREN AND YOUTH SERVICES AS PROVIDED IN SECTIONS 101 TO 106 OF THE  
13 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO 306 OF THE PUBLIC  
14 ACTS OF 1969, BEING SECTIONS 24 301 TO 24 306 OF THE MICHIGAN  
15 COMPILED LAWS

16        SEC 9403A     (1) A PARENT OR GUARDIAN HAVING LEGAL AND PHYS-  
17 ICAL CUSTODY OF A CHILD MAY DIRECTLY PLACE A CHILD FOR ADOPTION  
18 BY MAKING A TEMPORARY PLACEMENT UNDER SECTION 9403D OR A FORMAL  
19 PLACEMENT UNDER SECTION 9431     A TEMPORARY PLACEMENT BECOMES A  
20 FORMAL PLACEMENT WHEN THE COURT ORDERS THE TERMINATION OF THE  
21 RIGHTS OF THE PARENT OR PARENTS OR THE GUARDIAN AND APPROVES  
22 PLACEMENT PURSUANT TO SECTION 9431     A FORMAL PLACEMENT UNDER  
23 SECTION 9431 DOES NOT HAVE TO BE PRECEDED BY A TEMPORARY  
24 PLACEMENT

25        (2) A PARENT OR GUARDIAN SHALL PERSONALLY SELECT A PROSPEC-  
26 TIVE ADOPTIVE PARENT IN A DIRECT PLACEMENT     THE SELECTION SHALL  
27 NOT BE DELEGATED

1           (3) EXCEPT AS PROVIDED IN SUBSECTION (4), IN A DIRECT  
2 PLACEMENT THE PROSPECTIVE ADOPTIVE PARENT, AN ADOPTION ATTORNEY,  
3 OR A CHILD PLACING AGENCY SHALL PROVIDE INFORMATION ABOUT A PRO-  
4 SPECTIVE ADOPTIVE PARENT TO THE PARENT OR GUARDIAN BEFORE  
5 PLACEMENT THIS INFORMATION SHALL INCLUDE THE SPECIFIC INFORMA-  
6 TION CONTAINED IN A PREPLACEMENT ASSESSMENT AS DESCRIBED IN SEC-  
7 TION 9403F, AND MAY INCLUDE ADDITIONAL INFORMATION REQUESTED BY  
8 THE PARENT OR GUARDIAN THE INFORMATION DOES NOT HAVE TO INCLUDE  
9 IDENTIFYING INFORMATION DESCRIBED IN SECTION 9407(3) THE PARENT  
10 OR GUARDIAN AND THE PROSPECTIVE ADOPTIVE PARENT SHALL DETERMINE  
11 WHETHER TO EXCHANGE IDENTIFYING INFORMATION AND WHETHER TO MEET  
12 EACH OTHER

13           (4) A PARENT OR GUARDIAN HAVING LEGAL AND PHYSICAL CUSTODY  
14 OF A CHILD MAY FORMALLY PLACE THE CHILD FOR ADOPTION UNDER  
15 SECTION 9431 WITH AN INDIVIDUAL WHO IS RELATED TO THE CHILD  
16 WITHIN THE FIFTH DEGREE BY MARRIAGE, BLOOD, OR ADOPTION

17           SEC 9403B (1) A CHILD PLACING AGENCY OR THE DEPARTMENT  
18 THAT ACQUIRES LEGAL AND PHYSICAL CUSTODY OF A CHILD PURSUANT TO  
19 SECTION 9409 OR CHAPTER 96 MAY FORMALLY PLACE A CHILD FOR ADOP-  
20 TION UNDER SECTION 9431 A CHILD PLACING AGENCY THAT ACQUIRES  
21 WRITTEN AUTHORIZATION PURSUANT TO SUBSECTION (3) FROM THE PARENT  
22 OR GUARDIAN HAVING LEGAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY  
23 PLACEMENT OF THE CHILD UNDER SECTION 9403D A CHILD PLACING  
24 AGENCY MAY ASSIST A PARENT OR GUARDIAN TO MAKE A DIRECT PLACEMENT  
25 UNDER SECTION 9403A

26           (2) IN AN AGENCY PLACEMENT, A CHILD PLACING AGENCY OR THE  
27 DEPARTMENT MAY INVOLVE THE PARENT OR GUARDIAN OF A CHILD IN THE



1 SELECTION OF AN ADOPTIVE PARENT AND MAY FACILITATE THE EXCHANGE  
2 OF IDENTIFYING INFORMATION OR MEETINGS BETWEEN A BIOLOGICAL  
3 PARENT AND AN ADOPTIVE PARENT

4 (3) IN A WRITTEN DOCUMENT SIGNED BY A WITNESS AND BY THE  
5 PARENT OR GUARDIAN IN THE PRESENCE OF THE WITNESS, A PARENT OR  
6 GUARDIAN HAVING LEGAL AND PHYSICAL CUSTODY OF A CHILD MAY AUTHO-  
7 RIZE A CHILD PLACING AGENCY TO MAKE A TEMPORARY PLACEMENT OF THE  
8 CHILD UNDER SECTION 9403D IF THE PARENT OF THE CHILD BEING TEM-  
9 PORARILY PLACED IS AN UNEMANCIPATED MINOR, THE AUTHORIZATION IS  
10 NOT VALID UNLESS IT IS ALSO SIGNED IN THE PRESENCE OF THE WITNESS  
11 BY A PARENT OR GUARDIAN OF THAT MINOR PARENT

12 SEC 9403C A COURT THAT ACQUIRES LEGAL AND PHYSICAL CUS-  
13 TODY OF A CHILD PURSUANT TO CHAPTER 96 MAY FORMALLY PLACE A CHILD  
14 FOR ADOPTION UNDER SECTION 9431

15 SEC 9403D (1) IN A DIRECT PLACEMENT, A PARENT OR GUARDIAN  
16 WITH LEGAL AND PHYSICAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY  
17 PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS SECTION IN AN  
18 AGENCY PLACEMENT, A CHILD PLACING AGENCY WITH WRITTEN AUTHORIZA-  
19 TION FROM THE PARENT OR GUARDIAN PURSUANT TO SECTION 9403B MAY  
20 MAKE A TEMPORARY PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS  
21 SECTION A TEMPORARY PLACEMENT SHALL MEET ALL OF THE FOLLOWING  
22 REQUIREMENTS

23 (A) THE PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD IS  
24 TEMPORARILY PLACED IS A MICHIGAN RESIDENT

25 (B) IN A DIRECT PLACEMENT, THE PARENT OR GUARDIAN IS  
26 ASSISTED BY AN ADOPTION ATTORNEY OR A CHILD PLACING AGENCY

1 (C) IN THE PRESENCE OF A WITNESS WHO ALSO SIGNS THE  
2 DOCUMENT, THE PARENT, GUARDIAN, OR REPRESENTATIVE OF THE CHILD  
3 PLACING AGENCY SIGNS A STATEMENT EVIDENCING THE TRANSFER OF PHYS-  
4 ICAL CUSTODY OF THE CHILD IF THE PARENT MAKING THE TEMPORARY  
5 PLACEMENT IS AN UNEMANCIPATED MINOR, THE STATEMENT IS NOT VALID  
6 UNLESS IT IS ALSO SIGNED IN THE PRESENCE OF THE WITNESS BY A  
7 PARENT OR GUARDIAN OF THAT MINOR PARENT THE STATEMENT SHALL  
8 CONTAIN ALL OF THE FOLLOWING

9 (1) THE DATE OF THE TRANSFER OF PHYSICAL CUSTODY

10 (11) LANGUAGE PROVIDING THAT THE TRANSFER IS FOR THE PURPOSE  
11 OF ADOPTION BY THE PROSPECTIVE ADOPTIVE PARENT WHO IS A MICHIGAN  
12 RESIDENT

13 (111) LANGUAGE INDICATING THAT THE PARENT OR GUARDIAN  
14 RETAINS FULL PARENTAL RIGHTS TO THE CHILD BEING TEMPORARILY  
15 PLACED AND THAT THE TEMPORARY PLACEMENT MAY BE REVOKED BY THE  
16 FILING OF A PETITION UNDER SUBSECTION (5)

17 (1v) LANGUAGE PROVIDING THAT THE PERSON MAKING THE TRANSFER  
18 HAS READ A PREPLACEMENT ASSESSMENT OF THE PROSPECTIVE ADOPTIVE  
19 PARENT COMPLETED OR UPDATED WITHIN 1 YEAR BEFORE THE DATE OF THE  
20 TRANSFER WITH A FINDING THAT THE PROSPECTIVE ADOPTIVE PARENT IS  
21 SUITABLE TO BE A PARENT OF AN ADOPTEE IF A CHILD PLACING AGENCY  
22 MAKES THE TRANSFER OF PHYSICAL CUSTODY, THE STATEMENT SHALL  
23 INCLUDE A VERIFICATION THAT THE CHILD PLACING AGENCY HAS GIVEN  
24 THE PARENT OR GUARDIAN WHO AUTHORIZED THE TEMPORARY PLACEMENT AN  
25 OPPORTUNITY TO REVIEW THE PREPLACEMENT ASSESSMENT

26 (v) EVEN IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACEMENT,  
27 THE NAME AND ADDRESS OF BOTH PARENTS OF THE CHILD, INCLUDING IN

1 THE CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME AND THE ADDRESS  
2 OF EACH PUTATIVE FATHER OF THE CHILD, IF KNOWN

3 (D) IN THE PRESENCE OF A WITNESS WHO ALSO SIGNS THE DOCU-  
4 MENT, THE PROSPECTIVE ADOPTIVE PARENT SIGNS A STATEMENT SETTING  
5 FORTH THE DATE OF THE TRANSFER OF PHYSICAL CUSTODY AND THE NAME  
6 AND ADDRESS OF THE PROSPECTIVE ADOPTIVE PARENT AND ATTESTING TO  
7 BOTH OF THE FOLLOWING

8 (1) THAT THE PROSPECTIVE ADOPTIVE PARENT UNDERSTANDS THAT  
9 THE TEMPORARY PLACEMENT WILL NOT BECOME A FORMAL PLACEMENT UNTIL  
10 THE PARENTS CONSENT OR RELEASE THEIR PARENTAL RIGHTS AND THE  
11 COURT ORDERS THE TERMINATION OF PARENTAL RIGHTS AND APPROVES THE  
12 PLACEMENT AND THAT THE PROSPECTIVE ADOPTIVE PARENT MUST RELIN-  
13 QUISH CUSTODY OF THE CHILD WITHIN 24 HOURS AFTER BEING SERVED  
14 WITH AN ORDER PURSUANT TO SECTION 9403E(2)

15 (11) THAT THE PROSPECTIVE ADOPTIVE PARENT AGREES TO RESIDE  
16 WITH THE CHILD IN MICHIGAN UNTIL A CHANGE OF RESIDENCE IS  
17 APPROVED BY THE COURT AFTER FORMAL PLACEMENT OCCURS

18 (2) NOT LATER THAN 48 HOURS AFTER A TRANSFER OF PHYSICAL  
19 CUSTODY OF A CHILD PURSUANT TO SUBSECTION (1), THE ADOPTION  
20 ATTORNEY OR CHILD PLACING AGENCY WHO ASSISTS WITH THE TEMPORARY  
21 PLACEMENT SHALL SUBMIT TO THE COURT IN THE COUNTY IN WHICH THE  
22 PROSPECTIVE ADOPTIVE PARENT RESIDES A REPORT THAT CONTAINS ALL OF  
23 THE FOLLOWING

24 (A) THE DATE OF THE TRANSFER OF PHYSICAL CUSTODY

25 (B) THE NAME AND ADDRESS OF THE PARENT OR GUARDIAN OR THE  
26 CHILD PLACING AGENCY WHO MADE THE TEMPORARY PLACEMENT

1 (C) THE NAME AND ADDRESS OF THE PROSPECTIVE ADOPTIVE PARENT  
2 WITH WHOM THE TEMPORARY PLACEMENT WAS MADE

3 (D) EVEN IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACEMENT,  
4 THE NAME AND ADDRESS OF BOTH PARENTS OF THE CHILD, INCLUDING, IN  
5 THE CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME OF EACH PUTA-  
6 TIVE FATHER, IF KNOWN

7 (E) THE DOCUMENTS REQUIRED UNDER SUBSECTION (1)(C) AND (D)  
8 AND, IF APPLICABLE, THE AUTHORIZATION REQUIRED UNDER  
9 SECTION 9403B(4)

10 (3) THE ADOPTION ATTORNEY OR CHILD PLACING AGENCY WHO  
11 ASSISTS WITH THE TEMPORARY PLACEMENT SHALL SUBMIT A REPORT TO THE  
12 COURT DESCRIBED IN SUBSECTION (2) WITHIN 30 DAYS AFTER THE TRANS-  
13 FER OF PHYSICAL CUSTODY OF THE CHILD INDICATING WHETHER 1 OF THE  
14 FOLLOWING DISPOSITIONS HAS OCCURRED

15 (A) A PETITION FOR ADOPTION OF THE CHILD HAS BEEN FILED

16 (B) THE CHILD HAS BEEN RETURNED TO THE AGENCY OR TO A PARENT  
17 OR OTHER PERSON HAVING LEGAL CUSTODY

18 (4) IF THE COURT HAS NOT RECEIVED THE REPORT REQUIRED UNDER  
19 SUBSECTION (3) WITHIN 45 DAYS AFTER THE TRANSFER OF PHYSICAL CUS-  
20 TODY OF A CHILD, THE PROBATE REGISTER SHALL IMMEDIATELY INVESTI-  
21 GATE AND DETERMINE WHETHER AN ADOPTION PETITION HAS BEEN FILED OR  
22 THE CHILD HAS BEEN RETURNED TO A PARENT OR OTHER PERSON HAVING  
23 LEGAL CUSTODY IF NEITHER DISPOSITION HAS OCCURRED, THE PROBATE  
24 REGISTER SHALL IMMEDIATELY REPORT TO THE PROSECUTOR, WHO SHALL  
25 IMMEDIATELY FILE A PETITION IN THE COURT DESCRIBED IN  
26 SUBSECTION (2) FOR DISPOSITION OF THE CHILD PURSUANT TO  
27 SECTION 9403E

1           (5) A PARENT OR GUARDIAN WHO WISHES TO REGAIN CUSTODY OF A  
2 CHILD WHO HAS BEEN PLACED TEMPORARILY SHALL FILE A PETITION  
3 REQUESTING THAT THE TEMPORARY PLACEMENT BE REVOKED AND THAT THE  
4 CHILD BE RETURNED TO THE PARENT OR GUARDIAN   UPON REQUEST OF THE  
5 PARENT OR GUARDIAN, THE ADOPTION ATTORNEY OR CHILD PLACING AGENCY  
6 WHO ASSISTED IN MAKING THE TEMPORARY PLACEMENT SHALL ASSIST THE  
7 PARENT OR GUARDIAN IN FILING THE PETITION TO REVOKE THE TEMPORARY  
8 PLACEMENT   IF THE TEMPORARY PLACEMENT WAS MADE BY A CHILD PLAC-  
9 ING AGENCY PURSUANT TO SECTION 9403B(3), THE CHILD PLACING AGENCY  
10 SHALL FILE THE PETITION ON BEHALF OF A PARENT OR GUARDIAN WHO  
11 WISHES TO REGAIN CUSTODY OF THE CHILD

12           (6) IF A PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD HAS  
13 BEEN TEMPORARILY PLACED IS EITHER UNWILLING OR UNABLE TO PROCEED  
14 WITH THE ADOPTION, THE PROSPECTIVE ADOPTIVE PARENT MAY FILE A  
15 PETITION IN THE COURT DESCRIBED IN SUBSECTION (2) FOR DISPOSITION  
16 OF THE CHILD PURSUANT TO SECTION 9403E

17           (7) IF A CHILD PLACING AGENCY THAT TEMPORARILY PLACED A  
18 CHILD IS UNABLE TO PROCEED WITH AN ADOPTION BECAUSE OF THE  
19 UNAVAILABILITY OF A PARENT OR GUARDIAN TO EXECUTE A RELEASE, OR  
20 IF A CHILD PLACING AGENCY WITH LEGAL CUSTODY OF A CHILD DECIDES  
21 NOT TO PROCEED WITH THE ADOPTION BY A PROSPECTIVE ADOPTIVE PARENT  
22 WITH WHOM THE CHILD HAS BEEN TEMPORARILY PLACED AND THE PROSPEC-  
23 TIVE ADOPTIVE PARENT REFUSES UPON THE AGENCY'S REQUEST TO RETURN  
24 THE CHILD TO THE AGENCY, THE CHILD PLACING AGENCY SHALL FILE A  
25 PETITION IN THE COURT DESCRIBED IN SUBSECTION (2) FOR DISPOSITION  
26 OF THE CHILD PURSUANT TO SECTION 9403E

1 (8) EXCEPT AS OTHERWISE AGREED TO BY THE PARTIES, THE  
2 PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD IS TEMPORARILY  
3 PLACED UNDER THIS SECTION MAY CONSENT TO ALL MEDICAL, SURGICAL,  
4 PSYCHOLOGICAL, EDUCATIONAL, AND RELATED SERVICES FOR THE CHILD

5 (9) A HOSPITAL OR ATTENDING PRACTITIONER SHALL NOT RELEASE A  
6 CHILD TO AN INDIVIDUAL OR AGENCY NOT OTHERWISE LEGALLY ENTITLED  
7 TO THE PHYSICAL CUSTODY OF THE CHILD UNLESS ALL OF THE REQUIRE-  
8 MENTS OF SUBSECTION (1) ARE MET

9 SEC 9403E (1) NOT LATER THAN 14 DAYS AFTER THE FILING OF  
10 A PETITION BY THE PROSECUTOR PURSUANT TO SECTION 9403D(4), BY A  
11 PROSPECTIVE ADOPTIVE PARENT PURSUANT TO SECTION 9403D(6), OR BY A  
12 CHILD PLACING AGENCY PURSUANT TO SECTION 9403D(7), THE COURT  
13 SHALL HOLD A HEARING TO DETERMINE THE CUSTODY OF A CHILD FOR WHOM  
14 A TEMPORARY PLACEMENT HAS BEEN MADE

15 (2) UPON RECEIVING A PETITION FILED UNDER SECTION 9403D(5),  
16 THE COURT SHALL IMMEDIATELY ISSUE AN EX PARTE ORDER DIRECTING THE  
17 PROSPECTIVE ADOPTIVE PARENT TO RETURN THE CHILD TO THE PARENT OR  
18 GUARDIAN WITH LEGAL CUSTODY WITHIN 24 HOURS AFTER RECEIPT OF THE  
19 ORDER, UNLESS THE COURT PROCEEDS UNDER SUBSECTION (3)

20 (3) THE COURT MAY APPOINT AN ATTORNEY, OR REFER THE MATTER  
21 TO THE DEPARTMENT, FOR THE FILING OF A PETITION ON BEHALF OF THE  
22 CHILD REQUESTING THE COURT TO TAKE JURISDICTION UNDER SECTION  
23 9602(3) IF A PETITION HAS NOT BEEN FILED WITHIN 14 DAYS AFTER  
24 THE HEARING UNDER THIS SECTION, THE COURT SHALL ORDER THE RETURN  
25 OF THE CHILD TO THE PARENT OR GUARDIAN WITH LEGAL CUSTODY  
26 DURING THE PERIOD BEFORE THE PETITION IS FILED AND A PRELIMINARY  
27 HEARING IS HELD OR THE RETURN OF CUSTODY IS ORDERED, THE COURT

1 SHALL REMOVE THE CHILD FROM THE HOME OF THE PROSPECTIVE ADOPTIVE  
2 PARENT AND MAKE A TEMPORARY DISPOSITION APPROPRIATE FOR THE WEL-  
3 FARE OF THE CHILD AS AUTHORIZED BY SECTION 9651

4 (4) SUBJECT TO SUBSECTION (2), THE COURT MAY APPOINT A  
5 GUARDIAN UNDER CHAPTER 93, PURSUANT TO A PETITION FILED BY THE  
6 PROSPECTIVE ADOPTIVE PARENT OR ANOTHER INDIVIDUAL INTERESTED IN  
7 THE WELFARE OF THE CHILD, OR MAKE A TEMPORARY DISPOSITION APPRO-  
8 PRIATE FOR THE WELFARE OF THE CHILD AS AUTHORIZED BY SECTION 9651  
9 UNTIL AN ORDER OF GUARDIANSHIP IS ENTERED

10 (5) THE COURT MAY ORDER THE RETURN OF A CHILD TO A CHILD  
11 PLACING AGENCY THAT HAS OBTAINED LEGAL CUSTODY OF THE CHILD

12 (6) THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR THE CHILD  
13 OR FOR A MINOR PARENT OF THE CHILD

14 (7) THIS ACT PROVIDES THE EXCLUSIVE REMEDY FOR ALL CUSTODY  
15 DISPUTES ARISING OUT OF A TEMPORARY PLACEMENT

16 SEC 9403F (1) IN A DIRECT PLACEMENT, AN INDIVIDUAL SEEK-  
17 ING TO ADOPT MAY REQUEST AT ANY TIME THAT A PREPLACEMENT ASSESS-  
18 MENT BE PREPARED BY A CHILD PLACING AGENCY

19 (2) AN INDIVIDUAL REQUESTING A PREPLACEMENT ASSESSMENT NEED  
20 NOT HAVE LOCATED A PROSPECTIVE ADOPTEE WHEN THE REQUEST IS MADE  
21 OR WHEN THE ASSESSMENT IS COMPLETED

22 (3) AN INDIVIDUAL MAY HAVE MORE THAN 1 PREPLACEMENT ASSESS-  
23 MENT OR MAY REQUEST THAT AN ASSESSMENT, ONCE INITIATED, NOT BE  
24 COMPLETED

25 (4) IF AN INDIVIDUAL IS SEEKING TO ADOPT A CHILD FROM A PAR-  
26 TICULAR CHILD PLACING AGENCY, THE AGENCY MAY REQUIRE THE  
27 INDIVIDUAL TO BE ASSESSED BY ITS OWN EMPLOYEE, EVEN IF THE

1 INDIVIDUAL HAS ALREADY HAD A FAVORABLE PREPLACEMENT ASSESSMENT  
2 COMPLETED BY ANOTHER CHILD PLACING AGENCY

3 (5) A PREPLACEMENT ASSESSMENT SHALL BE BASED UPON PERSONAL  
4 INTERVIEWS AND VISITS AT THE RESIDENCE OF THE INDIVIDUAL BEING  
5 ASSESSED, INTERVIEWS OF OTHERS WHO KNOW THE INDIVIDUAL, AND  
6 REPORTS RECEIVED UNDER THIS SUBSECTION THE ASSESSMENT SHALL  
7 CONTAIN ALL OF THE FOLLOWING INFORMATION ABOUT THE INDIVIDUAL  
8 BEING ASSESSED

9 (A) AGE, NATIONALITY, RACE OR ETHNICITY, AND ANY RELIGIOUS  
10 PREFERENCE

11 (B) MARITAL AND FAMILY STATUS AND HISTORY, INCLUDING THE  
12 PRESENCE OF OTHER CHILDREN OR ADULTS IN THE HOUSEHOLD AND THE  
13 RELATIONSHIP OF THOSE INDIVIDUALS TO THE ADOPTIVE PARENT

14 (C) PHYSICAL AND MENTAL HEALTH, INCLUDING ANY HISTORY OF  
15 SUBSTANCE ABUSE

16 (D) EDUCATIONAL AND EMPLOYMENT HISTORY AND ANY SPECIAL  
17 SKILLS AND INTERESTS

18 (E) PROPERTY AND INCOME, INCLUDING OUTSTANDING FINANCIAL  
19 OBLIGATIONS AS INDICATED IN A CURRENT FINANCIAL REPORT PROVIDED  
20 BY THE INDIVIDUAL

21 (F) REASON FOR WANTING TO ADOPT

22 (G) ANY PREVIOUS REQUEST FOR AN ASSESSMENT OR INVOLVEMENT IN  
23 AN ADOPTIVE PLACEMENT AND THE OUTCOME OF THE ASSESSMENT OR  
24 PLACEMENT

25 (H) WHETHER THE INDIVIDUAL HAS EVER BEEN THE RESPONDENT IN A  
26 DOMESTIC VIOLENCE PROCEEDING OR A PROCEEDING CONCERNING A CHILD



1 WHO WAS ALLEGEDLY ABUSED, DEPENDENT, DEPRIVED, NEGLECTED,  
2 ABANDONED, OR DELINQUENT, AND THE OUTCOME OF THE PROCEEDING

3 (I) WHETHER THE INDIVIDUAL HAS EVER BEEN CONVICTED OF A  
4 CRIME

5 (J) WHETHER THE INDIVIDUAL HAS LOCATED A PARENT INTERESTED  
6 IN PLACING A CHILD WITH THE INDIVIDUAL FOR ADOPTION AND A BRIEF  
7 DESCRIPTION OF THE PARENT AND THE CHILD

8 (K) ANY FACT OR CIRCUMSTANCE THAT RAISES A SPECIFIC CONCERN  
9 ABOUT THE SUITABILITY OF THE INDIVIDUAL AS AN ADOPTIVE PARENT,  
10 INCLUDING THE QUALITY OF THE ENVIRONMENT IN THE HOME, THE FUNC-  
11 TIONING OF OTHER CHILDREN IN THE HOUSEHOLD, AND ANY ASPECT OF THE  
12 INDIVIDUAL'S FAMILIAL, SOCIAL, PSYCHOLOGICAL, OR FINANCIAL CIR-  
13 CUMSTANCES THAT MAY BE RELEVANT TO A DETERMINATION THAT THE INDI-  
14 VIDUAL IS NOT SUITABLE A SPECIFIC CONCERN IS ONE THAT SUGGESTS  
15 THAT PLACEMENT OF ANY CHILD, OR A PARTICULAR CHILD, IN THE HOME  
16 OF THE INDIVIDUAL WOULD POSE A RISK OF HARM TO THE PHYSICAL OR  
17 PSYCHOLOGICAL WELL-BEING OF THE CHILD

18 (6) A CHILD PLACING AGENCY SHALL REQUEST AN INDIVIDUAL SEEK-  
19 ING A PREPLACEMENT ASSESSMENT TO PROVIDE A DOCUMENT FROM THE  
20 MICHIGAN STATE POLICE AND THE FEDERAL BUREAU OF INVESTIGATION  
21 DESCRIBING ALL OF THE INDIVIDUAL'S CRIMINAL CONVICTIONS AS SHOWN  
22 BY THAT AGENCY'S RECORDS, OR STATING THAT THE AGENCY'S RECORDS  
23 INDICATE THAT THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A CRIME  
24 UPON REQUEST OF THE INDIVIDUAL AND RECEIPT OF A SIGNED AUTHORIZA-  
25 TION, THE CHILD PLACING AGENCY SHALL OBTAIN THE CRIMINAL RECORD  
26 FROM THE LAW ENFORCEMENT AGENCY ON THE INDIVIDUAL'S BEHALF

1 (7) A PREPLACEMENT ASSESSMENT SHALL CONTAIN A LIST OF THE  
2 SOURCES OF INFORMATION ON WHICH IT IS BASED IF THE CHILD  
3 PLACING AGENCY CONCLUDES THAT AN INDIVIDUAL IS NOT SUITABLE TO BE  
4 AN ADOPTIVE PARENT, THE CONCLUSION SHALL BE SUPPORTED BY A WRIT-  
5 TEN ACCOUNT OF HOW 1 OR MORE SPECIFIC CONCERNS POSE A RISK TO THE  
6 PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF ANY CHILD OR A PARTICULAR  
7 CHILD IF THE CONCLUSION OF A PREPLACEMENT ASSESSMENT REGARDING  
8 THE SUITABILITY OF THE INDIVIDUAL DIFFERS FROM THE CONCLUSION IN  
9 A PRIOR ASSESSMENT, THE CHILD PLACING AGENCY SHALL EXPLAIN AND  
10 JUSTIFY THE DIFFERENCE

11 (8) AN INDIVIDUAL WHO RECEIVES A PREPLACEMENT ASSESSMENT  
12 WITH A CONCLUSION OF UNSUITABILITY MAY SEEK A REVIEW OF THE  
13 ASSESSMENT BY THE COURT AFTER FILING AN ADOPTION PETITION THE  
14 COURT MAY ORDER AN AGENT OR EMPLOYEE OF THE COURT TO MAKE AN  
15 INVESTIGATION AND REPORT TO THE COURT BEFORE THE HEARING IF, AT  
16 THE HEARING, THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
17 THAT THE CONCLUSION OF UNSUITABILITY IS NOT JUSTIFIED THE PERSON  
18 WITH LEGAL CUSTODY OF THE CHILD MAY PLACE THE CHILD WITH THAT  
19 INDIVIDUAL IF THE COURT DETERMINES THAT THE CONCLUSION OF  
20 UNSUITABILITY IS JUSTIFIED, IT SHALL ORDER THAT THE CHILD SHALL  
21 NOT BE PLACED WITH THE INDIVIDUAL

22 SEC 9404 (1) IF A PERSON DESIRES TO ADOPT A CHILD OR AN  
23 ADULT AND TO BESTOW UPON THE ADOPTEE HIS OR HER FAMILY NAME, OR  
24 TO ADOPT A CHILD OR AN ADULT WITHOUT A CHANGE OF NAME, WITH THE  
25 INTENT TO MAKE THE ADOPTEE HIS OR HER HEIR, THAT PERSON, TOGETHER  
26 WITH HIS WIFE OR HER HUSBAND, IF MARRIED, SHALL FILE A PETITION

1 WITH THE PROBATE COURT OF THE COUNTY IN WHICH THE PETITIONER  
2 RESIDES OR WHERE THE ADOPTEE IS FOUND

3 (2) THE PETITION FOR ADOPTION SHALL BE VERIFIED BY EACH  
4 PETITIONER AND SHALL CONTAIN THE FOLLOWING INFORMATION

5 (A) THE NAME, DATE AND PLACE OF BIRTH, AND PLACE OF RESI-  
6 DENCE OF EACH PETITIONER, INCLUDING THE MAIDEN NAME OF THE ADOPT-  
7 ING MOTHER

8 (B) THE NAME, DATE AND PLACE OF BIRTH, AND PLACE OF RESI-  
9 DENCE IF KNOWN OF THE ADOPTEE

10 (C) THE RELATIONSHIP, IF ANY, OF THE ADOPTEE TO THE  
11 PETITIONER

12 (D) THE FULL NAME BY WHICH THE ADOPTEE SHALL BE KNOWN AFTER  
13 ADOPTION

14 (E) THE FULL DESCRIPTION OF THE PROPERTY, IF ANY, OF THE  
15 ADOPTEE

16 (F) UNLESS THE RIGHTS OF THE PARENTS HAVE BEEN TERMINATED BY  
17 A COURT OF COMPETENT JURISDICTION OR EXCEPT AS OTHERWISE PROVIDED  
18 IN SUBSECTION (5), THE NAMES OF THE PARENTS OF THE ADOPTEE AND  
19 THE PLACE OF RESIDENCE OF EACH LIVING PARENT IF KNOWN

20 (G) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), THE NAME  
21 AND PLACE OF RESIDENCE OF THE GUARDIAN OF THE PERSON OR ESTATE OF  
22 THE ADOPTEE, IF ANY HAS BEEN APPOINTED

23 (3) IN A DIRECT PLACEMENT, THE PETITIONER SHALL ATTACH TO  
24 THE PETITION A VERIFIED STATEMENT CERTIFYING THAT THE PETITIONER  
25 HAS BEEN INFORMED OF THE AVAILABILITY OF COUNSELING SERVICES AND  
26 WHETHER THE PETITIONER HAS RECEIVED COUNSELING

1           (4) IN A DIRECT PLACEMENT, THE PETITIONER SHALL ATTACH A  
2 COPY OF A PREPLACEMENT ASSESSMENT OF THE PETITIONER COMPLETED OR  
3 UPDATED WITHIN 1 YEAR BEFORE THE PETITION IS FILED WITH A FINDING  
4 THAT THE PETITIONER IS SUITABLE TO BE A PARENT OF AN ADOPTEE,  
5 COPIES OF ALL OTHER PREPLACEMENT ASSESSMENTS OF THE PETITIONER,  
6 IF ANY OTHERS HAVE BEEN COMPLETED, AND A VERIFIED STATEMENT STAT-  
7 ING THAT NO PREPLACEMENT ASSESSMENTS OF THE PETITIONER HAVE BEEN  
8 COMPLETED OTHER THAN THOSE ATTACHED TO THE PETITION AND EXPLAIN-  
9 ING ANY PREPLACEMENT ASSESSMENTS OF THE PETITIONER THAT HAVE BEEN  
10 INITIATED BUT NOT COMPLETED

11           (5) IN A DIRECT PLACEMENT IN WHICH THE PARTIES HAVE ELECTED  
12 NOT TO EXCHANGE IDENTIFYING INFORMATION, THE INFORMATION REQUIRED  
13 BY SUBSECTION (2) (F) AND (G) AND THE SURNAME AND PLACE OF RESI-  
14 DENCE OF THE ADOPTEE REQUIRED UNDER SUBSECTION (2) (B) MAY BE  
15 OMITTED THE ATTORNEY OR CHILD PLACING AGENCY ASSISTING IN THE  
16 ADOPTION SHALL FILE A VERIFIED STATEMENT CONTAINING THE OMITTED  
17 INFORMATION

18           SEC 9404A (1) INTERESTED PARTIES IN A PETITION FOR ADOP-  
19 TION ARE ALL OF THE FOLLOWING

20           (A) THE PETITIONER

21           (B) THE ADOPTEE, IF OVER 14 YEARS OF AGE

22           (C) A MINOR PARENT, ADULT PARENT, OR SURVIVING PARENT OF AN  
23 ADOPTEE, UNLESS 1 OR MORE OF THE FOLLOWING APPLY

24           (1) THE RIGHTS OF THE PARENT HAVE BEEN TERMINATED BY A COURT  
25 OF COMPETENT JURISDICTION

26           (11) A GUARDIAN OF THE ADOPTEE, WITH SPECIFIC AUTHORITY TO  
27 CONSENT TO ADOPTION, HAS BEEN APPOINTED

1 (111) A GUARDIAN OF THE PARENT, WITH SPECIFIC AUTHORITY TO  
2 CONSENT TO ADOPTION, HAS BEEN APPOINTED

3 (1v) THE RIGHTS OF THE PARENT HAVE BEEN RELEASED

4 (v) THE PARENT HAS CONSENTED TO THE GRANTING OF THE  
5 PETITION

6 (D) THE DEPARTMENT OR A CHILD PLACING AGENCY TO WHICH THE  
7 ADOPTEE HAS BEEN, OR FOR PURPOSES OF SUBSECTION (3) IS PROPOSED  
8 TO BE, RELEASED OR COMMITTED BY AN ORDER OF THE JUVENILE DIVISION  
9 OF THE PROBATE COURT

10 (E) A PARENT, GUARDIAN, OR GUARDIAN AD LITEM OF AN UNEMANCI-  
11 PATED MINOR PARENT OF THE ADOPTEE

12 (F) THE JUVENILE DIVISION OF THE PROBATE COURT WITH PER-  
13 MANENT CUSTODY OF THE ADOPTEE

14 (G) A COURT WITH CONTINUING JURISDICTION OVER THE ADOPTEE

15 (H) A CHILD PLACING AGENCY OF ANOTHER STATE OR COUNTRY THAT  
16 HAS AUTHORITY TO CONSENT TO ADOPTION

17 (I) THE GUARDIAN OR GUARDIAN AD LITEM OF AN INTERESTED  
18 PARTY

19 (2) INTERESTED PARTIES IN A PETITION FOR A HEARING TO IDEN-  
20 TIFY THE FATHER OF AN ADOPTEE AND TO DETERMINE OR TERMINATE HIS  
21 RIGHTS ARE ALL OF THE FOLLOWING

22 (A) THE PERSONS SET FORTH IN SUBSECTION (1)

23 (B) A PUTATIVE FATHER OF THE ADOPTEE

24 (3) INTERESTED PARTIES IN A PROCEEDING RELATING TO THE EXE-  
25 CUTION OF A VOLUNTARY RELEASE ARE ALL OF THE FOLLOWING

26 (A) THE ADOPTEE, IF OVER 5 YEARS OF AGE

1 (B) THE DEPARTMENT OR A CHILD PLACING AGENCY TO WHICH THE  
2 ADOPTEE IS PROPOSED TO BE RELEASED

3 (C) THE PERSON EXECUTING THE RELEASE OF PARENTAL RIGHTS

4 (4) INTERESTED PARTIES IN A RESCISSION PETITION ARE ALL OF  
5 THE FOLLOWING

6 (A) THE PETITIONERS

7 (B) THE STEPPARENT WHO ADOPTED THE ADULT ADOPTEE

8 (C) THE SPOUSE OF THE PARENT WHOSE RIGHTS WERE TERMINATED

9 (5) INTERESTED PARTIES IN A HEARING RELATED TO TEMPORARY  
10 PLACEMENT ARE ALL OF THE FOLLOWING

11 (A) THE PARENT OR GUARDIAN WHO MADE OR AUTHORIZED THE TEMPO-  
12 RARY PLACEMENT

13 (B) THE PARENT OR GUARDIAN OF AN UNEMANCIPATED MINOR PARENT  
14 OF THE ADOPTEE

15 (C) A CHILD PLACING AGENCY THAT WAS AUTHORIZED UNDER  
16 SECTION 9403B(4) TO MAKE THE TEMPORARY PLACEMENT

17 (D) IF ONLY 1 PARENT MADE OR AUTHORIZED THE TEMPORARY PLACE-  
18 MENT, THE OTHER PARENT AND EACH PUTATIVE FATHER OF THE ADOPTEE

19 (E) THE PROSPECTIVE ADOPTIVE PARENT WITH WHOM TEMPORARY  
20 PLACEMENT WAS MADE

21 (F) THE PROSECUTOR WHO FILED A PETITION UNDER  
22 SECTION 9403D(4)

23 (G) THE GUARDIAN AD LITEM, IF A GUARDIAN AD LITEM HAS BEEN  
24 APPOINTED

25 (6) IN THE INTEREST OF JUSTICE, THE COURT MAY REQUIRE ADDI-  
26 TIONAL PARTIES TO BE SERVED

1 (7) THE COURT SHALL NOT APPOINT A GUARDIAN OF THE ADOPTEE OR  
2 OF A PARENT SOLELY FOR THE PURPOSE OF DEFEATING THAT PARENT'S  
3 STATUS AS AN INTERESTED PARTY UNDER THIS SECTION

4 SEC 9405 (1) ALL PROCEEDINGS UNDER THIS CHAPTER SHALL BE  
5 CONSIDERED TO HAVE THE HIGHEST PRIORITY AND SHALL BE ADVANCED ON  
6 THE COURT DOCKET SO AS TO PROVIDE FOR THEIR EARLIEST PRACTICABLE  
7 DISPOSITION

8 (2) AN ADJOURNMENT OR CONTINUANCE OF A PROCEEDING UNDER THIS  
9 CHAPTER SHALL NOT BE GRANTED WITHOUT A SHOWING OF GOOD CAUSE

10 SEC 9406 (1) SUBSEQUENT TO OR CONCURRENT WITH THE FILING  
11 OF THE ADOPTION PETITION BUT BEFORE THE HEARING ON THE PETITION  
12 BY THE COURT, THE PETITIONER, THE DEPARTMENT, AN EMPLOYEE OR  
13 AGENT OF THE COURT, OR A CHILD PLACING AGENCY, AS APPROPRIATE,  
14 SHALL FILE ALL OF THE FOLLOWING DOCUMENTATION

15 (A) EXCEPT IN INSTANCES OF PARENTAL CONSENT TO ADOPTION, A  
16 COPY OF EACH RELEASE OR ORDER TERMINATING PARENTAL RIGHTS OVER  
17 THE CHILD HAVING A BEARING UPON THE AUTHORITY OF A PERSON TO EXE-  
18 CUTE THE CONSENT TO ADOPTION

19 (B) A COPY OF THE ORDER OF COMMITMENT, IF A COMMITMENT WAS  
20 MADE TO A CHILD PLACING AGENCY OR TO THE DEPARTMENT

21 (C) PROOF OF A GUARDIAN'S APPOINTMENT AND AUTHORIZATION TO  
22 EXECUTE THE RELEASE OR CONSENT TO THE CHILD'S ADOPTION

23 (D) A COPY OF THE CONSENT TO ADOPTION AS REQUIRED IN THIS  
24 CHAPTER IF THE CONSENT IS REQUIRED PURSUANT TO  
25 SECTION 9423(1)(B), (C), OR (D), THE CONSENT SHALL BE FILED CON-  
26 CURRENTLY WITH THE FILING OF THE ADOPTION PETITION UNLESS A  
27 MOTION IS FILED PURSUANT TO SECTION 9425

1 (E) A COPY OF THE ADOPTEE'S BIRTH CERTIFICATE, VERIFICATION  
2 OF BIRTH, HOSPITAL BIRTH REGISTRATION, OR OTHER SATISFACTORY  
3 PROOF OF DATE AND PLACE OF BIRTH, IF OBTAINABLE, UNLESS THIS  
4 FILING IS WAIVED BY WRITTEN ORDER OF THE PROBATE JUDGE

5 (F) THE REPORT OF THE INVESTIGATION PREPARED PURSUANT TO  
6 SECTION 9426

7 (G) IF THE PETITION ALLEGES NONSUPPORT AND NONCOMMUNICATION  
8 BY A PARENT, AS DESCRIBED IN SECTION 9431(6), AN AFFIDAVIT VERI-  
9 FYING THAT FACT

10 (H) ANY ADDITIONAL FACTS CONSIDERED NECESSARY BY THE COURT

11 (2) BEFORE OR AT THE TIME OF THE HEARING ON THE ADOPTION  
12 PETITION, THE COURT SHALL INFORM THE ADOPTEE, IF HE OR SHE IS  
13 14 YEARS OLD OR OLDER, AND THE ADOPTIVE PARENTS OF THE PROVISIONS  
14 DESCRIBED IN SECTIONS 9407A, 9407B, 9453, 9453A, AND 9453B THIS  
15 SUBSECTION ALSO APPLIES TO A STEPPARENT ADOPTION AND THE ADOPTION  
16 OF A CHILD RELATED TO THE PETITIONER WITHIN THE FIFTH DEGREE BY  
17 MARRIAGE, BLOOD, OR ADOPTION

18 (3) BEFORE OR AT THE TIME OF THE HEARING ON THE ADOPTION  
19 PETITION, THE COURT SHALL PROVIDE THE ADOPTEE, IF HE OR SHE IS 14  
20 YEARS OLD OR OLDER, AND THE ADOPTIVE PARENTS WITH A LIST OF ADOP-  
21 TION SUPPORT GROUPS THIS SUBSECTION ALSO APPLIES TO A STEPPAR-  
22 ENT ADOPTION AND TO THE ADOPTION OF A CHILD RELATED TO THE PETI-  
23 TIONER WITHIN THE FIFTH DEGREE BY MARRIAGE, BLOOD, OR ADOPTION

24 SEC 9407 (1) BEFORE PLACEMENT OF A CHILD FOR ADOPTION, A  
25 PARENT OR GUARDIAN, A CHILD PLACING AGENCY, THE DEPARTMENT, OR  
26 THE COURT THAT PLACES THE CHILD SHALL COMPILE AND PROVIDE TO THE  
27 PROSPECTIVE ADOPTIVE PARENT A WRITTEN DOCUMENT CONTAINING ALL OF



1 THE FOLLOWING NONIDENTIFYING INFORMATION THAT IS NOT MADE  
2 CONFIDENTIAL BY STATE OR FEDERAL LAW AND THAT IS REASONABLY  
3 OBTAINABLE FROM THE PARENTS, RELATIVES, OR GUARDIAN OF THE CHILD  
4 FROM ANY PERSON WHO HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR 30  
5 DAYS OR MORE OR FROM ANY PERSON WHO HAS PROVIDED HEALTH, PSYCHO-  
6 LOGICAL, EDUCATIONAL, OR OTHER SERVICES TO THE CHILD

7 (A) DATE, TIME, AND PLACE OF BIRTH OF THE CHILD INCLUDING  
8 THE HOSPITAL, CITY, COUNTY, AND STATE

9 (B) AN ACCOUNT OF THE HEALTH AND GENETIC HISTORY OF THE  
10 CHILD, INCLUDING AN ACCOUNT OF THE CHILD'S PRENATAL CARE MEDICAL  
11 CONDITION AT BIRTH ANY DRUG OR MEDICATION TAKEN BY THE CHILD'S  
12 MOTHER DURING PREGNANCY ANY SUBSEQUENT MEDICAL, PSYCHOLOGICAL,  
13 PSYCHIATRIC, OR DENTAL EXAMINATION AND DIAGNOSIS ANY PSYCHOLOGI-  
14 CAL EVALUATION DONE WHEN THE CHILD WAS UNDER THE JURISDICTION OF  
15 THE COURT ANY NEGLECT OR PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE  
16 SUFFERED BY THE CHILD AND A RECORD OF ANY IMMUNIZATIONS AND  
17 HEALTH CARE THE CHILD RECEIVED WHILE IN FOSTER OR OTHER CARE

18 (C) AN ACCOUNT OF THE HEALTH AND GENETIC HISTORY OF THE  
19 CHILD'S BIOLOGICAL PARENTS AND OTHER MEMBERS OF THE CHILD'S  
20 FAMILY, INCLUDING ANY KNOWN HEREDITARY CONDITION OR DISEASE THE  
21 HEALTH OF EACH PARENT AT THE CHILD'S BIRTH A SUMMARY OF THE  
22 FINDINGS OF ANY MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC EVALUATION  
23 OF EACH PARENT AT THE TIME OF PLACEMENT AND, IF A PARENT IS  
24 DECEASED, THE CAUSE OF AND THE AGE AT DEATH

25 (D) A DESCRIPTION OF THE CHILD AND THE CHILD'S FAMILY OF  
26 ORIGIN, INCLUDING ALL OF THE FOLLOWING

1 (1) GIVEN FIRST NAME OF THE CHILD AT BIRTH

2 (11) THE AGE AND SEX OF SIBLINGS OF THE CHILD

3 (111) THE CHILD'S ENROLLMENT AND PERFORMANCE IN SCHOOL,  
4 RESULTS OF EDUCATIONAL TESTING, AND ANY SPECIAL EDUCATIONAL  
5 NEEDS

6 (1v) THE CHILD'S RACIAL, ETHNIC, AND RELIGIOUS BACKGROUND,  
7 AND A GENERAL DESCRIPTION OF THE CHILD'S PARENTS, INCLUDING THE  
8 AGE OF THE CHILD'S PARENTS AT THE TIME OF TERMINATION OF PARENTAL  
9 RIGHTS, AND THE LENGTH OF TIME THE PARENTS HAD BEEN MARRIED AT  
10 THE TIME OF PLACEMENT

11 (v) AN ACCOUNT OF THE CHILD'S PAST AND EXISTING RELATIONSHIP  
12 WITH ANY RELATIVE, FOSTER PARENT, OR OTHER INDIVIDUAL OR FACILITY  
13 WITH WHOM THE CHILD HAS LIVED OR VISITED ON A REGULAR BASIS THE  
14 ACCOUNT SHALL NOT INCLUDE NAMES AND ADDRESSES OF INDIVIDUALS

15 (v1) THE LEVELS OF EDUCATIONAL, OCCUPATIONAL, PROFESSIONAL,  
16 ATHLETIC, OR ARTISTIC ACHIEVEMENT OF THE CHILD'S FAMILY

17 (v11) HOBBIES SPECIAL INTERESTS, AND SCHOOL ACTIVITIES OF  
18 THE CHILD'S FAMILY

19 (v111) THE CIRCUMSTANCES OF ANY JUDICIAL ORDER TERMINATING  
20 THE PARENTAL RIGHTS OF A PARENT FOR ABUSE, NEGLECT, ABANDONMENT,  
21 OR OTHER MISTREATMENT OF THE CHILD

22 (1x) LENGTH OF TIME BETWEEN THE TERMINATION OF PARENTAL  
23 RIGHTS AND ADOPTIVE PLACEMENT AND WHETHER THE TERMINATION WAS  
24 VOLUNTARY OR COURT-ORDERED

25 (x) ANY INFORMATION NECESSARY TO DETERMINE THE CHILD'S ELI-  
26 GIBILITY FOR STATE OR FEDERAL BENEFITS, INCLUDING FINANCIAL,  
27 MEDICAL, OR OTHER ASSISTANCE

1           (2) INFORMATION REQUIRED BY SUBSECTION (1) THAT IS  
2 UNOBTAINABLE BEFORE TEMPORARY PLACEMENT SHALL BE SUBMITTED BY THE  
3 TIME OF FORMAL PLACEMENT IF REASONABLY OBTAINABLE    THE INFORMA-  
4 TION REQUIRED BY SUBSECTION (1) SHALL BE SUPPLEMENTED BY OTHER  
5 NONIDENTIFYING BACKGROUND INFORMATION THAT THE PARENT OR GUARDI-  
6 AN, CHILD PLACING AGENCY, DEPARTMENT, OR COURT CONSIDERS  
7 APPROPRIATE

8           (3) A PARENT OR GUARDIAN, THE DEPARTMENT, A CHILD PLACING  
9 AGENCY, OR A COURT THAT PLACES AN ADOPTEE UNDER THIS CHAPTER  
10 SHALL COMPILE ALL OF THE FOLLOWING IDENTIFYING INFORMATION IF  
11 REASONABLY OBTAINABLE

12           (A) NAME OF THE CHILD BEFORE PLACEMENT IN ADOPTION

13           (B) NAME OF EACH BIOLOGICAL PARENT AT THE TIME OF TERMINA-  
14 TION OF PARENTAL RIGHTS

15           (C) THE MOST RECENT NAME AND ADDRESS OF EACH BIOLOGICAL  
16 PARENT

17           (D) NAMES OF THE BIOLOGICAL SIBLINGS AT THE TIME OF  
18 TERMINATION

19           (4) THE INFORMATION REQUIRED BY SUBSECTIONS (1) TO (3) SHALL  
20 BE MAINTAINED BY THE CHILD PLACING AGENCY, DEPARTMENT, OR COURT  
21 THAT PLACES THE CHILD OR, IN THE CASE OF A DIRECT PLACEMENT BY A  
22 PARENT OR GUARDIAN, BY THE COURT THAT APPROVES THE PLACEMENT    IN  
23 A DIRECT PLACEMENT, THE PARENT OR GUARDIAN SHALL TRANSMIT THE  
24 INFORMATION REQUIRED UNDER SUBSECTIONS (1) TO (3) TO THE COURT  
25 BEFORE THE TERMINATION OF PARENTAL RIGHTS    AN EMPLOYEE OR AGENT  
26 OF A CHILD PLACING AGENCY, THE COURT, OR THE DEPARTMENT WHO

1 INTENTIONALLY DESTROYS INFORMATION REQUIRED TO BE MAINTAINED  
2 UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR

3 (5) IF A CHILD PLACING AGENCY CEASES TO OPERATE, THE  
4 AGENCY'S ADOPTION RECORDS SHALL BE FORWARDED TO THE DEPARTMENT  
5 A BRANCH OR ASSOCIATE AGENCY OF A CHILD PLACING AGENCY THAT  
6 CEASES TO OPERATE SHALL FORWARD ITS RECORDS TO THE CENTRAL AGENCY  
7 OF THE BRANCH OR ASSOCIATE AGENCY

8 (6) THIS SECTION DOES NOT APPLY TO A STEPPARENT ADOPTION OR  
9 TO THE ADOPTION OF A CHILD RELATED TO THE PETITIONER WITHIN THE  
10 FIFTH DEGREE BY MARRIAGE, BLOOD, OR ADOPTION

11 (7) THIS SECTION DOES NOT PREVENT A PARENT OR GUARDIAN AND  
12 PROSPECTIVE ADOPTIVE PARENT FROM EXCHANGING IDENTIFYING INFORMA-  
13 TION OR MEETING PURSUANT TO SECTIONS 9403A AND 9403B

14 SEC 9407A (1) A FORMER PARENT MAY FILE WITH THE CENTRAL  
15 ADOPTION REGISTRY A STATEMENT CONSENTING TO OR DENYING THE  
16 RELEASE OF THE IDENTIFYING INFORMATION ABOUT THAT PARENT SPECI-  
17 FIED IN SECTION 9407(3)(B) AND (C) THE CONSENT OR DENIAL MAY BE  
18 FILED, UPDATED, OR REVOKED AT ANY TIME

19 (2) AN ADULT FORMER SIBLING MAY FILE A STATEMENT WITH THE  
20 CENTRAL ADOPTION REGISTRY PROVIDING NOTICE THAT A FORMER PARENT  
21 IS DECEASED A COPY OF THE FORMER PARENT'S DEATH CERTIFICATE OR  
22 OTHER EVIDENCE OF THE FORMER PARENT'S DEATH SHALL BE ATTACHED TO  
23 THE STATEMENT

24 (3) AN ADULT FORMER SIBLING WHO KNOWS THE BIRTH NAME OF AN  
25 ADOPTEE MAY FILE WITH THE CENTRAL ADOPTION REGISTRY A STATEMENT  
26 CONSENTING TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME AND

1 ADDRESS TO THE ADULT ADOPTEE THE STATEMENT MAY BE FILED,  
2 UPDATED, OR REVOKED AT ANY TIME

3 (4) AT THE TIME OF TERMINATION OF PARENTAL RIGHTS PURSUANT  
4 TO THIS CHAPTER OR CHAPTER 96, THE COURT SHALL INFORM EACH PARENT  
5 OF THE PROVISIONS DESCRIBED IN THIS SECTION AND SECTIONS 9407B,  
6 9453, 9453A, AND 9453B THE COURT SHALL INFORM EACH PARENT THAT  
7 THE PARENT'S CONSENT TO THE RELEASE OF IDENTIFYING INFORMATION  
8 ABOUT THAT PARENT SPECIFIED IN SECTION 9407(3)(B) AND (C) SHALL  
9 BE PRESUMED UNLESS THE PARENT FILES A STATEMENT WITH THE CENTRAL  
10 ADOPTION REGISTRY DENYING THE RELEASE OF THE INFORMATION ABOUT  
11 THAT PARENT THE COURT SHALL EXPLAIN THE PARENT'S RIGHT TO FILE,  
12 UPDATE, OR REVOKE THE DENIAL AT ANY TIME, AND SHALL PROVIDE EACH  
13 PARENT WITH THE FORMS PRESCRIBED UNDER SECTION 9407B

14 SEC 9407B (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN  
15 A CENTRAL ADOPTION REGISTRY TO CONTROL THE RELEASE OF IDENTIFYING  
16 INFORMATION DESCRIBED IN SECTION 9407(3)

17 (2) THE CENTRAL ADOPTION REGISTRY SHALL KEEP ON FILE THE  
18 STATEMENTS OF FORMER PARENTS CONSENTING TO OR DENYING THE RELEASE  
19 OF IDENTIFYING INFORMATION AND THE STATEMENTS OF ADULT FORMER  
20 SIBLINGS DESCRIBED IN SECTION 9407A(2) AND (3)

21 (3) THE DEPARTMENT SHALL DEVELOP FORMS FOR FORMER PARENTS TO  
22 USE TO CONSENT TO, DENY, OR REVOKE A CONSENT TO OR DENIAL OF, THE  
23 RELEASE OF IDENTIFYING INFORMATION AND FORMS FOR ADULT FORMER  
24 SIBLINGS TO USE TO PROVIDE NOTICE OF THE DEATH OF A FORMER PARENT  
25 AND TO CONSENT TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME  
26 AND ADDRESS TO AN ADULT ADOPTEE THE DEPARTMENT SHALL MAKE THE  
27 FORMS AVAILABLE TO CHILD PLACING AGENCIES AND THE COURT THE

1 FORMS SHALL INCLUDE THE CURRENT NAME AND ADDRESS OF THE FORMER  
2 PARENT OR ADULT FORMER SIBLING THE DENIAL FORM SHALL CONTAIN A  
3 SPACE FOR THE FORMER PARENT TO INDICATE, IF HE OR SHE WISHES, THE  
4 REASON WHY HE OR SHE DOES NOT WISH TO BE IDENTIFIED OR  
5 CONTACTED THE DEPARTMENT SHALL ALSO DEVELOP AND DISTRIBUTE  
6 CLEARANCE REQUEST AND REPLY FORMS TO BE USED BY CHILD PLACING  
7 AGENCIES, THE DEPARTMENT, AND THE COURT TO REQUEST AND RECEIVE  
8 INFORMATION FROM THE CENTRAL ADOPTION REGISTRY PURSUANT TO SEC-  
9 TION 9453(5) AND (8)

10 (4) UPON RECEIPT OF A CLEARANCE REQUEST FORM FROM A CHILD  
11 PLACING AGENCY OR THE DEPARTMENT OR COURT PURSUANT TO  
12 SECTION 9453(5), THE CENTRAL ADOPTION REGISTRY SHALL TRANSMIT TO  
13 THE REQUESTER A CLEARANCE REPLY FORM INDICATING WHETHER A PARTIC-  
14 ULAR FORMER PARENT HAS FILED WITH THE REGISTRY A STATEMENT EITHER  
15 DENYING OR CONSENTING TO THE RELEASE OF IDENTIFYING INFORMATION  
16 OR WHETHER A FORMER PARENT IS DECEASED THE CENTRAL ADOPTION  
17 REGISTRY SHALL ATTACH A COPY OF THE STATEMENT CONSENTING TO OR  
18 DENYING THE RELEASE OF IDENTIFYING INFORMATION ONCE A REQUEST  
19 FOR INFORMATION HAS BEEN RECEIVED BY THE CENTRAL ADOPTION REGIS-  
20 TRY, A SUBSEQUENT STATEMENT SUBMITTED BY A FORMER PARENT CONSENT-  
21 ING TO THE RELEASE OF IDENTIFYING INFORMATION OR REVOKING A PRE-  
22 VIOUS DENIAL OF RELEASE OF IDENTIFYING INFORMATION SHALL BE  
23 TRANSMITTED TO THE PERSON WHO REQUESTED THE INFORMATION

24 (5) UPON RECEIPT OF A CLEARANCE REQUEST FORM FROM A CHILD  
25 PLACING AGENCY OR THE DEPARTMENT OR COURT PURSUANT TO  
26 SECTION 9453(8), THE CENTRAL ADOPTION REGISTRY SHALL TRANSMIT TO  
27 THE REQUESTER A STATEMENT FROM AN ADULT FORMER SIBLING CONSENTING

1 TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME AND ADDRESS TO  
2 AN ADULT ADOPTEE ONCE A REQUEST FOR INFORMATION HAS BEEN  
3 RECEIVED BY THE CENTRAL ADOPTION REGISTRY, A SUBSEQUENT STATEMENT  
4 SUBMITTED BY AN ADULT FORMER SIBLING CONSENTING TO THE RELEASE OF  
5 THE ADULT FORMER SIBLING'S NAME AND ADDRESS SHALL BE TRANSMITTED  
6 TO THE PERSON WHO REQUESTED THE INFORMATION

7 SEC 9408 (1) SUBJECT TO THIS SECTION AND SECTION 9409, A  
8 RELEASE SHALL BE EXECUTED

9 (A) BY EACH PARENT OF A CHILD TO BE ADOPTED OR THE SURVIVING  
10 PARENT, EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES

11 (1) THE RIGHTS OF THE PARENT HAVE BEEN TERMINATED BY A COURT  
12 OF COMPETENT JURISDICTION

13 (11) A GUARDIAN OF THE CHILD HAS BEEN APPOINTED

14 (111) A GUARDIAN OF A PARENT HAS BEEN APPOINTED

15 (B) BY THE AUTHORIZED REPRESENTATIVE OF A CHILD PLACING  
16 AGENCY TO WHOM THE CHILD HAS BEEN COMMITTED BY AN ORDER OF THE  
17 JUVENILE DIVISION OF THE PROBATE COURT

18 (C) BY THE AUTHORIZED REPRESENTATIVE OF THE CHILD PLACING  
19 AGENCY TO WHOM THE CHILD HAS BEEN RELEASED

20 (D) BY THE GUARDIAN OF THE CHILD, SUBJECT TO SUBSECTION (3),  
21 IF A GUARDIAN HAS BEEN APPOINTED

22 (E) BY THE GUARDIAN OF A PARENT, SUBJECT TO SUBSECTION (4),  
23 IF A GUARDIAN HAS BEEN APPOINTED

24 (2) IF THE PARENT OF THE CHILD TO BE ADOPTED IS AN UNEMANCI-  
25 PATED MINOR, THAT PARENT'S RELEASE IS NOT VALID UNLESS A PARENT,  
26 GUARDIAN, OR GUARDIAN AD LITEM OF THAT MINOR PARENT HAS ALSO  
27 EXECUTED THE RELEASE

1           (3) THE GUARDIAN OF THE CHILD TO BE ADOPTED MAY NOT EXECUTE  
2 A RELEASE OF THE CHILD PURSUANT TO SUBSECTION (1) UNLESS THE  
3 GUARDIAN HAS FIRST OBTAINED AUTHORITY TO EXECUTE THE RELEASE FROM  
4 THE COURT THAT APPOINTED THE GUARDIAN

5           (4) THE GUARDIAN OF A PARENT MAY NOT EXECUTE A RELEASE OF  
6 THE PARENT'S CHILD PURSUANT TO SUBSECTION (1) UNLESS THE GUARDIAN  
7 HAS FIRST OBTAINED AUTHORITY TO EXECUTE THE RELEASE FROM THE  
8 COURT THAT APPOINTED THE GUARDIAN    SUCH A RELEASE SHALL HAVE THE  
9 SAME EFFECT AS IF THE RELEASE WERE EXECUTED BY THE PARENT

10          (5) A RELEASE SHALL BE GIVEN ONLY TO A CHILD PLACING AGENCY  
11 OR TO THE DEPARTMENT

12          (6) BEFORE THE DEPARTMENT ARRANGES A RELEASE FROM A PARENT  
13 OR GUARDIAN, A REPRESENTATIVE OF THE DEPARTMENT SHALL ADVISE THE  
14 PARENT OR GUARDIAN ABOUT CHILD PLACING AGENCIES SERVING THE  
15 COUNTY AND, UPON THE PARENT'S OR GUARDIAN'S REQUEST, SHALL REFER  
16 THE PARENT OR GUARDIAN TO A CHILD PLACING AGENCY    AFTER THE  
17 RELEASE OF A CHILD BY A PARENT OR GUARDIAN TO THE DEPARTMENT, THE  
18 DEPARTMENT SHALL ADVISE THE CHILD PLACING AGENCIES SERVING THE  
19 COUNTY THAT THE CHILD IS AVAILABLE FOR ADOPTION

20          (7) IF A CHILD WAS RELEASED FOR ADOPTION OR COMMITTED TO A  
21 CHILD PLACING AGENCY, THAT AGENCY MAY RELEASE THAT CHILD TO THE  
22 DEPARTMENT AND THE DEPARTMENT SHALL ACCEPT THE RELEASE

23          (8) UPON RELEASE OF A CHILD TO THE DEPARTMENT PURSUANT TO  
24 THIS SECTION, THE CHILD BECOMES A STATE WARD

25          (9) WHERE APPLICABLE UNDER THIS SECTION, PROOF OF THE TERMI-  
26 NATION OF PARENTAL RIGHTS, RELEASE OF PARENTAL RIGHTS,



1 APPOINTMENT, AUTHORIZATION, OR COMMITMENT SHALL ACCOMPANY THE  
2 RELEASE

3 SEC 9409 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-  
4 TION, A RELEASE SHALL BE BY A SEPARATE INSTRUMENT EXECUTED BEFORE  
5 A JUDGE OF PROBATE OR BEFORE A REFEREE OF THE COURT IF A  
6 PARENT'S OR GUARDIAN'S RELEASE IS EXECUTED BEFORE A JUDGE OR REF-  
7 EREE AS PROVIDED IN THIS SUBSECTION, A VERBATIM RECORD OF TESTI-  
8 MONY RELATED TO EXECUTION OF THE RELEASE SHALL BE MADE

9 (2) IF THE PERSON FROM WHOM A RELEASE IS REQUIRED IS IN THE  
10 ARMED SERVICES OR IS IN PRISON, THE RELEASE MAY BE EXECUTED AND  
11 ACKNOWLEDGED BEFORE AN INDIVIDUAL AUTHORIZED BY LAW TO ADMINISTER  
12 OATHS

13 (3) IF THE RELEASE IS TO BE GIVEN BY AN AUTHORIZED REPRESENTATIVE OF A CHILD PLACING AGENCY THAT HAS JURISDICTION OF THE  
14 CHILD TO BE ADOPTED, THE RELEASE MAY BE EXECUTED AND ACKNOWLEDGED  
15 BEFORE AN INDIVIDUAL AUTHORIZED BY LAW TO ADMINISTER OATHS

17 (4) IF THE RELEASE IS EXECUTED IN ANOTHER STATE OR COUNTRY,  
18 THE COURT HAVING JURISDICTION OVER THE ADOPTION PROCEEDING IN  
19 THIS STATE SHALL DETERMINE WHETHER THE RELEASE WAS EXECUTED IN  
20 ACCORDANCE WITH THE LAWS OF THAT STATE OR COUNTRY OR THE LAWS OF  
21 THIS STATE AND SHALL NOT PROCEED UNLESS IT FINDS THAT THE RELEASE  
22 WAS SO EXECUTED

23 (5) A RELEASE BY A PARENT OR GUARDIAN SHALL BE ACCOMPANIED  
24 BY A VERIFIED STATEMENT SIGNED BY THE PARENT OR GUARDIAN THAT  
25 CONTAINS ALL OF THE FOLLOWING

26 (A) THAT THE PARENT OR GUARDIAN HAS RECEIVED A LIST OF  
27 SUPPORT GROUPS AND, IF THE RELEASE IS TO A CHILD PLACING AGENCY,

1 A COPY OF THE STATEMENT REQUIRED UNDER SECTION 9403B(2) OF THIS  
2 CHAPTER

3 (B) THAT THE PARENT OR GUARDIAN HAS RECEIVED COUNSELING  
4 RELATED TO THE ADOPTION OF HIS OR HER CHILD OR WAIVES THE COUN-  
5 SELING WITH THE SIGNING OF THE VERIFIED STATEMENT

6 (C) THAT THE PARENT OR GUARDIAN HAS NOT RECEIVED OR BEEN  
7 PROMISED ANY MONEY OR ANYTHING OF VALUE FOR THE RELEASE OF THE  
8 CHILD, EXCEPT FOR LAWFUL PAYMENTS THAT ARE ITEMIZED ON A SCHEDULE  
9 FILED WITH THE RELEASE

10 (D) THAT THE VALIDITY AND FINALITY OF THE RELEASE IS NOT  
11 AFFECTED BY ANY COLLATERAL OR SEPARATE AGREEMENT BETWEEN THE  
12 PARENT OR GUARDIAN AND THE AGENCY, OR THE PARENT OR GUARDIAN AND  
13 THE PROSPECTIVE ADOPTIVE PARENT

14 (E) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES  
15 THE WELFARE OF THE CHILD FOR THE PARENT TO KEEP THE CHILD PLACING  
16 AGENCY OR DEPARTMENT INFORMED OF ANY HEALTH PROBLEMS THAT THE  
17 PARENT DEVELOPS THAT COULD AFFECT THE CHILD

18 (F) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES  
19 THE WELFARE OF THE CHILD FOR THE PARENT OR GUARDIAN TO KEEP HIS  
20 OR HER ADDRESS CURRENT WITH THE CHILD PLACING AGENCY OR DEPART-  
21 MENT IN ORDER TO PERMIT A RESPONSE TO ANY INQUIRY CONCERNING MED-  
22 ICAL OR SOCIAL HISTORY FROM AN ADOPTIVE PARENT OF A MINOR ADOPTEE  
23 OR FROM AN ADOPTEE WHO IS 18 YEARS OF AGE OR OLDER

24 (6) A RELEASE BY A PARENT OR A GUARDIAN OF THE CHILD SHALL  
25 NOT BE EXECUTED UNTIL AFTER SUCH INVESTIGATION AS THE COURT DEEMS  
26 PROPER AND UNTIL AFTER THE JUDGE, REFEREE, OR OTHER INDIVIDUAL  
27 AUTHORIZED IN SUBSECTION (2) HAS FULLY EXPLAINED TO THE PARENT OR

1 GUARDIAN THE LEGAL RIGHTS OF THE PARENT OR GUARDIAN AND THE FACT  
2 THAT THE PARENT OR GUARDIAN BY VIRTUE OF THE RELEASE VOLUNTARILY  
3 RELINQUISHES PERMANENTLY HIS OR HER RIGHTS TO THE CHILD AND, IF  
4 THE CHILD IS OVER 5 YEARS OF AGE, THE COURT HAS DETERMINED THAT  
5 THE CHILD IS BEST SERVED BY THE RELEASE

6 (7) UPON THE RELEASE OF A CHILD BY A PARENT OR GUARDIAN, THE  
7 COURT IMMEDIATELY SHALL ISSUE AN ORDER TERMINATING THE RIGHTS OF  
8 THAT PARENT OR GUARDIAN TO THAT CHILD IF THE RIGHTS OF BOTH  
9 PARENTS, THE SURVIVING PARENT, OR THE GUARDIAN HAVE BEEN TERMI-  
10 NATED, THE COURT SHALL ISSUE AN ORDER COMMITTING THE CHILD TO THE  
11 CHILD PLACING AGENCY OR DEPARTMENT TO WHICH THE RELEASE WAS  
12 GIVEN

13 (8) THE COURT SHALL AUTHORIZE FOSTER CARE FUNDING PENDING  
14 EXPIRATION OF THE PERIOD OF APPEAL OR REHEARING AS PROVIDED IN  
15 SECTIONS 9443 AND 9445, AND PENDING DISPOSITION OF ANY APPEAL OR  
16 REHEARING, FOR ALL PERSONS COMMITTED TO A CHILD PLACING AGENCY  
17 FOSTER CARE FUNDING AUTHORIZED UNDER THIS SUBSECTION SHALL  
18 EXCLUDE THE ADMINISTRATIVE COSTS OF THE CHILD PLACING AGENCY  
19 THE COSTS OF FOSTER CARE SHALL BE PAID THROUGH THE USE OF THE  
20 CHILD CARE FUND AS PROVIDED BY SECTION 117C OF THE SOCIAL WELFARE  
21 ACT, ACT NO 280 OF THE PUBLIC ACTS OF 1939, BEING SECTION  
22 400 117C OF THE MICHIGAN COMPILED LAWS, OR BY ANY SUCCESSOR  
23 STATUTE WHEN FOSTER CARE FUNDING IS AUTHORIZED PURSUANT TO THIS  
24 SUBSECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE  
25 DEPARTMENT UPON RECEIVING A COPY OF THIS ORDER, THE DEPARTMENT  
26 SHALL REIMBURSE THE COURT CHILD CARE FUND OF THE COUNTY WHERE THE  
27 COURT ORDER FOR FOSTER CARE FUNDING WAS MADE IN THE TOTAL AMOUNT

1 OF THE COURT ORDERED PAYMENT THE REIMBURSEMENT SHALL BE MADE  
2 MONTHLY

3 (9) ENTRY OF AN ORDER TERMINATING THE RIGHTS OF BOTH PARENTS  
4 PURSUANT TO SUBSECTION (7) TERMINATES THE JURISDICTION OF THE  
5 CIRCUIT COURT OVER THE CHILD IN ANY DIVORCE OR SEPARATE MAINTENANCE ACTION

7 (10) UPON PETITION OF THE SAME PERSON OR PERSONS WHO EXECUTED THE RELEASE AND OF THE DEPARTMENT OR CHILD PLACING AGENCY  
8 TO WHICH THE CHILD WAS RELEASED, THE COURT WITH WHICH THE RELEASE  
9 WAS FILED MAY GRANT A HEARING TO CONSIDER WHETHER THE RELEASE  
10 SHOULD BE REVOKED A RELEASE MAY NOT BE REVOKED IF THE CHILD HAS  
11 BEEN PLACED FOR ADOPTION UNLESS THE CHILD IS PLACED PURSUANT TO  
12 SECTION 9421(2) OF THIS CHAPTER AND A PETITION FOR REHEARING OR  
13 CLAIM OF APPEAL IS FILED WITHIN THE TIME REQUIRED A VERBATIM  
14 RECORD OF TESTIMONY RELATED TO A PETITION TO REVOKE A RELEASE  
15 SHALL BE MADE

17 SEC 9411 (1) IF A CHILD IS BORN OUT OF WEDLOCK AND THE  
18 RELEASE OR CONSENT OF THE BIOLOGICAL FATHER CANNOT BE OBTAINED,  
19 THE CHILD SHALL NOT BE PLACED FOR ADOPTION UNTIL THE PARENTAL  
20 RIGHTS OF THE FATHER ARE TERMINATED BY THE COURT AS PROVIDED IN  
21 SECTION 9417 OR 9419, BY THE COURT PURSUANT TO CHAPTER 96, OR BY  
22 A COURT OF COMPETENT JURISDICTION IN ANOTHER STATE OR COUNTRY

23 (2) PENDING THE TERMINATION OR OTHER DISPOSITION OF THE  
24 RIGHTS OF THE FATHER OF A CHILD BORN OUT OF WEDLOCK, THE MOTHER  
25 MAY EXECUTE A RELEASE TERMINATING HER RIGHTS TO THE CHILD IF  
26 THE MOTHER RELEASES THE CHILD, THE CHILD PLACING AGENCY OR  
27 DEPARTMENT TO WHICH THE CHILD IS RELEASED MAY FILE A PETITION OF

1 DEPENDENCY OR NEGLECT PURSUANT TO CHAPTER 96 PENDING  
2 DISPOSITION OF THE DEPENDENCY OR NEGLECT PETITION, THE COURT MAY  
3 ENTER AN ORDER AUTHORIZING TEMPORARY CARE OF THE CHILD  
4 (3) AT THE REQUEST OF THE MOTHER, HER FORMAL EXECUTION OF A  
5 RELEASE OR CONSENT SHALL BE DELAYED UNTIL AFTER COURT DETERMINA-  
6 TION OF THE STATUS OF THE PUTATIVE FATHER'S REQUEST FOR CUSTODY  
7 OF THE CHILD

8 SEC 9413 (1) BEFORE THE BIRTH OF A CHILD BORN OUT OF WED-  
9 LOCK, A PERSON CLAIMING UNDER OATH TO BE THE FATHER OF THE CHILD  
10 MAY FILE A VERIFIED NOTICE OF INTENT TO CLAIM PATERNITY WITH THE  
11 COURT IN ANY COUNTY OF THIS STATE THE FORM OF THE NOTICE SHALL  
12 BE PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH  
13 AND PROVIDED TO THE COURT THE NOTICE SHALL INCLUDE THE  
14 CLAIMANT'S ADDRESS ON THE NEXT BUSINESS DAY AFTER RECEIPT OF  
15 THE NOTICE THE COURT SHALL TRANSMIT THE NOTICE TO THE VITAL  
16 RECORDS DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH IF THE  
17 MOTHER'S ADDRESS IS STATED ON THE NOTICE, THE VITAL RECORDS DIVI-  
18 SION SHALL SEND A COPY OF THE NOTICE BY FIRST-CLASS MAIL TO THE  
19 MOTHER OF THE CHILD AT THE STATED ADDRESS

20 (2) A PERSON FILING A NOTICE OF INTENT TO CLAIM PATERNITY  
21 SHALL BE PRESUMED TO BE THE FATHER OF THE CHILD FOR PURPOSES OF  
22 THIS CHAPTER UNLESS THE MOTHER DENIES THAT THE CLAIMANT IS THE  
23 FATHER SUCH A NOTICE IS ADMISSIBLE IN A PATERNITY PROCEEDING  
24 UNDER ACT NO 205 OF THE PUBLIC ACTS OF 1956, BEING SECTIONS  
25 722 711 TO 722 730 OF THE MICHIGAN COMPILED LAWS, AND SHALL  
26 CREATE A REBUTTABLE PRESUMPTION AS TO THE PATERNITY OF THAT CHILD  
27 FOR PURPOSES OF THAT ACT SUCH A NOTICE SHALL CREATE A

1 REBUTTABLE PRESUMPTION AS TO PATERNITY OF THE CHILD FOR PURPOSES  
2 OF DEPENDENCY OR NEGLECT PROCEEDINGS UNDER CHAPTER 96

3 (3) A PERSON WHO TIMELY FILES A NOTICE OF INTENT TO CLAIM  
4 PATERNITY SHALL BE ENTITLED TO NOTICE OF ANY HEARING INVOLVING  
5 THAT CHILD TO DETERMINE THE IDENTITY OF THE FATHER OF THE CHILD  
6 AND ANY HEARING TO DETERMINE OR TERMINATE HIS PATERNAL RIGHTS TO  
7 THE CHILD

8 SEC 9414 (1) IN ORDER TO PROVIDE DUE NOTICE AT THE EARLI-  
9 EST POSSIBLE TIME TO A PUTATIVE FATHER WHO MAY HAVE AN INTEREST  
10 IN THE CUSTODY OF AN EXPECTED CHILD OR IN THE MOTHER'S INTENDED  
11 RELEASE OF AN EXPECTED CHILD FOR ADOPTION OR CONSENT TO ADOPTION  
12 OF THE EXPECTED CHILD, AND IN ORDER TO FACILITATE EARLY PLACEMENT  
13 OF A CHILD FOR ADOPTION, A WOMAN PREGNANT OUT OF WEDLOCK MAY FILE  
14 WITH THE PROBATE COURT AN EX PARTE PETITION WHICH EVIDENCES HER  
15 INTENT TO RELEASE HER EXPECTED CHILD FOR ADOPTION OR TO CONSENT  
16 TO THE CHILD'S ADOPTION, WHICH INDICATES THE APPROXIMATE DATE AND  
17 LOCATION OF CONCEPTION AND THE EXPECTED DATE OF HER CONFINEMENT,  
18 WHICH ALLEGES THAT A PARTICULAR PERSON IS THE PUTATIVE FATHER OF  
19 HER EXPECTED CHILD, AND WHICH REQUESTS THE COURT TO NOTIFY THE  
20 PUTATIVE FATHER ABOUT HIS RIGHTS TO FILE A NOTICE OF INTENT TO  
21 CLAIM PATERNITY PURSUANT TO SECTION 9413 THE PETITION MAY  
22 ALLEGE MORE THAN 1 PUTATIVE FATHER WHERE CIRCUMSTANCES WARRANT  
23 THE PETITION SHALL BE VERIFIED UPON THE FILING OF THE PETITION,  
24 THE COURT SHALL ISSUE A NOTICE OF INTENT TO RELEASE OR CONSENT,  
25 WHICH NOTICE SHALL BE SERVED UPON THE PUTATIVE FATHER BY ANY  
26 OFFICER OR PERSON AUTHORIZED TO SERVE PROCESS OF THE COURT  
27 PROOF OF SERVICE SHALL BE FILED WITH THE COURT

1 (2) A NOTICE OF INTENT TO RELEASE OR CONSENT SHALL

2 (A) INDICATE THE APPROXIMATE DATE AND LOCATION OF CONCEPTION  
3 OF THE CHILD AND THE EXPECTED DATE OF CONFINEMENT OF THE MOTHER

4 (B) INFORM THE PUTATIVE FATHER OF HIS RIGHT UNDER SECTION  
5 33(1) TO FILE A NOTICE OF INTENT TO CLAIM PATERNITY BEFORE THE  
6 BIRTH OF THE CHILD

7 (C) INFORM THE PUTATIVE FATHER OF THE RIGHTS TO WHICH HIS  
8 FILING OF A NOTICE OF INTENT TO CLAIM PATERNITY WILL ENTITLE HIM  
9 UNDER SECTION 9413(3)

10 (D) INFORM THE PUTATIVE FATHER THAT HIS FAILURE TO FILE A  
11 NOTICE OF INTENT TO CLAIM PATERNITY BEFORE THE EXPECTED DATE OF  
12 CONFINEMENT OR BEFORE THE BIRTH OF THE CHILD, WHICHEVER IS LATER,  
13 SHALL CONSTITUTE A WAIVER OF HIS RIGHT TO RECEIVE THE NOTICE TO  
14 WHICH HE WOULD OTHERWISE BE ENTITLED UNDER SECTION 9413(3) AND  
15 SHALL CONSTITUTE A DENIAL OF HIS INTEREST IN CUSTODY OF THE  
16 CHILD, WHICH DENIAL SHALL RESULT IN THE COURT'S TERMINATION OF  
17 HIS RIGHTS TO THE CHILD

18 (3) THE FORM OF THE NOTICE OF INTENT TO RELEASE OR CONSENT  
19 SHALL BE APPROVED BY THE SUPREME COURT ADMINISTRATOR AND SHALL BE  
20 CONSISTENT WITH THIS SECTION

21 SEC 9416 (1) IF A CHILD IS CLAIMED TO BE BORN OUT OF WED-  
22 LOCK AND THE MOTHER EXECUTES OR PROPOSES TO EXECUTE A RELEASE OR  
23 CONSENT RELINQUISHING HER RIGHTS TO THE CHILD OR JOINS IN A PETI-  
24 TION FOR ADOPTION FILED BY HER HUSBAND, AND THE RELEASE OR CON-  
25 SENT OF THE NATURAL FATHER CANNOT BE OBTAINED, THE JUDGE OF PRO-  
26 BATE SHALL HOLD A HEARING AS SOON AS PRACTICAL TO DETERMINE  
27 WHETHER THE CHILD WAS BORN OUT OF WEDLOCK, TO DETERMINE THE

1 IDENTITY OF THE FATHER, AND TO DETERMINE OR TERMINATE THE RIGHTS  
2 OF THE FATHER AS PROVIDED IN THIS SECTION AND SECTIONS 9417 AND  
3 9419

4 (2) PROOF OF SERVICE OF A NOTICE OF INTENT TO RELEASE OR  
5 CONSENT OR THE PUTATIVE FATHER'S VERIFIED ACKNOWLEDGMENT OF  
6 NOTICE OF INTENT TO RELEASE OR CONSENT SHALL BE FILED WITH THE  
7 COURT, IF THE NOTICE WAS GIVEN TO THE PUTATIVE FATHER THE COURT  
8 SHALL REQUEST THE VITAL RECORDS DIVISION OF THE DEPARTMENT OF  
9 PUBLIC HEALTH TO SEND TO THE COURT A COPY OF ANY NOTICE OF INTENT  
10 TO CLAIM PATERNITY OF THE PARTICULAR CHILD WHICH THE DIVISION HAS  
11 RECEIVED

12 (3) NOTICE OF THE HEARING SHALL BE SERVED UPON THE  
13 FOLLOWING

14 (A) A PUTATIVE FATHER WHO HAS TIMELY FILED A NOTICE OF  
15 INTENT TO CLAIM PATERNITY AS PROVIDED IN SECTION 9413 OR 9414

16 (B) A PUTATIVE FATHER WHO WAS NOT SERVED A NOTICE OF INTENT  
17 TO RELEASE OR CONSENT AT LEAST 30 DAYS BEFORE THE EXPECTED DATE  
18 OF CONFINEMENT SPECIFIED IN THE NOTICE OF INTENT TO RELEASE OR  
19 CONSENT

20 (C) ANY OTHER MALE WHO WAS NOT SERVED PURSUANT TO SECTION  
21 9414(1) OF THIS CHAPTER WITH A NOTICE OF INTENT TO RELEASE OR  
22 CONSENT AND WHO THE COURT HAS REASON TO BELIEVE MAY BE THE FATHER  
23 OF THE CHILD

24 (4) THE NOTICE OF HEARING SHALL INFORM THE PUTATIVE FATHER  
25 THAT HIS FAILURE TO APPEAR AT THE HEARING SHALL CONSTITUTE A  
26 DENIAL OF HIS INTEREST IN CUSTODY OF THE CHILD, WHICH DENIAL



1 SHALL RESULT IN THE COURT'S TERMINATION OF HIS RIGHTS TO THE  
2 CHILD

3 (5) PROOF OF SERVICE OF THE NOTICE OF HEARING REQUIRED BY  
4 SUBSECTION (3) SHALL BE FILED WITH THE COURT A VERIFIED  
5 ACKNOWLEDGMENT OF SERVICE BY THE PARTY TO BE SERVED IS PROOF OF  
6 PERSONAL SERVICE NOTICE OF THE HEARING SHALL NOT BE REQUIRED IF  
7 THE PUTATIVE FATHER IS PRESENT AT THE HEARING A WAIVER OF  
8 NOTICE OF HEARING BY A PERSON ENTITLED TO RECEIVE IT IS  
9 SUFFICIENT

10 (6) THE COURT SHALL RECEIVE EVIDENCE AS TO THE IDENTITY OF  
11 THE FATHER OF THE CHILD BASED UPON THE EVIDENCE RECEIVED, THE  
12 COURT SHALL ENTER A FINDING IDENTIFYING THE FATHER OR DECLARING  
13 THAT THE IDENTITY OF THE FATHER CANNOT BE DETERMINED

14 (7) IF THE COURT FINDS THAT THE FATHER OF THE CHILD IS A  
15 PERSON WHO DID NOT RECEIVE EITHER A TIMELY NOTICE OF INTENT TO  
16 RELEASE OR CONSENT PURSUANT TO SECTION 9414(1) OF THIS CHAPTER OR  
17 A NOTICE REQUIRED PURSUANT TO SUBSECTION (3), AND WHO HAS NEITHER  
18 WAIVED HIS RIGHT TO NOTICE OF HEARING NOR IS PRESENT AT THE HEAR-  
19 ING, THE COURT SHALL ADJOURN FURTHER PROCEEDINGS UNTIL THAT  
20 PERSON IS SERVED WITH A NOTICE OF HEARING

21 SEC 9417 (1) IF THE COURT HAS PROOF THAT THE PERSON WHOM  
22 IT DETERMINES PURSUANT TO SECTION 9416 TO BE THE FATHER OF THE  
23 CHILD WAS TIMELY SERVED WITH A NOTICE OF INTENT TO RELEASE OR  
24 CONSENT PURSUANT TO SECTION 9414(1) OR WAS SERVED WITH OR WAIVED  
25 THE NOTICE OF HEARING REQUIRED BY SECTION 9416(3), THE COURT MAY  
26 PERMANENTLY TERMINATE THE RIGHTS OF THE PUTATIVE FATHER UNDER ANY  
27 OF THE FOLLOWING CIRCUMSTANCES

1 (A) THE PUTATIVE FATHER SUBMITS A VERIFIED AFFIRMATION OF  
2 HIS PATERNITY AND A DENIAL OF HIS INTEREST IN CUSTODY OF THE  
3 CHILD

4 (B) THE PUTATIVE FATHER FILES A DISCLAIMER OF PATERNITY  
5 FOR PURPOSES OF THIS SECTION THE FILING OF THE DISCLAIMER OF  
6 PATERNITY SHALL CONSTITUTE A WAIVER OF NOTICE OF HEARING AND  
7 SHALL CONSTITUTE A DENIAL OF HIS INTEREST IN CUSTODY OF THE  
8 CHILD

9 (C) THE PUTATIVE FATHER WAS SERVED WITH A NOTICE OF INTENT  
10 TO RELEASE OR CONSENT IN ACCORDANCE WITH SECTION 9414(1), AT  
11 LEAST 30 DAYS BEFORE THE EXPECTED DATE OF CONFINEMENT SPECIFIED  
12 IN THAT NOTICE BUT FAILED TO FILE AN INTENT TO CLAIM PATERNITY  
13 EITHER BEFORE THE EXPECTED DATE OF CONFINEMENT OR BEFORE THE  
14 BIRTH OF THE CHILD

15 (D) THE PUTATIVE FATHER IS GIVEN PROPER NOTICE OF HEARING IN  
16 ACCORDANCE WITH SECTION 9416(3) OR (5) BUT EITHER FAILS TO APPEAR  
17 AT THE HEARING OR APPEARS AND DENIES HIS INTEREST IN CUSTODY OF  
18 THE CHILD

19 (2) IF THE IDENTITY OF THE FATHER CANNOT BE DETERMINED, OR  
20 IF THE IDENTITY OF THE FATHER IS KNOWN BUT HIS WHEREABOUTS CANNOT  
21 BE DETERMINED, THE COURT SHALL TAKE EVIDENCE TO DETERMINE THE  
22 FACTS IN THE MATTER THE COURT MAY TERMINATE THE RIGHTS OF THE  
23 PUTATIVE FATHER IF THE COURT FINDS FROM THE EVIDENCE THAT REASON-  
24 ABLE EFFORT HAS BEEN MADE TO IDENTIFY AND LOCATE THE FATHER AND  
25 THAT ANY OF THE FOLLOWING CIRCUMSTANCES EXIST

26 (A) THE PUTATIVE FATHER, WHOSE IDENTITY IS NOT KNOWN, HAS  
27 NOT MADE PROVISION FOR THE CHILD'S CARE AND DID NOT PROVIDE

1 SUPPORT FOR THE MOTHER DURING HER PREGNANCY OR DURING HER  
2 CONFINEMENT

3 (B) THE PUTATIVE FATHER, WHOSE IDENTITY IS KNOWN BUT WHOSE  
4 WHEREABOUTS ARE UNKNOWN, HAS NOT PROVIDED SUPPORT FOR THE MOTHER,  
5 HAS NOT SHOWN ANY INTEREST IN THE CHILD, AND HAS NOT MADE PROVI-  
6 SION FOR THE CHILD'S CARE, FOR AT LEAST 90 DAYS PRECEDING THE  
7 HEARING REQUIRED UNDER SECTION 9416

8 SEC 9419 (1) IF THE PUTATIVE FATHER DOES NOT COME WITHIN  
9 THE PROVISIONS OF SUBSECTION (2) OR (4), AND IF THE PUTATIVE  
10 FATHER APPEARS AT THE HEARING AND REQUESTS CUSTODY OF THE CHILD,  
11 THE COURT SHALL INQUIRE INTO HIS FITNESS AND HIS ABILITY TO PROP-  
12 ERLY CARE FOR THE CHILD AND SHALL DETERMINE WHETHER THE BEST  
13 INTERESTS OF THE CHILD WILL BE SERVED BY GRANTING CUSTODY TO  
14 HIM IF THE COURT FINDS THAT IT WOULD NOT BE IN THE BEST INTER-  
15 ESTS OF THE CHILD TO GRANT CUSTODY TO THE PUTATIVE FATHER, THE  
16 COURT SHALL TERMINATE HIS RIGHTS TO THE CHILD

17 (2) IF THE PUTATIVE FATHER HAS ESTABLISHED A CUSTODIAL RELA-  
18 TIONSHIP WITH THE CHILD OR HAS PROVIDED SUPPORT OR CARE FOR THE  
19 MOTHER DURING PREGNANCY OR FOR EITHER MOTHER OR CHILD AFTER THE  
20 CHILD'S BIRTH DURING THE 90 DAYS BEFORE NOTICE OF THE HEARING WAS  
21 SERVED UPON HIM, THE RIGHTS OF THE PUTATIVE FATHER SHALL NOT BE  
22 TERMINATED EXCEPT BY PROCEEDINGS IN ACCORDANCE WITH SECTION  
23 9431(6) OR 9603

24 (3) IF THE PARENTAL RIGHTS OF THE MOTHER ARE TERMINATED PUR-  
25 SUANT TO THIS CHAPTER OR OTHER LAW AND IF THE COURT AWARDS CUS-  
26 TODY OF A CHILD BORN OUT OF WEDLOCK TO THE PUTATIVE FATHER, THE  
27 COURT SHALL ENTER AN ORDER GRANTING CUSTODY TO THE PUTATIVE

1 FATHER AND LEGITIMATING THE CHILD FOR ALL PURPOSES THE JUDGE OF  
2 PROBATE SHALL DULY RECORD THE LEGITIMATION IN ACCORDANCE WITH  
3 SECTION 111 OF THE REVISED PROBATE CODE, ACT NO 642 OF THE  
4 PUBLIC ACTS OF 1978, BEING SECTION 700 111 OF THE MICHIGAN  
5 COMPILED LAWS

6 SEC 9421 (1) EXCEPT AS PROVIDED IN SECTION 9403D, A CHILD  
7 SHALL NOT BE PLACED IN A HOME FOR THE PURPOSE OF ADOPTION UNTIL  
8 AN ORDER TERMINATING PARENTAL RIGHTS HAS BEEN ENTERED PURSUANT TO  
9 THIS CHAPTER OR CHAPTER 96 AND THE COURT HAS FORMALLY APPROVED  
10 PLACEMENT UNDER SECTION 9431 AFTER AN ORDER TERMINATING PAREN-  
11 TAL RIGHTS HAS BEEN ENTERED, THE COURT SHALL ENTER ANY APPROPRI-  
12 ATE ORDERS PURSUANT TO SECTIONS 9425, 9426, AND 9431 SUCH  
13 ORDERS SHALL NOT BE WITHHELD BECAUSE THE PERIOD SPECIFIED FOR A  
14 REHEARING OR AN APPEAL AS OF RIGHT HAS NOT EXPIRED, OR BECAUSE OF  
15 THE PENDENCY OF ANY REHEARING OR APPEAL AS OF RIGHT

16 (2) IF AN ORDER TERMINATING PARENTAL RIGHTS IS ENTERED PUR-  
17 SUANT TO THIS CHAPTER OR CHAPTER 96, THE CHILD MAY BE PLACED IN A  
18 HOME FOR THE PURPOSE OF ADOPTION DURING THE PERIOD SPECIFIED FOR  
19 A REHEARING OR AN APPEAL AS OF RIGHT AND THE PERIOD DURING WHICH  
20 A REHEARING OR APPEAL AS OF RIGHT IS PENDING WHEN A CHILD PLAC-  
21 ING AGENCY, THE COURT, OR THE DEPARTMENT FORMALLY PLACES A CHILD  
22 OR THE COURT APPROVES PLACEMENT OF A CHILD PURSUANT TO THIS SUB-  
23 SECTION, THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT SHALL  
24 INFORM THE PERSON OR PERSONS IN WHOSE HOME THE CHILD IS PLACED  
25 THAT AN ADOPTION WILL NOT BE ORDERED UNTIL 1 OF THE FOLLOWING  
26 OCCURS

1 (A) THE PETITION FOR REHEARING IS GRANTED, AT THE REHEARING  
2 THE ORDER TERMINATING PARENTAL RIGHTS IS NOT MODIFIED OR SET  
3 ASIDE, AND SUBSEQUENTLY THE PERIOD FOR APPEAL AS OF RIGHT TO THE  
4 COURT OF APPEALS HAS EXPIRED WITHOUT AN APPEAL BEING FILED

5 (B) THE PETITION FOR REHEARING IS DENIED AND THE PERIOD FOR  
6 APPEAL AS OF RIGHT TO THE COURT OF APPEALS HAS EXPIRED WITHOUT AN  
7 APPEAL BEING FILED

8 (C) THERE IS A DECISION OF THE COURT OF APPEALS AFFIRMING  
9 THE ORDER TERMINATING PARENTAL RIGHTS

10 (3) THIS SECTION SHALL NOT BE CONSTRUED TO PREVENT A CHILD  
11 RESIDING IN A LICENSED FOSTER HOME FROM BEING ADOPTED BY THE  
12 FOSTER PARENT OR PARENTS

13 (4) THIS SECTION DOES NOT APPLY IF THE PETITIONER FOR ADOP-  
14 TION IS MARRIED TO A PARENT HAVING LEGAL CUSTODY OF THE CHILD

15 SEC 9423 (1) SUBJECT TO THIS SECTION AND SECTIONS 9424  
16 AND 9431, CONSENT TO ADOPTION OF A CHILD SHALL BE EXECUTED

17 (A) BY EACH PARENT OF A CHILD TO BE ADOPTED OR THE SURVIVING  
18 PARENT, EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES

19 (1) THE RIGHTS OF THE PARENT HAVE BEEN TERMINATED BY A COURT  
20 OF COMPETENT JURISDICTION

21 (11) THE CHILD HAS BEEN RELEASED FOR THE PURPOSE OF ADOPTION  
22 TO A CHILD PLACING AGENCY OR TO THE DEPARTMENT

23 (111) A GUARDIAN OF THE CHILD HAS BEEN APPOINTED

24 (1v) A GUARDIAN OF A PARENT HAS BEEN APPOINTED

25 (v) A PARENT HAVING LEGAL CUSTODY OF THE CHILD IS MARRIED TO  
26 THE PETITIONER

1 (B) BY THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR OF  
2 A CHILD PLACING AGENCY TO WHOM THE CHILD HAS BEEN PERMANENTLY  
3 COMMITTED BY AN ORDER OF THE JUVENILE DIVISION OF THE PROBATE  
4 COURT

5 (C) BY THE JUVENILE DIVISION OF THE PROBATE COURT OR BY A  
6 TRIBAL COURT HAVING PERMANENT CUSTODY OF THE CHILD

7 (D) BY THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR OF  
8 A CHILD PLACING AGENCY TO WHOM THE CHILD HAS BEEN RELEASED

9 (E) BY THE GUARDIAN OF THE CHILD, SUBJECT TO SUBSECTION (5),  
10 IF A GUARDIAN HAS BEEN APPOINTED

11 (F) BY THE GUARDIAN OF A PARENT, SUBJECT TO SUBSECTION (6),  
12 IF A GUARDIAN HAS BEEN APPOINTED

13 (G) BY THE AUTHORIZED REPRESENTATIVE OF A COURT OR CHILD  
14 PLACING AGENCY OF ANOTHER STATE OR COUNTRY THAT HAS AUTHORITY TO  
15 CONSENT TO ADOPTION

16 (2) IF THE CHILD TO BE ADOPTED IS OVER 14 YEARS OF AGE, THAT  
17 CHILD'S CONSENT IS NECESSARY BEFORE THE COURT MAY ENTER AN ORDER  
18 OF ADOPTION

19 (3) IF THE INDIVIDUAL TO BE ADOPTED IS AN ADULT, THE  
20 INDIVIDUAL'S CONSENT IS NECESSARY BEFORE THE COURT MAY ENTER AN  
21 ORDER OF ADOPTION, BUT CONSENT BY ANY OTHER INDIVIDUAL IS NOT  
22 REQUIRED

23 (4) IF THE PARENT OF THE CHILD TO BE ADOPTED IS AN UNEMANCI-  
24 PATED MINOR, THAT PARENT'S CONSENT IS NOT VALID UNLESS A PARENT,  
25 GUARDIAN, OR GUARDIAN AD LITEM OF THAT MINOR PARENT HAS ALSO EXE-  
26 CUTED THE CONSENT

1           (5) THE GUARDIAN OF THE CHILD TO BE ADOPTED SHALL NOT  
2 EXECUTE A CONSENT TO THAT CHILD'S ADOPTION PURSUANT TO SUBSECTION  
3 (1) UNLESS THE GUARDIAN HAS FIRST OBTAINED AUTHORITY TO EXECUTE  
4 THE CONSENT FROM THE COURT THAT APPOINTED THE GUARDIAN

5           (6) THE GUARDIAN OF A PARENT SHALL NOT EXECUTE A CONSENT TO  
6 THE ADOPTION OF THE PARENT'S CHILD PURSUANT TO SUBSECTION (1)  
7 UNLESS THE GUARDIAN HAS FIRST OBTAINED AUTHORITY TO EXECUTE THE  
8 CONSENT FROM THE COURT THAT APPOINTED THE GUARDIAN   THE CONSENT  
9 SHALL HAVE THE SAME EFFECT AS IF THE CONSENT WERE EXECUTED BY THE  
10 PARENT

11          (7) IF THE PETITIONER FOR ADOPTION IS MARRIED TO THE PARENT  
12 HAVING LEGAL CUSTODY OF THE CHILD AND THAT PARENT HAS JOINED THE  
13 PETITIONER IN FILING THE PETITION FOR ADOPTION, THAT PARENT SHALL  
14 NOT EXECUTE A CONSENT TO THE ADOPTION   THE CONSENT OF THE PARENT  
15 WHO DOES NOT HAVE LEGAL CUSTODY OF THE CHILD AND WHOSE PARENTAL  
16 RIGHTS HAVE NOT BEEN TERMINATED SHALL BE EXECUTED BEFORE THE  
17 COURT MAY ENTER AN ORDER OF ADOPTION UNDER SECTION 9435

18          SEC 9424   (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-  
19 TION, THE CONSENT REQUIRED BY SECTION 9423 SHALL BE BY A SEPARATE  
20 INSTRUMENT EXECUTED BEFORE THE JUDGE OF PROBATE HAVING JURISDIC-  
21 TION OR, AT THE COURT'S DIRECTION, BEFORE ANOTHER JUDGE OF PRO-  
22 BATE IN THIS STATE   A CONSENT MAY BE EXECUTED BEFORE A REFEREE  
23 OF THE PROBATE COURT   THE CONSENT HEARING SHALL BE HELD WITHIN 7  
24 DAYS AFTER IT IS REQUESTED   IF THE CONSENT OF A PARENT OR GUARD-  
25 IAN IS EXECUTED BEFORE A JUDGE OR REFEREE AS PROVIDED IN THIS  
26 SUBSECTION, A VERBATIM RECORD OF TESTIMONY RELATED TO EXECUTION  
27 OF THE CONSENT SHALL BE MADE

1       (2) IF THE INDIVIDUAL WHOSE CONSENT IS REQUIRED IS IN ANY OF  
2 THE ARMED SERVICES OR IS IN PRISON, THE CONSENT MAY BE EXECUTED  
3 AND ACKNOWLEDGED BEFORE ANY INDIVIDUAL AUTHORIZED BY LAW TO  
4 ADMINISTER OATHS

5       (3) IF THE CHILD TO BE ADOPTED IS LEGALLY A WARD OF THE  
6 DEPARTMENT OR OF A CHILD PLACING AGENCY, THE CONSENT REQUIRED TO  
7 BE MADE UNDER SECTION 9423 BY THE AUTHORIZED REPRESENTATIVE OF  
8 THE DEPARTMENT OR AGENCY MAY BE EXECUTED AND ACKNOWLEDGED BEFORE  
9 AN INDIVIDUAL AUTHORIZED BY LAW TO ADMINISTER OATHS

10       (4) IF THE CONSENT IS EXECUTED IN ANOTHER STATE OR COUNTRY,  
11 THE COUPT HAVING JURISDICTION OVER THE ADOPTION PROCEEDING IN  
12 THIS STATE SHALL DETERMINE WHETHER THE CONSENT WAS EXECUTED IN  
13 ACCORDANCE WITH THE LAWS OF THAT STATE OR COUNTRY OR THE LAWS OF  
14 AND THIS STATE SHALL NOT PROCEED UNLESS IT FINDS THAT THE CONSENT  
15 WAS SO EXECUTED

16       (5) IN A DIRECT PLACEMENT, A CONSENT BY A PARENT OR GUARDIAN  
17 SHALL BE ACCOMPANIED BY A VERIFIED STATEMENT SIGNED BY THE PARENT  
18 OR GUARDIAN THAT CONTAINS ALL OF THE FOLLOWING

19       (A) THAT THE PARENT OR GUARDIAN HAS RECEIVED A LIST OF SUP-  
20 PORT GROUPS AND, IF BEING ASSISTED BY A CHILD PLACING AGENCY, A  
21 COPY OF THE STATEMENT REQUIRED UNDER SECTION 9403B(2)

22       (B) THAT THE PARENT OR GUARDIAN HAS RECEIVED COUNSELING  
23 RELATED TO THE ADOPTION OF HIS OR HER CHILD OR WAIVES THE COUN-  
24 SELING WITH THE SIGNING OF THE VERIFIED STATEMENT

25       (C) THAT THE PARENT OR GUARDIAN HAS NOT RECEIVED OR BEEN  
26 PROMISED ANY MONEY OR ANYTHING OF VALUE FOR THE CONSENT TO



1 ADOPTION OF THE CHILD, EXCEPT FOR LAWFUL PAYMENTS THAT ARE  
2 ITEMIZED ON A SCHEDULE FILED WITH THE CONSENT

3 (D) THAT THE VALIDITY AND FINALITY OF THE CONSENT IS NOT  
4 AFFECTED BY ANY COLLATERAL OR SEPARATE AGREEMENT BETWEEN THE  
5 PARENT OR GUARDIAN AND THE ADOPTIVE PARENT

6 (E) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES  
7 THE WELFARE OF THE CHILD FOR THE PARENT TO KEEP THE CHILD PLACING  
8 AGENCY, COURT, OR DEPARTMENT INFORMED OF ANY HEALTH PROBLEMS THAT  
9 THE PARENT DEVELOPS WHICH COULD AFFECT THE CHILD

10 (F) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES  
11 THE WELFARE OF THE CHILD FOR THE PARENT OR GUARDIAN TO KEEP HIS  
12 OR HER ADDRESS CURRENT WITH THE CHILD PLACING AGENCY, COURT, OR  
13 DEPARTMENT IN ORDER TO PERMIT A RESPONSE TO ANY INQUIRY CONCERN-  
14 ING MEDICAL OR SOCIAL HISTORY FROM AN ADOPTIVE PARENT OF A MINOR  
15 ADOPTEE OR FROM AN ADOPTEE WHO IS 18 YEARS OR OLDER

16 (6) IF A PARENT'S CONSENT TO ADOPTION IS REQUIRED UNDER SEC-  
17 TION 43 OF THIS CHAPTER OR IF A GUARDIAN'S CONSENT IS REQUIRED  
18 PURSUANT TO SECTION 9423(1)(E), THE CONSENT SHALL NOT BE EXECUTED  
19 UNTIL AFTER THE INVESTIGATION THE COURT CONSIDERS PROPER AND  
20 UNTIL AFTER THE JUDGE, REFEREE, OR OTHER INDIVIDUAL AUTHORIZED IN  
21 SUBSECTION (2) HAS FULLY EXPLAINED TO THE PARENT OR GUARDIAN THE  
22 LEGAL RIGHTS OF THE PARENT OR GUARDIAN AND THE FACT THAT THE  
23 PARENT OR GUARDIAN BY VIRTUE OF THE CONSENT VOLUNTARILY RELIN-  
24 QUISHES PERMANENTLY HIS OR HER RIGHTS TO THE CHILD

25 (7) IF THE ADOPTEE'S CONSENT TO ADOPTION IS REQUIRED UNDER  
26 SECTION 9423, THE CONSENT SHALL NOT BE EXECUTED UNTIL AFTER THE  
27 INVESTIGATION THE COURT CONSIDERS PROPER AND UNTIL AFTER THE

1 JUDGE OR REFEREE HAS FULLY EXPLAINED TO THE ADOPTEE THE FACT THAT  
2 HE OR SHE IS CONSENTING TO ACQUIRE PERMANENTLY THE ADOPTING  
3 PARENT OR PARENTS AS HIS OR HER LEGAL PARENT OR PARENTS AS THOUGH  
4 THE ADOPTEE HAD BEEN BORN TO THE ADOPTING PARENT OR PARENTS

5 SEC 9425 (1) A COURT SHALL NOT ALLOW THE FILING OF A  
6 PETITION TO ADOPT A CHILD IF THE CONSENT OF A REPRESENTATIVE OR  
7 COURT IS REQUIRED PURSUANT TO SECTION 9423(1)(B), (C), OR (D)  
8 UNLESS THE PETITION IS ACCOMPANIED BY THE REQUIRED CONSENT OR A  
9 MOTION AS PROVIDED IN SUBSECTION (2)

10 (2) IF AN ADOPTION PETITIONER HAS BEEN UNABLE TO OBTAIN THE  
11 CONSENT REQUIRED BY SECTION 9423(1)(B), (C), OR (D), THE PETI-  
12 TIONER MAY FILE A MOTION WITH THE COURT ALLEGING THAT THE DECI-  
13 SION TO WITHHOLD CONSENT WAS ARBITRARY AND CAPRICIOUS A MOTION  
14 UNDER THIS SUBSECTION SHALL CONTAIN INFORMATION REGARDING BOTH OF  
15 THE FOLLOWING

16 (A) THE SPECIFIC STEPS TAKEN BY THE PETITIONER TO OBTAIN THE  
17 CONSENT REQUIRED AND THE RESULTS, IF ANY

18 (B) THE SPECIFIC REASONS WHY THE PETITIONER BELIEVES THE  
19 DECISION TO WITHHOLD CONSENT WAS ARBITRARY AND CAPRICIOUS

20 (3) IF CONSENT HAS BEEN GIVEN TO ANOTHER PETITIONER AND IF  
21 THE CHILD HAS BEEN PLACED WITH THAT OTHER PETITIONER PURSUANT TO  
22 AN ORDER UNDER SECTION 9431, A MOTION UNDER THIS SECTION SHALL  
23 NOT BE BROUGHT AFTER EITHER OF THE FOLLOWING

24 (A) FIFTY-SIX DAYS FOLLOWING THE ENTRY OF THE ORDER PLACING  
25 THE CHILD

26 (B) ENTRY OF AN ORDER OF ADOPTION

1 (4) UPON THE FILING OF A PETITION TO ADOPT A CHILD AND THE  
2 MOTION DESCRIBED IN SUBSECTION (2), THE COURT MAY WAIVE OR MODIFY  
3 THE FULL INVESTIGATION OF THE PETITION PROVIDED IN SECTION 9426  
4 THE COURT SHALL DECIDE THE MOTION WITHIN 91 DAYS AFTER THE FILING  
5 OF THE MOTION UNLESS GOOD CAUSE IS SHOWN

6 (5) UNLESS THE PETITIONER ESTABLISHES BY CLEAR AND CONVINC-  
7 ING EVIDENCE THAT THE DECISION TO WITHHOLD CONSENT WAS ARBITRARY  
8 AND CAPRICIOUS, THE COURT SHALL DENY THE MOTION DESCRIBED IN SUB-  
9 SECTION (2) AND DISMISS THE PETITION TO ADOPT

10 (6) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT  
11 THE DECISION TO WITHHOLD CONSENT WAS ARBITRARY AND CAPRICIOUS,  
12 THE COURT MAY TERMINATE THE RIGHTS OF THE APPROPRIATE COURT,  
13 CHILD PLACING AGENCY, OR DEPARTMENT AND MAY ENTER FURTHER ORDERS  
14 IN ACCORDANCE WITH THIS CHAPTER OR SECTION 9651 AS THE COURT CON-  
15 SIDERS APPROPRIATE IN ADDITION, THE COURT MAY GRANT TO THE  
16 PETITIONER REIMBURSEMENT FOR PETITIONER'S COSTS OF PREPARING,  
17 FILING, AND ARGUING THE MOTION ALLEGING THE WITHHOLDING OF CON-  
18 SENT WAS ARBITRARY AND CAPRICIOUS, INCLUDING A REASONABLE ALLOW-  
19 ANCE FOR ATTORNEY FEES

20 (7) IF THE CONSENT AT ISSUE IS THAT REQUIRED OF THE JUVENILE  
21 DIVISION OF THE PROBATE COURT UNDER SECTION 9423(1)(C), THE  
22 MOTION SHALL BE HEARD BY A VISITING JUDGE ASSIGNED PURSUANT TO  
23 SECTION 8212 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO 236  
24 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600 8212 OF THE  
25 MICHIGAN COMPILED LAWS

26 SEC 9426 (1) UPON THE FILING OF AN ADOPTION PETITION, THE  
27 COURT SHALL DIRECT A FULL INVESTIGATION BY AN EMPLOYEE OR AGENT

1 OF THE COURT, A CHILD PLACING AGENCY, OR THE DEPARTMENT THE  
2 COURT MAY USE THE PREPLACEMENT ASSESSMENT DESCRIBED IN  
3 SECTION 9403F AND MAY ORDER AN ADDITIONAL INVESTIGATION BY AN  
4 EMPLOYEE OR AGENT OF THE COURT OR A CHILD PLACING AGENCY THE  
5 FOLLOWING SHALL BE CONSIDERED IN THE INVESTIGATION

6 (A) THE BEST INTERESTS OF THE ADOPTEE

7 (B) THE ADOPTEE'S FAMILY BACKGROUND, INCLUDING NAMES AND  
8 IDENTIFYING DATA REGARDING THE PARENT OR PARENTS, IF OBTAINABLE

9 (C) THE REASONS FOR THE ADOPTEE'S PLACEMENT AWAY FROM HIS OR  
10 HER PARENT OR PARENTS

11 (2) A WRITTEN REPORT OF THE INVESTIGATION SHALL BE FILED  
12 WITHIN 3 MONTHS AFTER THE ORDER FOR INVESTIGATION

13 (3) IF THE ADOPTEE HAS BEEN PLACED FOR FOSTER CARE WITH THE  
14 PETITIONER FOR 12 MONTHS OR LONGER AND THE FOSTER FAMILY STUDY  
15 WAS COMPLETED OR UPDATED NOT MORE THAN 12 MONTHS BEFORE THE PETI-  
16 TION WAS FILED, THE COURT, UPON MOTION BY THE PETITIONER, MAY  
17 WAIVE THE FULL INVESTIGATION REQUIRED BY THIS SECTION THE  
18 FOSTER FAMILY STUDY, WITH INFORMATION ADDED AS NECESSARY TO  
19 UPDATE OR SUPPLEMENT THE ORIGINAL STUDY, MAY BE SUBSTITUTED FOR  
20 THE WRITTEN REPORT REQUIRED UNDER SUBSECTION (2)

21 SEC 9431 (1) NOT LATER THAN 14 DAYS AFTER RECEIPT OF THE  
22 REPORT OF INVESTIGATION, EXCEPT AS PROVIDED IN SUBSECTIONS (2)  
23 AND (5), THE JUDGE OF PROBATE SHALL EXAMINE THE REPORT AND SHALL  
24 ENTER AN ORDER TERMINATING THE RIGHTS OF THE CHILD'S PARENT OR  
25 PARENTS, IF THERE WAS A PARENTAL CONSENT, OR THE RIGHTS OF ANY  
26 PERSON IN LOCO PARENTIS, IF THERE WAS A CONSENT BY OTHER THAN

1 PARENTS, AND APPROVE PLACEMENT OF THE CHILD WITH THE PETITIONER  
2 IF THE JUDGE IS SATISFIED AS TO BOTH OF THE FOLLOWING

3 (A) THE GENUINENESS OF CONSENT TO THE ADOPTION AND THE LEGAL  
4 AUTHORITY OF THE PERSON OR PERSONS SIGNING THE CONSENT

5 (B) THE BEST INTERESTS OF THE ADOPTEE WILL BE SERVED BY THE  
6 ADOPTION

7 (2) IF IT IS NECESSARY TO HOLD A HEARING BEFORE ENTERING AN  
8 ORDER TERMINATING THE RIGHTS OF A PARENT, PARENTS, OR A PERSON IN  
9 LOCO PARENTIS, OR IF OTHER GOOD CAUSE IS SHOWN, THE TIME SPECI-  
10 FIED IN SUBSECTION (1) SHALL BE EXTENDED FOR AN ADDITIONAL 14-DAY  
11 PERIOD

12 (3) UPON ENTRY OF AN ORDER TERMINATING RIGHTS OF PARENTS OR  
13 PERSONS IN LOCO PARENTIS, A CHILD IS AWARD OF THE COURT AND A  
14 CONSENT TO ADOPTION EXECUTED PURSUANT TO SECTION 9423 SHALL NOT  
15 BE WITHDRAWN AFTER THE ORDER IS ENTERED ENTRY OF THE ORDER TER-  
16 MINATES THE JURISDICTION OF THE CIRCUIT COURT OVER THE CHILD IN A  
17 DIVORCE OR SEPARATE MAINTENANCE ACTION IF THE PETITIONER FOR  
18 ADOPTION IS MARRIED TO THE PARENT HAVING LEGAL CUSTODY OF THE  
19 CHILD, THE CHILD SHALL NOT BE MADE A WARD OF THE COURT AFTER TER-  
20 MINATION OF THE RIGHTS OF THE OTHER PARENT

21 (4) WITHOUT MAKING THE CHILD A WARD OF THE COURT, THE COURT  
22 MAY APPROVE PLACEMENT OF A CHILD IF THE CHILD IS PLACED FOR ADOP-  
23 TION IN THIS STATE BY A PUBLIC OR LICENSED PRIVATE AGENCY OF  
24 ANOTHER STATE OR COUNTRY AND IF THE LAW OF THE SENDING STATE OR  
25 COUNTRY PROHIBITS THE GIVING OF CONSENT TO ADOPTION AT THE TIME  
26 OF PLACEMENT BEFORE PLACEMENT OF THE CHILD IN THAT INSTANCE,  
27 THE SENDING AGENCY SHALL TENDER EVIDENCE AS THE COURT REQUIRES TO

1 DEMONSTRATE THAT THE AGENCY POSSESSES THE NECESSARY AUTHORITY TO  
2 CONSENT TO THE ADOPTION AT THE TIME OF ENTRY OF THE FINAL ORDER  
3 OF ADOPTION AFTER THE SENDING AGENCY HAS GIVEN EVIDENCE OF ITS  
4 ABILITY TO CONSENT, THE AGENCY SHALL NOT DO ANYTHING TO JEOPAR-  
5 DIZE ITS ABILITY TO GRANT THE REQUIRED CONSENT BEFORE ENTRY OF  
6 THE FINAL ORDER OF ADOPTION AFTER THE SENDING AGENCY GIVES ITS  
7 CONSENT FOR THE ADOPTION, THAT CONSENT SHALL NOT BE WITHDRAWN

8 (5) IF A PARENT HAVING LEGAL CUSTODY OF THE CHILD IS MARRIED  
9 TO THE PETITIONER FOR ADOPTION, THE JUDGE OF PROBATE SHALL NOT  
10 ENTER AN ORDER TERMINATING THE RIGHTS OF THAT PARENT

11 (6) IF THE PARENTS OF A CHILD ARE DIVORCED, OR IF THE PAR-  
12 ENTS ARE UNMARRIED BUT THE FATHER HAS ACKNOWLEDGED PATERNITY OR  
13 IS A PUTATIVE FATHER WHO MEETS THE CONDITIONS IN SECTION 9419,  
14 AND IF THE PARENT HAVING LEGAL CUSTODY OF THE CHILD SUBSEQUENTLY  
15 MARRIES AND THAT PARENT'S SPOUSE PETITIONS TO ADOPT THE CHILD,  
16 THE COURT UPON NOTICE AND HEARING MAY ISSUE AN ORDER TERMINATING  
17 THE RIGHTS OF THE OTHER PARENT IF BOTH OF THE FOLLOWING OCCUR

18 (A) THE OTHER PARENT, HAVING THE ABILITY TO SUPPORT, OR  
19 ASSIST IN SUPPORTING, THE CHILD, HAS FAILED OR NEGLECTED TO PRO-  
20 VIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE CHILD OR IF A SUP-  
21 PORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTANTIALLY COMPLY  
22 WITH THE ORDER, FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING  
23 OF THE PETITION

24 (B) THE OTHER PARENT, HAVING THE ABILITY TO VISIT, CONTACT,  
25 OR COMMUNICATE WITH THE CHILD, HAS REGULARLY AND SUBSTANTIALLY  
26 FAILED OR NEGLECTED TO DO SO FOR A PERIOD OF 2 YEARS OR MORE  
27 BEFORE THE FILING OF THE PETITION

1 (7) UNLESS OTHERWISE ORDERED BY THE COURT, THE PROSPECTIVE  
2 ADOPTIVE PARENTS WITH WHOM A CHILD IS PLACED PURSUANT TO A COURT  
3 ORDER APPROVING PLACEMENT UNDER THIS SECTION MAY CONSENT TO ALL  
4 MEDICAL, SURGICAL, PSYCHOLOGICAL, EDUCATIONAL, AND RELATED SERV-  
5 ICES FOR THE CHILD

6 SEC 9432 (1) SUBJECT TO SUBSECTION (2), DURING THE PERIOD  
7 BEFORE ENTRY OF THE ORDER OF ADOPTION, THE CHILD SHALL BE SUPER-  
8 VISED AT THE DIRECTION OF THE COURT BY AN EMPLOYEE OR AGENT OF  
9 THE COURT, A CHILD PLACING AGENCY, OR THE DEPARTMENT, WHO SHALL  
10 MAKE REPORTS REGARDING THE ADJUSTMENT OF THE CHILD IN THE HOME AS  
11 THE COURT ORDERS THE INVESTIGATIONS SHALL BE MADE UNDER REASON-  
12 ABLE CIRCUMSTANCES AND AT REASONABLE INTERVALS

13 (2) IN A DIRECT PLACEMENT, THE CHILD SHALL BE SUPERVISED  
14 DURING THE PERIOD BEFORE ENTRY OF THE ORDER OF ADOPTION BY THE  
15 CHILD PLACING AGENCY THAT INVESTIGATED THE PLACEMENT UNDER SEC-  
16 TION 9426 OR, IN THE COURT'S DISCRETION, BY ANOTHER CHILD PLACING  
17 AGENCY

18 SEC 9434 (1) EXCEPT FOR CHARGES AND FEES APPROVED BY THE  
19 COURT, A PERSON SHALL NOT PAY OR GIVE, OFFER TO PAY OR GIVE, OR  
20 REQUEST, RECEIVE, OR ACCEPT ANY MONEY OR OTHER CONSIDERATION OR  
21 THING OF VALUE, DIRECTLY OR INDIRECTLY, IN CONNECTION WITH ANY OF  
22 THE FOLLOWING

23 (A) THE PLACING OF A CHILD FOR ADOPTION

24 (B) THE REGISTRATION, RECORDING, OR COMMUNICATION OF THE  
25 EXISTENCE OF A CHILD AVAILABLE FOR ADOPTION

26 (C) A RELEASE

1 (D) A CONSENT

2 (E) A PETITION

3 (2) EXCEPT FOR A CHILD PLACING AGENCY'S PREPARATION OF A  
4 PREPLACEMENT ASSESSMENT DESCRIBED IN SECTION 9403F OR INVESTIGA-  
5 TION UNDER SECTION 46 OF THIS CHAPTER, A PERSON SHALL NOT BE COM-  
6 PENSATED FOR THE FOLLOWING ACTIVITIES

7 (A) ASSISTING A PARENT OR GUARDIAN IN EVALUATING A POTENTIAL  
8 ADOPTIVE PARENT

9 (B) ASSISTING A POTENTIAL ADOPTIVE PARENT IN EVALUATING A  
10 PARENT OR GUARDIAN OR ADOPTEE

11 (C) REFERRING A PROSPECTIVE ADOPTIVE PARENT TO A PARENT OR  
12 GUARDIAN OF A CHILD FOR PURPOSES OF ADOPTION

13 (D) REFERRING A PARENT OR GUARDIAN OF A CHILD TO A PROSPEC-  
14 TIVE ADOPTIVE PARENT FOR PURPOSES OF ADOPTION

15 (3) AN ADOPTIVE PARENT MAY PAY THE REASONABLE AND ACTUAL  
16 CHARGE FOR ALL OF THE FOLLOWING

17 (A) THE SERVICES OF A CHILD PLACING AGENCY IN CONNECTION  
18 WITH AN ADOPTION

19 (B) MEDICAL, HOSPITAL, NURSING, OR PHARMACEUTICAL EXPENSES  
20 INCURRED BY THE BIRTH MOTHER OR THE ADOPTEE IN CONNECTION WITH  
21 THE BIRTH OR ANY ILLNESS OF THE ADOPTEE, IF NOT COVERED BY THE  
22 BIRTH PARENT'S PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN OR BY  
23 MEDICAID

24 (C) COUNSELING SERVICES RELATED TO THE ADOPTION FOR A  
25 PARENT, A GUARDIAN, OR THE ADOPTEE

26 (D) LIVING EXPENSES OF A MOTHER BEFORE THE BIRTH OF THE  
27 CHILD AND FOR NO MORE THAN 6 WEEKS AFTER THE BIRTH



1 (E) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION  
2 REQUIRED UNDER THIS CHAPTER ABOUT AN ADOPTEE AND THE ADOPTEE'S  
3 BIOLOGICAL FAMILY

4 (F) LEGAL FEES CHARGED FOR CONSULTATION AND LEGAL ADVICE,  
5 PREPARATION OF PAPERS, AND REPRESENTATION IN CONNECTION WITH AN  
6 ADOPTION PROCEEDING, INCLUDING LEGAL SERVICES PERFORMED FOR A  
7 BIOLOGICAL PARENT OR A GUARDIAN AND NECESSARY COURT COSTS IN AN  
8 ADOPTION PROCEEDING

9 (G) TRAVELING EXPENSES NECESSITATED BY THE ADOPTION

10 (4) AN ADOPTIVE PARENT SHALL PAY THE REASONABLE AND ACTUAL  
11 CHARGE FOR PREPARATION OF THE PREPLACEMENT ASSESSMENT AND ANY  
12 ADDITIONAL INVESTIGATION ORDERED PURSUANT TO SECTION 9426

13 (5) A PROSPECTIVE ADOPTIVE PARENT SHALL PAY FOR COUNSELING  
14 FOR THE PARENT OR GUARDIAN RELATED TO THE ADOPTION, UNLESS THE  
15 PARENT OR GUARDIAN WAIVES THE COUNSELING PURSUANT TO SECTION 9409  
16 OR 9424

17 (6) A PAYMENT AUTHORIZED BY SUBSECTION (3) SHALL NOT BE MADE  
18 CONTINGENT ON THE PLACEMENT OF THE CHILD FOR ADOPTION, RELEASE OF  
19 THE CHILD, CONSENT TO THE ADOPTION, OR COOPERATION IN THE COMPLE-  
20 TION OF THE ADOPTION IF THE ADOPTION IS NOT COMPLETED, AN INDI-  
21 VIDUAL WHO HAS MADE PAYMENTS AUTHORIZED BY SUBSECTION (3) MAY NOT  
22 RECOVER THEM

23 (7) AT LEAST 7 DAYS BEFORE FORMAL PLACEMENT OF A CHILD UNDER  
24 SECTION 9431, THE FOLLOWING DOCUMENTS SHALL BE FILED WITH THE  
25 COURT

26 (A) A VERIFIED ACCOUNTING SIGNED BY THE PETITIONER ITEMIZING  
27 ALL PAYMENTS OR DISBURSEMENTS OF MONEY OR ANYTHING OF VALUE MADE

1 OR AGREED TO BE MADE BY OR ON BEHALF OF THE PETITIONER IN  
2 CONNECTION WITH THE ADOPTION THE ACCOUNTING SHALL INCLUDE THE  
3 DATE AND AMOUNT OF EACH PAYMENT OR DISBURSEMENT MADE, THE NAME  
4 AND ADDRESS OF EACH RECIPIENT, AND THE PURPOSE OF EACH PAYMENT OR  
5 DISBURSEMENT RECEIPTS SHALL BE ATTACHED TO THE ACCOUNTING

6 (B) A VERIFIED STATEMENT OF THE ATTORNEY FOR EACH PETITIONER  
7 ITEMIZING THE SERVICES PERFORMED AND ANY FEE, COMPENSATION, OR  
8 OTHER THING OF VALUE RECEIVED BY, OR AGREED TO BE PAID TO, THE  
9 ATTORNEY FOR, OR INCIDENTAL TO, THE ADOPTION OF THE CHILD IF  
10 THE ATTORNEY IS AN ADOPTION ATTORNEY REPRESENTING A PARTY IN A  
11 DIRECT PLACEMENT ADOPTION, THE VERIFIED STATEMENT SHALL CONTAIN  
12 THE FOLLOWING STATEMENTS

13 (1) THE ATTORNEY MEETS THE REQUIREMENTS FOR AN ADOPTION  
14 ATTORNEY UNDER SECTION 9402

15 (11) THE ATTORNEY DID NOT REQUEST OR RECEIVE ANY COMPENSA-  
16 TION FOR SERVICES DESCRIBED IN SECTION 9434(2)

17 (C) A VERIFIED STATEMENT OF THE ATTORNEY FOR EACH PARENT OF  
18 THE ADOPTEE ITEMIZING THE SERVICES PERFORMED AND ANY FEE, COMPEN-  
19 SATION, OR OTHER THING OF VALUE RECEIVED BY, OR AGREED TO BE PAID  
20 TO, THE ATTORNEY FOR, OR INCIDENTAL TO, THE ADOPTION OF THE  
21 CHILD IF THE ATTORNEY IS AN ADOPTION ATTORNEY REPRESENTING A  
22 PARTY IN A DIRECT PLACEMENT ADOPTION, THE VERIFIED STATEMENT  
23 SHALL CONTAIN THE FOLLOWING STATEMENTS

24 (1) THE ATTORNEY MEETS THE REQUIREMENTS FOR AN ADOPTION  
25 ATTORNEY UNDER SECTION 9402

26 (11) THE ATTORNEY DID NOT REQUEST OR RECEIVE ANY  
27 COMPENSATION FOR SERVICES DESCRIBED IN SECTION 9434(2)

1 (D) A VERIFIED STATEMENT OF THE CHILD PLACING AGENCY OR THE  
2 DEPARTMENT ITEMIZING THE SERVICES PERFORMED AND ANY FEE, COMPEN-  
3 SATION, OR OTHER THING OF VALUE RECEIVED BY, OR AGREED TO BE PAID  
4 TO, THE CHILD PLACING AGENCY OR THE DEPARTMENT FOR, OR INCIDENTAL  
5 TO, THE ADOPTION OF THE CHILD, AND CONTAINING A STATEMENT THAT  
6 THE CHILD PLACING AGENCY OR THE DEPARTMENT DID NOT REQUEST OR  
7 RECEIVE ANY COMPENSATION FOR SERVICES DESCRIBED IN  
8 SECTION 9434(2)

9 (8) AT LEAST 21 DAYS BEFORE THE ENTRY OF THE FINAL ORDER OF  
10 ADOPTION, THE DOCUMENTS DESCRIBED IN SUBSECTION (7) SHALL BE  
11 UPDATED AND FILED WITH THE COURT

12 (9) TO ASSURE COMPLIANCE WITH LIMITATIONS IMPOSED BY THIS  
13 SECTION AND SECTION 9434A AND BY SECTION 14 OF ACT NO 116 OF THE  
14 PUBLIC ACTS OF 1973, BEING SECTION 722 124 OF THE MICHIGAN  
15 COMPILED LAWS, THE COURT MAY REQUIRE SWORN TESTIMONY FROM PERSONS  
16 WHO WERE INVOLVED IN ANY WAY IN INFORMING, NOTIFYING, EXCHANGING  
17 INFORMATION, IDENTIFYING, LOCATING, ASSISTING, OR IN ANY OTHER  
18 WAY PARTICIPATING IN THE CONTRACTS OR ARRANGEMENTS THAT, DIRECTLY  
19 OR INDIRECTLY, LED TO PLACEMENT OF THE INDIVIDUAL FOR ADOPTION

20 (10) THE COURT SHALL APPROVE OR DISAPPROVE ALL FEES AND  
21 EXPENSES ACCEPTANCE OR RETENTION OF AMOUNTS IN EXCESS OF THOSE  
22 APPROVED BY THE COURT CONSTITUTES A VIOLATION OF THIS SECTION

23 (11) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MIS-  
24 DEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR  
25 A FINE OF NOT MORE THAN \$100 00, OR BOTH, FOR THE FIRST VIOLA-  
26 TION, AND OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
27 THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000 00, OR BOTH, FOR

1 EACH SUBSEQUENT VIOLATION THE COURT MAY ENJOIN FROM FURTHER  
2 VIOLATIONS ANY PERSON WHO VIOLATES THIS SECTION

3 SEC 9434A (1) ONLY A PERSON SPECIFIED IN SECTIONS  
4 9403A(1), 9403B(1), AND 9403C MAY PLACE A CHILD FOR ADOPTION  
5 ONLY A PROSPECTIVE ADOPTIVE PARENT MAY SOLICIT BIOLOGICAL PARENTS  
6 OR GUARDIANS OF POTENTIAL ADOPTEES FOR THE PURPOSES OF ADOPTION  
7 ONLY A BIOLOGICAL PARENT OR GUARDIAN OR THE COURT, DEPARTMENT, OR  
8 CHILD PLACING AGENCY WITH AUTHORITY TO PLACE A CHILD MAY SOLICIT  
9 POTENTIAL ADOPTIVE PARENTS FOR PURPOSES OF ADOPTION OF THAT  
10 CHILD A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-  
11 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A  
12 FINE OF NOT MORE THAN \$100 00, OR BOTH, FOR THE FIRST VIOLATION,  
13 AND OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4  
14 YEARS OR A FINE OF NOT MORE THAN \$2,000 00, OR BOTH, FOR EACH  
15 SUBSEQUENT VIOLATION THE COURT MAY ENJOIN FROM FURTHER VIOLA-  
16 TIONS ANY PERSON WHO VIOLATES THIS SECTION

17 (2) AS USED IN THIS SECTION, "SOLICIT" MEANS CONTACT IN  
18 PERSON, BY TELEPHONE OR TELEGRAPH, BY LETTER OR OTHER WRITING OR  
19 BY OTHER COMMUNICATION DIRECTED TO A SPECIFIC RECIPIENT SOLICIT  
20 DOES NOT INCLUDE PUBLIC COMMUNICATION THAT IS NOT DIRECTED TO  
21 SPECIFIC INDIVIDUALS

22 SEC 9434B (1) AN ATTORNEY SHALL NOT REPRESENT A PARTY IN  
23 A DIRECT PLACEMENT ADOPTION UNLESS THE ATTORNEY IS AN ADOPTION  
24 ATTORNEY AN ATTORNEY OR LAW FIRM SHALL NOT SERVE AS THE ATTOR-  
25 NEY FOR, OR PROVIDE LEGAL SERVICES TO, BOTH A PARENT OR GUARDIAN  
26 AND A PROSPECTIVE ADOPTIVE PARENT

1           (2) IN A DIRECT PLACEMENT OR AGENCY PLACEMENT ADOPTION, IF  
2 THE MINOR PARENT OF A CHILD WHO IS A POTENTIAL ADOPTEE IS NOT  
3 REPRESENTED BY AN ATTORNEY, THE ADOPTION ATTORNEY OR CHILD PLAC-  
4 ING AGENCY THAT IS PROVIDING ADOPTION SERVICES INVOLVING THAT  
5 MINOR PARENT SHALL PROVIDE THE MINOR PARENT WITH AN OPPORTUNITY  
6 TO DISCUSS WITH AN ATTORNEY WHO IS NOT ASSOCIATED WITH THE ADOP-  
7 TION ATTORNEY OR CHILD PLACING AGENCY THE LEGAL RAMIFICATIONS OF  
8 A CONSENT OR RELEASE, OR OF THE TERMINATION OF PARENTAL RIGHTS,  
9 BEFORE THE EXECUTION OF A CONSENT OR RELEASE OR THE TERMINATION  
10 OF PARENTAL RIGHTS

11           SEC 9435     (1) SIX MONTHS AFTER FORMAL PLACEMENT PURSUANT  
12 TO SECTION 9431, UNLESS THE COURT DETERMINES THAT CIRCUMSTANCES  
13 HAVE ARISEN WHICH MAKE ADOPTION UNDESIRABLE, THE COURT MAY ENTER  
14 AN ORDER OF ADOPTION   UPON THE MOTION OF THE PETITIONER, THE  
15 COURT MAY WAIVE THE 6-MONTH PERIOD, OR ANY PORTION OF THAT  
16 PERIOD, IF THE WAIVER IS IN THE BEST INTERESTS OF THE ADOPTEE  
17 IF, AFTER A HEARING, THE COURT FINDS THAT THE BEST INTERESTS OF  
18 THE ADOPTEE WILL BE SERVED, IT MAY EXTEND THE 6-MONTH PERIOD FOR  
19 AN ADDITIONAL PERIOD OF TIME NOT EXCEEDING 18 MONTHS FROM THE  
20 TIME OF FORMAL PLACEMENT FOR ADOPTION   IN AN ADOPTION PROCEEDING  
21 FOR WHICH AN ADOPTION ORDER IS NOT ENTERED WITHIN 18 MONTHS AFTER  
22 FORMAL PLACEMENT, THE COURT SHALL HOLD A HEARING AND DETERMINE  
23 WHETHER AN ORDER OF ADOPTION SHALL BE ENTERED OR THE PETITION  
24 DENIED   IF A CHILD IS FORMALLY PLACED PURSUANT TO SECTION  
25 9421(2), THE COURT MAY EXTEND THE 6-MONTH PERIOD FOR AN ADDI-  
26 TIONAL PERIOD, WHICH MAY EXCEED 18 MONTHS FROM THE TIME OF FORMAL

1 PLACEMENT, UNTIL AN ORDER FOR ADOPTION MAY BE ENTERED UNDER  
2 SUBSECTION (2)

3 (2) IF A PETITION FOR REHEARING OR AN APPEAL AS OF RIGHT  
4 FROM AN ORDER TERMINATING PARENTAL RIGHTS HAS BEEN FILED, THE  
5 COURT SHALL NOT ORDER AN ADOPTION UNTIL 1 OF THE FOLLOWING  
6 OCCURS

7 (A) THE PETITION FOR REHEARING IS GRANTED, AND AT THE  
8 REHEARING THE ORDER TERMINATING PARENTAL RIGHTS IS NOT MODIFIED  
9 OR SET ASIDE, AND SUBSEQUENTLY THE PERIOD FOR APPEAL AS OF RIGHT  
10 TO THE COURT OF APPEALS HAS EXPIRED WITHOUT AN APPEAL BEING  
11 FILED

12 (B) THE PETITION FOR REHEARING IS DENIED AND THE PERIOD FOR  
13 APPEAL AS OF RIGHT TO THE COURT OF APPEALS HAS EXPIRED WITHOUT AN  
14 APPEAL BEING FILED

15 (C) THE COURT OF APPEALS AFFIRMS THE ORDER TERMINATING  
16 PARENTAL RIGHTS

17 (3) IF THE PERSON TO BE ADOPTED IS AN ADULT, THE COURT MAY  
18 ENTER AN ORDER OF ADOPTION AFTER ALL OF THE FOLLOWING OCCUR

19 (A) THE PERSON TO BE ADOPTED CONSENTS TO THE ADOPTION PURSU-  
20 ANT TO SECTION 9423(3)

21 (B) THE WRITTEN REPORT OF INVESTIGATION REQUIRED BY SECTION  
22 9426(2) IS FILED

23 (C) NOTICE HAS BEEN SERVED UPON INTERESTED PARTIES DESCRIBED  
24 IN SECTION 9404A

25 SEC 9437 WHEN THE COURT ENTERS AN ORDER OF ADOPTION, CER-  
26 TIFIED COPIES SHALL BE GIVEN TO THE ADOPTING PARENT OR PARENTS  
27 IF THE CONSENT TO THE ADOPTION WAS GIVEN BY A DULY AUTHORIZED

1 REPRESENTATIVE OF THE DEPARTMENT, OF A CHILD PLACING AGENCY, OR  
2 OF A PUBLIC OR LICENSED PRIVATE AGENCY OF ANOTHER STATE OR COUN-  
3 TRY, A CERTIFIED COPY OF THE ORDER OF ADOPTION SHALL BE FURNISHED  
4 BY THE COURT TO THE DEPARTMENT OR AGENCY

5 SEC 9437A (1) BEGINNING JULY 1, 1995, THE PROBATE REGIS-  
6 TER SHALL FORWARD TO THE DEPARTMENT, NOT LATER THAN 15 DAYS AFTER  
7 THE ENTRY OF AN ORDER OF ADOPTION PURSUANT TO SECTION 9435,  
8 EITHER OF THE FOLLOWING

9 (A) A PUBLIC INFORMATION FORM COMPLETED AND FILED WITH THE  
10 COURT BY THE PRIMARY ADOPTION FACILITATOR

11 (B) A PUBLIC INFORMATION FORM COMPLETED BY THE PROBATE REG-  
12 ISTER THAT CONSISTS ONLY OF THE NAME OF THE PRIMARY ADOPTION  
13 FACILITATOR AND THE CONFIDENTIAL INFORMATION AS PRESCRIBED BY  
14 SECTION 14D OF ACT NO 116 OF THE PUBLIC ACTS OF 1973, BEING SEC-  
15 TION 722 124D OF THE MICHIGAN COMPILED LAWS

16 (2) AS USED IN THIS SECTION, "PRIMARY ADOPTION FACILITATOR"  
17 AND "PUBLIC INFORMATION FORM" MEAN THOSE TERMS AS DEFINED IN SEC-  
18 TION 14B OF ACT NO 116 OF THE PUBLIC ACTS OF 1973, BEING SECTION  
19 722 124B OF THE MICHIGAN COMPILED LAWS

20 SEC 9438 WHERE THE PARENTS OR SURVIVING PARENT HAS GIVEN  
21 CONSENT TO AN ADOPTION AND THE PETITIONER DESIRES TO CHANGE THE  
22 NAME OF THE ADOPTED CHILD, THE ORDER OF ADOPTION AND EXEMPLIFICA-  
23 TION OF RECORD SHALL NOT CONTAIN THE NAME OF THE CHILD'S NATURAL  
24 PARENTS OR THE NAME BESTOWED UPON THE CHILD BEFORE THE ADOPTION

25 SEC 9439 (1) AFTER THE ENTRY OF THE ORDER OF ADOPTION,  
26 THE ADOPTEE SHALL, IN CASE OF A CHANGE OF NAME, BE KNOWN AND  
27 CALLED BY THE NEW NAME THE PERSON OR PERSONS ADOPTING THE

1 ADOPTEE SHALL THEREAFTER STAND IN THE PLACE OF A PARENT OR  
2 PARENTS TO THE ADOPTEE IN LAW IN ALL RESPECTS AS THOUGH THE  
3 ADOPTED PERSON HAD BEEN BORN TO THE ADOPTING PARENTS AND SHALL  
4 THEREAFTER BE LIABLE FOR ALL THE DUTIES AND ENTITLED TO ALL THE  
5 RIGHTS OF PARENTS

6 (2) AFTER ENTRY OF THE ORDER OF ADOPTION THERE SHALL NOT BE  
7 ANY DISTINCTION BETWEEN THE RIGHTS AND DUTIES OF NATURAL PROGENY  
8 AND ADOPTED PERSONS, AND THE ADOPTED PERSON SHALL BECOME AN HEIR  
9 AT LAW OF THE ADOPTING PARENT OR PARENTS, AND AN HEIR AT LAW OF  
10 THE LINEAL AND COLLATERAL KINDRED OF THE ADOPTING PARENT OR  
11 PARENTS AFTER ENTRY OF THE ORDER OF ADOPTION, AN ADOPTED CHILD  
12 SHALL NO LONGER BE AN HEIR AT LAW OF A PARENT WHOSE RIGHTS HAVE  
13 BEEN TERMINATED UNDER THIS CHAPTER OR CHAPTER 96 OR THE LINEAL OR  
14 COLLATERAL KINDRED OF THAT PARENT, NOR SHALL AN ADOPTED ADULT BE  
15 AN HEIR AT LAW OF A PERSON WHO WAS HIS OR HER PARENT AT THE TIME  
16 THE ORDER OF ADOPTION WAS ENTERED OR THE LINEAL OR COLLATERAL  
17 KINDRED OF THAT PERSON, EXCEPT THAT A RIGHT, TITLE, OR INTEREST  
18 VESTING BEFORE ENTRY OF THE FINAL ORDER OF ADOPTION SHALL NOT BE  
19 DIVESTED BY THAT ORDER

20 (3) THIS SECTION SHALL NOT PROHIBIT THE ENTRY OF AN ORDER  
21 FOR GRANDPARENT VISITATION UNDER SECTION 7B OF THE CHILD CUSTODY  
22 ACT OF 1970, ACT NO 91 OF THE PUBLIC ACTS OF 1970, BEING SECTION  
23 722 27B OF THE MICHIGAN COMPILED LAWS DURING THE PENDENCY OF A  
24 STEPPARENT ADOPTION PROCEEDING, A PARENT OF A NATURAL PARENT MAY  
25 SEEK AN ORDER FOR VISITATION OF THE ADOPTEE IN THE SAME MANNER AS  
26 SET FORTH IN SECTION 7B OF ACT NO 91 OF THE PUBLIC ACTS OF 1970,  
27 AND THE JUDGE OF PROBATE SHALL PROCEED IN THE SAME MANNER AS IS



1 PROVIDED FOR THE CIRCUIT COURT JUDGE IN SECTION 7B OF ACT NO 91  
2 OF THE PUBLIC ACTS OF 1970

3 SEC 9440 IF THE COURT DENIES AN ORDER OF ADOPTION, THE  
4 COURT MAY RETURN THE CHILD TO THE PARENTS OR ORIGINAL CUSTODIAN  
5 AND RESTORE THEIR RIGHTS, OR MAKE A DISPOSITION APPROPRIATE FOR  
6 THE WELFARE OF THE WARD AS IS AUTHORIZED BY SECTION 18 OF CHAPTER  
7 12A BY AN EX PARTE ORDER ENTERED IN THE COURT

8 SEC 9441 A COURT THAT DENIES A PETITION OR MOTION, OR  
9 FAILS TO ISSUE AN ORDER UNDER THIS CHAPTER SHALL STATE THE REASON  
10 FOR THAT ACTION ON THE RECORD OR IN WRITING

11 SEC 9443 (1) UPON THE FILING OF A PETITION IN PROBATE  
12 COURT WITHIN 21 DAYS AFTER ENTRY OF ANY ORDER UNDER THIS CHAPTER,  
13 AND AFTER DUE NOTICE TO ALL INTERESTED PARTIES, THE JUDGE OF PRO-  
14 BATE MAY GRANT A REHEARING AND MAY MODIFY OR SET ASIDE THE  
15 ORDER

16 (2) THE COURT SHALL ENTER AN ORDER WITH RESPECT TO THE ORIG-  
17 INAL HEARING OR REHEARING OF CONTESTED MATTERS WITHIN 21 DAYS  
18 AFTER THE TERMINATION OF THE HEARING OR REHEARING

19 SEC 9445 (1) A PARTY AGGRIEVED BY AN ORDER THAT IS  
20 ENTERED BY THE COURT UNDER THIS CHAPTER, INCLUDING AN ORDER  
21 ENTERED AFTER A REHEARING, MAY APPEAL THE ORDER TO THE COURT OF  
22 APPEALS AS OF RIGHT NOT LATER THAN 21 DAYS AFTER THE ORDER IS  
23 ENTERED BY THE COURT OR NOT LATER THAN 21 DAYS AFTER A PETITION  
24 FOR A REHEARING IS DENIED

25 (2) AN ORDER OF THE COURT ENTERED UNDER THIS CHAPTER SHALL  
26 NOT BE STAYED PENDING APPEAL UNLESS ORDERED BY THE COURT OF

1 APPEALS UPON MOTION FOR GOOD CAUSE SHOWN AND ON SUCH TERMS AS ARE  
2 DEEMED JUST

3 (3) AN APPEAL FROM AN ORDER ENTERED UNDER THIS CHAPTER SHALL  
4 BE GIVEN PRIORITY IN THE COURT OF APPEALS AND SHALL TAKE PRECE-  
5 DENCE OVER ALL OTHER MATTERS, EXCEPT FOR OTHER MATTERS THAT ARE  
6 GIVEN PRIORITY BY SPECIFIC STATUTORY PROVISION OR RULE OF THE  
7 SUPREME COURT

8 SEC 9447 (1) IF AN ADULT ADOPTEE WHO WAS ADOPTED BY A  
9 STEPPARENT AND THE ADULT ADOPTEE'S PARENT WHOSE RIGHTS HAVE BEEN  
10 TERMINATED DESIRE TO RESCIND THE ADOPTION BY THE STEPPARENT AND  
11 RESTORE THE PARENTAL RIGHTS OF THAT PARENT, THEY SHALL FILE A  
12 RESCISSION PETITION WITH THE PROBATE COURT OF THE COUNTY IN WHICH  
13 THE ADOPTION BY THE STEPPARENT WAS CONFIRMED THIS SECTION  
14 APPLIES TO AN ADULT ADOPTEE WHO WAS ADOPTED BY A STEPPARENT  
15 REGARDLESS OF WHETHER THE ADOPTEE WAS A MINOR AT THE TIME OF  
16 ADOPTION

17 (2) THE RESCISSION PETITION SHALL BE VERIFIED BY BOTH THE  
18 ADULT ADOPTEE AND THE PARENT WHOSE RIGHTS WERE TERMINATED, AND  
19 SHALL CONTAIN THE FOLLOWING INFORMATION

20 (A) THE PRESENT NAME OF EACH PETITIONER, THE NAME OF THE  
21 ADOPTEE AT THE TIME OF BIRTH AND IMMEDIATELY AFTER AN ADOPTION IF  
22 DIFFERENT FROM THE ADOPTEE'S PRESENT NAME, THE NAME OF THE PARENT  
23 AT THE TIME OF TERMINATION OF PARENTAL RIGHTS, THE DATE AND PLACE  
24 OF THE ADOPTEE'S BIRTH, AND THE PRESENT PLACE OF RESIDENCE OF  
25 EACH PETITIONER

1 (B) THE NAME, DATE AND PLACE OF BIRTH, AND ADDRESS OF THE  
2 PARENT WHOSE RIGHTS WERE NOT TERMINATED AND WHOSE SPOUSE ADOPTED  
3 THE ADOPTEE, IF KNOWN TO EITHER OF THE PETITIONERS

4 (C) THE NAME OF THE STEPPARENT AT THE TIME OF THE ORDER OF  
5 ADOPTION, INCLUDING THE MAIDEN NAME OF THE STEPPARENT IF APPLICA-  
6 BLE AND IF KNOWN, AND THE STEPPARENT'S DATE AND PLACE OF BIRTH

7 (3) SUBSEQUENT TO OR CONCURRENT WITH THE FILING OF THE  
8 RESCISSION PETITION BUT BEFORE THE HEARING ON THE RESCISSION  
9 PETITION BY THE COURT, THE PETITIONERS SHALL FILE WITH THE COURT  
10 A COPY OF THE ADOPTEE'S NEW CERTIFICATE OF LIVE BIRTH IF A NEW  
11 CERTIFICATE WAS ESTABLISHED BY THE DEPARTMENT OF PUBLIC HEALTH

12 (4) UPON RECEIPT OF A RESCISSION PETITION, THE COURT SHALL  
13 CONDUCT A HEARING AFTER NOTICE IS SERVED BY PETITIONERS ON THE  
14 INTERESTED PARTIES THE COURT MAY ORDER AN INVESTIGATION BY AN  
15 EMPLOYEE OR AGENT OF THE COURT AND MAY ENTER AN ORDER OF RESCIS-  
16 SION OF THE ADOPTION THAT RESTORES THE PARENTAL RIGHTS OF THE  
17 PARENT WHO FILED THE PETITION THE RESCISSION OF THE ADOPTION  
18 SHALL BE EFFECTIVE FROM THE DATE OF THE ORDER OF RESCISSION

19 (5) CERTIFIED COPIES OF THE ORDER OF RESCISSION SHALL BE  
20 GIVEN TO EACH PETITIONER, AND A COPY SHALL BE SENT TO THE DEPART-  
21 MENT OF PUBLIC HEALTH TOGETHER WITH ANY OTHER INFORMATION  
22 REQUIRED BY SECTION 2829 OF THE PUBLIC HEALTH CODE, ACT NO 368  
23 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333 2829 OF THE  
24 MICHIGAN COMPILED LAWS

25 (6) AFTER ENTRY OF AN ORDER OF RESCISSION, THE ADULT ADOPTEE  
26 BECOMES AN HEIR AT LAW OF THE PARENT WHOSE PARENTAL RIGHTS HAVE  
27 BEEN RESTORED AND OF THE LINEAL AND COLLATERAL KINDRED OF THAT

1 PARENT AFTER ENTRY OF THE ORDER OF RESCISSION, THE ADULT  
2 ADOPTEE IS NO LONGER AN HEIR AT LAW OF A PERSON WHO WAS HIS OR  
3 HER STEPPARENT AT THE TIME OF THE ORDER OF RESCISSION OR AN HEIR  
4 AT LAW OF THE LINEAL OR COLLATERAL KINDRED OF THAT PERSON, EXCEPT  
5 THAT A RIGHT, TITLE, OR INTEREST VESTING BEFORE ENTRY OF THE  
6 ORDER OF RESCISSION SHALL NOT BE DIVESTED BY THAT ORDER

7 SEC 9451 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION  
8 9453, RECORDS OF PROCEEDINGS IN ADOPTION CASES, INCLUDING A  
9 NOTICE FILED PURSUANT TO SECTION 9413, AND A PETITION FILED PUR-  
10 SUANT TO SECTION 9414, AND THE PAPERS AND BOOKS RELATING TO THE  
11 PROCEEDINGS SHALL BE KEPT IN SEPARATE LOCKED FILES AND SHALL NOT  
12 BE OPEN TO INSPECTION OR COPY EXCEPT UPON ORDER OF A COURT OF  
13 RECORD FOR GOOD CAUSE SHOWN EXPRESSLY PERMITTING INSPECTION OR  
14 COPY EXCEPT AS OTHERWISE PROVIDED IN SECTION 9453, THE COURT,  
15 AFTER 21 DAYS FOLLOWING ENTRY OF THE FINAL ORDER OF ADOPTION,  
16 SHALL NOT PERMIT COPY OR INSPECTION OF THE ADOPTION PROCEEDINGS,  
17 EXCEPT UPON A SWORN PETITION SETTING FORTH THE PURPOSE OF THE  
18 INSPECTION OR COPY THE COURT MAY ORDER NOTICE AND A HEARING ON  
19 THE PETITION THE COURT SHALL GRANT OR DENY THE PETITION IN  
20 WRITING WITHIN 63 DAYS AFTER THE PETITION IS FILED, EXCEPT THAT  
21 FOR GOOD CAUSE THE COURT MAY GRANT OR DENY THE PETITION AFTER THE  
22 63-DAY PERIOD BUT NOT LATER THAN 182 DAYS AFTER THE PETITION IS  
23 FILED

24 (2) A PERSON IN CHARGE OF ADOPTION RECORDS SHALL NOT DIS-  
25 CLOSE THE NAMES OF THE BIOLOGICAL OR ADOPTIVE PARENTS OF AN  
26 ADOPTED PERSON, UNLESS ORDERED TO DO SO BY A COURT OF RECORD OR  
27 AS PROVIDED IN SECTION 9453, EXCEPT TO MEET REQUIREMENTS OF THE

1 DIRECTOR OF PUBLIC HEALTH FOR THE PURPOSE OF CREATING A NEW  
2 CERTIFICATE OF BIRTH IN THE ADOPTIVE NAME AND SEALING THE ORIGI-  
3 NAL CERTIFICATE OF BIRTH

4 (3) THE DIRECTOR OF PUBLIC HEALTH SHALL FURNISH TO THE  
5 ADOPTING PARENT OR PARENTS A CERTIFIED COPY OF THE NEW BIRTH CER-  
6 TIFICATE WHICH SHALL NOT DISCLOSE THE ADOPTION OF THE PERSON A  
7 BIRTH CERTIFICATE ISSUED TO AN ADOPTED PERSON SHALL NOT REFER TO  
8 ADOPTION AND SHALL CONFORM AS NEARLY AS POSSIBLE TO THE APPEAR-  
9 ANCE OF BIRTH CERTIFICATES ISSUED IN OTHER CASES

10 SEC 9453 (1) WITHIN 63 DAYS AFTER A REQUEST FOR NONIDEN-  
11 TIFYING INFORMATION IS RECEIVED, A CHILD PLACING AGENCY, A COURT,  
12 OR THE DEPARTMENT SHALL PROVIDE IN WRITING TO THE ADOPTIVE  
13 PARENT, ADULT ADOPTEE, FORMER PARENT, OR ADULT FORMER SIBLING  
14 REQUESTING THE INFORMATION ALL OF THE NONIDENTIFYING INFORMATION  
15 DESCRIBED IN SECTION 9407(1) AND (2)

16 (2) WITHIN 63 DAYS AFTER A REQUEST FOR IDENTIFYING INFORMA-  
17 TION ABOUT AN ADULT ADOPTEE IS RECEIVED, A CHILD PLACING AGENCY  
18 OR COURT OR THE DEPARTMENT SHALL PROVIDE IN WRITING TO THE FORMER  
19 PARENT OR ADULT FORMER SIBLING REQUESTING THE INFORMATION THE  
20 ADULT ADOPTEE'S MOST RECENT NAME AND ADDRESS IF THE ADULT ADOPTEE  
21 HAS GIVEN WRITTEN CONSENT TO RELEASE OF THE INFORMATION PURSUANT  
22 TO THIS CHAPTER IF THE ADULT ADOPTEE HAS NOT GIVEN WRITTEN CON-  
23 SENT TO THE RELEASE OF INFORMATION, THE CHILD PLACING AGENCY, THE  
24 COURT, OR THE DEPARTMENT SHALL, UPON PRESENTATION OF A CERTIFIED  
25 COPY OF THE ORDER OF APPOINTMENT, GIVE THE ADULT ADOPTEE'S NAME  
26 AND ADDRESS TO A CONFIDENTIAL INTERMEDIARY APPOINTED PURSUANT TO  
27 SECTION 9453B, TOGETHER WITH ANY OTHER INFORMATION IN ITS

1 POSSESSION THAT WOULD HELP THE CONFIDENTIAL INTERMEDIARY LOCATE  
2 THE ADULT ADOPTEE AT THE OPTION OF AGENCY OR THE DEPARTMENT,  
3 THE INFORMATION MAY BE RELEASED TO THE COURT FOR RELEASE TO THE  
4 CONFIDENTIAL INTERMEDIARY

5 (3) IF THE DEPARTMENT OR A CHILD PLACING AGENCY RECEIVES A  
6 REQUEST FOR ADOPTION RECORD INFORMATION IN ITS POSSESSION FROM AN  
7 ADULT ADOPTEE, FORMER PARENT, OR ADULT FORMER SIBLING, THE  
8 DEPARTMENT OR CHILD PLACING AGENCY SHALL PROVIDE THE INDIVIDUAL  
9 REQUESTING THE INFORMATION WITH THE IDENTITY OF THE COURT THAT  
10 CONFIRMED THE ADOPTION WITHIN 28 DAYS AFTER RECEIPT OF THE  
11 REQUEST IF A COURT RECEIVES SUCH A REQUEST, THE COURT SHALL  
12 PROVIDE THE INDIVIDUAL REQUESTING THE INFORMATION WITH THE IDEN-  
13 TITY OF THE CHILD PLACING AGENCY THAT HANDLED THE ADOPTION

14 (4) IF THE COURT THAT TERMINATED PARENTAL RIGHTS RECEIVES  
15 FROM THE FORMER PARENTS OR ADULT FORMER SIBLINGS OF THE ADULT  
16 ADOPTEE A REQUEST FOR THE IDENTITY OF THE AGENCY COURT OR  
17 DEPARTMENT TO WHICH THE CHILD WAS COMMITTED, THE COURT SHALL PRO-  
18 VIDE IN WRITING THE NAME OF THAT AGENCY, COURT OR DEPARTMENT, IF  
19 KNOWN, WITHIN 28 DAYS AFTER RECEIPT OF THE REQUEST

20 (5) UPON RECEIPT OF A WRITTEN REQUEST FOR IDENTIFYING INFOR-  
21 MATION FROM AN ADULT ADOPTEE, A CHILD PLACING AGENCY, A COURT, OR  
22 THE DEPARTMENT, IF IT MAINTAINS THE ADOPTION FILE FOR THAT ADOPT-  
23 EE, SHALL SUBMIT A CLEARANCE REQUEST FORM TO THE CENTRAL ADOPTION  
24 REGISTRY WITHIN 28 DAYS AFTER RECEIPT OF A CLEARANCE REPLY FORM  
25 FROM THE CENTRAL ADOPTION REGISTRY, THE CHILD PLACING AGENCY,  
26 COURT, OR DEPARTMENT SHALL NOTIFY THE ADOPTEE IN WRITING OF THE  
27 IDENTIFYING INFORMATION TO WHICH THE ADOPTEE IS ENTITLED PURSUANT

1 TO SUBSECTION (6) OR (7), OR, IF THE IDENTIFYING INFORMATION  
2 CANNOT BE RELEASED PURSUANT TO THOSE SUBSECTIONS, THE REASON WHY  
3 THE INFORMATION CANNOT BE RELEASED THE CHILD PLACING AGENCY,  
4 COURT, OR DEPARTMENT SHALL RETAIN A COPY OF THE NOTICE SENT TO  
5 THE ADULT ADOPTEE

6 (6) FOR ADOPTIONS IN WHICH THE FORMER PARENTS' RIGHTS WERE  
7 TERMINATED ON OR AFTER MAY 28, 1945 AND BEFORE SEPTEMBER 12,  
8 1980, A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT SHALL  
9 RELEASE TO AN ADULT ADOPTEE OR TO A CONFIDENTIAL INTERMEDIARY  
10 APPOINTED PURSUANT TO SECTION 9453B THE IDENTIFYING INFORMATION  
11 DESCRIBED IN SECTION 9407(3) AND OTHER IDENTIFYING INFORMATION ON  
12 FILE WITH THE CENTRAL ADOPTION REGISTRY AS SPECIFIED IN SECTION  
13 9407B, IN THE FOLLOWING MANNER

14 (A) ALL OF THE IDENTIFYING INFORMATION DESCRIBED IN  
15 SECTION 9407(3) SHALL BE RELEASED TO THE ADULT ADOPTEE, IF BOTH  
16 FORMER PARENTS HAVE ON FILE WITH THE CENTRAL ADOPTION REGISTRY A  
17 STATEMENT CONSENTING TO RELEASE OF THE IDENTIFYING INFORMATION

18 (B) THE IDENTIFYING INFORMATION DESCRIBED IN  
19 SECTION 9407(3)(B) AND (C) ABOUT 1 OF THE FORMER PARENTS AND THE  
20 IDENTIFYING INFORMATION DESCRIBED IN SECTION 9407(3)(A) AND (D)  
21 SHALL BE RELEASED TO THE ADULT ADOPTEE IF THAT FORMER PARENT HAS  
22 ON FILE WITH THE CENTRAL ADOPTION REGISTRY A STATEMENT CONSENTING  
23 TO RELEASE OF IDENTIFYING INFORMATION

24 (C) THE IDENTIFYING INFORMATION DESCRIBED IN  
25 SECTION 9407(3)(B) AND (C) ABOUT 1 OF THE FORMER PARENTS AND THE  
26 IDENTIFYING INFORMATION DESCRIBED IN SECTION 9407(3)(A) AND (D)

1 SHALL BE RELEASED TO THE ADULT ADOPTEE IF THAT PARENT IS  
2 DECEASED

3 (D) ALL OF THE IDENTIFYING INFORMATION DESCRIBED IN  
4 SECTION 9407(3) ON BOTH FORMER PARENTS SHALL BE RELEASED TO THE  
5 ADULT ADOPTEE, IF BOTH FORMER PARENTS ARE DECEASED

6 (E) UPON PRESENTATION OF A CERTIFIED COPY OF THE ORDER OF  
7 APPOINTMENT, ALL OF THE IDENTIFYING INFORMATION DESCRIBED IN  
8 SECTION 9407(3) SHALL BE RELEASED TO A CONFIDENTIAL INTERMEDIARY  
9 APPOINTED PURSUANT TO SECTION 9453B, TOGETHER WITH ADDITIONAL  
10 INFORMATION TO ASSIST THE CONFIDENTIAL INTERMEDIARY TO LOCATE  
11 FORMER FAMILY MEMBERS AT THE OPTION OF THE AGENCY OR THE  
12 DEPARTMENT, THE INFORMATION MAY BE RELEASED TO THE COURT FOR  
13 RELEASE TO THE CONFIDENTIAL INTERMEDIARY

14 (7) FOR ALL ADOPTIONS IN WHICH THE FORMER PARENTS' RIGHTS  
15 WERE TERMINATED BEFORE MAY 28, 1945 OR ON OR AFTER SEPTEMBER 12,  
16 1980, A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT SHALL  
17 RELEASE TO AN ADULT ADOPTEE THE IDENTIFYING INFORMATION DESCRIBED  
18 IN SECTION 9407(3) AND ANY ADDITIONAL INFORMATION ON FILE WITH  
19 THE CENTRAL ADOPTION REGISTRY AS SPECIFIED IN SECTION 9407B,  
20 EXCEPT THAT IF A FORMER PARENT HAS FILED A STATEMENT CURRENTLY IN  
21 EFFECT WITH THE CENTRAL ADOPTION REGISTRY DENYING CONSENT TO HAVE  
22 IDENTIFYING INFORMATION RELEASED, THE IDENTIFYING INFORMATION  
23 SPECIFIED IN SECTION 9407(3)(B) AND (C) SHALL NOT BE RELEASED  
24 ABOUT THAT PARENT FOR PURPOSES OF THIS SUBSECTION, A DENIAL OF  
25 CONSENT IS NOT EFFECTIVE AFTER THE DEATH OF THE FORMER PARENT

26 (8) UPON RECEIPT OF A WRITTEN REQUEST FROM AN ADULT ADOPTEE  
27 FOR THE NAME AND ADDRESS OF AN ADULT FORMER SIBLING, A CHILD



1 PLACING AGENCY, A COURT, OR THE DEPARTMENT, IF IT MAINTAINS THE  
2 ADOPTION FILE FOR THAT ADOPTEE, SHALL SUBMIT A CLEARANCE REQUEST  
3 FORM TO THE CENTRAL ADOPTION REGISTRY WITHIN 28 DAYS AFTER  
4 RECEIPT OF A CLEARANCE REPLY FORM FROM THE CENTRAL ADOPTION REG-  
5 ISTRY, THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT SHALL  
6 NOTIFY THE ADOPTEE IN WRITING OF THE NAME AND ADDRESS OF AN ADULT  
7 FORMER SIBLING WHOSE STATEMENT WAS FORWARDED BY THE CENTRAL ADOP-  
8 TION REGISTRY

9 (9) IF A CHILD PLACING AGENCY OR COURT OR THE DEPARTMENT  
10 REQUESTS INFORMATION FROM THE CENTRAL ADOPTION REGISTRY AND IF  
11 THE CLEARANCE REPLY FORM FROM THE CENTRAL ADOPTION REGISTRY INDI-  
12 CATES THAT NEITHER OF THE FORMER PARENTS HAS ON FILE WITH THE  
13 CENTRAL ADOPTION REGISTRY A STATEMENT CURRENTLY IN EFFECT DENYING  
14 CONSENT TO HAVE IDENTIFYING INFORMATION RELEASED, THE CHILD PLAC-  
15 ING AGENCY, COURT, OR DEPARTMENT SHALL DELIVER TO THE ADULT  
16 ADOPTEE A COPY OF THE CLEARANCE REPLY FORM IT RECEIVED FROM THE  
17 CENTRAL ADOPTION REGISTRY THE CLEARANCE REPLY FORM MAY BE USED  
18 BY THE ADULT ADOPTEE TO OBTAIN A COPY OF HIS OR HER ORIGINAL CER-  
19 TIFICATE OF LIVE BIRTH PURSUANT TO SECTION 2882 OF THE PUBLIC  
20 HEALTH CODE, ACT NO 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
21 TION 333 2882 OF THE MICHIGAN COMPILED LAWS THIS SUBSECTION  
22 APPLIES TO ALL ADOPTIONS IN WHICH THE PARENTS' RIGHTS WERE TERMI-  
23 NATED BEFORE MAY 28, 1945 OR ON OR AFTER SEPTEMBER 12, 1980

24 (10) IF A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT  
25 RECEIVES WRITTEN INFORMATION CONCERNING A PHYSICIAN-VERIFIED MED-  
26 ICAL OR GENETIC CONDITION OF AN INDIVIDUAL BIOLOGICALLY RELATED  
27 TO AN ADOPTEE AND A REQUEST THAT THE INFORMATION BE TRANSMITTED

1 TO THE ADOPTEE BECAUSE OF THE SERIOUS THREAT IT POSES TO THE  
2 ADOPTEE'S LIFE, THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT  
3 SHALL SEND A WRITTEN COPY OF THE INFORMATION BY FIRST-CLASS MAIL  
4 WITHIN 7 DAYS AFTER THE REQUEST IS RECEIVED TO THE ADOPTEE AT HIS  
5 OR HER LAST KNOWN ADDRESS IF THE ADOPTEE IS LESS THAN 18 YEARS  
6 OF AGE, THE INFORMATION SHALL BE SENT BY FIRST-CLASS MAIL WITHIN  
7 7 DAYS AFTER THE REQUEST IS RECEIVED TO THE ADOPTIVE PARENTS AT  
8 THEIR LAST KNOWN ADDRESS

9 (11) IF THE INFORMATION DESCRIBED IN SUBSECTION (10) IS  
10 RETURNED UNDELIVERED, THE AGENCY, COURT, OR DEPARTMENT SHALL MAKE  
11 A REASONABLE EFFORT TO FIND THE MOST RECENT ADDRESS OF THE  
12 ADOPTEE OR MINOR ADOPTEE'S PARENTS AND SHALL AGAIN SEND THE  
13 INFORMATION BY FIRST-CLASS MAIL WITHIN 21 DAYS AFTER RECEIVING  
14 THE RETURNED LETTER

15 (12) IF A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT  
16 RECEIVES WRITTEN INFORMATION CONCERNING A PHYSICIAN-VERIFIED MED-  
17 ICAL OR GENETIC CONDITION OF A PERSON BIOLOGICALLY RELATED TO AN  
18 ADOPTEE, AND THE CONDITION IS NOT LIFE-THREATENING TO THE ADOPT-  
19 EE, THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT SHALL PLACE  
20 THE INFORMATION IN ITS ADOPTION FILES IF THE CHILD PLACING  
21 AGENCY, COURT, OR DEPARTMENT RECEIVES A WRITTEN REQUEST FOR THE  
22 INFORMATION FROM THE ADULT ADOPTEE OR MINOR ADOPTEE'S ADOPTIVE  
23 PARENTS, IT SHALL RELEASE A WRITTEN COPY OF THE INFORMATION TO  
24 THE ADULT ADOPTEE OR TO THE MINOR ADOPTEE'S ADOPTIVE PARENTS  
25 WITHIN 63 DAYS AFTER THE REQUEST FOR THE INFORMATION WAS MADE

26 (13) IF A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT  
27 RECEIVES WRITTEN INFORMATION CONCERNING A PHYSICIAN-VERIFIED

1 MEDICAL OR GENETIC CONDITION THAT THREATENS THE LIFE OF AN  
2 ADOPTEE AND FOR WHICH A BIOLOGICALLY RELATED PERSON COULD GIVE  
3 LIFE-SAVING AID, AND RECEIVES A REQUEST FROM OR ON BEHALF OF THE  
4 ADOPTEE THAT THE INFORMATION BE TRANSMITTED, THE CHILD PLACING  
5 AGENCY, COURT, OR DEPARTMENT SHALL SEND A WRITTEN COPY OF THE  
6 INFORMATION BY FIRST-CLASS MAIL WITHIN 7 DAYS AFTER THE REQUEST  
7 IS RECEIVED TO THE BIOLOGICAL PARENTS OR ADULT BIOLOGICAL SIB-  
8 LINGS OF THE ADOPTEE AT THEIR LAST KNOWN ADDRESS

9       (14) IF THE INFORMATION DESCRIBED IN SUBSECTION (13) IS  
10 RETURNED UNDELIVERED, THE AGENCY, COURT, OR DEPARTMENT SHALL MAKE  
11 A REASONABLE EFFORT TO FIND THE MOST RECENT ADDRESS OF THE BIO-  
12 LOGICAL PARENTS OR ADULT BIOLOGICAL SIBLINGS AND SHALL AGAIN SEND  
13 THE INFORMATION BY FIRST-CLASS MAIL WITHIN 21 DAYS AFTER RECEIV-  
14 ING THE RETURNED LETTER

15       (15) IF A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT  
16 PROVIDES AN ADOPTEE WITH THE NAME OF 1 OF THE ADOPTEE'S FORMER  
17 PARENTS, THAT CHILD PLACING AGENCY, COURT, OR DEPARTMENT SHALL  
18 NOTIFY THE DEPARTMENT OF PUBLIC HEALTH OF THAT FACT   UPON  
19 RECEIPT OF NOTIFICATION BY THE CHILD PLACING AGENCY, COURT, OR  
20 DEPARTMENT, THE DEPARTMENT OF PUBLIC HEALTH SHALL INSURE THAT THE  
21 ORIGINAL BIRTH CERTIFICATE ON FILE FOR THE ADOPTEE HAS BEEN  
22 SEALED AND THAT A NEW BIRTH CERTIFICATE HAS BEEN PREPARED IN CON-  
23 FORMANCE WITH SECTION 9451

24       (16) AN EMPLOYEE OR AGENT OF A CHILD PLACING AGENCY, A  
25 COURT, OR THE DEPARTMENT, WHO INTENTIONALLY RELEASES IDENTIFYING  
26 INFORMATION IN VIOLATION OF THIS SECTION, IS GUILTY OF A  
27 MISDEMEANOR

1 (17) THIS SECTION ALSO APPLIES TO A STEPPARENT ADOPTION AND  
2 TO THE ADOPTION OF A CHILD RELATED TO THE PETITIONER WITHIN THE  
3 FIFTH DEGREE BY MARRIAGE, BLOOD, OR ADOPTION

4 (18) AS USED IN THIS SECTION, "ADULT ADOPTEE" MEANS AN INDI-  
5 VIDUAL WHO WAS ADOPTED AS A CHILD WHO IS NOW 18 YEARS OF AGE OR  
6 OLDER OR AN INDIVIDUAL WHO WAS 18 YEARS OF AGE OR OLDER AT THE  
7 TIME OF ADOPTION

8 (19) A CHILD PLACING AGENCY, A COURT, AND THE DEPARTMENT MAY  
9 REQUIRE A FEE FOR SUPPLYING INFORMATION UNDER THIS SECTION THE  
10 FEE SHALL BE \$60 00 OR THE ACTUAL COST OF SUPPLYING THE INFORMA-  
11 TION, WHICHEVER IS LESS THE CHILD PLACING AGENCY, COURT, OR  
12 DEPARTMENT MAY WAIVE A PART OR ALL OF THE FEE IN CASE OF INDI-  
13 GENCY OR HARDSHIP

14 (20) A DIRECT DESCENDANT OF A DECEASED ADULT ADOPTEE MAY  
15 REQUEST INFORMATION PURSUANT TO THIS SECTION ALL INFORMATION TO  
16 WHICH AN ADULT ADOPTEE IS ENTITLED PURSUANT TO THIS SECTION SHALL  
17 BE RELEASED TO THE ADULT ADOPTEE'S DIRECT DESCENDANTS IF THE  
18 ADULT ADOPTEE IS DECEASED

19 SEC 9453A (1) THE DEPARTMENT, IN COOPERATION WITH ADOP-  
20 TION SUPPORT GROUPS, SHALL DEVELOP AND PUBLISH AN INFORMATION  
21 PAMPHLET EXPLAINING THE RELEASE OF INFORMATION FROM ADOPTION  
22 RECORDS PURSUANT TO THIS ACT

23 (2) WITHIN 14 DAYS AFTER IT IS CONTACTED BY AN ADOPTEE,  
24 ADULT FORMER SIBLING, FORMER PARENT, OR ADOPTIVE PARENT, A CHILD  
25 PLACING AGENCY OR COURT OR THE DEPARTMENT SHALL PROVIDE THE  
26 ADOPTEE, ADULT FORMER SIBLING, FORMER PARENT, OR ADOPTIVE PARENT  
27 WITH ALL OF THE FOLLOWING

1 (A) A COPY OF THE INFORMATION PAMPHLET DESCRIBED IN  
2 SUBSECTION (1)

3 (B) A LIST OF ADOPTION SUPPORT GROUPS

4 (C) INFORMATION ABOUT THE PROVISIONS DESCRIBED IN THIS SEC-  
5 TION AND SECTIONS 9407A, 9407B, 9453, AND 9453B

6 (3) IF A CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT  
7 RECEIVES A WRITTEN REQUEST FROM AN ADOPTEE, ADULT FORMER SIBLING,  
8 FORMER PARENT, ADOPTIVE PARENT, OR ANY OTHER PERSON BIOLOGICALLY  
9 RELATED TO AN ADOPTEE THAT THE REQUESTER'S CURRENT ADDRESS BE  
10 PLACED IN ITS ADOPTION FILES, THE CHILD PLACING AGENCY, COURT, OR  
11 DEPARTMENT SHALL PLACE THE INFORMATION IN ITS ADOPTION FILES

12 SEC 9453B (1) AS USED IN THIS SECTION

13 (A) "FORMER FAMILY MEMBER" MEANS A PARENT, GRANDPARENT, OR  
14 ADULT SIBLING RELATED TO THE ADULT ADOPTEE THROUGH BIRTH OR ADOP-  
15 TION BY AT LEAST 1 COMMON PARENT, REGARDLESS OF WHETHER THE ADULT  
16 ADOPTEE EVER LIVED IN THE SAME HOUSEHOLD AS THE FORMER FAMILY  
17 MEMBER

18 (B) "PETITIONER" MEANS AN INDIVIDUAL ON WHOSE BEHALF A CON-  
19 FIDENTIAL INTERMEDIARY IS APPOINTED PURSUANT TO SUBSECTION (2)

20 (2) AN ADULT ADOPTEE, AN ADOPTIVE PARENT OF A MINOR ADOPTEE,  
21 OR AN ADULT CHILD OF A DECEASED ADOPTEE MAY PETITION THE COURT IN  
22 WHICH THE FINAL ORDER OF ADOPTION WAS ENTERED TO APPOINT A CONFI-  
23 DENTIAL INTERMEDIARY TO SEARCH FOR AND CONTACT A FORMER FAMILY  
24 MEMBER A FORMER FAMILY MEMBER MAY PETITION THE COURT IN WHICH  
25 THE FINAL ORDER OF ADOPTION WAS ENTERED TO APPOINT A CONFIDENTIAL  
26 INTERMEDIARY TO SEARCH FOR AND CONTACT AN ADULT ADOPTEE OR AN  
27 ADULT CHILD OF A DECEASED ADOPTEE UPON RECEIPT OF A PETITION

1 UNDER THIS SECTION, THE COURT SHALL CONTACT THE CENTRAL ADOPTION  
2 REGISTRY TO DETERMINE WHETHER THERE IS CURRENTLY ON FILE A STATE-  
3 MENT FROM THE INDIVIDUAL BEING SOUGHT THAT DENIES CONSENT TO THE  
4 RELEASE OF IDENTIFYING INFORMATION IF NO DENIAL OF CONSENT IS  
5 CURRENTLY ON FILE FOR THAT INDIVIDUAL, THE COURT SHALL BY WRITTEN  
6 ORDER APPOINT AS CONFIDENTIAL INTERMEDIARY AN INDIVIDUAL WHO  
7 MEETS THE REQUIREMENTS OF SUBSECTION (3) THE COURT SHALL PRO-  
8 VIDE THE CONFIDENTIAL INTERMEDIARY WITH A CERTIFIED COPY OF THE  
9 ORDER OF APPOINTMENT THE COURT MAY DISMISS AN INTERMEDIARY IF  
10 THE INTERMEDIARY ENGAGES IN CONDUCT THAT VIOLATES PROFESSIONAL OR  
11 ETHICAL STANDARDS

12 (3) AN INDIVIDUAL MAY SERVE AS A CONFIDENTIAL INTERMEDIARY  
13 IF HE OR SHE IS APPROVED BY THE COURT AFTER COMPLETING TRAINING  
14 AND FILES AN OATH OF CONFIDENTIALITY WITH THE COURT THE OATH OF  
15 CONFIDENTIALITY SHALL BE SUBSTANTIALLY AS FOLLOWS

16 "I, , SIGNING UNDER PENALTY OF PERJURY, AFFIRM  
17 ALL OF THE FOLLOWING

18 (A) I WILL NOT DISCLOSE TO A PETITIONER, DIRECTLY OR INDI-  
19 RECTLY, ANY IDENTIFYING INFORMATION IN SEALED RECORDS WITHOUT  
20 WRITTEN CONSENT OF THE INDIVIDUAL TO WHOM THE INFORMATION  
21 PERTAINS

22 (B) I WILL CONDUCT A REASONABLE SEARCH FOR AN INDIVIDUAL  
23 BEING SOUGHT I WILL MAKE A DISCREET AND CONFIDENTIAL INQUIRY AS  
24 TO WHETHER THE INDIVIDUAL CONSENTS TO THE RELEASE OF INFORMATION  
25 TO THE PETITIONER, OR TO MEETING OR COMMUNICATING WITH THE PETI-  
26 TIONER, AND I WILL REPORT TO THE PETITIONER AND THE COURT THE  
27 RESULTS OF MY SEARCH AND INQUIRY

1 (C) IF THE PETITIONER AND THE INDIVIDUAL BEING SOUGHT  
2 CONSENT IN WRITING TO MEET OR COMMUNICATE WITH EACH OTHER, I WILL  
3 ACT IN ACCORDANCE WITH THE INSTRUCTIONS OF THOSE PERSONS AND, IF  
4 APPLICABLE, THE INSTRUCTIONS OF THE COURT TO FACILITATE ANY MEET-  
5 ING OR COMMUNICATION BETWEEN THEM

6 (D) I WILL NOT CHARGE OR ACCEPT ANY FEE FOR MY SERVICES  
7 EXCEPT FOR REIMBURSEMENT FROM THE PETITIONER FOR ACTUAL EXPENSES  
8 INCURRED IN PERFORMING MY SERVICES, OR AS AUTHORIZED BY THE  
9 COURT

10 (E) I RECOGNIZE THAT I MAY BE SUBJECT TO CONTEMPT OF COURT  
11 SANCTIONS AND DISMISSAL BY THE COURT IF I PERMIT THE RELEASE OF  
12 CONFIDENTIAL INFORMATION WITHOUT AUTHORIZATION "

13 (4) A CONFIDENTIAL INTERMEDIARY SHALL MAKE A REASONABLE  
14 SEARCH FOR AN INDIVIDUAL WHOSE IDENTITY IS SOUGHT BY A PETITIONER  
15 UNDER THIS SECTION THE CONFIDENTIAL INTERMEDIARY SHALL FIRST  
16 SEARCH THE COURT RECORDS IF IT IS NECESSARY TO OBTAIN INFORMA-  
17 TION FROM AN AGENCY OR THE DEPARTMENT, THE CONFIDENTIAL INTERME-  
18 DIARY SHALL PROVIDE A CERTIFIED COPY OF THE ORDER OF APPOINTMENT  
19 TO THE AGENCY OR THE DEPARTMENT BEFORE REQUESTING THE RECORDS  
20 IF THE CONFIDENTIAL INTERMEDIARY LOCATES THE INDIVIDUAL BEING  
21 SOUGHT, THE INTERMEDIARY SHALL DISCREETLY AND CONFIDENTIALLY CON-  
22 TACT THE INDIVIDUAL TO ASCERTAIN WHETHER THE INDIVIDUAL IS WILL-  
23 ING TO RELEASE INFORMATION TO THE PETITIONER OR TO MEET OR COMMU-  
24 NICATE WITH THE PETITIONER IF THE INDIVIDUAL CONSENTS IN WRIT-  
25 ING TO THE RELEASE OF INFORMATION, THE INTERMEDIARY SHALL RELEASE  
26 THE INFORMATION TO THE PETITIONER UPON THE MUTUAL WRITTEN  
27 CONSENT OF THE PETITIONER AND THE INDIVIDUAL, THE INTERMEDIARY

1 MAY FACILITATE A MEETING OR OTHER COMMUNICATION BETWEEN THE  
2 PETITIONER AND THE INDIVIDUAL IF THE INDIVIDUAL REFUSES TO  
3 AUTHORIZE THE RELEASE OF INFORMATION SOUGHT BY THE PETITIONER,  
4 THE INTERMEDIARY SHALL REPORT THE REFUSAL TO THE PETITIONER AND  
5 THE COURT IF AN INDIVIDUAL SOUGHT UNDER THIS SECTION IS  
6 DECEASED, THE INTERMEDIARY SHALL REPORT THAT FACT TO THE PETI-  
7 TIONER AND THE COURT

8 (5) EXCEPT FOR A REASONABLE FEE APPROVED BY THE COURT AND  
9 REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED IN PERFORMING SERV-  
10 ICES, A CONFIDENTIAL INTERMEDIARY SHALL NOT REQUEST OR ACCEPT ANY  
11 MONEY OR OTHER THING OF VALUE FOR SERVING AS A CONFIDENTIAL  
12 INTERMEDIARY

13 (6) IF A CONFIDENTIAL INTERMEDIARY APPOINTED UNDER THIS SEC-  
14 TION HAS FAILED TO CONTACT A FORMER FAMILY MEMBER WITHIN 6 MONTHS  
15 AFTER HIS OR HER APPOINTMENT, THE ADULT ADOPTEE MAY PETITION THE  
16 COURT FOR RELEASE OF INFORMATION DESCRIBED IN SECTION 9407(2) AND  
17 (3) AND ANY ADDITIONAL INFORMATION OBTAINED BY THE CONFIDENTIAL  
18 INTERMEDIARY BEFORE A HEARING ON THE PETITION, THE CONFIDENTIAL  
19 INTERMEDIARY SHALL SUBMIT A WRITTEN REPORT TO THE COURT DESCRIB-  
20 ING ALL EFFORTS MADE TO LOCATE THE FORMER FAMILY MEMBER AND ALL  
21 INFORMATION OBTAINED AFTER THE HEARING, THE COURT SHALL DO 1 OF  
22 THE FOLLOWING

23 (A) ORDER THE CONFIDENTIAL INTERMEDIARY TO SEARCH FOR  
24 ANOTHER 6-MONTH PERIOD

25 (B) APPOINT A NEW CONFIDENTIAL INTERMEDIARY TO SEARCH FOR A  
26 6-MONTH PERIOD



1 (C) RELEASE TO THE ADULT ADOPTEE THE IDENTIFYING INFORMATION  
2 DESCRIBED IN SECTION 9407(2) AND (3) AND ANY OTHER INFORMATION  
3 THAT THE COURT CONSIDERS APPROPRIATE, IF THE COURT FINDS THAT A  
4 DILIGENT SEARCH HAS BEEN MADE AND THAT THERE IS GOOD CAUSE TO  
5 RELEASE THE INFORMATION THE COURT'S FINDING SHALL BE MADE ON  
6 THE RECORD

7 SEC 9456 A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF  
8 SECTIONS 9421 AND 9434 SHALL, UPON CONVICTION, BE GUILTY OF A  
9 MISDEMEANOR, AND UPON ANY SUBSEQUENT CONVICTION SHALL BE GUILTY  
10 OF A FELONY

11 CHAPTER 95

12 SEC 9501 (1) THE FAMILY DIVISION OF CIRCUIT COURT FOR A  
13 COUNTY MAY ENTER AN ORDER TO CHANGE THE NAME OF A PERSON WHO HAS  
14 BEEN A RESIDENT OF THE COUNTY FOR NOT LESS THAN 1 YEAR AND WHO  
15 MAKES A PETITION IN WRITING TO THE COURT FOR THAT PURPOSE SHOWING  
16 A SUFFICIENT REASON FOR THE PROPOSED CHANGE AND THAT THE CHANGE  
17 IS NOT SOUGHT WITH ANY FRAUDULENT INTENT WHEN THE PETITION IS  
18 FILED, THE COURT SHALL SET A TIME AND PLACE FOR HEARING AND ORDER  
19 PUBLICATION AS PROVIDED BY SUPREME COURT RULE UPON THE FILING  
20 OF A PETITION, THE COURT MAY PERMIT A PERSON HAVING THE SAME  
21 NAME, OR A SIMILAR NAME TO THAT WHICH THE PETITIONER PROPOSES TO  
22 ASSUME, TO INTERVENE IN THE PROCEEDING FOR THE PURPOSE OF SHOWING  
23 FRAUDULENT INTENT EXCEPT AS PROVIDED IN SUBSECTION (3), IF THE  
24 PETITIONER IS A MINOR, THE PETITION SHALL BE SIGNED BY THE MOTHER  
25 AND FATHER JOINTLY, OR BY THE SURVIVING PARENT IF 1 IS DECEASED,  
26 OR IF BOTH PARENTS ARE DECEASED, BY THE GUARDIAN OF THE PERSON OF  
27 THE MINOR, OR BY THE MINOR'S PARENT, IF THERE IS NOT ANOTHER

1 LEGAL PARENT TO GIVE CONSENT IF EITHER PARENT HAS BEEN DECLARED  
2 MENTALLY INCOMPETENT, THE PETITION MAY BE SIGNED BY THE GUARDIAN  
3 FOR THAT PARENT THE WRITTEN CONSENT TO THE CHANGE OF NAME OF A  
4 MINOR 14 YEARS OF AGE OR OLDER, SIGNED BY THE MINOR IN THE PRES-  
5 ENCE OF THE COURT, SHALL BE FILED WITH THE COURT BEFORE ANY ORDER  
6 CHANGING THE NAME OF THE MINOR IS ENTERED IF THE COURT CONSID-  
7 ERS THE CHILD TO BE OF SUFFICIENT AGE TO EXPRESS A PREFERENCE, A  
8 MINOR UNDER 14 YEARS OF AGE SHALL BE CONSULTED BY THE COURT AS TO  
9 A CHANGE IN HIS OR HER NAME AND HIS OR HER WISHES SHALL BE CON-  
10 SIDERED BY THE COURT

11 (2) IF THE PETITIONER IS MARRIED, THE COURT, IN ITS ORDER  
12 CHANGING THE NAME OF THE PETITIONER, MAY INCLUDE THE NAME OF THE  
13 SPOUSE, IF THE SPOUSE CONSENTS, AND MAY INCLUDE THE NAMES OF  
14 MINOR CHILDREN OF THE PETITIONER OF WHOM THE PETITIONER HAS LEGAL  
15 CUSTODY THE WRITTEN CONSENT TO THE CHANGE OF NAME OF A CHILD 14  
16 YEARS OF AGE OR OLDER, SIGNED BY THE CHILD IN THE PRESENCE OF THE  
17 COURT, SHALL BE FILED WITH THE COURT BEFORE THE COURT INCLUDES  
18 THAT CHILD IN ITS ORDER EXCEPT AS PROVIDED IN SUBSECTION (3),  
19 THE NAME OF A MINOR UNDER 14 YEARS OF AGE MAY NOT BE CHANGED  
20 UNLESS HE OR SHE IS THE NATURAL OR ADOPTED CHILD OF THE PETI-  
21 TIONER AND UNLESS CONSENT IS OBTAINED FROM THE MOTHER AND FATHER  
22 JOINTLY, OR FROM THE SURVIVING PARENT IF 1 IS DECEASED, OR FROM  
23 THE MINOR'S PARENT IF THERE IS NOT ANOTHER LEGAL PARENT TO GIVE  
24 CONSENT IF THE COURT CONSIDERS THE CHILD TO BE OF SUFFICIENT  
25 AGE TO EXPRESS A PREFERENCE, A MINOR UNDER 14 YEARS OF AGE SHALL  
26 BE CONSULTED BY THE COURT AS TO A CHANGE IN HIS OR HER NAME AND  
27 HIS OR HER WISHES SHALL BE CONSIDERED BY THE COURT

1 (3) THE NAME OF A MINOR MAY BE CHANGED PURSUANT TO  
2 SUBSECTION (1) OR (2) WITH THE CONSENT OR SIGNATURE OF THE CUSTO-  
3 DIAL PARENT UPON NOTICE TO THE NONCUSTODIAL PARENT PURSUANT TO  
4 SUPREME COURT RULE AND AFTER HEARING IF BOTH OF THE FOLLOWING  
5 OCCUR

6 (A) THE OTHER PARENT, HAVING THE ABILITY TO SUPPORT OR  
7 ASSIST IN SUPPORTING THE CHILD, HAS FAILED OR NEGLECTED TO PRO-  
8 VIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE CHILD OR IF A SUP-  
9 PORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTANTIALLY COMPLY  
10 WITH THE ORDER, FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING  
11 OF THE PETITION

12 (B) THE OTHER PARENT, HAVING THE ABILITY TO VISIT, CONTACT,  
13 OR COMMUNICATE WITH THE CHILD, HAS REGULARLY AND SUBSTANTIALLY  
14 FAILED OR NEGLECTED TO DO SO FOR A PERIOD OF 2 YEARS OR MORE  
15 BEFORE THE FILING OF THE PETITION

16 SEC 9502 THE FAMILY DIVISION OF CIRCUIT COURT SHALL  
17 REQUIRE THE PERSON MAKING A PETITION UNDER SECTION 9501 TO PAY TO  
18 THE COURT A FEE OF \$10 00, AND SHALL FURNISH TO THE PETITIONER,  
19 IF DESIRED, A CERTIFIED COPY OF THE ORDER MADE IN THE MATTER,  
20 UPON PAYMENT OF THE STATUTORY FEE THE COURT SHALL REMIT THE FEE  
21 TO THE COUNTY TREASURER FOR DEPOSIT IN THE COUNTY GENERAL FUND

22 CHAPTER 96

23 SEC 9601 (1) AS USED IN THIS CHAPTER, "COURT" OR "FAMILY  
24 DIVISION OF CIRCUIT COURT" MEANS THE FAMILY DIVISION OF CIRCUIT  
25 COURT CREATED IN CHAPTER 92 PROCEEDINGS UNDER THIS CHAPTER  
26 SHALL NOT BE CONSIDERED TO BE CRIMINAL PROCEEDINGS

1       (2) THIS CHAPTER SHALL BE LIBERALLY CONSTRUED TO THE END  
2 THAT EACH CHILD COMING WITHIN THE JURISDICTION OF THE COURT SHALL  
3 RECEIVE THE CARE, GUIDANCE, AND CONTROL, PREFERABLY IN HIS OR HER  
4 OWN HOME, AS WILL BE CONDUCIVE TO THE CHILD'S WELFARE AND THE  
5 BEST INTEREST OF THE STATE IF A CHILD IS REMOVED FROM THE CON-  
6 TROL OF HIS OR HER PARENTS, THE CHILD SHALL BE PLACED IN CARE AS  
7 NEARLY AS POSSIBLE EQUIVALENT TO THE CARE WHICH SHOULD HAVE BEEN  
8 GIVEN TO THE CHILD BY HIS OR HER PARENTS

9       SEC 9603     (1) THE COURT HAS THE AUTHORITY AND JURISDICTION  
10 DESCRIBED IN THIS SECTION

11       (2) THE COURT HAS EXCLUSIVE ORIGINAL JURISDICTION SUPERIOR  
12 TO AND REGARDLESS OF THE JURISDICTION OF ANY OTHER COURT IN PRO-  
13 CEEDINGS CONCERNING A CHILD UNDER 17 YEARS OF AGE WHO IS FOUND  
14 WITHIN THE COUNTY IF 1 OR MORE OF THE FOLLOWING APPLIES

15       (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE  
16 CHILD HAS VIOLATED ANY MUNICIPAL ORDINANCE OR LAW OF THE STATE OR  
17 OF THE UNITED STATES THE COURT HAS JURISDICTION OVER A CHILD  
18 15 YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLATION OF SEC-  
19 TION 83, 89, 91, 316, 317, 520B, 529, OR 529A OF THE MICHIGAN  
20 PENAL CODE, ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SEC-  
21 TIONS 750 83, 750 89, 750 91, 750 316, 750 317, 750 520B,  
22 750 529, AND 750 529A OF THE MICHIGAN COMPILED LAWS, OR SECTION  
23 7401(2)(A)(1) OR 7403(2)(A)(1) OF THE PUBLIC HEALTH CODE, ACT  
24 NO 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333 7401 AND  
25 333 7403 OF THE MICHIGAN COMPILED LAWS, ONLY IF THE PROSECUTING  
26 ATTORNEY FILES A PETITION IN THE FAMILY DIVISION OF THE CIRCUIT  
27 COURT INSTEAD OF AUTHORIZING A COMPLAINT AND WARRANT

1 (B) THE CHILD HAS DESERTED HIS OR HER HOME WITHOUT  
2 SUFFICIENT CAUSE AND THE COURT FINDS ON THE RECORD THAT THE CHILD  
3 HAS BEEN PLACED OR REFUSED ALTERNATIVE PLACEMENT OR THE CHILD AND  
4 THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN HAVE EXHAUSTED OR  
5 REFUSED FAMILY COUNSELING

6 (C) THE CHILD IS REPEATEDLY DISOBEDIENT TO THE REASONABLE  
7 AND LAWFUL COMMANDS OF HIS OR HER PARENTS, GUARDIAN, OR CUSTODIAN  
8 AND THE COURT FINDS ON THE RECORD BY CLEAR AND CONVINCING EVI-  
9 DENCE THAT COURT-ACCESSED SERVICES ARE NECESSARY

10 (D) THE CHILD WILLFULLY AND REPEATEDLY ABSENTS HIMSELF OR  
11 HERSELF FROM SCHOOL OR OTHER LEARNING PROGRAM INTENDED TO MEET  
12 THE CHILD'S EDUCATIONAL NEEDS, OR REPEATEDLY VIOLATES RULES AND  
13 REGULATIONS OF THE SCHOOL OR OTHER LEARNING PROGRAM, AND THE  
14 COURT FINDS ON THE RECORD THAT THE CHILD, THE CHILD'S PARENT,  
15 GUARDIAN, OR CUSTODIAN, AND SCHOOL OFFICIALS OR LEARNING PROGRAM  
16 PERSONNEL HAVE MET ON THE CHILD'S EDUCATIONAL PROBLEMS, AND EDU-  
17 CATIONAL COUNSELING AND ALTERNATIVE AGENCY HELP HAVE BEEN  
18 SOUGHT AS USED IN THIS SUBDIVISION ONLY, "LEARNING PROGRAM"  
19 MEANS AN ORGANIZED EDUCATIONAL PROGRAM THAT IS APPROPRIATE, GIVEN  
20 THE AGE, INTELLIGENCE, ABILITY, AND ANY PSYCHOLOGICAL LIMITATIONS  
21 OF A CHILD, IN THE SUBJECT AREAS OF READING, SPELLING, MATHEMAT-  
22 ICS, SCIENCE, HISTORY, CIVICS, WRITING, AND ENGLISH GRAMMAR

23 (3) THE COURT HAS JURISDICTION IN PROCEEDINGS CONCERNING ANY  
24 CHILD UNDER 18 YEARS OF AGE FOUND WITHIN THE COUNTY

25 (A) WHOSE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE  
26 CARE AND MAINTENANCE OF THE CHILD, WHEN ABLE TO DO SO, NEGLECTS  
27 OR REFUSES TO PROVIDE PROPER OR NECESSARY SUPPORT, EDUCATION,

1 MEDICAL, SURGICAL, OR OTHER CARE NECESSARY FOR HIS OR HER HEALTH  
2 OR MORALS, WHO IS SUBJECT TO A SUBSTANTIAL RISK OF HARM TO HIS OR  
3 HER MENTAL WELL-BEING, WHO IS ABANDONED BY HIS OR HER PARENTS,  
4 GUARDIAN, OR OTHER CUSTODIAN, OR WHO IS WITHOUT PROPER CUSTODY OR  
5 GUARDIANSHIP AS USED IN THIS SUBDIVISION

6 (1) "EDUCATION" MEANS LEARNING BASED ON AN ORGANIZED EDUCA-  
7 TIONAL PROGRAM THAT IS APPROPRIATE, GIVEN THE AGE, INTELLIGENCE,  
8 ABILITY, AND ANY PSYCHOLOGICAL LIMITATIONS OF A CHILD, IN THE  
9 SUBJECT AREAS OF READING, SPELLING, MATHEMATICS, SCIENCE, HISTO-  
10 RY, CIVICS, WRITING, AND ENGLISH GRAMMAR

11 (11) "WITHOUT PROPER CUSTODY OR GUARDIANSHIP" DOES NOT  
12 INCLUDE THE SITUATION WHERE A PARENT HAS PLACED THE CHILD WITH  
13 ANOTHER PERSON WHO IS LEGALLY RESPONSIBLE FOR THE CARE AND MAIN-  
14 TENANCE OF THE CHILD AND WHO IS ABLE TO AND DOES PROVIDE THE  
15 CHILD WITH PROPER CARE AND MAINTENANCE

16 (B) WHOSE HOME OR ENVIRONMENT, BY REASON OF NEGLECT, CRUEL-  
17 TY, DRUNKENNESS, CRIMINALITY, OR DEPRAVITY ON THE PART OF A  
18 PARENT, GUARDIAN, OR OTHER CUSTODIAN, IS AN UNFIT PLACE FOR THE  
19 CHILD TO LIVE IN

20 (C) WHOSE PARENT HAS SUBSTANTIALLY FAILED, WITHOUT GOOD  
21 CAUSE, TO COMPLY WITH A LIMITED GUARDIANSHIP PLACEMENT PLAN  
22 DESCRIBED IN SECTION 9324A, REGARDING THE CHILD

23 (D) WHOSE PARENT HAS SUBSTANTIALLY FAILED, WITHOUT GOOD  
24 CAUSE, TO COMPLY WITH A COURT-STRUCTURED PLAN DESCRIBED IN  
25 SECTION 9324B OR 9324C, REGARDING THE CHILD

26 (E) IF THE CHILD HAS A GUARDIAN UNDER CHAPTER 93, AND THE  
27 CHILD'S PARENT MEETS BOTH OF THE FOLLOWING CRITERIA

1       (1) THE PARENT, HAVING THE ABILITY TO SUPPORT OR ASSIST IN  
2 SUPPORTING THE CHILD, HAS FAILED OR NEGLECTED, WITHOUT GOOD  
3 CAUSE, TO PROVIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE CHILD  
4 FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING OF THE PETITION  
5 OR, IF A SUPPORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTAN-  
6 Tially COMPLY WITH THE ORDER FOR A PERIOD OF 2 YEARS OR MORE  
7 BEFORE THE FILING OF THE PETITION

8       (11) THE PARENT, HAVING THE ABILITY TO VISIT, CONTACT, OR  
9 COMMUNICATE WITH THE CHILD, HAS REGULARLY AND SUBSTANTIALLY  
10 FAILED OR NEGLECTED, WITHOUT GOOD CAUSE, TO DO SO FOR A PERIOD OF  
11 2 YEARS OR MORE BEFORE THE FILING OF THE PETITION

12       (4) IF A PETITION IS FILED IN THE FAMILY DIVISION OF THE  
13 CIRCUIT COURT ALLEGING THAT A CHILD IS WITHIN THE PROVISIONS OF  
14 SUBSECTION (3), AND THE CUSTODY OF THAT CHILD IS SUBJECT TO THE  
15 PRIOR OR CONTINUING ORDER OF ANOTHER COURT OF RECORD OF THIS  
16 STATE, THE MANNER OF NOTICE TO THE OTHER COURT AND THE AUTHORITY  
17 OF THE FAMILY DIVISION OF THE CIRCUIT COURT TO PROCEED IS GOV-  
18 ERNED BY RULE OF THE SUPREME COURT

19       (5) IF THE COURT FINDS ON THE RECORD THAT VOLUNTARY SERVICES  
20 HAVE BEEN EXHAUSTED OR REFUSED, THE COURT HAS CONCURRENT JURIS-  
21 DICTION IN PROCEEDINGS CONCERNING ANY CHILD BETWEEN THE AGES OF  
22 17 AND 18 FOUND WITHIN THE COUNTY

23       (A) WHO IS REPEATEDLY ADDICTED TO THE USE OF DRUGS OR THE  
24 INTEMPERATE USE OF ALCOHOLIC LIQUORS

25       (B) WHO REPEATEDLY ASSOCIATES WITH CRIMINAL, DISSOLUTE, OR  
26 DISORDERLY PERSONS

1 (C) WHO IS FOUND OF HIS OR HER OWN FREE WILL AND KNOWLEDGE  
2 IN A HOUSE OF PROSTITUTION, ASSIGNATION, OR ILL-FAME

3 (D) WHO REPEATEDLY ASSOCIATES WITH THIEVES, PROSTITUTES,  
4 PIMPS, OR PROCURERS

5 (E) WHO IS WILLFULLY DISOBEDIENT TO THE REASONABLE AND  
6 LAWFUL COMMANDS OF HIS OR HER PARENTS, GUARDIAN, OR OTHER CUSTO-  
7 DIAN AND IS IN DANGER OF BECOMING MORALLY DEPRAVED

8 (6) IF ANY CHILD IS BROUGHT BEFORE THE COURT IN A COUNTY  
9 OTHER THAN THAT IN WHICH THE CHILD RESIDES, THE COURT MAY ENTER  
10 AN ORDER BEFORE A HEARING TRANSFERRING THE JURISDICTION OF THE  
11 MATTER TO THE COURT OF THE COUNTY OF RESIDENCE, WHICH SHALL NOT  
12 BE CONSTRUED AS A LEGAL SETTLEMENT AS DEFINED IN SECTION 55 OF  
13 THE SOCIAL WELFARE ACT, ACT NO 280 OF THE PUBLIC ACTS OF 1939,  
14 BEING SECTION 400 55 OF THE MICHIGAN COMPILED LAWS, WITH THE CON-  
15 SENT OF THE PROBATE JUDGE OF THE COUNTY OF RESIDENCE THE ORDER,  
16 TOGETHER WITH A CERTIFIED COPY OF THE PROCEEDINGS IN THE TRANS-  
17 FERRING COURT, SHALL BE DELIVERED TO THE COURT OF THE COUNTY OF  
18 RESIDENCE

19 (7) THE COURT HAS AUTHORITY TO ESTABLISH OR ASSIST IN DEVEL-  
20 OPING A PROGRAM OR PROGRAMS WITHIN THE COUNTY TO PREVENT DELIN-  
21 QUENCY AND PROVIDE SERVICES TO ACT UPON REPORTS SUBMITTED TO THE  
22 COURT RELATED TO THE BEHAVIOR OF CHILDREN WHO DO NOT REQUIRE  
23 FORMAL COURT JURISDICTION BUT OTHERWISE FALL WITHIN  
24 SUBSECTION (2) THESE SERVICES SHALL BE USED ONLY IF THEY ARE  
25 VOLUNTARILY ACCEPTED BY THE CHILD AND HIS OR HER PARENTS, GUARDI-  
26 AN, OR CUSTODIAN



1 (8) IF THE COURT OPERATES A DETENTION HOME FOR CHILDREN  
2 WITHIN THE COURT'S JURISDICTION UNDER SUBSECTION (2)(A), THE  
3 COURT HAS AUTHORITY TO PLACE A CHILD WITHIN THAT HOME PENDING  
4 TRIAL IF THE CHILD IS WITHIN THE CIRCUIT COURT'S JURISDICTION  
5 UNDER SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, ACT  
6 NO 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600 606 OF THE  
7 MICHIGAN COMPILED LAWS, OR WITHIN THE RECORDER'S COURT OF THE  
8 CITY OF DETROIT'S JURISDICTION UNDER SECTION 10A(1)(C) OF ACT  
9 NO 369 OF THE PUBLIC ACTS OF 1919, BEING SECTION 725 10A OF THE  
10 MICHIGAN COMPILED LAWS, AND IF THE CIRCUIT COURT OR THE  
11 RECORDER'S COURT OF THE CITY OF DETROIT ORDERS THE JUVENILE DIVI-  
12 SION OF THE PROBATE COURT IN THE SAME COUNTY TO PLACE THE CHILD  
13 IN THAT HOME THE COURT SHALL COMPLY WITH THAT ORDER

14 SEC 9605 (1) EXCEPT AS OTHERWISE PROVIDED IN  
15 SUBSECTION (2), IF THE COURT HAS EXERCISED JURISDICTION OVER A  
16 CHILD UNDER SECTION 9603(2) OR (3), JURISDICTION SHALL CONTINUE  
17 FOR A PERIOD OF 2 YEARS BEYOND THE MAXIMUM AGE OF JURISDICTION  
18 CONFERRED UNDER SECTION 9603, UNLESS THE CHILD IS RELEASED SOONER  
19 BY ORDER OF THE COURT

20 (2) IF THE COURT HAS EXERCISED JURISDICTION OVER A CHILD  
21 UNDER SECTION 9603(2)(A) FOR AN OFFENSE THAT, IF COMMITTED BY AN  
22 ADULT, WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 72,  
23 83, 84, 88, 89, 91, 316, 317, 349, 520B, 520C, 520D, 520G, 529,  
24 529A, OR 530 OF THE MICHIGAN PENAL CODE, ACT NO 328 OF THE  
25 PUBLIC ACTS OF 1931, BEING SECTIONS 750 72, 750 83, 750 84,  
26 750 88, 750 89, 750 91, 750 316, 750 317, 750 349, 750 520B,  
27 750 520C, 750 520D, 750 520G, 750 529, 750 529A, AND 750 530 OF

1 THE MICHIGAN COMPILED LAWS, OR SECTION 7401(2)(A)(1) OR  
2 7403(2)(A)(1) OF THE PUBLIC HEALTH CODE, ACT NO 368 OF THE  
3 PUBLIC ACTS OF 1978, BEING SECTIONS 333 7401 AND 333 7403 OF THE  
4 MICHIGAN COMPILED LAWS, JURISDICTION MAY BE CONTINUED UNTIL THE  
5 CHILD IS 21 YEARS OF AGE UNDER SECTION 9659

6 (3) AS USED IN THIS CHAPTER, "CHILD", "MINOR" OR ANY OTHER  
7 TERM SIGNIFYING A PERSON UNDER THE AGE OF 18 APPLIES TO A PERSON  
8 18 YEARS OF AGE OR OLDER CONCERNING WHOM PROCEEDINGS ARE COM-  
9 MENCED IN THE COURT PURSUANT TO SECTION 9603 AND OVER WHOM THE  
10 COURT HAS CONTINUING JURISDICTION PURSUANT TO SUBSECTION (1)

11 SEC 9607 (1) WHEN A CHILD IS ACCUSED OF AN ACT, THE  
12 NATURE OF WHICH CONSTITUTES A VIOLATION OF THE MICHIGAN VEHICLE  
13 CODE, ACT NO 300 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS  
14 257 1 TO 257 923 OF THE MICHIGAN COMPILED LAWS, OR OF A PROVISION  
15 OF AN ORDINANCE SUBSTANTIALLY CORRESPONDING TO ANY PROVISION OF  
16 ACT NO 300 OF THE PUBLIC ACTS OF 1949, THE FOLLOWING PROCEDURE  
17 SHALL APPLY ANY OTHER PROVISION OF THIS CHAPTER  
18 NOTWITHSTANDING

19 (A) A PETITION SHALL NOT BE REQUIRED, BUT THE COURT MAY ACT  
20 UPON A COPY OF THE WRITTEN NOTICE TO APPEAR GIVEN THE ACCUSED  
21 CHILD AS REQUIRED BY SECTION 728 OF THE MICHIGAN VEHICLE CODE,  
22 ACT NO 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257 728 OF  
23 THE MICHIGAN COMPILED LAWS

24 (B) THE PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN OF THE  
25 CHILD MAY BE REQUIRED TO ATTEND A HEARING CONDUCTED IN ACCORDANCE  
26 WITH THIS SECTION WHEN NOTIFIED BY THE COURT, WITHOUT ADDITIONAL

1 SERVICE OF PROCESS OR DELAY HOWEVER, THE COURT MAY EXTEND THE  
2 TIME FOR SUCH APPEARANCE

3 (C) IF, AFTER HEARING THE CASE, THE COURT FINDS THE ACCUSA-  
4 TION TO BE TRUE, THE COURT MAY DISPOSE OF THE CASE IN ACCORDANCE  
5 WITH SECTION 9651

6 (D) WITHIN 14 DAYS AFTER ENTRY OF A COURT ORDER OF DISPOSI-  
7 TION FOR A CHILD FOUND TO BE WITHIN THE PROVISIONS OF THIS CHAP-  
8 TER, THE COURT SHALL PREPARE AND FORWARD AN ABSTRACT OF THE  
9 RECORD OF THE COURT FOR THE CASE IN ACCORDANCE WITH SECTION 732  
10 OF THE MICHIGAN VEHICLE CODE, ACT NO 300 OF THE PUBLIC ACTS OF  
11 1949, BEING SECTION 257 732 OF THE MICHIGAN COMPILED LAWS

12 (2) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING THE DIS-  
13 CRETION OF THE COURT TO RESTRICT THE DRIVING PRIVILEGES OF A  
14 CHILD AS A TERM OR CONDITION OF PROBATION

15 SEC 9609 A JUDGE OF THE COURT MAY ISSUE AN ORDER AUTHO-  
16 RIZING A PEACE OFFICER OR OTHER PERSON DESIGNATED BY THE COURT TO  
17 APPREHEND A CHILD WHO IS ABSENT WITHOUT LEAVE FROM AN INSTITUTION  
18 OR FACILITY TO WHICH HE WAS COMMITTED PURSUANT TO SECTION 9651,  
19 HAS VIOLATED PROBATION, OR HAS FAILED TO APPEAR FOR A HEARING ON  
20 A PETITION CHARGING VIOLATION OF SECTION 9603 THE ORDER SHALL  
21 SET FORTH SPECIFICALLY THE IDENTITY OF THE CHILD SOUGHT AND THE  
22 HOUSE, BUILDING OR OTHER LOCATION OR PLACE WHERE THERE IS PROBA-  
23 BLE CAUSE TO BELIEVE THE CHILD IS TO BE FOUND A PERSON WHO  
24 INTERFERES WITH THE LAWFUL ATTEMPT TO EXECUTE AN ORDER ISSUED  
25 PURSUANT TO THIS SECTION IS GUILTY OF A MISDEMEANOR

26 SEC 9611 (1) IF DURING THE PENDENCY OF A CRIMINAL CHARGE  
27 AGAINST A PERSON IN ANY OTHER COURT, IT IS ASCERTAINED THAT THE

1 PERSON WAS UNDER THE AGE OF 17 AT THE TIME OF THE COMMISSION OF  
2 THE OFFENSE, THE COURT SHALL TRANSFER THE CASE WITHOUT DELAY,  
3 TOGETHER WITH ALL THE PAPERS, DOCUMENTS, AND TESTIMONY CONNECTED  
4 WITH THE CASE, TO THE FAMILY DIVISION OF CIRCUIT COURT OF THE  
5 COUNTY IN WHICH THE OTHER COURT IS SITUATED OR IN WHICH THE  
6 PERSON RESIDES

7 (2) THE COURT MAKING THE TRANSFER SHALL ORDER THE CHILD TO  
8 BE TAKEN FORTHWITH TO THE PLACE OF DETENTION DESIGNATED BY THE  
9 FAMILY DIVISION OF CIRCUIT COURT OR TO THAT COURT ITSELF, OR  
10 RELEASE THE CHILD IN THE CUSTODY OF SOME SUITABLE PERSON TO  
11 APPEAR BEFORE THE FAMILY DIVISION OF CIRCUIT COURT AT A TIME  
12 DESIGNATED THE FAMILY DIVISION OF CIRCUIT COURT SHALL THEN PRO-  
13 CEED TO HEAR AND DISPOSE OF THE CASE IN THE SAME MANNER AS IF IT  
14 HAD BEEN INSTITUTED IN THAT COURT IN THE FIRST INSTANCE

15 SEC 9613 WHEN ANY ORDER AFFECTING THE WELFARE OF A CHILD  
16 IS ENTERED UNDER THIS CHAPTER BY THE JUDGE IN ANY CASE WHERE THE  
17 CHILD IS SUBJECT TO THE PRIOR OR CONTINUING ORDER OF ANY OTHER  
18 COURT OF THIS STATE, A NOTICE OF THE ORDER SHALL BE FILED IN THE  
19 OTHER COURT AND A COPY OF THE NOTICE SHALL BE SERVED PERSONALLY  
20 OR BY REGISTERED MAIL UPON THE PARENTS, GUARDIAN, OR PERSONS IN  
21 LOCO PARENTIS AND UPON THE PROSECUTING ATTORNEY OF THE COUNTY  
22 WHERE THE OTHER COURT IS LOCATED THE NOTICE SHALL NOT DISCLOSE  
23 ANY ALLEGATIONS OR FINDINGS OF FACTS SET FORTH IN THE PETITIONS  
24 OR ORDERS, OR THE ACTUAL PERSON OR INSTITUTION TO WHOM CUSTODY IS  
25 CHANGED THOSE ALLEGATIONS OR FINDINGS MAY BE DISCLOSED DIRECTLY  
26 TO THE PROSECUTING ATTORNEY AND SHALL BE DISCLOSED ON REQUEST OF  
27 THE PROSECUTING ATTORNEY OR BY ORDER OF THE OTHER COURT, BUT

1 SHALL BE CONSIDERED AS CONFIDENTIAL INFORMATION, THE DISCLOSURE  
2 OF WHICH WILL BE SUBJECT TO THE SAME CARE AS IN ALL JUVENILE  
3 MATTERS

4        SEC 9615    (1) IF A CHILD WHO HAS ATTAINED THE AGE OF 15  
5 YEARS IS ACCUSED OF AN ACT WHICH, IF COMMITTED BY AN ADULT, WOULD  
6 BE A FELONY, THE JUDGE OF THE FAMILY DIVISION OF CIRCUIT COURT OF  
7 THE COUNTY WHERE THE OFFENSE IS ALLEGED TO HAVE BEEN COMMITTED  
8 MAY WAIVE JURISDICTION PURSUANT TO THIS SECTION UPON MOTION OF  
9 THE PROSECUTING ATTORNEY    AFTER WAIVER, IT SHALL BE LAWFUL TO  
10 TRY THE CHILD IN THE COURT HAVING GENERAL CRIMINAL JURISDICTION  
11 OF THE OFFENSE

12        (2) BEFORE CONDUCTING A HEARING ON THE MOTION TO WAIVE  
13 JURISDICTION, THE COURT SHALL GIVE NOTICE OF THE HEARING IN THE  
14 MANNER PROVIDED BY SUPREME COURT RULE TO THE CHILD AND THE PROSE-  
15 CUTING ATTORNEY AND, IF ADDRESSES ARE KNOWN, TO THE CHILD'S PAR-  
16 ENTS OR GUARDIANS    THE NOTICE SHALL STATE CLEARLY THAT A WAIVER  
17 OF JURISDICTION TO A COURT OF GENERAL CRIMINAL JURISDICTION HAS  
18 BEEN REQUESTED AND THAT, IF GRANTED, THE CHILD CAN BE PROSECUTED  
19 FOR THE ALLEGED OFFENSE AS THOUGH HE OR SHE WERE AN ADULT

20        (3) BEFORE THE COURT WAIVES JURISDICTION, THE COURT SHALL  
21 DETERMINE ON THE RECORD IF THERE IS PROBABLE CAUSE TO BELIEVE  
22 THAT AN OFFENSE HAS BEEN COMMITTED WHICH IF COMMITTED BY AN ADULT  
23 WOULD BE A FELONY AND IF THERE IS PROBABLE CAUSE TO BELIEVE THAT  
24 THE CHILD COMMITTED THE OFFENSE    BEFORE A CHILD MAY WAIVE A  
25 PROBABLE CAUSE HEARING UNDER THIS SUBSECTION, THE COURT SHALL  
26 INFORM THE CHILD THAT A WAIVER OF THIS SUBSECTION WAIVES THE  
27 PRELIMINARY EXAMINATION REQUIRED BY CHAPTER VI OF THE CODE OF

1 CRIMINAL PROCEDURE, ACT NO 175 OF THE PUBLIC ACTS OF 1927, BEING  
2 SECTIONS 766 1 TO 766 22 OF THE MICHIGAN COMPILED LAWS

3 (4) UPON A SHOWING OF PROBABLE CAUSE PURSUANT TO SUBSECTION  
4 (3), THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE BEST  
5 INTERESTS OF THE CHILD AND THE PUBLIC WOULD BE SERVED BY GRANTING  
6 A WAIVER OF JURISDICTION TO THE COURT OF GENERAL CRIMINAL  
7 JURISDICTION IN MAKING THE DETERMINATION, THE COURT SHALL CON-  
8 sider THE FOLLOWING CRITERIA GIVING EACH WEIGHT AS APPROPRIATE TO  
9 THE CIRCUMSTANCES

10 (A) THE PRIOR RECORD AND CHARACTER OF THE CHILD, HIS OR HER  
11 PHYSICAL AND MENTAL MATURITY, AND HIS OR HER PATTERN OF LIVING

12 (B) THE SERIOUSNESS OF THE OFFENSE

13 (C) WHETHER THE OFFENSE IS PART OF A REPETITIVE PATTERN OF  
14 OFFENSES WHICH WOULD LEAD TO 1 OF THE FOLLOWING DETERMINATIONS

15 (1) THE CHILD IS NOT AMENABLE TO TREATMENT

16 (11) THAT DESPITE THE CHILD'S POTENTIAL FOR TREATMENT, THE  
17 NATURE OF THE CHILD'S DELINQUENT BEHAVIOR IS LIKELY TO DISRUPT  
18 THE REHABILITATION OF OTHER CHILDREN IN THE TREATMENT PROGRAM

19 (D) WHETHER, DESPITE THE CHILD'S POTENTIAL FOR TREATMENT,  
20 THE NATURE OF THE CHILD'S DELINQUENT BEHAVIOR IS LIKELY TO RENDER  
21 THE CHILD DANGEROUS TO THE PUBLIC IF RELEASED AT THE AGE OF 19 OR  
22 21

23 (E) WHETHER THE CHILD IS MORE LIKELY TO BE REHABILITATED BY  
24 THE SERVICES AND FACILITIES AVAILABLE IN ADULT PROGRAMS AND PRO-  
25 CEDURES THAN IN JUVENILE PROGRAMS AND PROCEDURES

1 (F) WHETHER IT IS IN THE BEST INTERESTS OF THE PUBLIC  
2 WELFARE AND THE PROTECTION OF THE PUBLIC SECURITY THAT THE CHILD  
3 STAND TRIAL AS AN ADULT OFFENDER

4 (5) IF LEGAL COUNSEL HAS NOT BEEN RETAINED OR APPOINTED TO  
5 REPRESENT THE CHILD, THE COURT SHALL ADVISE THE CHILD AND HIS OR  
6 HER PARENTS, GUARDIAN, CUSTODIAN, OR GUARDIAN AD LITEM OF THE  
7 CHILD'S RIGHT TO REPRESENTATION AND APPOINT LEGAL COUNSEL IF  
8 THE COURT APPOINTS LEGAL COUNSEL, THE JUDGE MAY ASSESS THE COST  
9 OF PROVIDING LEGAL COUNSEL AS COSTS AGAINST THE CHILD OR THOSE  
10 RESPONSIBLE FOR HIS OR HER SUPPORT, OR BOTH, IF THE PERSONS TO BE  
11 ASSESSED ARE FINANCIALLY ABLE TO COMPLY

12 (6) LEGAL COUNSEL SHALL HAVE ACCESS TO RECORDS OR REPORTS  
13 PROVIDED AND RECEIVED BY THE JUDGE AS A BASIS FOR DECISION IN  
14 PROCEEDINGS FOR WAIVER OF JURISDICTION A CONTINUANCE SHALL BE  
15 GRANTED AT LEGAL COUNSEL'S REQUEST IF ANY REPORT, INFORMATION OR  
16 RECOMMENDATION, NOT PREVIOUSLY AVAILABLE, IS INTRODUCED OR DEVEL-  
17 OPED AT THE HEARING AND THE INTERESTS OF JUSTICE REQUIRE A  
18 CONTINUANCE

19 (7) THE COURT SHALL ENTER A WRITTEN ORDER EITHER GRANTING OR  
20 DENYING THE MOTION TO WAIVE JURISDICTION, AND THE COURT SHALL  
21 STATE ON THE RECORD OR IN A WRITTEN OPINION THE COURT'S FINDINGS  
22 OF FACT AND CONCLUSIONS OF LAW FORMING THE BASIS FOR ENTRY OF THE  
23 ORDER IF A CHILD IS WAIVED, A TRANSCRIPT OF THE COURT'S FIND-  
24 INGS OR A COPY OF THE WRITTEN OPINION SHALL BE SENT TO THE COURT  
25 OF GENERAL CRIMINAL JURISDICTION

26 (8) IF THE COURT DOES NOT WAIVE JURISDICTION, A TRANSCRIPT  
27 OF THE COURT'S FINDINGS OR, IF A WRITTEN OPINION IS PREPARED, A

1 COPY OF THE WRITTEN OPINION SHALL BE SENT TO THE PROSECUTOR,  
2 CHILD, OR CHILD'S ATTORNEY UPON REQUEST

3 (9) IF THE COURT WAIVES JURISDICTION, THE CHILD SHALL BE  
4 ARRAIGNED ON AN INFORMATION FILED BY THE PROSECUTOR IN THE COURT  
5 OF GENERAL CRIMINAL JURISDICTION THE PROBABLE CAUSE FINDING  
6 UNDER SUBSECTION (3) SHALL SATISFY THE REQUIREMENTS OF AND BE  
7 CONSIDERED THE EQUIVALENT OF THE PRELIMINARY EXAMINATION REQUIRED  
8 BY CHAPTER VI OF ACT NO 175 OF THE PUBLIC ACTS OF 1927

9 SEC 9617 THE COURT SHALL NOT HAVE JURISDICTION OVER A  
10 CHILD AFTER HE OR SHE ATTAINS THE AGE OF 18 YEARS, EXCEPT AS PRO-  
11 VIDED IN SECTION 9605 A COMMITMENT OF A CHILD TO A PRIVATE OR  
12 PUBLIC INSTITUTION OR AGENCY SHALL NOT BE VALID AFTER THE CHILD  
13 HAS REACHED THE AGE BEYOND WHICH THE JUVENILE DIVISION DOES NOT  
14 HAVE CONTINUING JURISDICTION PURSUANT TO SECTION 9605  
15 COMMITMENTS TO A PRIVATE OR INCORPORATED INSTITUTION OR AGENCY  
16 SHALL NOT DIVEST THE COURT OF JURISDICTION UNLESS THE CHILD IS  
17 ADOPTED IN A MANNER PROVIDED BY LAW

18 SEC 9619 THE COURT HAS JURISDICTION OVER ADULTS AS PRO-  
19 VIDED IN THIS CHAPTER AND MAY MAKE SUCH ORDERS AFFECTING ADULTS  
20 AS IN THE OPINION OF THE COURT ARE NECESSARY FOR THE PHYSICAL,  
21 MENTAL, OR MORAL WELL-BEING OF A PARTICULAR CHILD OR CHILDREN  
22 UNDER ITS JURISDICTION HOWEVER, THOSE ORDERS SHALL BE INCIDENT-  
23 TAL TO THE JURISDICTION OF THE COURT OVER THE CHILD OR CHILDREN

24 SEC 9621 THE COURT MAY APPOINT A REGISTRAR OF THE COURT  
25 THE REGISTRAR SHALL PREPARE ALL PETITIONS FOR INVESTIGATION, SUM-  
26 MONS, WRITS AND OTHER NECESSARY PAPERS, AND SHALL PERFORM SUCH  
27 DUTIES AS REQUIRED BY THE JUDGE THE REGISTRAR SHALL EXERCISE



1 AND BE COMPETENT TO DO ALL ACTS REQUIRED OF THE JUDGE, EXCEPT  
2 JUDICIAL ACTS

3        SEC 9623     THE OFFICE OF COUNTY AGENT IS CREATED     THE  
4 COUNTY AGENT SHALL BE AN OFFICER OF THE COURT AND UNDER THE GEN-  
5 ERAL SUPERVISION OF THE JUDGES OF THE COURT AND SHALL SERVE AT  
6 THEIR PLEASURE     THE COUNTY AGENT SHALL ORGANIZE, DIRECT, AND  
7 DEVELOP THE CHILD WELFARE WORK OF THE COURT WHEN SO AUTHORIZED BY  
8 THE JUDGE     WHEN REQUESTED BY THE SUPERINTENDENT OR DIRECTOR, THE  
9 COUNTY AGENT SHALL SUPERVISE CHILDREN WHEN RELEASED FROM PUBLIC  
10 INSTITUTIONS OR AGENCIES AND MAY PERFORM SUCH OTHER CHILD WELFARE  
11 WORK AS REQUESTED AND WITH THE APPROVAL OF THE JUDGE, INCLUDING  
12 SERVICES TO SCHOOL-AGE CHILDREN OF THE VARIOUS SCHOOL DISTRICTS  
13 WITHIN THE COUNTY, AFTER CONSULTATION AND AGREEMENT WITH THE  
14 COUNTY SCHOOL COMMISSIONER AND THE SUPERINTENDENTS OF SCHOOLS IN  
15 A COUNTY     THE COUNTY AGENT SHALL, WITH THE APPROVAL OF THE  
16 JUDGE, MAKE SUCH INVESTIGATIONS AND REPORTS ON CHILDREN OR FAMI-  
17 LIES WITHIN THE COUNTY AS MAY BE REQUESTED BY THE STATE DEPART-  
18 MENT OF SOCIAL SERVICES OR BY THE SUPERINTENDENT OF ANY STATE  
19 INSTITUTION RELATIVE TO THE WELFARE OF ANY CHILD     THE STATE  
20 DEPARTMENT OF SOCIAL SERVICES SHALL ASSIST IN THE WORK OF THE  
21 COUNTY AGENTS AND ASSISTANTS AS PROVIDED IN SECTION 14(C) OF ACT  
22 NO 280 OF THE PUBLIC ACTS OF 1939, BEING SECTION 400 14 OF THE  
23 MICHIGAN COMPILED LAWS     ASSISTANT COUNTY AGENTS SHALL PERFORM  
24 SUCH DUTIES AS MAY BE ASSIGNED TO THEM BY THE COUNTY AGENT

25        SEC 9625     (1) THE COURT IN EACH COUNTY MAY APPOINT 1 OR  
26 MORE SUITABLE PERSONS OF GOOD CHARACTER AND QUALIFIED TRAINING OR  
27 EXPERIENCE, OTHER THAN THE COUNTY AGENT OR ASSISTANTS, TO ACT AS

1 PROBATION OFFICER A PROBATION OFFICER SHALL RECEIVE SUCH  
2 COMPENSATION AS THE COUNTY BOARD OF COMMISSIONERS MAY APPROPRIATE  
3 FOR THAT PURPOSE, AND, AT THE DISCRETION OF THE JUDGE, MAY BE  
4 AUTHORIZED TO PERFORM COUNTY AGENT DUTIES

5 (2) THE COURT MAY ALSO APPOINT OTHER PROBATION OFFICERS WHO  
6 SHALL RECEIVE NO COMPENSATION FROM THE COUNTY TREASURY FOR THE  
7 DUTIES PERFORMED UNDER THAT APPOINTMENT

8 (3) THE COURT SHALL NOTIFY THE STATE DEPARTMENT OF SOCIAL  
9 SERVICES OF THE APPOINTMENT OF ALL PAID PROBATION OFFICERS  
10 APPOINTED BY THE COURT UNDER THIS CHAPTER ALL PROBATION OFFI-  
11 CERS SHALL HOLD OFFICE AT THE PLEASURE OF THE COURT AND SHALL  
12 REPORT TO THE COURT UPON ALL CASES UNDER THEIR CARE

13 SEC 9627 (1) EXCEPT AS OTHERWISE PROVIDED IN  
14 SUBSECTION (2), THE JUDGE MAY DESIGNATE A PROBATION OFFICER OR  
15 COUNTY AGENT TO ACT AS REFEREE IN TAKING THE TESTIMONY OF WIT-  
16 NESSES AND HEARING THE STATEMENTS OF PARTIES UPON THE HEARING OF  
17 PETITIONS ALLEGING THAT A CHILD IS WITHIN THE PROVISIONS OF THIS  
18 CHAPTER, IF THERE IS NO OBJECTION BY PARTIES IN INTEREST THE  
19 PROBATION OFFICER OR COUNTY AGENT DESIGNATED TO ACT AS REFEREE  
20 SHALL DO ALL OF THE FOLLOWING

21 (A) TAKE AND SUBSCRIBE THE OATH OF OFFICE PROVIDED BY THE  
22 CONSTITUTION

23 (B) ADMINISTER OATHS AND EXAMINE WITNESSES

24 (C) IF A CASE REQUIRES A HEARING AND THE TAKING OF TESTIMO-  
25 NY, MAKE A WRITTEN SIGNED REPORT TO THE JUDGE CONTAINING A SUM-  
26 MARY OF THE TESTIMONY TAKEN AND A RECOMMENDATION FOR THE COURT'S  
27 FINDINGS AND DISPOSITION

1           (2) IF A CHILD IS BEFORE THE COURT UNDER SECTION 9603(2)(A),  
2 A PROBATION OFFICER OR COUNTY AGENT WHO IS NOT LICENSED TO PRAC-  
3 TICE LAW IN THIS STATE SHALL NOT BE DESIGNATED TO ACT AS A REF-  
4 EREE IN ANY HEARING FOR THE CHILD, EXCEPT THE PRELIMINARY INQUIRY  
5 OR PRELIMINARY HEARING   THIS SUBSECTION DOES NOT APPLY TO A PRO-  
6 BATION OFFICER OR COUNTY AGENT WHO HAS BEEN DESIGNATED TO ACT AS  
7 A REFEREE BY THE JUDGE BEFORE JANUARY 1, 1988 AND WHO IS ACTING  
8 AS A REFEREE AS OF JANUARY 1, 1988

9           SEC 9629   (1) BEFORE JUNE 1, 1988, IF A PERSON GIVES  
10 INFORMATION TO THE COURT THAT A CHILD IS WITHIN THE PROVISIONS OF  
11 THIS CHAPTER, A PRELIMINARY INQUIRY MAY BE MADE TO DETERMINE  
12 WHETHER THE INTERESTS OF THE PUBLIC OR OF THE CHILD REQUIRE THAT  
13 FURTHER ACTION BE TAKEN   IF IT APPEARS THAT FORMAL JURISDICTION  
14 SHOULD BE ACQUIRED, THE COURT SHALL AUTHORIZE A PETITION TO BE  
15 FILED

16           (2) BEGINNING JUNE 1, 1988 AND EXCEPT AS PROVIDED IN SUBSEC-  
17 TION (3), IF A PERSON GIVES INFORMATION TO THE COURT THAT A CHILD  
18 IS WITHIN SECTION 9603(2), (3), (5), OR (6), A PRELIMINARY  
19 INQUIRY MAY BE MADE TO DETERMINE WHETHER THE INTERESTS OF THE  
20 PUBLIC OR OF THE CHILD REQUIRE THAT FURTHER ACTION BE TAKEN   IF  
21 IT APPEARS THAT FORMAL JURISDICTION SHOULD BE ACQUIRED, THE COURT  
22 SHALL AUTHORIZE A PETITION TO BE FILED

23           (3) BEGINNING JUNE 1, 1988, ONLY THE PROSECUTING ATTORNEY  
24 MAY FILE A PETITION REQUESTING THE COURT TO TAKE JURISDICTION OF  
25 A CHILD ALLEGEDLY WITHIN SECTION 9603(2)(A)   IF THE PROSECUTING  
26 ATTORNEY SUBMITS A PETITION REQUESTING THE COURT TO TAKE  
27 JURISDICTION OF A CHILD ALLEGEDLY WITHIN SECTION 9603(2)(A) AND

1 IT APPEARS THAT FORMAL JURISDICTION SHOULD BE ACQUIRED, THE COURT  
2 SHALL AUTHORIZE A PETITION TO BE FILED

3 (4) THE PETITION DESCRIBED IN SUBSECTIONS (1), (2), AND (3)  
4 SHALL BE VERIFIED AND MAY BE UPON INFORMATION AND BELIEF THE  
5 PETITION SHALL SET FORTH PLAINLY THE FACTS THAT BRING THE CHILD  
6 WITHIN THIS CHAPTER AND SHALL CONTAIN ALL OF THE FOLLOWING  
7 INFORMATION

8 (A) THE NAME, BIRTH DATE, AND ADDRESS OF THE CHILD

9 (B) THE NAME AND ADDRESS OF THE CHILD'S PARENTS

10 (C) THE NAME AND ADDRESS OF THE CHILD'S LEGAL GUARDIAN, IF  
11 THERE IS ONE

12 (D) THE NAME AND ADDRESS OF EACH PERSON HAVING CUSTODY OR  
13 CONTROL OF THE CHILD

14 (E) THE NAME AND ADDRESS OF THE CHILD'S NEAREST KNOWN RELA-  
15 TIVE, IF NO PARENT OR GUARDIAN CAN BE FOUND

16 (5) IF ANY OF THE FACTS REQUIRED BY SUBSECTION (4) ARE NOT  
17 KNOWN TO THE PETITIONER, THE PETITION SHALL SO STATE IF THE  
18 CHILD ATTAINS HIS OR HER SEVENTEENTH BIRTHDAY AFTER THE FILING OF  
19 THE PETITION, THE JURISDICTION OF THE COURT SHALL CONTINUE BEYOND  
20 THE CHILD'S SEVENTEENTH BIRTHDAY, AND THE COURT SHALL HAVE  
21 AUTHORITY TO HEAR AND DISPOSE OF THE PETITION IN ACCORDANCE WITH  
22 THIS CHAPTER

23 (6) BEGINNING JUNE 1, 1988, AT THE TIME A PETITION IS AUTHO-  
24 RIZED, THE COURT SHALL EXAMINE THE COURT FILE TO DETERMINE IF A  
25 CHILD HAS HAD FINGERPRINTS TAKEN AS REQUIRED BY SECTION 3 OF ACT  
26 NO 289 OF THE PUBLIC ACTS OF 1925, BEING SECTION 28 243 OF THE

1 MICHIGAN COMPILED LAWS IF A CHILD HAS NOT HAD HIS OR HER  
2 FINGERPRINTS TAKEN, THE COURT SHALL DO EITHER OF THE FOLLOWING

3 (A) ORDER THE CHILD TO SUBMIT HIMSELF OR HERSELF TO THE  
4 POLICE AGENCY THAT ARRESTED OR OBTAINED THE WARRANT FOR THE  
5 ARREST OF THE CHILD SO THE CHILD'S FINGERPRINTS CAN BE TAKEN

6 (B) ORDER THE CHILD COMMITTED TO THE CUSTODY OF THE SHERIFF  
7 FOR THE TAKING OF THE CHILD'S FINGERPRINTS

8 (7) A PETITION OR OTHER COURT RECORD MAY BE AMENDED AT ANY  
9 STAGE OF THE PROCEEDINGS, AS THE ENDS OF JUSTICE MAY REQUIRE

10 (8) IF THE JUVENILE DIVERSION ACT IS COMPLIED WITH AND IT  
11 APPEARS THAT COURT SERVICES CAN BE USED IN THE PREVENTION OF  
12 DELINQUENCY WITHOUT FORMAL JURISDICTION, THE COURT MAY OFFER  
13 COURT SERVICES TO CHILDREN WITHOUT A PETITION BEING AUTHORIZED AS  
14 PROVIDED IN SECTION 9603(8)

15 SEC 9631 AFTER A PETITION HAS BEEN FILED AND AFTER FUR-  
16 THER INVESTIGATION AS THE COURT MAY DIRECT, IN THE COURSE OF  
17 WHICH THE COURT MAY ORDER THE CHILD TO BE EXAMINED BY A PHYSI-  
18 CIAN, DENTIST, PSYCHOLOGIST, OR PSYCHIATRIST, THE COURT MAY DIS-  
19 MISS THE PETITION OR MAY ISSUE A SUMMONS RECITING BRIEFLY THE  
20 SUBSTANCE OF THE PETITION, AND REQUIRING THE PERSON OR PERSONS  
21 WHO HAVE THE CUSTODY OR CONTROL OF THE CHILD, OR WITH WHOM THE  
22 CHILD MAY BE, TO APPEAR PERSONALLY AND BRING THE CHILD BEFORE THE  
23 COURT AT A TIME AND PLACE STATED THE COURT IN ITS DISCRETION  
24 MAY EXCUSE BUT NOT RESTRICT CHILDREN FROM ATTENDING THE HEARING  
25 IF THE PERSON SUMMONED IS NOT THE PARENT OR GUARDIAN OF THE  
26 CHILD, THE PARENTS OR GUARDIAN, OR BOTH, SHALL ALSO BE NOTIFIED  
27 OF THE PETITION AND OF THE TIME AND PLACE APPOINTED FOR THE

1 HEARING, BY PERSONAL SERVICE BEFORE THE HEARING, EXCEPT AS  
2 OTHERWISE PROVIDED IN THIS CHAPTER SUMMONS MAY BE ISSUED  
3 REQUIRING THE APPEARANCE OF ANY OTHER PERSON WHOSE PRESENCE, IN  
4 THE OPINION OF THE JUDGE, IS NECESSARY ANY INTERESTED PARTY WHO  
5 VOLUNTARILY APPEARS IN A PROCEEDING MAY, BY WRITING, WAIVE SERV-  
6 ICE OF PROCESS OR NOTICE OF THE HEARING

7 SEC 9633 (1) SERVICE OF SUMMONS MAY BE MADE ANYWHERE IN  
8 THE STATE PERSONALLY BY THE DELIVERY OF TRUE COPIES OF THE SUM-  
9 MONS TO THE PERSONS SUMMONED IF THE JUDGE IS SATISFIED THAT IT  
10 IS IMPRACTICABLE TO SERVE A SUMMONS PERSONALLY OR THE NOTICE PRO-  
11 VIDED FOR IN SECTION 9631, HE OR SHE MAY ORDER SERVICE BY REGIS-  
12 TERED MAIL ADDRESSED TO THEIR LAST KNOWN ADDRESSES, OR BY PUBLI-  
13 CATION, OR BOTH JURISDICTION IS CONFERRED IF PERSONAL SERVICE  
14 IS EFFECTED AT LEAST 72 HOURS BEFORE THE DATE OF HEARING REGIS-  
15 TERED MAIL IS MAILED AT LEAST 5 DAYS BEFORE THE DATE OF HEARING  
16 IF WITHIN THE STATE OR 14 DAYS IF OUTSIDE OF THE STATE OR PUBLI-  
17 CATION IS MADE ONCE IN SOME NEWSPAPER PRINTED AND CIRCULATED IN  
18 THE COUNTY IN WHICH THE COURT IS LOCATED AT LEAST 1 WEEK BEFORE  
19 THE TIME FIXED IN THE SUMMONS OR NOTICE FOR THE HEARING

20 (2) SERVICE OF SUMMONS, NOTICES, OR ORDERS REQUIRED BY THIS  
21 CHAPTER MAY BE MADE BY ANY PEACE OFFICER OR BY ANY OTHER SUITABLE  
22 PERSON DESIGNATED BY THE JUDGE THE JUDGE MAY AUTHORIZE THE PAY-  
23 MENT OF NECESSARY TRAVELING EXPENSES INCURRED BY ANY PERSON SUM-  
24 MONED OR OTHERWISE REQUIRED TO APPEAR AT THE TIME OF HEARING OF  
25 ANY CASE COMING WITHIN THE PROVISIONS OF THIS CHAPTER, AND THE  
26 EXPENSES AND THE EXPENSES OF MAKING SERVICE, IF APPROVED BY THE

1 JUDGE, SHALL BE PAID BY THE COUNTY TREASURER FROM THE GENERAL  
2 FUND OF THE COUNTY

3 (3) IF ANY PERSON SUMMONED, AS PROVIDED IN THIS SECTION,  
4 FAILS WITHOUT REASONABLE CAUSE TO APPEAR BEFORE THE COURT, THAT  
5 PERSON MAY BE PROCEEDED AGAINST FOR CONTEMPT OF COURT AND PUN-  
6 ISHED ACCORDINGLY

7 SEC 9635 (1) AS USED IN THIS SECTION AND SECTIONS 9663,  
8 9665, 9667, 9669, AND 9671

9 (A) "AGENCY" MEANS A PUBLIC OR PRIVATE ORGANIZATION, INSTI-  
10 TUTION, OR FACILITY RESPONSIBLE PURSUANT TO COURT ORDER OR CON-  
11 TRACTUAL ARRANGEMENT FOR THE CARE AND SUPERVISION OF A CHILD

12 (B) "FOSTER CARE" MEANS CARE PROVIDED TO A CHILD IN A FOSTER  
13 FAMILY HOME, FOSTER FAMILY GROUP HOME, OR CHILD CARING INSTITU-  
14 TION LICENSED OR APPROVED UNDER ACT NO 116 OF THE PUBLIC ACTS OF  
15 1973, BEING SECTIONS 722 111 TO 722 128 OF THE MICHIGAN COMPILED  
16 LAWS, OR CARE PROVIDED TO A CHILD IN A RELATIVE'S HOME PURSUANT  
17 TO AN ORDER BY THE COURT

18 (2) IF A CHILD IS ALLEGED TO COME WITHIN THE PROVISIONS OF  
19 SECTION 9603(3), THE COURT MAY AUTHORIZE A PETITION TO BE FILED  
20 AT THE CONCLUSION OF THE PRELIMINARY HEARING OR INQUIRY THE  
21 PETITION MAY BE AUTHORIZED UPON A SHOWING OF PROBABLE CAUSE THAT  
22 1 OR MORE OF THE ALLEGATIONS IN THE PETITION ARE TRUE AND FALL  
23 WITHIN THE PROVISIONS OF SECTION 9603(3)

24 (3) IF A PETITION UNDER SUBSECTION (2) IS AUTHORIZED, THE  
25 COURT MAY RELEASE THE CHILD IN THE CUSTODY OF EITHER OF THE  
26 CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN UNDER SUCH REASONABLE

1 TERMS AND CONDITIONS AS ARE NECESSARY FOR EITHER THE PHYSICAL  
2 HEALTH OR MENTAL WELL-BEING OF THE CHILD

3 (4) IF A PETITION ALLEGING ABUSE BY A PARENT, GUARDIAN, CUS-  
4 TODIAN, OR OTHER PERSON RESIDING IN THE CHILD'S HOME IS AUTHO-  
5 RIZED UNDER SUBSECTION (2) AND THE COURT AFTER A HEARING FINDS  
6 PROBABLE CAUSE TO BELIEVE THE PARENT, GUARDIAN, CUSTODIAN, OR  
7 OTHER PERSON COMMITTED THE ABUSE, THE COURT MAY ORDER THAT  
8 PARENT, GUARDIAN, CUSTODIAN, OR OTHER PERSON TO LEAVE THE HOME  
9 AND NOT SUBSEQUENTLY RETURN TO IT, EXCEPT AS THE COURT ORDERS,  
10 AND MAY RELEASE THE CHILD TO THE OTHER PARENT OR TO ANOTHER  
11 GUARDIAN OR CUSTODIAN THE COURT SHALL NOT ENTER AN ORDER UNDER  
12 THIS SUBSECTION UNLESS THE COURT DETERMINES ALL OF THE  
13 FOLLOWING

14 (A) THE PRESENCE IN THE HOME OF THE PERSON WHO IS ALLEGED TO  
15 HAVE COMMITTED THE ABUSE PRESENTS A SUBSTANTIAL RISK OF HARM TO  
16 THE CHILD'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING

17 (B) REMOVING THE PERSON WHO IS ALLEGED TO HAVE COMMITTED THE  
18 ABUSE IS NECESSARY TO ADEQUATELY SAFEGUARD THE CHILD FROM THE  
19 RISK OF HARM TO THE CHILD'S LIFE, PHYSICAL HEALTH, OR MENTAL  
20 WELL-BEING

21 (C) THE CONDITIONS OF CUSTODY WITH THE OTHER PARENT OR  
22 ANOTHER GUARDIAN OR CUSTODIAN ARE ADEQUATE TO SAFEGUARD THE CHILD  
23 FROM THE RISK OF HARM TO THE CHILD'S LIFE, PHYSICAL HEALTH, OR  
24 MENTAL WELL-BEING

25 (D) IT IS IN THE BEST INTERESTS OF THE CHILD FOR THE CHILD  
26 TO REMAIN IN THE HOME



1           (5) IN DETERMINING WHETHER TO ENTER AN ORDER UNDER  
2 SUBSECTION (4), THE COURT MAY CONSIDER WHETHER THE PARENT WHO IS  
3 TO REMAIN IN THE CHILD'S HOME IS MARRIED TO THE PERSON TO BE  
4 REMOVED OR HAS A LEGAL RIGHT TO RETAIN POSSESSION OF THE HOME

5           (6) AN ORDER ENTERED UNDER SUBSECTION (4) MAY ALSO CONTAIN 1  
6 OR MORE OF THE FOLLOWING TERMS OR CONDITIONS

7           (A) THE COURT MAY REQUIRE THE ALLEGED ABUSIVE PARENT TO PAY  
8 APPROPRIATE SUPPORT TO MAINTAIN A SUITABLE HOME ENVIRONMENT FOR  
9 THE CHILD DURING THE DURATION OF THE ORDER

10          (B) THE COURT MAY ORDER THE ALLEGED ABUSIVE PERSON, ACCORD-  
11 ING TO TERMS THE COURT MAY SET, TO SURRENDER TO A LOCAL LAW  
12 ENFORCEMENT AGENCY ANY FIREARMS OR OTHER POTENTIALLY DANGEROUS  
13 WEAPONS THE ALLEGED ABUSIVE PERSON OWNS, POSSESSES OR USES

14          (C) THE COURT MAY INCLUDE ANY REASONABLE TERM OR CONDITION  
15 NECESSARY FOR THE CHILD'S PHYSICAL OR MENTAL WELL-BEING OR NECES-  
16 SARY TO PROTECT THE CHILD

17          (7) IF A PETITION UNDER SUBSECTION (2) IS AUTHORIZED, THE  
18 COURT MAY ORDER PLACEMENT OF THE CHILD WITH SOMEONE OTHER THAN A  
19 PARENT IF THE COURT AFTER HEARING DETERMINES THAT BOTH OF THE  
20 FOLLOWING CONDITIONS EXIST

21          (A) CUSTODY OF THE CHILD WITH A PARENT, GUARDIAN, OR CUSTO-  
22 DIAN PRESENTS A SUBSTANTIAL RISK OF HARM TO THE CHILD'S LIFE,  
23 PHYSICAL HEALTH, OR MENTAL WELL-BEING AND NO PROVISION OF SERVICE  
24 OR OTHER ARRANGEMENT EXCEPT REMOVAL OF THE CHILD IS REASONABLY  
25 AVAILABLE TO ADEQUATELY SAFEGUARD THE CHILD FROM SUCH RISK

1 (B) CONDITIONS OF CUSTODY OF THE CHILD AWAY FROM A PARENT,  
2 GUARDIAN, OR CUSTODIAN ARE ADEQUATE TO SAFEGUARD THE CHILD'S  
3 HEALTH AND WELFARE

4 (8) IF THE COURT ORDERS PLACEMENT OF THE CHILD OUTSIDE THE  
5 CHILD'S HOME, THE COURT SHALL INFORM THE PARTIES OF THE  
6 FOLLOWING

7 (A) THE AGENCY HAS THE RESPONSIBILITY TO PREPARE AN INITIAL  
8 SERVICES PLAN WITHIN 30 DAYS OF THE CHILD'S PLACEMENT

9 (B) THE GENERAL ELEMENTS OF AN INITIAL SERVICES PLAN AS  
10 REQUIRED BY THE RULES PROMULGATED PURSUANT TO ACT NO 116 OF THE  
11 PUBLIC ACTS OF 1973

12 (C) WITHOUT A COURT ORDER PARTICIPATION IN AN INITIAL SERV-  
13 ICES PLAN IS VOLUNTARY

14 (9) IN DETERMINING PLACEMENT OF A CHILD PENDING TRIAL, THE  
15 COURT SHALL ORDER THE CHILD PLACED IN THE MOST FAMILY-LIKE SET-  
16 TING AVAILABLE CONSISTENT WITH THE NEEDS OF THE CHILD

17 (10) UNLESS VISITATION, EVEN IF SUPERVISED, WOULD BE HARMFUL  
18 TO THE CHILD, THE CHILD'S PARENT SHALL BE PERMITTED TO VISIT FRE-  
19 QUENTLY WITH THE CHILD

20 (11) UPON THE MOTION OF ANY PARTY, THE COURT SHALL REVIEW  
21 CUSTODY AND PLACEMENT ORDERS AND INITIAL SERVICES PLANS PENDING  
22 TRIAL AND MAY MODIFY THOSE ORDERS AND PLANS AS THE COURT CONSID-  
23 ERS PURSUANT TO THIS SECTION ARE IN THE BEST INTERESTS OF THE  
24 CHILD

25 (12) AS USED IN SUBSECTION (4), "ABUSE" MEANS ANY OF THE  
26 FOLLOWING

}

1 (A) HARM OR THREATENED HARM BY A PERSON TO A CHILD'S HEALTH  
2 OR WELFARE THAT OCCURS THROUGH NONACCIDENTAL PHYSICAL OR MENTAL  
3 INJURY

4 (B) ENGAGING IN SEXUAL CONTACT OR PENETRATION WITH A CHILD  
5 AS DEFINED IN SECTION 520A OF THE MICHIGAN PENAL CODE, ACT  
6 NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 520A OF THE  
7 MICHIGAN COMPILED LAWS

8 (C) SEXUAL EXPLOITATION OF A CHILD, WHICH INCLUDES, BUT IS  
9 NOT LIMITED TO, ALLOWING, PERMITTING, OR ENCOURAGING A CHILD TO  
10 ENGAGE IN PROSTITUTION, OR ALLOWING, PERMITTING, ENCOURAGING, OR  
11 ENGAGING IN THE PHOTOGRAPHING, FILMING, OR DEPICTING OF A CHILD  
12 ENGAGED IN A LISTED SEXUAL ACT AS DEFINED IN SECTION 145C OF ACT  
13 NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 145C OF THE  
14 MICHIGAN COMPILED LAWS

15 (D) MALTREATMENT OF A CHILD

16 SEC 9637 (1) ANY LOCAL POLICE OFFICER, SHERIFF OR DEPUTY  
17 SHERIFF, STATE POLICE OFFICER, COUNTY AGENT, OR PROBATION OFFICER  
18 OF ANY COURT OF RECORD MAY, WITHOUT THE ORDER OF THE COURT, IMME-  
19 DIATELY TAKE INTO CUSTODY ANY CHILD WHO IS FOUND VIOLATING ANY  
20 LAW OR ORDINANCE, OR WHOSE SURROUNDINGS ARE SUCH AS TO ENDANGER  
21 HIS OR HER HEALTH, MORALS, OR WELFARE IF AN OFFICER OR COUNTY  
22 AGENT TAKES A CHILD COMING WITHIN THE PROVISIONS OF THIS CHAPTER  
23 INTO CUSTODY, HE OR SHE SHALL IMMEDIATELY ATTEMPT TO NOTIFY THE  
24 PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN WHILE AWAITING THE  
25 ARRIVAL OF THE PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN, A CHILD  
26 UNDER THE AGE OF 17 YEARS TAKEN INTO CUSTODY UNDER THE PROVISIONS  
27 OF THIS CHAPTER SHALL NOT BE HELD IN ANY DETENTION FACILITY

1 UNLESS THE CHILD IS COMPLETELY ISOLATED SO AS TO PREVENT ANY  
2 VERBAL, VISUAL, OR PHYSICAL CONTACT WITH ANY ADULT PRISONER  
3 UNLESS THE CHILD REQUIRES IMMEDIATE DETENTION AS PROVIDED FOR IN  
4 THIS CHAPTER, THE OFFICER SHALL ACCEPT THE WRITTEN PROMISE OF THE  
5 PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN, TO BRING THE CHILD TO  
6 THE COURT AT A TIME FIXED IN THE WRITTEN PROMISE THE CHILD  
7 SHALL THEN BE RELEASED TO THE CUSTODY OF THE PARENT OR PARENTS,  
8 GUARDIAN, OR CUSTODIAN

9 (2) IF A CHILD IS NOT RELEASED UNDER SUBSECTION (1), THE  
10 CHILD AND HIS OR HER PARENTS, GUARDIAN, OR CUSTODIAN, IF THEY CAN  
11 BE LOCATED, SHALL IMMEDIATELY BE BROUGHT BEFORE THE COURT FOR A  
12 PRELIMINARY HEARING ON THE STATUS OF THE CHILD, AND AN ORDER  
13 SIGNED BY A JUDGE OR A REFEREE AUTHORIZING THE FILING OF A COM-  
14 PLAINTE SHALL BE ENTERED OR THE CHILD SHALL BE RELEASED TO HIS OR  
15 HER PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN

16 (3) IF A COMPLAINT IS AUTHORIZED UNDER SUBSECTION (2), THE  
17 ORDER SHALL STATE WHERE THE CHILD IS TO BE PLACED, PENDING INVES-  
18 TIGATION AND HEARING, WHICH PLACEMENT MAY BE IN ANY OF THE  
19 FOLLOWING

20 (A) IN THE HOME OF THE CHILD'S PARENT, GUARDIAN, OR  
21 CUSTODIAN

22 (B) IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER SEC-  
23 TION 9603(2), IN A SUITABLE FOSTER CARE HOME SUBJECT TO THE  
24 COURT'S SUPERVISION EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS  
25 (4) AND (5), IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER  
26 SECTION 9603(3), THE COURT SHALL NOT PLACE A CHILD IN A FOSTER  
27 CARE HOME SUBJECT TO THE COURT'S SUPERVISION

1 (C) IN A CHILD CARE INSTITUTION OR CHILD PLACING AGENCY  
2 LICENSED BY THE STATE DEPARTMENT OF SOCIAL SERVICES TO RECEIVE  
3 FOR CARE CHILDREN WITHIN THE JURISDICTION OF THE COURT

4 (D) IN A SUITABLE PLACE OF DETENTION

5 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), IF A  
6 COURT IS PROVIDING AT THE TIME OF THE ENACTMENT OF THIS SUBSEC-  
7 TION FOSTER CARE HOME SERVICES SUBJECT TO THE COURT'S SUPERVISION  
8 TO CHILDREN WITHIN SECTION 9603(3), THE COURT MAY CONTINUE TO  
9 PROVIDE THOSE SERVICES THROUGH DECEMBER 31, 1989 BEGINNING  
10 JANUARY 1, 1990, THE COURT SHALL DISCONTINUE PROVIDING THOSE  
11 SERVICES

12 (5) IF, ON APRIL 1, 1989, A COURT LOCATED IN A COUNTY WITH A  
13 POPULATION IN EXCESS OF 650,000 IS PROVIDING FOSTER CARE HOME  
14 SERVICES SUBJECT TO THE COURT'S SUPERVISION TO CHILDREN WITHIN  
15 SECTION 9603(3), THE COURT MAY CONTINUE TO PROVIDE THOSE SERVICES  
16 THROUGH DECEMBER 31, 1991 BEGINNING JANUARY 1, 1992, THE COURT  
17 SHALL DISCONTINUE THOSE SERVICES

18 SEC 9639 (1) IN THE CASE OF A CHILD CONCERNING WHOM A  
19 COMPLAINT HAS BEEN MADE OR A PETITION OR SUPPLEMENTAL PETITION OR  
20 PETITION FOR REVOCATION OF PROBATION HAS BEEN FILED PURSUANT TO  
21 THIS CHAPTER, THE COURT MAY ORDER THE CHILD, PENDING THE HEARING,  
22 DETAINED IN A FACILITY AS THE COURT SHALL DESIGNATE THE COURT  
23 MAY RELEASE THE CHILD, PENDING THE HEARING, IN THE CUSTODY OF A  
24 PARENT, GUARDIAN, OR CUSTODIAN, TO BE BROUGHT BEFORE THE COURT AT  
25 THE TIME DESIGNATED

26 (2) CUSTODY, PENDING HEARING, IS LIMITED TO THE FOLLOWING  
27 CHILDREN

1 (A) THOSE WHOSE HOME CONDITIONS MAKE IMMEDIATE REMOVAL  
2 NECESSARY

3 (B) THOSE WHO HAVE A RECORD OF UNEXCUSED FAILURES TO APPEAR  
4 AT JUVENILE COURT PROCEEDINGS

5 (C) THOSE WHO HAVE RUN AWAY FROM HOME

6 (D) THOSE WHO HAVE FAILED TO REMAIN IN A DETENTION OR NONSE-  
7 CURE FACILITY OR PLACEMENT IN VIOLATION OF A COURT ORDER

8 (E) THOSE WHOSE OFFENSES ARE SO SERIOUS THAT RELEASE WOULD  
9 ENDANGER PUBLIC SAFETY

10 (3) A CHILD TAKEN INTO CUSTODY PURSUANT TO SECTION 9603(2)  
11 OR SUBSECTION (2)(C), WHO IS NOT UNDER THE JURISDICTION OF THE  
12 COURT PURSUANT TO SECTION 9603(2)(A), SHALL NOT BE DETAINED IN  
13 ANY SECURE FACILITY DESIGNED TO PHYSICALLY RESTRICT THE MOVEMENTS  
14 AND ACTIVITIES OF ALLEGED OR ADJUDICATED JUVENILE OFFENDERS  
15 UNLESS THE COURT FINDS THAT THE CHILD WILLFULLY VIOLATED A COURT  
16 ORDER AND THE COURT FINDS, AFTER A HEARING AND ON THE RECORD,  
17 THAT THERE IS NOT A LESS RESTRICTIVE ALTERNATIVE MORE APPROPRIATE  
18 TO THE NEEDS OF THE CHILD

19 (4) A CHILD TAKEN INTO CUSTODY PURSUANT TO SECTION 9603(3)  
20 OR SUBSECTION (2)(A) SHALL NOT BE DETAINED IN ANY SECURE FACILITY  
21 DESIGNED TO PHYSICALLY RESTRICT THE MOVEMENTS AND ACTIVITIES OF  
22 ALLEGED OR ADJUDICATED JUVENILE OFFENDERS OR IN A CELL OR OTHER  
23 SECURE AREA OF ANY SECURE FACILITY DESIGNED TO INCARCERATE  
24 ADULTS

25 (5) A CHILD TAKEN INTO CUSTODY PURSUANT TO SECTION 9603(2)  
26 OR SUBSECTION (2)(C) WHO IS NOT UNDER THE JURISDICTION OF THE  
27 COURT PURSUANT TO THE PROVISIONS OF SECTION 9603(2)(A) FOR AN

1 OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD BE A FELONY SHALL  
2 NOT BE DETAINED IN A CELL OR OTHER SECURE AREA OF ANY SECURE  
3 FACILITY DESIGNED TO INCARCERATE ADULTS

4       SEC 9641   (1) IF A CHILD UNDER THE AGE OF 17 YEARS IS  
5 TAKEN INTO CUSTODY OR DETAINED, THE CHILD SHALL NOT BE CONFINED  
6 IN ANY POLICE STATION, PRISON, JAIL, LOCK-UP, OR REFORMATORY, OR  
7 BE TRANSPORTED WITH, OR COMPELLED OR PERMITTED TO ASSOCIATE OR  
8 MINGLE WITH, CRIMINAL OR DISSOLUTE PERSONS   HOWEVER, EXCEPT AS  
9 OTHERWISE PROVIDED IN SECTION 9639(3), (4) AND (5), A CHILD 15  
10 YEARS OF AGE OR OLDER WHOSE HABITS OR CONDUCT ARE CONSIDERED A  
11 MENACE TO OTHER CHILDREN, OR WHO MAY NOT OTHERWISE BE SAFELY  
12 DETAINED, MAY, ON ORDER OF THE COURT, BE PLACED IN A JAIL OR  
13 OTHER PLACE OF DETENTION FOR ADULTS, BUT IN A ROOM OR WARD SEPA-  
14 RATE FROM ADULTS, AND FOR A PERIOD NOT TO EXCEED 30 DAYS, UNLESS  
15 LONGER DETENTION IS NECESSARY FOR THE SERVICE OF PROCESS

16       (2) PROVISION MAY BE MADE BY THE COUNTY BOARD OF COMMISSION-  
17 ERS IN EACH COUNTY OR OF COUNTIES CONTRACTING TOGETHER FOR THE  
18 DIAGNOSIS, TREATMENT, CARE, TRAINING, AND DETENTION OF CHILDREN  
19 IN A CHILD CARE HOME TO BE CONDUCTED AS AN AGENCY OF THE COURT OR  
20 COUNTY IF THE HOME OR FACILITY MEETS LICENSING STANDARDS ESTAB-  
21 LISHED BY THE STATE DEPARTMENT OF SOCIAL SERVICES   THE COURT OR  
22 A COURT APPROVED AGENCY MAY ARRANGE FOR THE BOARDING OF CHILDREN  
23 BY ANY OF THE FOLLOWING

24       (A) IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER SEC-  
25 TION 9603(2), IN A SUITABLE FOSTER CARE HOME SUBJECT TO THE  
26 COURT'S SUPERVISION   EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS  
27 (5) AND (6), IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER

1 SECTION 9603(3), THE COURT SHALL NOT PLACE A CHILD IN A FOSTER  
2 CARE HOME SUBJECT TO THE COURT'S SUPERVISION

3 (B) IN A CHILD CARE INSTITUTION OR CHILD PLACING AGENCY  
4 LICENSED BY THE STATE DEPARTMENT OF SOCIAL SERVICES TO RECEIVE  
5 FOR CARE CHILDREN WITHIN THE JURISDICTION OF THE COURT

6 (C) IF IN A ROOM OR WARD, SEPARATE AND APART FROM ADULT  
7 CRIMINALS, IN THE COUNTY JAIL IN CASES OF CHILDREN OVER 17 YEARS  
8 OF AGE WITHIN THE JURISDICTION OF THE COURT

9 (3) IF A DETENTION HOME IS ESTABLISHED AS AN AGENCY OF THE  
10 COURT, THE JUDGE MAY APPOINT A SUPERINTENDENT OR MATRON AND OTHER  
11 NECESSARY EMPLOYEES FOR THE HOME WHO SHALL RECEIVE COMPENSATION  
12 AS SHALL BE PROVIDED BY THE COUNTY BOARD OF COMMISSIONERS OF THE  
13 COUNTY THIS SECTION DOES NOT ALTER OR DIMINISH THE LEGAL  
14 RESPONSIBILITY OF THE STATE DEPARTMENT OF SOCIAL SERVICES TO  
15 RECEIVE JUVENILES COMMITTED BY THE COURT

16 (4) IF THE COURT UNDER SUBSECTION (2) ARRANGES FOR THE BOARD  
17 OF CHILDREN TEMPORARILY DETAINED IN PRIVATE HOMES OR IN A CHILD  
18 CARE INSTITUTION OR CHILD PLACING AGENCY, A REASONABLE SUM, TO BE  
19 FIXED BY THE COURT, FOR THE BOARD OF THE CHILDREN SHALL BE PAID  
20 BY THE COUNTY TREASURER OUT OF THE GENERAL FUND OF THE COUNTY

21 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), IF, ON  
22 APRIL 1, 1989, A COURT IS PROVIDING FOSTER CARE HOME SERVICES  
23 SUBJECT TO THE COURT'S SUPERVISION TO CHILDREN WITHIN SECTION  
24 9603(3), THE COURT MAY CONTINUE TO PROVIDE THOSE SERVICES THROUGH  
25 DECEMBER 31, 1989 BEGINNING JANUARY 1, 1990, THE COURT SHALL  
26 DISCONTINUE PROVIDING THOSE SERVICES



1 (6) IF, ON APRIL 1, 1989, A COURT LOCATED IN A COUNTY WITH A  
2 POPULATION IN EXCESS OF 650,000 IS PROVIDING FOSTER CARE HOME  
3 SERVICES SUBJECT TO THE COURT'S SUPERVISION TO CHILDREN WITHIN  
4 SECTION 9603(3), THE COURT MAY CONTINUE TO PROVIDE THOSE SERVICES  
5 THROUGH DECEMBER 31, 1991 BEGINNING JANUARY 1, 1992, THE COURT  
6 SHALL DISCONTINUE THOSE SERVICES

7 SEC 9643 (1) THE COURT MAY CONDUCT HEARINGS IN AN INFOR-  
8 MAL MANNER AND MAY ADJOURN THE HEARING FROM TIME TO TIME  
9 STENOGRAPHIC NOTES OR OTHER TRANSCRIPT OF THE HEARING SHALL BE  
10 TAKEN

11 (2) IN ALL HEARINGS UNDER THIS CHAPTER, ANY PERSON INTER-  
12 ESTED IN THE HEARING MAY DEMAND A JURY OF 6 OR THE JUDGE ON HIS  
13 OR HER OWN MOTION MAY ORDER A JURY OF 6 TO TRY THE CASE THE  
14 JURY SHALL BE SUMMONED AND IMPANELED IN ACCORDANCE WITH CHAPTER  
15 13 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO 236 OF THE  
16 PUBLIC ACTS OF 1961, BEING SECTIONS 600 1300 TO 600 1376 OF THE  
17 MICHIGAN COMPILED LAWS

18 (3) A PARENT, GUARDIAN, OR OTHER CUSTODIAN OF A CHILD HELD  
19 UNDER THIS CHAPTER SHALL HAVE THE RIGHT TO GIVE BOND OR OTHER  
20 SECURITY FOR THE APPEARANCE OF THE CHILD AT THE HEARING OF THE  
21 CASE

22 (4) THE PROSECUTING ATTORNEY SHALL APPEAR FOR THE PEOPLE  
23 WHEN REQUESTED BY THE COURT, AND IN A PROCEEDING UNDER SECTION  
24 9603(2)(A), THE PROSECUTING ATTORNEY SHALL APPEAR IF THE PROCEED-  
25 ING REQUIRES A HEARING AND THE TAKING OF TESTIMONY

26 (5) IN A PROCEEDING UNDER SECTION 9603(3), UPON REQUEST OF  
27 THE DEPARTMENT OF SOCIAL SERVICES OR AN AGENT OF THE DEPARTMENT

1 UNDER CONTRACT WITH THE DEPARTMENT, THE PROSECUTING ATTORNEY  
2 SHALL SERVE AS A LEGAL CONSULTANT TO THE DEPARTMENT OR THE  
3 DEPARTMENT'S AGENT AT ALL STAGES OF THE PROCEEDING IF IN A PRO-  
4 CEEDING UNDER SECTION 9603(3) THE PROSECUTING ATTORNEY DOES NOT  
5 APPEAR ON BEHALF OF THE DEPARTMENT OR THE DEPARTMENT'S AGENT, THE  
6 DEPARTMENT MAY CONTRACT WITH AN ATTORNEY OF ITS CHOICE FOR LEGAL  
7 REPRESENTATION

8 (6) A MEMBER OF A LOCAL FOSTER CARE REVIEW BOARD ESTABLISHED  
9 UNDER ACT NO 422 OF THE PUBLIC ACTS OF 1984, BEING SECTIONS  
10 722 131 TO 722 139A OF THE MICHIGAN COMPILED LAWS, SHALL BE  
11 ADMITTED TO A HEARING UNDER SUBSECTION (1)

12 (7) UPON MOTION OF ANY PARTY OR VICTIM, THE COURT MAY CLOSE  
13 THE HEARING OF A CASE BROUGHT PURSUANT TO THIS CHAPTER TO MEMBERS  
14 OF THE GENERAL PUBLIC DURING THE TESTIMONY OF A CHILD WITNESS OR  
15 VICTIM IF THE COURT FINDS THAT CLOSING THE HEARING IS NECESSARY  
16 TO PROTECT THE WELFARE OF THE CHILD WITNESS OR VICTIM IN DETER-  
17 MINING WHETHER CLOSING THE HEARING IS NECESSARY TO PROTECT THE  
18 WELFARE OF THE CHILD WITNESS OR VICTIM, THE COURT SHALL CONSIDER  
19 THE FOLLOWING

20 (A) THE AGE OF THE CHILD WITNESS OR VICTIM

21 (B) THE PSYCHOLOGICAL MATURITY OF THE CHILD WITNESS OR  
22 VICTIM

23 (C) THE NATURE OF THE PROCEEDING

24 (D) THE DESIRE OF THE CHILD WITNESS OR HIS OR HER FAMILY OR  
25 GUARDIAN OR THE DESIRE OF THE VICTIM TO HAVE THE TESTIMONY TAKEN  
26 IN A ROOM CLOSED TO THE PUBLIC

1 (8) AS USED IN SUBSECTION (6), "CHILD WITNESS" DOES NOT  
2 INCLUDE A CHILD AGAINST WHOM A PROCEEDING IS BROUGHT UNDER  
3 SECTION 9603(2)(A)

4 SEC 9645 IN ANY CASE IN WHICH A RECORD OF THE HEARING IS  
5 KEPT BY A RECORDING DEVICE, NO TRANSCRIPTION NEED BE MADE OF THE  
6 HEARING IN THE ABSENCE OF A REQUEST BY AN INTERESTED PARTY THE  
7 TAPE OF THE HEARING SHALL BE STORED AS A PERMANENT RECORD OF THE  
8 COURT

9 SEC 9647 (1) AS USED IN THIS SECTION

10 (A) "DEVELOPMENTAL DISABILITY" MEANS AN IMPAIRMENT OF GEN-  
11 ERAL INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR WHICH MEETS  
12 THE FOLLOWING CRITERIA

13 (1) IT ORIGINATED BEFORE THE PERSON BECAME 18 YEARS OF AGE

14 (11) IT HAS CONTINUED SINCE ITS ORIGINATION OR CAN BE  
15 EXPECTED TO CONTINUE INDEFINITELY

16 (111) IT CONSTITUTES A SUBSTANTIAL BURDEN TO THE IMPAIRED  
17 PERSON'S ABILITY TO PERFORM NORMALLY IN SOCIETY

18 (1v) IT IS ATTRIBUTABLE TO MENTAL RETARDATION, AUTISM, OR  
19 ANY OTHER CONDITION OF A PERSON RELATED TO MENTAL RETARDATION  
20 BECAUSE IT PRODUCES A SIMILAR IMPAIRMENT OR REQUIRES TREATMENT  
21 AND SERVICES SIMILAR TO THOSE REQUIRED FOR A PERSON WHO IS MEN-  
22 TALLY RETARDED

23 (B) "WITNESS" MEANS AN ALLEGED VICTIM OF ANY OF THE OFFENSES  
24 LISTED UNDER SUBSECTION (2) WHO IS EITHER OF THE FOLLOWING

25 (1) A PERSON UNDER 15 YEARS OF AGE

26 (11) A PERSON 15 YEARS OF AGE OR OLDER WITH A DEVELOPMENTAL  
27 DISABILITY

1           (2) THIS SECTION ONLY APPLIES TO EITHER OF THE FOLLOWING

2           (A) A PROCEEDING BROUGHT PURSUANT TO SECTION 9603(2)(A)

3 WHERE THE ALLEGED OFFENSE, IF COMMITTED BY AN ADULT, WOULD BE A

4 FELONY UNDER SECTION 136B, 145C, 520B TO 520E, OR 520G OF THE

5 MICHIGAN PENAL CODE, ACT NO 328 OF THE PUBLIC ACTS OF 1931,

6 BEING SECTIONS 750 136B, 750 145C, 750 520B TO 750 520E, AND

7 750 520G OF THE MICHIGAN COMPILED LAWS, OR UNDER FORMER SECTION

8 136 OR 136A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931

9           (B) A PROCEEDING BROUGHT PURSUANT TO SECTION 9603(3)

10          (3) IF PERTINENT, THE WITNESS SHALL BE PERMITTED THE USE OF

11 DOLLS OR MANNEQUINS, INCLUDING, BUT NOT LIMITED TO, ANATOMICALLY

12 CORRECT DOLLS OR MANNEQUINS, TO ASSIST THE WITNESS IN TESTIFYING

13 ON DIRECT AND CROSS-EXAMINATION

14          (4) A WITNESS WHO IS CALLED UPON TO TESTIFY SHALL BE PERMIT-

15 TED TO HAVE A SUPPORT PERSON SIT WITH, ACCOMPANY, OR BE IN CLOSE

16 PROXIMITY TO THE WITNESS DURING HIS OR HER TESTIMONY A NOTICE

17 OF INTENT TO USE A SUPPORT PERSON SHALL NAME THE SUPPORT PERSON,

18 IDENTIFY THE RELATIONSHIP THE SUPPORT PERSON HAS WITH THE WIT-

19 NESS, AND SHALL GIVE NOTICE TO ALL PARTIES TO THE PROCEEDING THAT

20 THE WITNESS MAY REQUEST THAT THE NAMED SUPPORT PERSON SIT WITH

21 THE WITNESS WHEN THE WITNESS IS CALLED UPON TO TESTIFY DURING ANY

22 STAGE OF THE PROCEEDING THE NOTICE OF INTENT TO USE A NAMED

23 SUPPORT PERSON SHALL BE FILED WITH THE COURT AND SHALL BE SERVED

24 UPON ALL PARTIES TO THE PROCEEDING THE COURT SHALL RULE ON ANY

25 MOTION OBJECTING TO THE USE OF A NAMED SUPPORT PERSON PRIOR TO

26 THE DATE AT WHICH THE WITNESS DESIRES TO USE THE SUPPORT PERSON

1 (5) IN ORDER TO AVOID EXCESSIVE QUESTIONING OF A WITNESS, A  
2 VIDEOTAPE STATEMENT OF A WITNESS MAY BE TAKEN BY THE  
3 INVESTIGATING AGENCY AND SHALL BE ADMITTED AT ALL PROCEEDINGS  
4 EXCEPT THE ADJUDICATION STAGE INSTEAD OF THE LIVE TESTIMONY OF  
5 THE WITNESS THE VIDEOTAPE OF A VIDEOTAPE STATEMENT SHALL STATE  
6 THE DATE AND TIME THAT THE STATEMENT WAS TAKEN THE PERSONS  
7 PRESENT IN THE ROOM, THEIR IDENTITIES, AND WHETHER THEY WERE  
8 PRESENT FOR THE ENTIRE VIDEOTAPING OR ONLY A PORTION OF THE VID-  
9 EOTAPING AND SHALL SHOW A TIME CLOCK THAT SHALL BE RUNNING  
10 DURING THE TAKING OF THE STATEMENT

11 (6) IN A VIDEOTAPE STATEMENT TAKEN PURSUANT TO SUBSECTION  
12 (5), THE QUESTIONING OF THE WITNESS SHOULD BE FULL AND COMPLETE  
13 AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING AREAS

14 (1) THE TIME AND DATE OF THE ALLEGED OFFENSE OR OFFENSES

15 (11) THE LOCATION AND AREA OF THE ALLEGED OFFENSE OR  
16 OFFENSES

17 (111) THE RELATIONSHIP, IF ANY, BETWEEN THE WITNESS AND THE  
18 RESPONDENT

19 (1v) THE DETAILS OF THE OFFENSE OR OFFENSES

20 (v) THE NAMES OF ANY OTHER PERSONS KNOWN TO THE WITNESS WHO  
21 MAY HAVE PERSONAL KNOWLEDGE OF THE OFFENSE OR OFFENSES

22 (7) EACH RESPONDENT AND, IF REPRESENTED, HIS OR HER ATTORNEY  
23 SHALL HAVE THE RIGHT TO VIEW AND HEAR THE VIDEOTAPE TAKEN PURSU-  
24 ANT TO SUBSECTION (5) NOT LESS THAN 48 HOURS BEFORE IT IS OFFERED  
25 INTO EVIDENCE

26 (8) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), IF,  
27 UPON THE MOTION OF ANY PARTY OR IN THE COURT'S DISCRETION, THE

1 COURT FINDS ON THE RECORD THAT PSYCHOLOGICAL HARM TO THE WITNESS  
2 WOULD OCCUR IF THE WITNESS WERE TO TESTIFY IN THE PRESENCE OF THE  
3 RESPONDENT AT A COURT PROCEEDING OR IN A VIDEOTAPE DEPOSITION  
4 TAKEN PURSUANT TO SUBSECTION (9), THE COURT SHALL ORDER THAT THE  
5 WITNESS DURING HIS OR HER TESTIMONY BE SHIELDED FROM VIEWING THE  
6 RESPONDENT IN SUCH A MANNER AS TO ENABLE THE RESPONDENT TO CON-  
7 SULT WITH HIS OR HER ATTORNEY AND TO SEE AND HEAR THE TESTIMONY  
8 OF THE WITNESS WITHOUT THE WITNESS BEING ABLE TO SEE THE  
9 RESPONDENT

10 (9) IN A PROCEEDING BROUGHT PURSUANT TO SECTION 9603(3), IF,  
11 UPON THE MOTION OF ANY PARTY OR IN THE COURT'S DISCRETION, THE  
12 COURT FINDS ON THE RECORD THAT PSYCHOLOGICAL HARM TO THE WITNESS  
13 WOULD OCCUR IF THE WITNESS WERE TO TESTIFY AT THE ADJUDICATION  
14 STAGE, THE COURT SHALL ORDER TO BE TAKEN A VIDEOTAPE DEPOSITION  
15 OF A WITNESS WHICH SHALL BE ADMITTED INTO EVIDENCE AT THE ADJUDI-  
16 CATION STAGE INSTEAD OF THE LIVE TESTIMONY OF THE WITNESS THE  
17 EXAMINATION AND CROSS-EXAMINATION OF THE WITNESS IN THE VIDEOTAPE  
18 DEPOSITION SHALL PROCEED IN THE SAME MANNER AS PERMITTED AT THE  
19 ADJUDICATION STAGE

20 (10) IN A PROCEEDING BROUGHT PURSUANT TO SECTION 9603(2)(A)  
21 WHERE THE ALLEGED OFFENSE, IF COMMITTED BY AN ADULT, WOULD BE A  
22 FELONY UNDER SECTION 136B, 145C, 520B TO 520E, OR 520G OF ACT  
23 NO 328 OF THE PUBLIC ACTS OF 1931, OR UNDER FORMER SECTION 136  
24 OR 136A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, IF, UPON THE  
25 MOTION OF ANY PARTY MADE BEFORE THE ADJUDICATION STAGE, THE COURT  
26 FINDS ON THE RECORD THAT THE SPECIAL ARRANGEMENTS SPECIFIED IN  
27 SUBSECTION (11) ARE NECESSARY TO PROTECT THE WELFARE OF THE

1 WITNESS, THE COURT SHALL ORDER 1 OR BOTH OF THOSE SPECIAL  
2 ARRANGEMENTS IN DETERMINING WHETHER IT IS NECESSARY TO PROTECT  
3 THE WELFARE OF THE WITNESS, THE COURT SHALL CONSIDER THE  
4 FOLLOWING

5 (A) THE AGE OF THE WITNESS

6 (B) THE PSYCHOLOGICAL MATURITY OF THE WITNESS

7 (C) THE NATURE OF THE OFFENSE OR OFFENSES

8 (11) IF THE COURT DETERMINES ON THE RECORD THAT IT IS NECES-  
9 SARY TO PROTECT THE WELFARE OF THE WITNESS AND GRANTS THE MOTION  
10 MADE UNDER SUBSECTION (10), THE COURT SHALL ORDER 1 OR BOTH OF  
11 THE FOLLOWING

12 (A) IN ORDER TO PROTECT THE WITNESS FROM DIRECTLY VIEWING  
13 THE RESPONDENT, THE COURTROOM SHALL BE ARRANGED SO THAT THE  
14 RESPONDENT IS SEATED AS FAR FROM THE WITNESS STAND AS IS REASON-  
15 ABLE AND NOT DIRECTLY IN FRONT OF THE WITNESS STAND THE  
16 RESPONDENT'S POSITION SHALL BE LOCATED SO AS TO ALLOW THE RESPON-  
17 DENT TO HEAR AND SEE ALL WITNESSES AND BE ABLE TO COMMUNICATE  
18 WITH HIS OR HER ATTORNEY

19 (B) A QUESTIONER'S STAND OR PODIUM SHALL BE USED FOR ALL  
20 QUESTIONING OF ALL WITNESSES BY ALL PARTIES, AND SHALL BE LOCATED  
21 IN FRONT OF THE WITNESS STAND

22 (12) IN A PROCEEDING BROUGHT PURSUANT TO SECTION 9603(2)(A)  
23 WHERE THE ALLEGED OFFENSE, IF COMMITTED BY AN ADULT, WOULD BE A  
24 FELONY UNDER SECTION 136B, 145C, 520B TO 520E, OR 520G OF ACT  
25 NO 328 OF THE PUBLIC ACTS OF 1931, OR UNDER FORMER SECTION 136  
26 OR 136A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, IF, UPON THE  
27 MOTION OF ANY PARTY OR IN THE COURT'S DISCRETION, THE COURT FINDS

1 ON THE RECORD THAT THE WITNESS IS OR WILL BE PSYCHOLOGICALLY OR  
2 EMOTIONALLY UNABLE TO TESTIFY AT A COURT PROCEEDING EVEN WITH THE  
3 BENEFIT OF THE PROTECTIONS AFFORDED THE WITNESS IN SUBSECTIONS  
4 (3), (4), AND (11), THE COURT SHALL ORDER THAT A VIDEOTAPE DEPO-  
5 SITION OF A WITNESS SHALL BE TAKEN TO BE ADMITTED AT THE ADJUDI-  
6 CATION STAGE INSTEAD OF THE LIVE TESTIMONY OF THE WITNESS

7 (13) FOR PURPOSES OF THE VIDEOTAPE DEPOSITION UNDER SUBSEC-  
8 TION (12), THE EXAMINATION AND CROSS-EXAMINATION OF THE WITNESS  
9 SHALL PROCEED IN THE SAME MANNER AS IF THE WITNESS TESTIFIED AT  
10 THE ADJUDICATION STAGE AND THE COURT SHALL ORDER THAT THE WIT-  
11 NESS, DURING HIS OR HER TESTIMONY, SHALL NOT BE CONFRONTED BY THE  
12 RESPONDENT BUT SHALL PERMIT THE RESPONDENT TO HEAR THE TESTIMONY  
13 OF THE WITNESS AND TO CONSULT WITH HIS OR HER ATTORNEY

14 (14) THIS SECTION IS IN ADDITION TO OTHER PROTECTIONS OR  
15 PROCEDURES AFFORDED TO A WITNESS BY LAW OR COURT RULE

16 (15) THIS SECTION APPLIES TO CASES FILED ON OR AFTER AND  
17 PROCEEDINGS HELD ON OR AFTER JANUARY 1 1988

18 (16) THIS SECTION SHALL TAKE EFFECT JANUARY 1, 1988

19 SEC 9649 (1) IN A PROCEEDING UNDER SECTION 9603(2), THE  
20 COURT SHALL ADVISE THE CHILD THAT THE CHILD HAS A RIGHT TO AN  
21 ATTORNEY AT EACH STAGE OF THE PROCEEDING

22 (2) IN A PROCEEDING UNDER SECTION 9603(2) OR (6), THE COURT  
23 SHALL APPOINT AN ATTORNEY TO REPRESENT THE CHILD IF 1 OR MORE OF  
24 THE FOLLOWING APPLY

25 (A) THE CHILD'S PARENT REFUSES OR FAILS TO APPEAR AND PAR-  
26 TICIPATE IN THE PROCEEDINGS



1 (B) THE CHILD'S PARENT IS THE COMPLAINANT OR VICTIM

2 (C) THE CHILD AND THOSE RESPONSIBLE FOR HIS OR HER SUPPORT  
3 ARE FINANCIALLY UNABLE TO EMPLOY AN ATTORNEY AND THE CHILD DOES  
4 NOT WAIVE HIS OR HER RIGHT TO AN ATTORNEY

5 (D) THOSE RESPONSIBLE FOR THE CHILD'S SUPPORT REFUSE OR  
6 NEGLECT TO EMPLOY AN ATTORNEY FOR THE CHILD AND THE CHILD DOES  
7 NOT WAIVE HIS OR HER RIGHT TO AN ATTORNEY

8 (E) THE COURT DETERMINES THAT THE BEST INTERESTS OF THE  
9 CHILD OR THE PUBLIC REQUIRE APPOINTMENT

10 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN A  
11 PROCEEDING UNDER SECTION 9603(2) OR (6), THE CHILD MAY WAIVE HIS  
12 OR HER RIGHT TO AN ATTORNEY THE WAIVER BY A CHILD SHALL BE MADE  
13 IN OPEN COURT, ON THE RECORD, AND SHALL NOT BE MADE UNLESS THE  
14 COURT FINDS ON THE RECORD THAT THE WAIVER WAS VOLUNTARILY AND  
15 UNDERSTANDINGLY MADE THE CHILD MAY NOT WAIVE HIS OR HER RIGHT  
16 TO AN ATTORNEY IF THE CHILD'S PARENT OR GUARDIAN AD LITEM OBJECTS  
17 OR IF THE APPOINTMENT IS MADE PURSUANT TO SUBSECTION (2)(E)

18 (4) IN A PROCEEDING UNDER SECTION 9603(3) OR (4), THE COURT  
19 SHALL ADVISE THE RESPONDENT AT THE RESPONDENT'S FIRST COURT  
20 APPEARANCE OF ALL OF THE FOLLOWING

21 (A) THE RIGHT TO AN ATTORNEY AT EACH STAGE OF THE  
22 PROCEEDING

23 (B) THE RIGHT TO A COURT-APPOINTED ATTORNEY IF THE RESPON-  
24 DENT IS FINANCIALLY UNABLE TO EMPLOY AN ATTORNEY

25 (C) IF THE RESPONDENT IS NOT REPRESENTED BY AN ATTORNEY, THE  
26 RIGHT TO REQUEST AND RECEIVE A COURT-APPOINTED ATTORNEY AT A  
27 LATER PROCEEDING

1 (5) IF IT APPEARS TO THE COURT IN A PROCEEDING UNDER SECTION  
2 9603(3) OR (4) THAT THE RESPONDENT WANTS AN ATTORNEY AND IS  
3 FINANCIALLY UNABLE TO RETAIN AN ATTORNEY, THE COURT SHALL APPOINT  
4 AN ATTORNEY TO REPRESENT THE RESPONDENT

5 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN A  
6 PROCEEDING UNDER SECTION 9603(3) OR (4), THE RESPONDENT MAY WAIVE  
7 HIS OR HER RIGHT TO AN ATTORNEY A RESPONDENT WHO IS A MINOR MAY  
8 NOT WAIVE HIS OR HER RIGHT TO AN ATTORNEY IF THE RESPONDENT'S  
9 PARENT OR GUARDIAN AD LITEM OBJECTS

10 (7) IN A PROCEEDING UNDER SECTION 9603(3) OR (4), THE COURT  
11 SHALL APPOINT AN ATTORNEY TO REPRESENT THE CHILD THE CHILD  
12 SHALL NOT WAIVE THE ASSISTANCE OF AN ATTORNEY THE APPOINTED  
13 ATTORNEY SHALL OBSERVE AND, DEPENDENT UPON THE CHILD'S AGE AND  
14 CAPABILITY, INTERVIEW THE CHILD IF THE CHILD IS PLACED IN  
15 FOSTER CARE, THE ATTORNEY SHALL, BEFORE REPRESENTING THE CHILD IN  
16 EACH SUBSEQUENT PROCEEDING OR HEARING, REVIEW THE AGENCY CASE  
17 FILE AND CONSULT WITH THE FOSTER PARENTS AND THE CASEWORKER

18 (8) IF AN ATTORNEY IS APPOINTED FOR A PARTY UNDER THIS SEC-  
19 TION, THE COURT MAY ENTER AN ORDER ASSESSING ATTORNEY COSTS  
20 AGAINST THE PARTY OR THE PERSON RESPONSIBLE FOR THE SUPPORT OF  
21 THAT PARTY AN ORDER ASSESSING ATTORNEY COSTS MAY BE ENFORCED  
22 THROUGH CONTEMPT PROCEEDINGS

23 (9) AN ATTORNEY APPOINTED BY THE COURT UNDER THIS SECTION  
24 SHALL SERVE UNTIL DISCHARGED BY THE COURT

25 SEC 9651 (1) IF THE COURT FINDS THAT A CHILD CONCERNING  
26 WHOM A PETITION IS FILED IS NOT WITHIN THIS CHAPTER, THE COURT  
27 SHALL ENTER AN ORDER DISMISSING THE PETITION EXCEPT AS

1 OTHERWISE PROVIDED IN SUBSECTION (10), IF THE COURT FINDS THAT A  
2 CHILD IS WITHIN THIS CHAPTER, THE COURT MAY ENTER ANY OF THE FOL-  
3 LOWING ORDERS OF DISPOSITION THAT ARE APPROPRIATE FOR THE WELFARE  
4 OF THE CHILD AND SOCIETY IN VIEW OF THE FACTS PROVEN AND  
5 ASCERTAINED

6 (A) WARN THE CHILD OR THE CHILD'S PARENTS, GUARDIAN, OR CUS-  
7 TODIAN AND, EXCEPT AS PROVIDED IN SUBSECTION (7), DISMISS THE  
8 PETITION

9 (B) PLACE THE CHILD ON PROBATION, OR UNDER SUPERVISION IN  
10 THE CHILD'S OWN HOME OR IN THE HOME OF AN ADULT WHO IS RELATED TO  
11 THE CHILD AS USED IN THIS SUBDIVISION, "RELATED" MEANS BEING A  
12 PARENT, GRANDPARENT, BROTHER, SISTER, STEPPARENT, STEPSISTER,  
13 STEPBROTHER, UNCLE, OR AUNT BY MARRIAGE, BLOOD, OR ADOPTION THE  
14 COURT SHALL ORDER THE TERMS AND CONDITIONS OF PROBATION OR SUPER-  
15 VISION, INCLUDING REASONABLE RULES FOR THE CONDUCT OF THE PAR-  
16 ENTS, GUARDIAN, OR CUSTODIAN, IF ANY, AS THE COURT DETERMINES  
17 NECESSARY FOR THE PHYSICAL, MENTAL, OR MORAL WELL-BEING AND  
18 BEHAVIOR OF THE CHILD

19 (C) IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER SEC-  
20 TION 9603(2), PLACE THE CHILD IN A SUITABLE FOSTER CARE HOME  
21 SUBJECT TO THE COURT'S SUPERVISION IF A CHILD IS WITHIN THE  
22 COURT'S JURISDICTION UNDER SECTION 9603(3), THE COURT SHALL NOT  
23 PLACE A CHILD IN A FOSTER CARE HOME SUBJECT TO THE COURT'S  
24 SUPERVISION

25 (D) PLACE THE CHILD IN OR COMMIT THE CHILD TO A PRIVATE  
26 INSTITUTION OR AGENCY APPROVED OR LICENSED BY THE STATE

1 DEPARTMENT OF SOCIAL SERVICES FOR THE CARE OF CHILDREN OF SIMILAR  
2 AGE, SEX, AND CHARACTERISTICS

3 (E) COMMIT THE CHILD TO A PUBLIC INSTITUTION, COUNTY FACILI-  
4 TY, INSTITUTION OPERATED AS AN AGENCY OF THE COURT OR COUNTY, OR  
5 AGENCY AUTHORIZED BY LAW TO RECEIVE CHILDREN OF SIMILAR AGE, SEX,  
6 AND CHARACTERISTICS IN A PLACEMENT UNDER SUBDIVISION (D) OR A  
7 COMMITMENT UNDER THIS SUBDIVISION, EXCEPT TO A STATE INSTITUTION,  
8 THE RELIGIOUS AFFILIATION OF THE CHILD SHALL BE PROTECTED BY  
9 PLACEMENT OR COMMITMENT TO A PRIVATE CHILD-PLACING OR  
10 CHILD-CARING AGENCY OR INSTITUTION, IF AVAILABLE IN EVERY ORDER  
11 OF COMMITMENT UNDER THIS SUBDIVISION TO A STATE INSTITUTION OR  
12 AGENCY DESCRIBED IN THE YOUTH REHABILITATION SERVICES ACT, ACT  
13 NO 150 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS 803 301 TO  
14 803 309 OF THE MICHIGAN COMPILED LAWS OR IN ACT NO 220 OF THE  
15 PUBLIC ACTS OF 1935, BEING SECTIONS 400 201 TO 400 214 OF THE  
16 MICHIGAN COMPILED LAWS, THE COURT SHALL NAME THE SUPERINTENDENT  
17 OF THE INSTITUTION TO WHICH THE CHILD IS COMMITTED AS A SPECIAL  
18 GUARDIAN TO RECEIVE BENEFITS DUE THE CHILD FROM THE GOVERNMENT OF  
19 THE UNITED STATES, AND THE BENEFITS SHALL BE USED TO THE EXTENT  
20 NECESSARY TO PAY FOR THE PORTIONS OF THE COST OF CARE IN THE  
21 INSTITUTION THAT THE PARENT OR PARENTS ARE FOUND UNABLE TO PAY  
22 (F) PROVIDE THE CHILD WITH MEDICAL, DENTAL, SURGICAL, OR  
23 OTHER HEALTH CARE, IN A LOCAL HOSPITAL IF AVAILABLE, OR ELSE-  
24 WHERE, MAINTAINING AS MUCH AS POSSIBLE A LOCAL PHYSICIAN-PATIENT  
25 RELATIONSHIP, AND WITH CLOTHING AND OTHER INCIDENTAL ITEMS AS THE  
26 COURT CONSIDERS NECESSARY

1 (G) ORDER THE PARENTS, GUARDIAN, CUSTODIAN, OR ANY OTHER  
2 PERSON TO REFRAIN FROM CONTINUING CONDUCT THAT THE COURT  
3 DETERMINES HAS CAUSED OR TENDED TO CAUSE THE CHILD TO COME WITHIN  
4 OR TO REMAIN UNDER THIS CHAPTER, OR THAT OBSTRUCTS PLACEMENT OR  
5 COMMITMENT OF THE CHILD PURSUANT TO AN ORDER UNDER THIS SECTION

6 (H) APPOINT A GUARDIAN UNDER SECTION 424 OF THE REVISED PRO-  
7 BATE CODE, ACT NO 642 OF THE PUBLIC ACTS OF 1978, BEING SECTION  
8 700 424 OF THE MICHIGAN COMPILED LAWS, PURSUANT TO A PETITION  
9 FILED WITH THE COURT BY A PERSON INTERESTED IN THE WELFARE OF THE  
10 CHILD IF THE COURT APPOINTS A GUARDIAN PURSUANT TO THIS SUBDI-  
11 VISION, IT MAY ENTER AN ORDER DISMISSING THE PETITION UNDER THIS  
12 CHAPTER

13 (I) ORDER THE CHILD TO ENGAGE IN COMMUNITY SERVICE

14 (J) IF THE COURT FINDS THAT A CHILD HAS VIOLATED A MUNICIPAL  
15 ORDINANCE OR A STATE OR FEDERAL LAW, ORDER THE CHILD TO PAY A  
16 CIVIL FINE IN THE AMOUNT OF THE CIVIL OR PENAL FINE PROVIDED BY  
17 THE ORDINANCE OR LAW MONEY COLLECTED FROM FINES LEVIED UNDER  
18 THIS SUBSECTION SHALL BE DISTRIBUTED AS PROVIDED IN SECTION  
19 9687

20 (K) ORDER THE CHILD TO PAY COURT COSTS MONEY COLLECTED  
21 FROM COSTS ORDERED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED AS  
22 PROVIDED IN SECTION 9687

23 (2) AN ORDER OF DISPOSITION PLACING A CHILD IN OR COMMITTING  
24 A CHILD TO CARE OUTSIDE OF THE CHILD'S OWN HOME AND UNDER STATE  
25 OR COURT SUPERVISION SHALL CONTAIN A PROVISION FOR REIMBURSEMENT  
26 BY THE CHILD, PARENT, GUARDIAN, OR CUSTODIAN TO THE COURT FOR THE  
27 COST OF CARE OR SERVICE THE ORDER SHALL BE REASONABLE, TAKING

1 INTO ACCOUNT BOTH THE INCOME AND RESOURCES OF THE CHILD, PARENT,  
2 GUARDIAN, OR CUSTODIAN THE AMOUNT MAY BE BASED UPON THE GUIDE-  
3 LINES AND MODEL SCHEDULE CREATED UNDER SUBSECTION (6) IF THE  
4 CHILD IS RECEIVING AN ADOPTION SUPPORT SUBSIDY PURSUANT TO SEC-  
5 TION 115J(4) OF THE SOCIAL WELFARE ACT, ACT NO 280 OF THE PUBLIC  
6 ACTS OF 1939, BEING SECTION 400 115J OF THE MICHIGAN COMPILED  
7 LAWS, THE AMOUNT SHALL NOT EXCEED THE AMOUNT OF THE SUPPORT  
8 SUBSIDY THE REIMBURSEMENT PROVISION APPLIES DURING THE ENTIRE  
9 PERIOD THE CHILD REMAINS IN CARE OUTSIDE OF THE CHILD'S OWN HOME  
10 AND UNDER STATE OR COURT SUPERVISION, UNLESS THE CHILD IS IN THE  
11 PERMANENT CUSTODY OF THE COURT THE COURT SHALL PROVIDE FOR THE  
12 COLLECTION OF ALL AMOUNTS ORDERED TO BE REIMBURSED, AND THE MONEY  
13 COLLECTED SHALL BE ACCOUNTED FOR AND REPORTED TO THE COUNTY BOARD  
14 OF COMMISSIONERS COLLECTIONS TO COVER DELINQUENT ACCOUNTS OR TO  
15 PAY THE BALANCE DUE ON REIMBURSEMENT ORDERS MAY BE MADE AFTER A  
16 CHILD IS RELEASED OR DISCHARGED FROM CARE OUTSIDE THE CHILD'S OWN  
17 HOME AND UNDER STATE OR COURT SUPERVISION TWENTY-FIVE PERCENT  
18 OF ALL AMOUNTS COLLECTED PURSUANT TO AN ORDER ENTERED UNDER THIS  
19 SUBSECTION SHALL BE CREDITED TO THE APPROPRIATE FUND OF THE  
20 COUNTY TO OFFSET THE ADMINISTRATIVE COST OF COLLECTIONS THE  
21 BALANCE OF ALL AMOUNTS COLLECTED PURSUANT TO AN ORDER ENTERED  
22 UNDER THIS SUBSECTION SHALL BE DIVIDED IN THE SAME RATIO IN WHICH  
23 THE COUNTY, STATE, AND FEDERAL GOVERNMENT PARTICIPATE IN THE COST  
24 OF CARE OUTSIDE THE CHILD'S OWN HOME AND UNDER STATE OR COURT  
25 SUPERVISION THE COURT MAY ALSO COLLECT BENEFITS PAID FOR THE  
26 COST OF CARE OF A COURT WARD FROM THE GOVERNMENT OF THE UNITED  
27 STATES MONEY COLLECTED FOR CHILDREN PLACED WITH OR COMMITTED TO

1 THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL BE ACCOUNTED FOR  
2 AND REPORTED ON AN INDIVIDUAL CHILD BASIS IN CASES OF DELIN-  
3 QUENT ACCOUNTS, THE COURT MAY ALSO ENTER AN ORDER TO INTERCEPT  
4 STATE OR FEDERAL TAX REFUNDS OF A CHILD, PARENT, GUARDIAN, OR  
5 CUSTODIAN AND INITIATE THE NECESSARY OFFSET PROCEEDINGS IN ORDER  
6 TO RECOVER THE COST OF CARE OR SERVICE THE COURT SHALL SEND TO  
7 THE PERSON WHO IS THE SUBJECT OF THE INTERCEPT ORDER ADVANCE  
8 WRITTEN NOTICE OF THE PROPOSED OFFSET THE NOTICE SHALL INCLUDE  
9 NOTICE OF THE OPPORTUNITY TO CONTEST THE OFFSET ON THE GROUNDS  
10 THAT THE INTERCEPT IS NOT PROPER BECAUSE OF A MISTAKE OF FACT  
11 CONCERNING THE AMOUNT OF THE DELINQUENCY OR THE IDENTITY OF THE  
12 PERSON SUBJECT TO THE ORDER THE COURT SHALL PROVIDE FOR THE  
13 PROMPT REIMBURSEMENT OF AN AMOUNT WITHHELD IN ERROR OR AN AMOUNT  
14 FOUND TO EXCEED THE DELINQUENT AMOUNT

15 (3) AN ORDER OF DISPOSITION PLACING A CHILD IN THE CHILD'S  
16 OWN HOME UNDER SUBSECTION (1)(B) MAY CONTAIN A PROVISION FOR  
17 REIMBURSEMENT BY THE CHILD, PARENT, GUARDIAN, OR CUSTODIAN TO THE  
18 COURT FOR THE COST OF SERVICE IF AN ORDER IS ENTERED UNDER THIS  
19 SUBSECTION AN AMOUNT DUE SHALL BE DETERMINED AND TREATED IN THE  
20 SAME MANNER PROVIDED FOR AN ORDER ENTERED UNDER SUBSECTION (2)

21 (4) AN ORDER DIRECTED TO A PARENT OR A PERSON OTHER THAN THE  
22 CHILD IS NOT EFFECTIVE AND BINDING ON THE PARENT OR OTHER PERSON  
23 UNLESS OPPORTUNITY FOR HEARING IS GIVEN PURSUANT TO ISSUANCE OF  
24 SUMMONS OR NOTICE AS PROVIDED IN SECTIONS 9631 AND 9633, AND  
25 UNTIL A COPY OF THE ORDER, BEARING THE SEAL OF THE COURT, IS  
26 SERVED ON THE PARENT OR OTHER PERSON AS PROVIDED IN SECTION  
27 9633

1 (5) IF THE COURT APPOINTS AN ATTORNEY TO REPRESENT A CHILD,  
2 PARENT, GUARDIAN, OR CUSTODIAN, THE COURT MAY REQUIRE IN AN ORDER  
3 ENTERED UNDER THIS SECTION THAT THE CHILD, PARENT, GUARDIAN, OR  
4 CUSTODIAN REIMBURSE THE COURT FOR ATTORNEY FEES

5 (6) THE OFFICE OF THE STATE COURT ADMINISTRATOR, UNDER THE  
6 SUPERVISION AND DIRECTION OF THE SUPREME COURT AND IN CONSULTA-  
7 TION WITH THE STATE DEPARTMENT OF SOCIAL SERVICES AND THE  
8 MICHIGAN PROBATE JUDGES ASSOCIATION, SHALL CREATE GUIDELINES AND  
9 A MODEL SCHEDULE THAT MAY BE USED BY THE COURT IN DETERMINING THE  
10 ABILITY OF THE CHILD, PARENT, GUARDIAN, OR CUSTODIAN TO PAY FOR  
11 CARE AND ANY COSTS OF SERVICE ORDERED UNDER SUBSECTION (2) OR  
12 (3) THE GUIDELINES AND MODEL SCHEDULE SHALL TAKE INTO ACCOUNT  
13 BOTH THE INCOME AND RESOURCES OF THE CHILD, PARENT, GUARDIAN, OR  
14 CUSTODIAN

15 (7) IF THE COURT FINDS THAT A CHILD COMES UNDER SECTION  
16 9689, THE COURT SHALL ORDER THE CHILD OR THE CHILD'S PARENT TO  
17 PAY RESTITUTION AS PROVIDED IN SECTIONS 9689 AND 9691 AND IN  
18 SECTIONS 44 AND 45 OF THE CRIME VICTIM'S RIGHTS ACT, ACT NO 87  
19 OF THE PUBLIC ACTS OF 1985, BEING SECTIONS 780 794 AND 780 795 OF  
20 THE MICHIGAN COMPILED LAWS

21 (8) IF THE COURT IMPOSES RESTITUTION AS A CONDITION OF PRO-  
22 BATION, THE COURT SHALL REQUIRE THE CHILD TO DO EITHER OF THE  
23 FOLLOWING AS AN ADDITIONAL CONDITION OF PROBATION

24 (A) ENGAGE IN COMMUNITY SERVICE OR, WITH THE VICTIM'S CON-  
25 SENT, PERFORM SERVICES FOR THE VICTIM

26 (B) SEEK AND MAINTAIN PAID EMPLOYMENT AND PAY RESTITUTION TO  
27 THE VICTIM FROM THE EARNINGS OF THAT EMPLOYMENT



1           (9) IF THE COURT FINDS THAT THE CHILD IS IN INTENTIONAL  
2 DEFAULT OF THE PAYMENT OF RESTITUTION, A COURT MAY, AS PROVIDED  
3 IN SECTION 9691, REVOKE OR ALTER THE TERMS AND CONDITIONS OF PRO-  
4 BATION FOR NONPAYMENT OF RESTITUTION IF A CHILD WHO IS ORDERED  
5 TO ENGAGE IN COMMUNITY SERVICE INTENTIONALLY REFUSES TO PERFORM  
6 THE REQUIRED COMMUNITY SERVICE, THE COURT MAY REVOKE OR ALTER THE  
7 TERMS AND CONDITIONS OF PROBATION

8           (10) FOR THE PURPOSES OF THIS SUBSECTION AND  
9 SUBSECTION (11), "JUVENILE OFFENSE" MEANS THAT TERM AS DEFINED IN  
10 SECTION 1A OF ACT NO 289 OF THE PUBLIC ACTS OF 1925, BEING SEC-  
11 TION 28 241A OF THE MICHIGAN COMPILED LAWS THE COURT SHALL NOT  
12 ENTER AN ORDER OF DISPOSITION FOR A JUVENILE OFFENSE UNTIL THE  
13 COURT HAS EXAMINED THE COURT FILE AND HAS DETERMINED THAT THE  
14 CHILD'S FINGERPRINTS HAVE BEEN TAKEN AS REQUIRED BY SECTION 3 OF  
15 ACT NO 289 OF THE PUBLIC ACTS OF 1925, BEING SECTION 28 243 OF  
16 THE MICHIGAN COMPILED LAWS IF A CHILD HAS NOT HAD HIS OR HER  
17 FINGERPRINTS TAKEN, THE COURT SHALL DO EITHER OF THE FOLLOWING

18           (A) ORDER THE CHILD TO SUBMIT HIMSELF OR HERSELF TO THE  
19 POLICE AGENCY THAT ARRESTED OR OBTAINED THE WARRANT FOR THE  
20 ARREST OF THE CHILD SO THE CHILD'S FINGERPRINTS CAN BE TAKEN

21           (B) ORDER THE CHILD COMMITTED TO THE CUSTODY OF THE SHERIFF  
22 FOR THE TAKING OF THE CHILD'S FINGERPRINTS

23           (11) UPON DISPOSITION OR DISMISSAL OF A JUVENILE OFFENSE,  
24 THE CLERK OF THE COURT ENTERING THE DISPOSITION OR DISMISSAL  
25 SHALL IMMEDIATELY ADVISE THE DEPARTMENT OF STATE POLICE OF THE  
26 DISPOSITION OR DISMISSAL ON FORMS APPROVED BY THE STATE COURT  
27 ADMINISTRATOR THE REPORT TO THE DEPARTMENT OF STATE POLICE

1 SHALL INCLUDE INFORMATION AS TO THE FINDING OF THE JUDGE OR JURY  
2 AND A SUMMARY OF THE DISPOSITION IMPOSED

3 (12) IF THE COURT ENTERS AN ORDER OF DISPOSITION BASED ON AN  
4 ACT THAT IS A JUVENILE OFFENSE AS DEFINED IN SECTION 1 OF ACT  
5 NO 196 OF THE PUBLIC ACTS OF 1989, BEING SECTION 780 901 OF THE  
6 MICHIGAN COMPILED LAWS, THE COURT SHALL ORDER THE CHILD TO PAY  
7 THE ASSESSMENT PROVIDED IN THAT ACT

8 SEC 9653 WHERE DESIRABLE OR NECESSARY, THE COURT MAY  
9 PLACE THE CHILD IN OR COMMIT THE CHILD TO A PRIVATE INSTITUTION  
10 OR AGENCY INCORPORATED UNDER THE LAWS OF ANOTHER STATE AND  
11 APPROVED OR LICENSED BY THAT STATE'S DEPARTMENT OF SOCIAL WEL-  
12 FARE, OR THE EQUIVALENT APPROVING OR LICENSING AGENCY, FOR THE  
13 CARE OF CHILDREN OF SIMILAR AGE, SEX, AND CHARACTERISTICS

14 SEC 9655 WHENEVER THE COURT UNDER SECTION 9651 ENTERS A  
15 REIMBURSEMENT ORDER AND THE PARENT OR OTHER ADULT LEGALLY RESPON-  
16 SIBLE FOR THE CARE OF THE CHILD FAILS OR REFUSES TO OBEY AND PER-  
17 FORM THE ORDER AND HAS BEEN FOUND GUILTY OF CONTEMPT OF COURT  
18 FOR SUCH FAILURE OR REFUSAL, THE COURT MAKING THE ORDER MAY ORDER  
19 AN ASSIGNMENT TO THE COUNTY OR STATE OF THE SALARY, WAGES OR  
20 OTHER INCOME OF THE PERSON RESPONSIBLE FOR THE CARE OF THE  
21 CHILD THE ASSIGNMENT SHALL CONTINUE UNTIL THE SUPPORT IS PAID  
22 IN FULL THE ORDER OF ASSIGNMENT SHALL TAKE EFFECT 1 WEEK AFTER  
23 SERVICE UPON THE EMPLOYER OF A TRUE COPY OF THE ORDER BY PERSONAL  
24 SERVICE OR BY REGISTERED OR CERTIFIED MAIL AFTER THE ORDER  
25 TAKES EFFECT, THE EMPLOYER SHALL WITHHOLD FROM THE EARNINGS DUE  
26 THE EMPLOYEE THE AMOUNT SPECIFIED IN THE ORDER OF ASSIGNMENT FOR  
27 TRANSMITTAL TO THE COUNTY OR STATE UNTIL NOTIFIED BY THE COURT

1 THAT THE SUPPORT ARREARAGE IS PAID IN FULL AN EMPLOYER SHALL  
2 NOT USE THE ASSIGNMENT AS A BASIS, IN WHOLE OR IN PART, FOR THE  
3 DISCHARGE OF AN EMPLOYEE OR FOR ANY OTHER DISCIPLINARY ACTION  
4 AGAINST AN EMPLOYEE COMPLIANCE BY AN EMPLOYER WITH THE ORDER OF  
5 ASSIGNMENT OPERATES AS A DISCHARGE OF THE EMPLOYER'S LIABILITY TO  
6 THE EMPLOYEE AS TO THAT PORTION OF THE EMPLOYEE'S EARNINGS SO  
7 AFFECTED

8 SEC 9657 (1) IF A CHILD IS COMMITTED UNDER SECTION  
9 9651(1)(E) FOR AN OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD  
10 BE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR OR AN OFFENSE  
11 EXPRESSLY DESIGNATED BY LAW TO BE A FELONY, THE COURT SHALL  
12 RETAIN JURISDICTION OVER THE CHILD

13 (2) IF A CHILD IS COMMITTED UNDER SECTION 9651(1)(E) AND THE  
14 CHILD WAS ADJUDICATED AS BEING IN THE COURT'S JURISDICTION UNDER  
15 SECTION 9603(2), THE COURT SHALL RETAIN JURISDICTION OVER THE  
16 CHILD THIS SUBSECTION SHALL TAKE EFFECT JUNE 1, 1991

17 (3) IF THE COURT HAS RETAINED JURISDICTION OVER A CHILD  
18 UNDER THIS SECTION, THE COURT SHALL CONDUCT AN ANNUAL REVIEW OF  
19 THE SERVICES BEING PROVIDED TO THE CHILD, THE CHILD'S PLACEMENT,  
20 AND THE CHILD'S PROGRESS IN THAT PLACEMENT IN CONDUCTING THIS  
21 REVIEW, THE COURT SHALL EXAMINE THE CHILD'S ANNUAL REPORT PRE-  
22 PARED PURSUANT TO SECTION 3 OF THE JUVENILE FACILITIES ACT, ACT  
23 NO 73 OF THE PUBLIC ACTS OF 1988, BEING SECTION 803 223 OF THE  
24 MICHIGAN COMPILED LAWS THE COURT MAY ORDER CHANGES IN THE  
25 CHILD'S PLACEMENT OR TREATMENT PLAN BASED ON THE REVIEW

26 (4) IF THE COURT HAS RETAINED JURISDICTION OVER A CHILD  
27 UNDER THIS SECTION, THE CHILD MAY BE RELEASED ONLY WITH THE

1 APPROVAL OF THE COURT     EXCEPT AS OTHERWISE PROVIDED IN SECTION  
2 9659, THE CHILD SHALL BE AUTOMATICALLY RELEASED UPON REACHING  
3 19 YEARS OF AGE

4       SEC 9659     (1) IF A CHILD IS COMMITTED UNDER  
5 SECTION 9651(1)(E) FOR AN OFFENSE THAT, IF COMMITTED BY AN ADULT,  
6 WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 72, 83,  
7 84, 88, 89, 91, 316, 317, 349, 520B, 520C, 520D, 520G, 529, 529A,  
8 OR 530 OF THE MICHIGAN PENAL CODE, ACT NO 328 OF THE PUBLIC ACTS  
9 OF 1931, BEING SECTIONS 750 72, 750 83, 750 84, 750 88, 750 89,  
10 750 91, 750 316, 750 317, 750 349, 750 520B, 750 520C, 750 520D,  
11 750 520G, 750 529, 750 529A, AND 750 530 OF THE MICHIGAN COMPILED  
12 LAWS, OR SECTION 7401(2)(A)(1) OR 7403(2)(A)(1) OF THE PUBLIC  
13 HEALTH CODE, ACT NO 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
14 TIONS 333 7401 AND 333 7403 OF THE MICHIGAN COMPILED LAWS, THE  
15 COURT SHALL CONDUCT A REVIEW HEARING TO DETERMINE WHETHER THE  
16 CHILD HAS BEEN REHABILITATED AND WHETHER THE CHILD PRESENTS A  
17 SERIOUS RISK TO PUBLIC SAFETY     IF THE COURT DETERMINES THAT THE  
18 CHILD HAS NOT BEEN REHABILITATED OR THAT THE CHILD PRESENTS A  
19 SERIOUS RISK TO PUBLIC SAFETY, JURISDICTION OVER THE CHILD SHALL  
20 BE CONTINUED     IN MAKING THIS DETERMINATION, THE COURT SHALL CON-  
21 sider ALL OF THE FOLLOWING

22       (A) THE EXTENT AND NATURE OF THE CHILD'S PARTICIPATION IN  
23 EDUCATION, COUNSELING, OR WORK PROGRAMS

24       (B) THE CHILD'S WILLINGNESS TO ACCEPT RESPONSIBILITY FOR  
25 PRIOR BEHAVIOR

26       (C) THE CHILD'S BEHAVIOR IN HIS OR HER CURRENT PLACEMENT

1 (D) THE CHILD'S PRIOR RECORD AND CHARACTER AND HIS OR HER  
2 PHYSICAL AND MENTAL MATURITY

3 (E) THE CHILD'S POTENTIAL FOR VIOLENT CONDUCT AS DEMON-  
4 STRATED BY PRIOR BEHAVIOR

5 (F) THE RECOMMENDATIONS OF THE INSTITUTION, AGENCY, OR  
6 FACILITY CHARGED WITH THE CHILD'S CARE FOR THE CHILD'S RELEASE OR  
7 CONTINUED CUSTODY

8 (G) OTHER INFORMATION THE PROSECUTING ATTORNEY OR CHILD MAY  
9 SUBMIT

10 (2) UNLESS ADJOURNED FOR GOOD CAUSE, A REVIEW HEARING SHALL  
11 BE SCHEDULED AND HELD AS NEAR AS POSSIBLE TO, BUT BEFORE, THE  
12 CHILD'S NINETEENTH BIRTHDAY IF THE INSTITUTION, AGENCY, OR  
13 FACILITY TO WHICH THE CHILD WAS COMMITTED BELIEVES THE CHILD HAS  
14 BEEN REHABILITATED AND DOES NOT PRESENT A SERIOUS RISK TO PUBLIC  
15 SAFETY, THE INSTITUTION, AGENCY, OR FACILITY MAY PETITION THE  
16 COURT TO CONDUCT A REVIEW HEARING ANY TIME BEFORE THE CHILD  
17 BECOMES 19 YEARS OF AGE OR, IF THE COURT HAS CONTINUED JURISDIC-  
18 TION UNDER SUBSECTION (1), ANY TIME BEFORE THE CHILD BECOMES 21  
19 YEARS OF AGE

20 (3) NOT LESS THAN 14 DAYS BEFORE A REVIEW HEARING IS TO BE  
21 CONDUCTED, THE PROSECUTING ATTORNEY, CHILD, AND, IF ADDRESSES ARE  
22 KNOWN, THE CHILD'S PARENT OR GUARDIAN SHALL BE NOTIFIED THE  
23 NOTICE SHALL STATE THAT THE COURT MAY EXTEND JURISDICTION OVER  
24 THE CHILD AND SHALL ADVISE THE CHILD AND THE CHILD'S PARENT OR  
25 GUARDIAN OF THE RIGHT TO LEGAL COUNSEL IF LEGAL COUNSEL HAS NOT  
26 BEEN RETAINED OR APPOINTED TO REPRESENT THE CHILD, THE COURT  
27 SHALL APPOINT LEGAL COUNSEL AND MAY ASSESS THE COST OF PROVIDING

1 COUNSEL AS COSTS AGAINST THE CHILD OR THOSE RESPONSIBLE FOR THE  
2 CHILD'S SUPPORT, OR BOTH, IF THE PERSONS TO BE ASSESSED ARE  
3 FINANCIALLY ABLE TO COMPLY

4 (4) THE INSTITUTION, AGENCY, OR FACILITY CHARGED WITH THE  
5 CARE OF THE CHILD SHALL PREPARE COMMITMENT REPORTS AS PROVIDED IN  
6 SECTION 5 OF THE JUVENILE FACILITIES ACT, ACT NO 73 OF THE  
7 PUBLIC ACTS OF 1988, BEING SECTION 803 225 OF THE MICHIGAN  
8 COMPILED LAWS, FOR USE BY THE COURT AT A REVIEW HEARING HELD  
9 UNDER THIS SECTION

10 SEC 9661 (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A  
11 PERSON WHO HAS BEEN ADJUDICATED OF NOT MORE THAN 1 JUVENILE  
12 OFFENSE AND WHO HAS NO FELONY CONVICTIONS MAY FILE AN APPLICATION  
13 WITH THE ADJUDICATING COURT FOR THE ENTRY OF AN ORDER SETTING  
14 ASIDE THE ADJUDICATION A PERSON MAY HAVE ONLY 1 ADJUDICATION  
15 SET ASIDE UNDER THIS SECTION

16 (2) A PERSON SHALL NOT APPLY TO HAVE SET ASIDE, AND A JUDGE  
17 SHALL NOT SET ASIDE, AN ADJUDICATION FOR AN OFFENSE THAT IF COM-  
18 MITTED BY AN ADULT WOULD BE A FELONY FOR WHICH THE MAXIMUM PUN-  
19 ISHMENT IS LIFE IMPRISONMENT OR AN ADJUDICATION FOR A TRAFFIC  
20 OFFENSE UNDER THE MICHIGAN VEHICLE CODE, ACT NO 300 OF THE  
21 PUBLIC ACTS OF 1949, BEING SECTIONS 257 1 TO 257 923 OF THE  
22 MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
23 SPONDING TO THAT ACT, WHICH VIOLATION INVOLVES THE OPERATION OF A  
24 VEHICLE AND AT THE TIME OF THE VIOLATION IS A FELONY OR  
25 MISDEMEANOR

26 (3) AN APPLICATION UNDER THIS SECTION SHALL NOT BE FILED  
27 UNTIL THE EXPIRATION OF 5 YEARS FOLLOWING IMPOSITION OF THE

1 DISPOSITION FOR THE ADJUDICATION THAT THE APPLICANT SEEKS TO SET  
2 ASIDE, OR 5 YEARS FOLLOWING COMPLETION OF ANY TERM OF DETENTION  
3 FOR THAT ADJUDICATION, OR WHEN THE PERSON BECOMES 24 YEARS OF  
4 AGE, WHICHEVER OCCURS LATER

5 (4) AN APPLICATION UNDER THIS SECTION IS INVALID UNLESS IT  
6 CONTAINS THE FOLLOWING INFORMATION AND IS SIGNED UNDER OATH BY  
7 THE PERSON WHOSE ADJUDICATION IS TO BE SET ASIDE

8 (A) THE FULL NAME AND CURRENT ADDRESS OF THE APPLICANT

9 (B) A CERTIFIED RECORD OF THE ADJUDICATION THAT IS TO BE SET  
10 ASIDE

11 (C) A STATEMENT THAT THE APPLICANT HAS NOT BEEN ADJUDICATED  
12 OF A JUVENILE OFFENSE OTHER THAN THE ONE THAT IS SOUGHT TO BE SET  
13 ASIDE AS A RESULT OF THIS APPLICATION

14 (D) A STATEMENT THAT THE APPLICANT HAS NOT BEEN CONVICTED OF  
15 ANY FELONY OFFENSE

16 (E) A STATEMENT AS TO WHETHER THE APPLICANT HAS PREVIOUSLY  
17 FILED AN APPLICATION TO SET ASIDE THIS OR ANY OTHER ADJUDICATION  
18 AND, IF SO, THE DISPOSITION OF THE APPLICATION

19 (F) A STATEMENT AS TO WHETHER THE APPLICANT HAS ANY OTHER  
20 CRIMINAL CHARGE PENDING AGAINST HIM OR HER IN ANY COURT IN THE  
21 UNITED STATES OR IN ANY OTHER COUNTRY

22 (G) A CONSENT TO THE USE OF THE NONPUBLIC RECORD CREATED  
23 UNDER SUBSECTION (13), TO THE EXTENT AUTHORIZED BY SUBSECTION  
24 (13)

25 (5) THE APPLICANT SHALL SUBMIT A COPY OF THE APPLICATION AND  
26 2 COMPLETE SETS OF FINGERPRINTS TO THE DEPARTMENT OF STATE  
27 POLICE THE DEPARTMENT OF STATE POLICE SHALL COMPARE THOSE

1 FINGERPRINTS WITH THE RECORDS OF THE DEPARTMENT, INCLUDING THE  
2 NONPUBLIC RECORD CREATED UNDER SUBSECTION (13), AND SHALL FORWARD  
3 A COMPLETE SET OF FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTI-  
4 GATION FOR A COMPARISON WITH THE RECORDS AVAILABLE TO THAT  
5 AGENCY THE DEPARTMENT OF STATE POLICE SHALL REPORT TO THE COURT  
6 IN WHICH THE APPLICATION IS FILED THE INFORMATION CONTAINED IN  
7 THE DEPARTMENT'S RECORDS WITH RESPECT TO ANY PENDING CHARGES  
8 AGAINST THE APPLICANT, ANY RECORD OF ADJUDICATION OR CONVICTION  
9 OF THE APPLICANT, AND THE SETTING ASIDE OF ANY ADJUDICATION OR  
10 CONVICTION OF THE APPLICANT AND SHALL REPORT TO THE COURT ANY  
11 SIMILAR INFORMATION OBTAINED FROM THE FEDERAL BUREAU OF  
12 INVESTIGATION THE COURT SHALL NOT ACT UPON THE APPLICATION  
13 UNTIL THE DEPARTMENT OF STATE POLICE REPORTS THE INFORMATION  
14 REQUIRED BY THIS SUBSECTION TO THE COURT

15 (6) THE COPY OF THE APPLICATION SUBMITTED TO THE DEPARTMENT  
16 OF STATE POLICE PURSUANT TO SUBSECTION (5) SHALL BE ACCOMPANIED  
17 BY A FEE OF \$25 00 PAYABLE TO THE STATE OF MICHIGAN THE DEPART-  
18 MENT OF STATE POLICE SHALL USE THE FEE TO DEFRAY THE EXPENSES  
19 INCURRED IN PROCESSING THE APPLICATION

20 (7) A COPY OF THE APPLICATION SHALL BE SERVED UPON THE  
21 ATTORNEY GENERAL AND, IF APPLICABLE, UPON THE OFFICE OF THE PROS-  
22 ECUTING ATTORNEY WHO PROSECUTED THE OFFENSE THE ATTORNEY GEN-  
23 ERAL AND THE PROSECUTING ATTORNEY SHALL HAVE AN OPPORTUNITY TO  
24 CONTEST THE APPLICATION IF THE ADJUDICATION WAS FOR AN OFFENSE  
25 THAT IF COMMITTED BY AN ADULT WOULD BE AN ASSAULTIVE CRIME OR  
26 SERIOUS MISDEMEANOR, AND IF THE NAME OF THE VICTIM IS KNOWN TO  
27 THE PROSECUTING ATTORNEY, THE PROSECUTING ATTORNEY SHALL GIVE THE



1 THE VICTIM OF THAT OFFENSE WRITTEN NOTICE OF THE APPLICATION AND  
2 FORWARD A COPY OF THE APPLICATION TO THE VICTIM PURSUANT TO  
3 SECTION 46A OF THE CRIME VICTIM'S RIGHTS ACT, ACT NO 87 OF THE  
4 PUBLIC ACTS OF 1985, BEING SECTION 780 796A OF THE MICHIGAN  
5 COMPILED LAWS THE NOTICE SHALL BE SENT BY FIRST-CLASS MAIL TO  
6 THE VICTIM'S LAST KNOWN ADDRESS THE VICTIM HAS THE RIGHT TO  
7 APPEAR AT ANY PROCEEDING UNDER THIS SECTION CONCERNING THAT ADJU-  
8 DICATION AND TO MAKE A WRITTEN OR ORAL STATEMENT AS USED IN  
9 THIS SUBSECTION

10 (A) "ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED IN SECTION  
11 9A OF CHAPTER X OF THE CODE OF CRIMINAL PROCEDURE, ACT NO 175 OF  
12 THE PUBLIC ACTS OF 1927, BEING SECTION 770 9A OF THE MICHIGAN  
13 COMPILED LAWS

14 (B) "SERIOUS MISDEMEANOR" MEANS THAT TERM AS DEFINED IN SEC-  
15 TION 61 OF ACT NO 87 OF THE PUBLIC ACTS OF 1985, BEING SECTION  
16 780 811 OF THE MICHIGAN COMPILED LAWS

17 (C) "VICTIM" MEANS THAT TERM AS DEFINED IN SECTION 31 OF ACT  
18 NO 87 OF THE PUBLIC ACTS OF 1985, BEING SECTION 780 781 OF THE  
19 MICHIGAN COMPILED LAWS

20 (8) UPON THE HEARING OF THE APPLICATION, THE COURT MAY  
21 REQUIRE THE FILING OF AFFIDAVITS AND THE TAKING OF PROOFS AS IT  
22 CONSIDERS PROPER

23 (9) EXCEPT AS PROVIDED IN SUBSECTION (10), IF THE COURT  
24 DETERMINES THAT THE CIRCUMSTANCES AND BEHAVIOR OF THE APPLICANT  
25 FROM THE DATE OF THE APPLICANT'S ADJUDICATION TO THE FILING OF  
26 THE APPLICATION WARRANT SETTING ASIDE THE ADJUDICATION AND THAT  
27 SETTING ASIDE THE ADJUDICATION IS CONSISTENT WITH THE PUBLIC

1 WELFARE, THE COURT MAY ENTER AN ORDER SETTING ASIDE THE  
2 ADJUDICATION EXCEPT AS PROVIDED IN SUBSECTION (10), THE SETTING  
3 ASIDE OF AN ADJUDICATION UNDER THIS SECTION IS A PRIVILEGE AND  
4 CONDITIONAL, AND IS NOT A RIGHT

5 (10) NOTWITHSTANDING SUBSECTION (9), THE COURT SHALL SET  
6 ASIDE THE ADJUDICATION OF A PERSON WHO WAS ADJUDICATED FOR AN  
7 OFFENSE THAT IF COMMITTED BY AN ADULT WOULD BE A VIOLATION OR AN  
8 ATTEMPTED VIOLATION OF SECTION 413 OF THE MICHIGAN PENAL CODE,  
9 ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 413 OF  
10 THE MICHIGAN COMPILED LAWS, IF THE PERSON FILES AN APPLICATION  
11 WITH THE COURT AND OTHERWISE MEETS THE REQUIREMENTS OF THIS  
12 SECTION

13 (11) UPON THE ENTRY OF AN ORDER UNDER THIS SECTION, THE  
14 APPLICANT, FOR PURPOSES OF THE LAW, SHALL BE CONSIDERED NOT TO  
15 HAVE BEEN PREVIOUSLY ADJUDICATED, EXCEPT AS PROVIDED IN SUBSEC-  
16 TION (13) AND AS FOLLOWS

17 (A) THE APPLICANT IS NOT ENTITLED TO THE REMISSION OF ANY  
18 FINE, COSTS, OR OTHER MONEY PAID AS A CONSEQUENCE OF AN ADJUDICA-  
19 TION THAT IS SET ASIDE

20 (B) THIS SECTION DOES NOT AFFECT THE RIGHT OF THE APPLICANT  
21 TO RELY UPON THE ADJUDICATION TO BAR SUBSEQUENT PROCEEDINGS FOR  
22 THE SAME OFFENSE

23 (C) THIS SECTION DOES NOT AFFECT THE RIGHT OF A VICTIM OF AN  
24 OFFENSE TO PROSECUTE OR DEFEND A CIVIL ACTION FOR DAMAGES

25 (D) THIS SECTION DOES NOT CREATE A RIGHT TO COMMENCE AN  
26 ACTION FOR DAMAGES FOR DETENTION UNDER THE DISPOSITION THAT THE

1 APPLICANT SERVED BEFORE THE ADJUDICATION IS SET ASIDE PURSUANT TO  
2 THIS SECTION

3 (12) UPON THE ENTRY OF AN ORDER UNDER THIS SECTION, THE  
4 COURT SHALL SEND A COPY OF THE ORDER TO THE ARRESTING AGENCY AND  
5 THE DEPARTMENT OF STATE POLICE

6 (13) THE DEPARTMENT OF STATE POLICE SHALL RETAIN A NONPUBLIC  
7 RECORD OF THE ORDER SETTING ASIDE AN ADJUDICATION AND OF THE  
8 RECORD OF THE ARREST, FINGERPRINTS, ADJUDICATION, AND DISPOSITION  
9 OF THE APPLICANT IN THE CASE TO WHICH THE ORDER APPLIES EXCEPT  
10 AS PROVIDED IN SUBSECTION (14), THIS NONPUBLIC RECORD SHALL BE  
11 MADE AVAILABLE ONLY TO A COURT OF COMPETENT JURISDICTION, AN  
12 AGENCY OF THE JUDICIAL BRANCH OF STATE GOVERNMENT, A LAW ENFORCE-  
13 MENT AGENCY, A PROSECUTING ATTORNEY, THE ATTORNEY GENERAL, OR THE  
14 GOVERNOR UPON REQUEST AND ONLY FOR THE FOLLOWING PURPOSES

15 (A) CONSIDERATION IN A LICENSING FUNCTION CONDUCTED BY AN  
16 AGENCY OF THE JUDICIAL BRANCH OF STATE GOVERNMENT

17 (B) CONSIDERATION BY A LAW ENFORCEMENT AGENCY IF A PERSON  
18 WHOSE ADJUDICATION HAS BEEN SET ASIDE APPLIES FOR EMPLOYMENT WITH  
19 THE LAW ENFORCEMENT AGENCY

20 (C) TO SHOW THAT A PERSON WHO HAS FILED AN APPLICATION TO  
21 SET ASIDE AN ADJUDICATION HAS PREVIOUSLY HAD AN ADJUDICATION SET  
22 ASIDE PURSUANT TO THIS SECTION

23 (D) THE COURT'S CONSIDERATION IN DETERMINING THE SENTENCE TO  
24 BE IMPOSED UPON CONVICTION FOR A SUBSEQUENT OFFENSE THAT IS PUN-  
25 ISHABLE AS A FELONY OR BY IMPRISONMENT FOR MORE THAN 1 YEAR

1 (E) CONSIDERATION BY THE GOVERNOR, IF A PERSON WHOSE  
2 ADJUDICATION HAS BEEN SET ASIDE APPLIES FOR A PARDON FOR ANOTHER  
3 OFFENSE

4 (14) A COPY OF THE NONPUBLIC RECORD CREATED UNDER SUBSECTION  
5 (13) SHALL BE PROVIDED TO THE PERSON WHOSE ADJUDICATION IS SET  
6 ASIDE UNDER THIS SECTION UPON PAYMENT OF A FEE DETERMINED AND  
7 CHARGED BY THE DEPARTMENT OF STATE POLICE IN THE SAME MANNER AS  
8 THE FEE PRESCRIBED IN SECTION 4 OF THE FREEDOM OF INFORMATION  
9 ACT, ACT NO 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15 234  
10 OF THE MICHIGAN COMPILED LAWS

11 (15) THE NONPUBLIC RECORD MAINTAINED UNDER SUBSECTION (13)  
12 IS EXEMPT FROM DISCLOSURE UNDER ACT NO 442 OF THE PUBLIC ACTS OF  
13 1976, BEING SECTIONS 15 231 TO 15 246 OF THE MICHIGAN COMPILED  
14 LAWS

15 (16) EXCEPT AS PROVIDED IN SUBSECTION (13), A PERSON, OTHER  
16 THAN THE APPLICANT, WHO KNOWS OR SHOULD HAVE KNOWN THAT AN ADJU-  
17 DICATION WAS SET ASIDE UNDER THIS SECTION, WHO DIVULGES, USES, OR  
18 PUBLISHES INFORMATION CONCERNING AN ADJUDICATION SET ASIDE UNDER  
19 THIS SECTION IS GUILTY OF A MISDEMEANOR

20 SEC 9663 (1) IF, IN A PROCEEDING UNDER SECTION 9603(3),  
21 AN AGENCY ADVISES THE COURT AGAINST PLACING A CHILD IN THE CUS-  
22 TODY OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN, THE AGENCY  
23 SHALL REPORT IN WRITING TO THE COURT WHAT EFFORTS WERE MADE TO  
24 PREVENT THE CHILD'S REMOVAL FROM HIS OR HER HOME OR THE EFFORTS  
25 MADE TO RECTIFY THE CONDITIONS THAT CAUSED THE CHILD'S REMOVAL  
26 FROM HIS OR HER HOME THE REPORT SHALL INCLUDE ALL OF THE  
27 FOLLOWING

1 (A) IF SERVICES WERE PROVIDED TO THE CHILD AND HIS OR HER  
2 PARENT, GUARDIAN, OR CUSTODIAN, THE SERVICES, INCLUDING IN-HOME  
3 SERVICES, THAT WERE PROVIDED

4 (B) IF SERVICES WERE NOT PROVIDED TO THE CHILD AND HIS OR  
5 HER PARENT, GUARDIAN, OR CUSTODIAN, THE REASONS WHY SERVICES WERE  
6 NOT PROVIDED

7 (C) LIKELY HARM TO THE CHILD IF THE CHILD WERE TO BE SEPA-  
8 RATED FROM HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN

9 (D) LIKELY HARM TO THE CHILD IF THE CHILD WERE TO BE  
10 RETURNED TO HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN

11 (2) BEFORE THE COURT ENTERS AN ORDER OF DISPOSITION IN A  
12 PROCEEDING UNDER SECTION 9603(3), THE AGENCY SHALL PREPARE A CASE  
13 SERVICE PLAN THAT SHALL BE AVAILABLE TO THE COURT AND ALL THE  
14 PARTIES TO THE PROCEEDING

15 (3) THE CASE SERVICE PLAN SHALL PROVIDE FOR PLACING THE  
16 CHILD IN THE MOST FAMILY-LIKE SETTING AVAILABLE AND IN AS CLOSE  
17 PROXIMITY TO THE CHILD'S PARENTS' HOME AS IS CONSISTENT WITH THE  
18 BEST INTERESTS AND SPECIAL NEEDS OF THE CHILD THE CASE SERVICE  
19 PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING

20 (A) THE TYPE OF HOME OR INSTITUTION IN WHICH THE CHILD IS TO  
21 BE PLACED AND THE REASONS FOR THE SELECTED PLACEMENT

22 (B) EFFORTS TO BE MADE BY THE CHILD'S PARENT TO ENABLE THE  
23 CHILD TO RETURN TO HIS OR HER HOME

24 (C) EFFORTS TO BE MADE BY THE AGENCY TO RETURN THE CHILD TO  
25 HIS OR HER HOME

26 (D) SCHEDULE OF SERVICES TO BE PROVIDED TO THE PARENT,  
27 CHILD, AND IF THE CHILD IS TO BE PLACED IN FOSTER CARE, THE

1 FOSTER PARENT, TO FACILITATE THE CHILD'S RETURN TO HIS OR HER  
2 HOME OR TO FACILITATE THE PERMANENT PLACEMENT OF THE CHILD

3 (E) UNLESS VISITATION, EVEN IF SUPERVISED, WOULD BE HARMFUL  
4 TO THE CHILD, A SCHEDULE FOR REGULAR AND FREQUENT VISITATION  
5 BETWEEN THE CHILD AND HIS OR HER PARENT WHICH SHALL NOT BE LESS  
6 THAN ONCE EVERY 7 DAYS

7 (4) THE COURT SHALL CONSIDER THE CASE SERVICE PLAN, ANY  
8 WRITTEN OR ORAL INFORMATION CONCERNING THE CHILD FROM THE CHILD'S  
9 PARENT, GUARDIAN, CUSTODIAN, FOSTER PARENT, CHILD CARING INSTITU-  
10 TION, OR RELATIVE WITH WHOM THE CHILD IS PLACED, AND ANY OTHER  
11 EVIDENCE OFFERED BEARING ON DISPOSITION BEFORE THE COURT ENTERS  
12 AN ORDER OF DISPOSITION THE ORDER OF DISPOSITION SHALL STATE  
13 WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO PREVENT THE CHILD'S  
14 REMOVAL FROM HIS OR HER HOME OR TO RECTIFY THE CONDITIONS THAT  
15 CAUSED THE CHILD'S REMOVAL FROM HIS OR HER HOME THE COURT MAY  
16 ORDER COMPLIANCE WITH ALL OR ANY PART OF THE CASE SERVICE PLAN AS  
17 THE COURT CONSIDERS NECESSARY

18 (5) IF A CHILD CONTINUES IN PLACEMENT OUTSIDE OF THE CHILD'S  
19 HOME, THE CASE SERVICE PLAN SHALL BE UPDATED AND REVISED AT  
20 90-DAY INTERVALS AS REQUIRED BY THE RULES PROMULGATED PURSUANT TO  
21 ACT NO 116 OF THE PUBLIC ACTS OF 1973, BEING SECTIONS 722 111 TO  
22 722 128 OF THE MICHIGAN COMPILED LAWS THE AGENCY SHALL CONSULT  
23 WITH THE FOSTER PARENTS WHEN IT UPDATES AND REVISES THE CASE  
24 SERVICE PLAN, AND SHALL ATTACH A STATEMENT SUMMARIZING THE INFOR-  
25 MATION RECEIVED FROM THE FOSTER PARENTS TO THE UPDATED AND  
26 REVISED CASE SERVICE PLAN UPDATED AND REVISED CASE SERVICE  
27 PLANS SHALL BE AVAILABLE TO THE COURT AND ALL THE PARTIES TO THE

1 PROCEEDING WRITTEN REPORTS, OTHER THAN THOSE PORTIONS MADE  
2 CONFIDENTIAL BY LAW, CASE SERVICE PLANS, AND COURT ORDERS,  
3 INCLUDING ALL UPDATES AND REVISIONS, SHALL BE AVAILABLE TO THE  
4 FOSTER PARENT, CHILD CARING INSTITUTION, OR RELATIVE WITH WHOM  
5 THE CHILD IS PLACED

6 SEC 9665 (1) SUBJECT TO SECTION 9673, IF A CHILD REMAINS  
7 UNDER THE JURISDICTION OF THE COURT, A CAUSE MAY BE TERMINATED OR  
8 AN ORDER MAY BE AMENDED OR SUPPLEMENTED, WITHIN THE AUTHORITY  
9 GRANTED TO THE COURT IN SECTION 9651, AT ANY TIME AS THE COURT  
10 CONSIDERS NECESSARY AND PROPER AN AMENDED OR SUPPLEMENTED ORDER  
11 SHALL BE REFERRED TO AS A "SUPPLEMENTAL ORDER OF DISPOSITION"

12 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3), (5),  
13 (6), (8), (9), AND (10), IF A CHILD IS PLACED IN FOSTER CARE, THE  
14 CAUSE SHALL BE REHEARD NOT MORE THAN 182 DAYS AFTER ENTRY OF THE  
15 ORDER OF DISPOSITION THE SHOWING SHALL BE RECORDED STENOGRAPHI-  
16 CALLY AT A HEARING HELD BY THE JUDGE OR REFEREE IF THE CHILD  
17 REMAINS IN FOSTER CARE IN THE TEMPORARY CUSTODY OF THE COURT FOL-  
18 LOWING THE HEARING, THE CAUSE SHALL BE FURTHER REHEARD NOT MORE  
19 THAN 182 DAYS AFTER THE HEARING IN CONDUCTING THE REVIEW HEAR-  
20 ING, THE COURT SHALL REVIEW THE PERFORMANCE OF THE CHILD, THE  
21 CHILD'S PARENT, GUARDIAN, OR CUSTODIAN, THE JUVENILE WORKER, AND  
22 OTHER PERSONS PROVIDING ASSISTANCE TO THE CHILD AND HIS OR HER  
23 FAMILY

24 (3) IF, IN A PROCEEDING UNDER SECTION 9603(3), A CHILD IS  
25 PLACED AND REMAINS IN FOSTER CARE, A REVIEW HEARING SHALL BE HELD  
26 NOT MORE THAN 91 DAYS AFTER ENTRY OF THE ORDER OF DISPOSITION AND  
27 EVERY 91 DAYS THEREAFTER FOR THE FIRST YEAR FOLLOWING THE ENTRY

1 OF THE ORDER OF DISPOSITION AFTER THE FIRST YEAR FOLLOWING THE  
2 ENTRY OF THE ORDER OF DISPOSITION, A REVIEW HEARING SHALL BE HELD  
3 NOT MORE THAN 182 DAYS AFTER A PERMANENCY PLANNING HEARING HELD  
4 PURSUANT TO SECTION 19A OF THIS CHAPTER UPON MOTION BY ANY  
5 PARTY OR IN THE COURT'S DISCRETION, A REVIEW HEARING MAY BE  
6 ACCELERATED TO REVIEW ANY ELEMENT OF THE CASE SERVICE PLAN PRE-  
7 PARED PURSUANT TO SECTION 18F OF THIS CHAPTER

8 (4) WRITTEN NOTICE OF A REVIEW HEARING UNDER SUBSECTION (2)  
9 OR (3) SHALL BE SERVED UPON ALL OF THE FOLLOWING

10 (A) THE AGENCY THE AGENCY SHALL ADVISE THE CHILD OF THE  
11 HEARING IF THE CHILD IS 11 YEARS OF AGE OR OLDER

12 (B) THE FOSTER PARENT OR CUSTODIAN OF THE CHILD

13 (C) IF THE PARENTAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-  
14 NATED, THE CHILD'S PARENTS

15 (D) IF THE CHILD HAS A GUARDIAN, THE GUARDIAN FOR THE  
16 CHILD

17 (E) IF THE CHILD HAS A GUARDIAN AD LITEM, THE GUARDIAN AD  
18 LITEM FOR THE CHILD

19 (F) IF TRIBAL AFFILIATION HAS BEEN DETERMINED, THE ELECTED  
20 LEADER OF THE INDIAN TRIBE

21 (G) THE ATTORNEY FOR THE CHILD, THE ATTORNEYS FOR EACH  
22 PARTY, AND THE PROSECUTING ATTORNEY IF THE PROSECUTING ATTORNEY  
23 HAS APPEARED IN THE CASE

24 (H) IF THE CHILD IS 11 YEARS OF AGE OR OLDER, THE CHILD

25 (I) OTHER PERSONS AS THE COURT MAY DIRECT

26 (5) AT A REVIEW HEARING UNDER SUBSECTION (3), THE COURT  
27 SHALL REVIEW ON THE RECORD ALL OF THE FOLLOWING



1 (A) COMPLIANCE WITH THE CASE SERVICE PLAN WITH RESPECT TO  
2 SERVICES PROVIDED OR OFFERED TO THE CHILD AND HIS OR HER PARENT,  
3 GUARDIAN, OR CUSTODIAN AND WHETHER THE PARENT, GUARDIAN, OR CUS-  
4 TODIAN HAS COMPLIED WITH AND BENEFITED FROM THOSE SERVICES

5 (B) COMPLIANCE WITH THE CASE SERVICE PLAN WITH RESPECT TO  
6 VISITATION WITH THE CHILD IF VISITATION DID NOT OCCUR OR WAS  
7 INFREQUENT, THE COURT SHALL DETERMINE WHY VISITATION DID NOT  
8 OCCUR OR WAS INFREQUENT

9 (C) THE EXTENT TO WHICH THE PARENT COMPLIED WITH EACH PROVI-  
10 SION OF THE CASE SERVICE PLAN, PRIOR COURT ORDERS, AND ANY AGREE-  
11 MENT BETWEEN THE PARENT AND THE AGENCY

12 (D) LIKELY HARM TO THE CHILD IF THE CHILD CONTINUES TO BE  
13 SEPARATED FROM HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN

14 (E) LIKELY HARM TO THE CHILD IF THE CHILD IS RETURNED TO HIS  
15 OR HER PARENT, GUARDIAN, OR CUSTODIAN

16 (6) AFTER REVIEW OF THE CASE SERVICE PLAN, THE COURT SHALL  
17 DETERMINE THE EXTENT OF PROGRESS MADE TOWARD ALLEVIATING OR MITI-  
18 GATING THE CONDITIONS THAT CAUSED THE CHILD TO BE PLACED IN  
19 FOSTER CARE OR THAT CAUSED THE CHILD TO REMAIN IN FOSTER CARE  
20 THE COURT MAY MODIFY ANY PART OF THE CASE SERVICE PLAN INCLUDING,  
21 BUT NOT LIMITED TO, THE FOLLOWING

22 (A) PRESCRIBING ADDITIONAL SERVICES THAT ARE NECESSARY TO  
23 RECTIFY THE CONDITIONS THAT CAUSED THE CHILD TO BE PLACED IN  
24 FOSTER CARE OR TO REMAIN IN FOSTER CARE

25 (B) PRESCRIBING ADDITIONAL ACTIONS TO BE TAKEN BY THE  
26 PARENT, GUARDIAN, OR CUSTODIAN TO RECTIFY THE CONDITIONS THAT

1 CAUSED THE CHILD TO BE PLACED IN FOSTER CARE OR TO REMAIN IN  
2 FOSTER CARE

3 (7) AT A REVIEW HEARING UNDER SUBSECTION (2) OR (3), THE  
4 COURT SHALL DETERMINE THE CONTINUING NECESSITY AND APPROPRIATE-  
5 NESS OF THE CHILD'S PLACEMENT AND SHALL ORDER THE RETURN OF THE  
6 CHILD TO THE CUSTODY OF THE PARENT, CONTINUE THE DISPOSITIONAL  
7 ORDER, MODIFY THE DISPOSITIONAL ORDER, OR ENTER A NEW DISPOSI-  
8 TIONAL ORDER

9 (8) IF IN A PROCEEDING UNDER SECTION 9603(3) A CHILD IS  
10 PLACED IN FOSTER CARE, THE COURT SHALL DETERMINE AT THE DISPOSI-  
11 TIONAL HEARING AND EACH REVIEW HEARING WHETHER THE CAUSE SHOULD  
12 BE REVIEWED BEFORE THE NEXT REVIEW HEARING REQUIRED BY SUBSECTION  
13 (3) IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER, BUT  
14 NOT BE LIMITED TO, ALL OF THE FOLLOWING

15 (A) THE PARENT'S ABILITY AND MOTIVATION TO MAKE NECESSARY  
16 CHANGES TO PROVIDE A SUITABLE ENVIRONMENT FOR THE CHILD

17 (B) WHETHER THERE IS A REASONABLE LIKELIHOOD THAT THE CHILD  
18 MAY BE RETURNED TO HIS OR HER HOME PRIOR TO THE NEXT REVIEW HEAR-  
19 ING REQUIRED BY SUBSECTION (3)

20 (9) UNLESS WAIVED, IF NOT LESS THAN 7 DAYS' NOTICE IS GIVEN  
21 TO ALL PARTIES PRIOR TO THE RETURN OF A CHILD TO HIS OR HER HOME,  
22 AND NO PARTY REQUESTS A HEARING WITHIN THE 7 DAYS, THE COURT MAY  
23 ISSUE AN ORDER WITHOUT A HEARING PERMITTING THE AGENCY TO RETURN  
24 THE CHILD TO HIS OR HER HOME

25 (10) AN AGENCY REPORT FILED WITH THE COURT SHALL BE ACCESSI-  
26 BLE TO ALL PARTIES TO THE ACTION AND SHALL BE OFFERED INTO  
27 EVIDENCE THE COURT SHALL CONSIDER ANY WRITTEN OR ORAL

1 INFORMATION CONCERNING THE CHILD FROM THE CHILD'S PARENT,  
2 GUARDIAN, CUSTODIAN, FOSTER PARENT, CHILD CARING INSTITUTION, OR  
3 RELATIVE WITH WHOM A CHILD IS PLACED, IN ADDITION TO ANY OTHER  
4 EVIDENCE OFFERED AT THE HEARING

5        SEC 9667    (1) IF A CHILD REMAINS IN FOSTER CARE AND PAREN-  
6 TAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMINATED, THE COURT SHALL  
7 CONDUCT A PERMANENCY PLANNING HEARING NOT MORE THAN 364 DAYS  
8 AFTER ENTRY OF THE ORDER OF DISPOSITION AND EVERY 364 DAYS THERE-  
9 AFTER DURING THE CONTINUATION OF THE CHILD'S PLACEMENT IN FOSTER  
10 CARE    A PERMANENCY PLANNING HEARING MAY BE COMBINED WITH A  
11 REVIEW HEARING HELD UNDER SECTION 9665(3)

12        (2) A PERMANENCY PLANNING HEARING SHALL BE CONDUCTED TO  
13 REVIEW THE STATUS OF THE CHILD AND THE PROGRESS BEING MADE TOWARD  
14 THE CHILD'S RETURN HOME OR TO SHOW WHY THE CHILD SHOULD NOT BE  
15 PLACED IN THE PERMANENT CUSTODY OF THE COURT

16        (3) NOT LESS THAN 14 DAYS BEFORE A PERMANENCY PLANNING HEAR-  
17 ING, WRITTEN NOTICE OF THE HEARING AND A STATEMENT OF THE PUR-  
18 POSES OF THE HEARING, INCLUDING A NOTICE THAT THE HEARING MAY  
19 RESULT IN FURTHER PROCEEDINGS TO TERMINATE PARENTAL RIGHTS, SHALL  
20 BE SERVED UPON ALL OF THE FOLLOWING

21        (A) THE AGENCY    THE AGENCY SHALL ADVISE THE CHILD OF THE  
22 HEARING IF THE CHILD IS 11 YEARS OF AGE OR OLDER

23        (B) THE FOSTER PARENT OR CUSTODIAN OF THE CHILD

24        (C) IF THE PARENTAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-  
25 NATED, THE CHILD'S PARENTS

26        (D) IF THE CHILD HAS A GUARDIAN, THE GUARDIAN FOR THE  
27 CHILD

1 (E) IF THE CHILD HAS A GUARDIAN AD LITEM, THE GUARDIAN AD  
2 LITEM FOR THE CHILD

3 (F) IF TRIBAL AFFILIATION HAS BEEN DETERMINED, THE ELECTED  
4 LEADER OF THE INDIAN TRIBE

5 (G) THE ATTORNEY FOR THE CHILD, THE ATTORNEYS FOR EACH  
6 PARTY, AND THE PROSECUTING ATTORNEY IF THE PROSECUTING ATTORNEY  
7 HAS APPEARED IN THE CASE

8 (H) IF THE CHILD IS 11 YEARS OF AGE OR OLDER, THE CHILD

9 (I) OTHER PERSONS AS THE COURT MAY DIRECT

10 (4) IF PARENTAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMINATED  
11 AND THE COURT DETERMINES AT A PERMANENCY PLANNING HEARING THAT  
12 THE RETURN OF THE CHILD TO HIS OR HER PARENT WOULD NOT CAUSE A  
13 SUBSTANTIAL RISK OF HARM TO THE CHILD'S LIFE, PHYSICAL HEALTH, OR  
14 MENTAL WELL-BEING, THE COURT SHALL ORDER THE CHILD RETURNED TO  
15 HIS OR HER PARENT IN DETERMINING WHETHER THE RETURN OF THE  
16 CHILD WOULD CAUSE A SUBSTANTIAL RISK OF HARM TO THE CHILD, THE  
17 COURT SHALL VIEW THE FAILURE OF THE PARENT TO SUBSTANTIALLY  
18 COMPLY WITH THE TERMS AND CONDITIONS OF THE CASE SERVICE PLAN  
19 PREPARED UNDER SECTION 9663 AS EVIDENCE THAT RETURN OF THE CHILD  
20 TO HIS OR HER PARENT WOULD CAUSE A SUBSTANTIAL RISK OF HARM TO  
21 THE CHILD'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING IN  
22 ADDITION TO CONSIDERING CONDUCT OF THE PARENT AS EVIDENCE OF SUB-  
23 STANTIAL RISK OF HARM, THE COURT SHALL CONSIDER ANY CONDITION OR  
24 CIRCUMSTANCE OF THE CHILD THAT MAY BE EVIDENCE THAT A RETURN TO  
25 THE PARENT WOULD CAUSE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S  
26 LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING

1           (5) IF THE COURT DETERMINES AT A PERMANENCY PLANNING HEARING  
2 THAT THE CHILD SHOULD NOT BE RETURNED TO HIS OR HER PARENT, THE  
3 COURT SHALL ORDER THE AGENCY TO INITIATE PROCEEDINGS TO TERMINATE  
4 PARENTAL RIGHTS TO THE CHILD NOT LATER THAN 42 DAYS AFTER THE  
5 PERMANENCY PLANNING HEARING, UNLESS THE AGENCY DEMONSTRATES TO  
6 THE COURT THAT INITIATING THE TERMINATION OF PARENTAL RIGHTS TO  
7 THE CHILD IS CLEARLY NOT IN THE CHILD'S BEST INTERESTS

8           (6) IF THE AGENCY DEMONSTRATES UNDER SUBSECTION (5) THAT  
9 INITIATING THE TERMINATION OF PARENTAL RIGHTS TO THE CHILD IS  
10 CLEARLY NOT IN THE CHILD'S BEST INTERESTS, THEN THE COURT SHALL  
11 ORDER EITHER OF THE FOLLOWING ALTERNATIVE PLACEMENT PLANS

12           (A) IF THE COURT DETERMINES THAT OTHER PERMANENT PLACEMENT  
13 IS NOT POSSIBLE, THE CHILD'S PLACEMENT IN FOSTER CARE SHALL CON-  
14 TINUE FOR A LIMITED PERIOD TO BE STATED BY THE COURT

15           (B) IF THE COURT DETERMINES THAT IT IS IN THE CHILD'S BEST  
16 INTERESTS, THE CHILD'S PLACEMENT IN FOSTER CARE SHALL CONTINUE ON  
17 A LONG-TERM BASIS

18           (7) IN MAKING THE DETERMINATIONS UNDER THIS SECTION, THE  
19 COURT SHALL CONSIDER ANY WRITTEN OR ORAL INFORMATION CONCERNING  
20 THE CHILD FROM THE CHILD'S PARENT, GUARDIAN, CUSTODIAN, FOSTER  
21 PARENT, CHILD CARING INSTITUTION, OR RELATIVE WITH WHOM THE CHILD  
22 IS PLACED, IN ADDITION TO ANY OTHER EVIDENCE OFFERED AT THE  
23 HEARING

24           SEC 9669   (1) EXCEPT AS PROVIDED IN SUBSECTION (4), IF A  
25 CHILD REMAINS IN FOSTER CARE IN THE TEMPORARY CUSTODY OF THE  
26 COURT FOLLOWING A REVIEW HEARING UNDER SECTION 9665(3) OR A  
27 PERMANENCY PLANNING HEARING UNDER SECTION 9667 OR IF A CHILD

1 REMAINS IN THE CUSTODY OF A GUARDIAN OR LIMITED GUARDIAN, UPON  
2 PETITION OF THE PROSECUTING ATTORNEY, WHETHER OR NOT THE PROSE-  
3 CUTING ATTORNEY IS REPRESENTING OR ACTING AS LEGAL CONSULTANT TO  
4 THE AGENCY OR ANY OTHER PARTY, OR OF THE CHILD, GUARDIAN, CUSTO-  
5 DIAN, CONCERNED PERSON AS DEFINED IN SUBSECTION (6), AGENCY, OR  
6 THE CHILDREN'S OMBUDSMAN PURSUANT TO SECTION 7 OF THE CHILDREN'S  
7 OMBUDSMAN ACT, THE COURT SHALL HOLD A HEARING TO DETERMINE IF THE  
8 PARENTAL RIGHTS TO A CHILD SHOULD BE TERMINATED AND, IF ALL  
9 PARENTAL RIGHTS TO THE CHILD ARE TERMINATED, THE CHILD PLACED IN  
10 PERMANENT CUSTODY OF THE COURT THE COURT SHALL STATE ON THE  
11 RECORD OR IN WRITING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW  
12 WITH RESPECT TO WHETHER OR NOT PARENTAL RIGHTS SHOULD BE  
13 TERMINATED

14 (2) NOT LESS THAN 14 DAYS BEFORE A HEARING TO DETERMINE IF  
15 THE PARENTAL RIGHTS TO A CHILD SHOULD BE TERMINATED, WRITTEN  
16 NOTICE OF THE HEARING SHALL BE SERVED UPON ALL OF THE FOLLOWING

17 (A) THE AGENCY THE AGENCY SHALL ADVISE THE CHILD OF THE  
18 HEARING IF THE CHILD IS 11 YEARS OF AGE OR OLDER

19 (B) THE FOSTER PARENT OR CUSTODIAN OF THE CHILD

20 (C) THE CHILD'S PARENTS

21 (D) IF THE CHILD HAS A GUARDIAN, THE GUARDIAN FOR THE  
22 CHILD

23 (E) IF THE CHILD HAS A GUARDIAN AD LITEM, THE GUARDIAN AD  
24 LITEM FOR THE CHILD

25 (F) IF TRIBAL AFFILIATION HAS BEEN DETERMINED, THE ELECTED  
26 LEADER OF THE INDIAN TRIBE

1 (G) THE ATTORNEY FOR THE CHILD AND THE ATTORNEYS FOR ALL  
2 PARTIES

3 (H) IF THE CHILD IS 11 YEARS OF AGE OR OLDER, THE CHILD

4 (I) THE PROSECUTOR

5 (3) THE COURT MAY TERMINATE THE PARENTAL RIGHTS OF A PARENT  
6 TO A CHILD IF THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE,  
7 1 OR MORE OF THE FOLLOWING

8 (A) THE CHILD HAS BEEN DESERTED UNDER EITHER OF THE FOLLOW-  
9 ING CIRCUMSTANCES

10 (1) IF THE PARENT OF A CHILD IS UNIDENTIFIABLE AND HAS  
11 DESERTED THE CHILD FOR 28 OR MORE DAYS AND HAS NOT SOUGHT CUSTODY  
12 OF THE CHILD DURING THAT PERIOD FOR THE PURPOSES OF THIS SEC-  
13 TION, A PARENT IS UNIDENTIFIABLE IF THE PARENT'S IDENTITY CANNOT  
14 BE ASCERTAINED AFTER REASONABLE EFFORTS HAVE BEEN MADE TO LOCATE  
15 AND IDENTIFY THE PARENT

16 (11) THE PARENT OF A CHILD HAS DESERTED THE CHILD FOR 91 OR  
17 MORE DAYS AND HAS NOT SOUGHT CUSTODY OF THE CHILD DURING THAT  
18 PERIOD

19 (B) THE CHILD OR A SIBLING OF THE CHILD HAS SUFFERED PHYSI-  
20 CAL INJURY OR PHYSICAL OR SEXUAL ABUSE UNDER EITHER OF THE FOL-  
21 LOWING CIRCUMSTANCES

22 (1) A PARENT'S ACT CAUSED THE PHYSICAL INJURY OR PHYSICAL OR  
23 SEXUAL ABUSE AND THE COURT FINDS THAT THERE IS A REASONABLE LIKE-  
24 LIHOOD THAT THE CHILD WILL SUFFER FROM INJURY OR ABUSE IN THE  
25 FORESEEABLE FUTURE IF PLACED IN THE PARENT'S HOME

26 (11) A PARENT WHO HAD THE OPPORTUNITY TO PREVENT THE  
27 PHYSICAL INJURY OR PHYSICAL OR SEXUAL ABUSE FAILED TO DO SO AND

1 THE COURT FINDS THAT THERE IS A REASONABLE LIKELIHOOD THAT THE  
2 CHILD WILL SUFFER INJURY OR ABUSE IN THE FORESEEABLE FUTURE IF  
3 PLACED IN THE PARENT'S HOME

4 (C) THE PARENT WAS A RESPONDENT IN A PROCEEDING BROUGHT  
5 UNDER THIS CHAPTER, 182 OR MORE DAYS HAVE ELAPSED SINCE THE ISSU-  
6 ANCE OF AN INITIAL DISPOSITIONAL ORDER, AND THE COURT, BY CLEAR  
7 AND CONVINCING EVIDENCE, FINDS EITHER OF THE FOLLOWING

8 (1) THE CONDITIONS THAT LED TO THE ADJUDICATION CONTINUE TO  
9 EXIST AND THERE IS NO REASONABLE LIKELIHOOD THAT THE CONDITIONS  
10 WILL BE RECTIFIED WITHIN A REASONABLE TIME CONSIDERING THE AGE OF  
11 THE CHILD

12 (11) OTHER CONDITIONS EXIST THAT CAUSE THE CHILD TO COME  
13 WITHIN THE JURISDICTION OF THE COURT, THE PARENT HAS RECEIVED  
14 RECOMMENDATIONS TO RECTIFY THOSE CONDITIONS, THE CONDITIONS HAVE  
15 NOT BEEN RECTIFIED BY THE PARENT AFTER THE PARENT HAS RECEIVED  
16 NOTICE, A HEARING, AND BEEN GIVEN A REASONABLE OPPORTUNITY TO  
17 RECTIFY THE CONDITIONS AND THERE IS NO REASONABLE LIKELIHOOD  
18 THAT THE CONDITIONS WILL BE RECTIFIED WITHIN A REASONABLE TIME  
19 CONSIDERING THE AGE OF THE CHILD

20 (D) THE PARENT OF A CHILD HAS PLACED THE CHILD IN A LIMITED  
21 GUARDIANSHIP UNDER SECTION 9324A, AND HAS SUBSTANTIALLY FAILED,  
22 WITHOUT GOOD CAUSE, TO COMPLY WITH A LIMITED GUARDIANSHIP PLACE-  
23 MENT PLAN DESCRIBED IN SECTION 9324A REGARDING THE CHILD TO THE  
24 EXTENT THAT SUCH NONCOMPLIANCE HAS RESULTED IN A DISRUPTION OF  
25 THE PARENT-CHILD RELATIONSHIP

26 (E) THE PARENT OF A CHILD WHO HAS A GUARDIAN UNDER CHAPTER  
27 93 HAS SUBSTANTIALLY FAILED, WITHOUT GOOD CAUSE, TO COMPLY WITH A



1 COURT-STRUCTURED PLAN DESCRIBED IN SECTION 9324B OR 9324C,  
2 REGARDING THE CHILD TO THE EXTENT THAT SUCH NONCOMPLIANCE HAS  
3 RESULTED IN A DISRUPTION OF THE PARENT-CHILD RELATIONSHIP

4 (F) THE CHILD HAS A GUARDIAN UNDER CHAPTER 93 AND BOTH OF  
5 THE FOLLOWING HAVE OCCURRED

6 (1) THE PARENT, HAVING THE ABILITY TO SUPPORT OR ASSIST IN  
7 SUPPORTING THE MINOR, HAS FAILED OR NEGLECTED, WITHOUT GOOD  
8 CAUSE, TO PROVIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE MINOR  
9 FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING OF THE PETITION  
10 OR, IF A SUPPORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTAN-  
11 Tially COMPLY WITH THE ORDER FOR A PERIOD OF 2 YEARS OR MORE  
12 BEFORE THE FILING OF THE PETITION

13 (11) THE PARENT, HAVING THE ABILITY TO VISIT, CONTACT, OR  
14 COMMUNICATE WITH THE MINOR, HAS REGULARLY AND SUBSTANTIALLY  
15 FAILED OR NEGLECTED, WITHOUT GOOD CAUSE, TO DO SO FOR A PERIOD OF  
16 2 YEARS OR MORE BEFORE THE FILING OF THE PETITION

17 (G) THE PARENT, WITHOUT REGARD TO INTENT, FAILS TO PROVIDE  
18 PROPER CARE OR CUSTODY FOR THE CHILD AND THERE IS NO REASONABLE  
19 EXPECTATION THAT THE PARENT WILL BE ABLE TO PROVIDE PROPER CARE  
20 AND CUSTODY WITHIN A REASONABLE TIME CONSIDERING THE AGE OF THE  
21 CHILD

22 (H) THE PARENT IS IMPRISONED FOR SUCH A PERIOD THAT THE  
23 CHILD WILL BE DEPRIVED OF A NORMAL HOME FOR A PERIOD EXCEEDING 2  
24 YEARS, AND THE PARENT HAS NOT PROVIDED FOR THE CHILD'S PROPER  
25 CARE AND CUSTODY, AND THERE IS NO REASONABLE EXPECTATION THAT THE  
26 PARENT WILL BE ABLE TO PROVIDE PROPER CARE AND CUSTODY WITHIN A  
27 REASONABLE TIME CONSIDERING THE AGE OF THE CHILD

1 (I) PARENTAL RIGHTS TO 1 OR MORE SIBLINGS OF THE CHILD HAVE  
2 BEEN TERMINATED DUE TO SERIOUS AND CHRONIC NEGLECT OR PHYSICAL OR  
3 SEXUAL ABUSE, AND PRIOR ATTEMPTS TO REHABILITATE THE PARENTS HAVE  
4 BEEN UNSUCCESSFUL

5 (J) THERE IS A REASONABLE LIKELIHOOD, BASED ON THE CONDUCT  
6 OR CAPACITY OF THE CHILD'S PARENT, THAT THE CHILD WILL BE HARMED  
7 IF HE OR SHE IS RETURNED TO THE HOME OF THE PARENT

8 (4) IF A PETITION TO TERMINATE THE PARENTAL RIGHTS TO A  
9 CHILD IS FILED, THE COURT MAY ENTER AN ORDER TERMINATING PARENTAL  
10 RIGHTS UNDER SUBSECTION (3) AT THE INITIAL DISPOSITIONAL  
11 HEARING

12 (5) IF THE COURT FINDS THAT THERE ARE GROUNDS FOR TERMINA-  
13 TION OF PARENTAL RIGHTS, THE COURT SHALL ORDER TERMINATION OF  
14 PARENTAL RIGHTS AND ORDER THAT ADDITIONAL EFFORTS FOR REUNIFICA-  
15 TION OF THE CHILD WITH THE PARENT SHALL NOT BE MADE, UNLESS THE  
16 COURT FINDS THAT TERMINATION OF PARENTAL RIGHTS TO THE CHILD IS  
17 CLEARLY NOT IN THE CHILD'S BEST INTERESTS

18 (6) AS USED IN THIS SECTION, "CONCERNED PERSON" MEANS A  
19 FOSTER PARENT WITH WHOM THE CHILD IS LIVING OR HAS LIVED WHO HAS  
20 SPECIFIC KNOWLEDGE OF BEHAVIOR BY THE PARENT CONSTITUTING GROUNDS  
21 FOR TERMINATION UNDER SUBSECTION (3)(B) OR (G) AND WHO HAS CON-  
22 TACTED THE DEPARTMENT OF SOCIAL SERVICES, THE PROSECUTING ATTOR-  
23 NEY, THE CHILD'S ATTORNEY, AND THE CHILD'S GUARDIAN AD LITEM, IF  
24 ANY, AND IS SATISFIED THAT NONE OF THESE PERSONS INTEND TO FILE A  
25 PETITION UNDER THIS SECTION

26 SEC 9671 (1) IF A CHILD REMAINS IN FOSTER CARE FOLLOWING  
27 THE TERMINATION OF PARENTAL RIGHTS TO THE CHILD, THE COURT SHALL

1 CONDUCT A HEARING NOT MORE THAN 182 DAYS AFTER THE TERMINATION OF  
2 PARENTAL RIGHTS AND AT LEAST EVERY 182 DAYS THEREAFTER TO REVIEW  
3 THE CHILD'S PLACEMENT IN FOSTER CARE AND THE PROGRESS BEING MADE  
4 TOWARD THE CHILD'S ADOPTION OR OTHER PERMANENT PLACEMENT

5 (2) THIS SECTION DOES NOT APPLY TO A COURT THAT IS PROVIDING  
6 TO A CHILD WITHIN THE COURT'S JURISDICTION UNDER SECTION 9603(3)  
7 FOSTER CARE HOME SERVICES SUBJECT TO THE COURT'S SUPERVISION  
8 HOWEVER, THIS SECTION DOES APPLY TO THAT COURT BEGINNING  
9 JANUARY 1, 1990 OR WHEN THE COURT IS NO LONGER PROVIDING TO A  
10 CHILD WITHIN THE COURT'S JURISDICTION UNDER SECTION 9603(3)  
11 FOSTER CARE HOME SERVICES SUBJECT TO THE COURT'S SUPERVISION,  
12 WHICHEVER OCCURS FIRST

13 SEC 9673 THE COURT IN ALL CASES INVOLVING CUSTODY SHALL  
14 STATE IN THE ORDER FOR DISPOSITION OR ANY SUPPLEMENTAL ORDER OF  
15 DISPOSITION WHETHER THE CHILD IS PLACED IN THE TEMPORARY OR PER-  
16 MANENT CUSTODY OF THE COURT IF THE CHILD IS PLACED IN THE TEM-  
17 PORARY CUSTODY OF THE COURT, NO SUPPLEMENTAL ORDER OF DISPOSITION  
18 PROVIDING PERMANENT CUSTODY OR CONTAINING ANY OTHER ORDER OF DIS-  
19 POSITION SHALL BE MADE EXCEPT AT A HEARING PURSUANT TO ISSUANCE  
20 OF SUMMONS OR NOTICE AS PROVIDED IN SECTIONS 9631 AND 9633 OR AT  
21 A REHEARING PROVIDED BY SECTION 9665 IF THE CHILD IS PLACED IN  
22 THE PERMANENT CUSTODY OF THE COURT, ALL PARENTAL RIGHTS ARE TER-  
23 MINATED, THOUGH SUCH RIGHTS MAY BE REINSTATED BY A SUPPLEMENTAL  
24 ORDER OF DISPOSITION AFTER REHEARING PURSUANT TO SECTION 9675

25 SEC 9675 (1) AN INTERESTED PERSON, AT ANY TIME WHILE THE  
26 CHILD IS UNDER THE JURISDICTION OF THE COURT, MAY FILE A  
27 PETITION, IN WRITING AND UNDER OATH, FOR A REHEARING UPON ALL

1 MATTERS COMING WITHIN THE PROVISIONS OF THIS CHAPTER, AND UPON  
2 THE REHEARING THE COURT MAY AFFIRM, MODIFY, OR SET ASIDE ANY  
3 ORDER SO REVIEWED IF PARENTAL RIGHTS HAVE BEEN TERMINATED BY AN  
4 ORDER ENTERED IN THE PROCEEDINGS AND CUSTODY OF THE CHILD HAS  
5 BEEN REMOVED FROM THE PARENTS, GUARDIAN, OR OTHER PERSON, THE  
6 PETITION FOR REHEARING SHALL BE FILED NOT LATER THAN 20 DAYS  
7 AFTER THE DATE OF ENTRY OF THE ORDER TERMINATING PARENTAL RIGHTS,  
8 AND THE PETITION SHALL SET FORTH IN DETAIL THE PLACE, MANNER, AND  
9 ALL OTHER INFORMATION REQUESTED BY THE COURT IN REFERENCE TO THE  
10 PROPOSED FUTURE CUSTODY OF THE CHILD THE REHEARING SHALL BE  
11 CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER RELA-  
12 TIVE TO THE CONDUCT OF ORIGINAL HEARINGS AT ANY TIME THE COURT  
13 MAY ENTER AN ORDER FOR SUPPLEMENTAL DISPOSITION AS LONG AS THE  
14 CHILD REMAINS UNDER THE JURISDICTION OF THE COURT

15 (2) AS USED IN SUBSECTION (1), "INTERESTED PERSON" INCLUDES  
16 A MEMBER OF A LOCAL FOSTER CARE REVIEW BOARD ESTABLISHED UNDER  
17 ACT NO 422 OF THE PUBLIC ACTS OF 1984, BEING SECTIONS 722 131 TO  
18 722 140 OF THE MICHIGAN COMPILED LAWS, TO WHICH THAT CHILD'S CASE  
19 HAS BEEN ASSIGNED

20 SEC 9677 A DISPOSITION OF ANY CHILD UNDER THIS CHAPTER,  
21 OR ANY EVIDENCE GIVEN IN SUCH CASE, SHALL NOT IN ANY CIVIL, CRIM-  
22 INAL OR ANY OTHER CAUSE OR PROCEEDING WHATEVER IN ANY COURT, BE  
23 LAWFUL OR PROPER EVIDENCE AGAINST SUCH CHILD FOR ANY PURPOSE  
24 WHATEVER, EXCEPT IN SUBSEQUENT CASES AGAINST THE SAME CHILD UNDER  
25 THIS CHAPTER

26 SEC 9679 (1) WHENEVER THE COURT PLACES A CHILD IN ANY  
27 PUBLIC OR PRIVATE INSTITUTION OR AGENCY, IT SHALL TRANSMIT WITH

1 THE ORDER OF DISPOSITION OR SUPPLEMENTAL ORDER OF DISPOSITION A  
2 SUMMARY OF ITS INFORMATION CONCERNING THE CHILD, AND THE CHILD  
3 MAY BE PLACED IN THE CARE OF A COUNTY AGENT, PROBATION OFFICER,  
4 JUVENILE MATRON OR SOME OTHER RELIABLE PERSON DESIGNATED BY THE  
5 COURT TO BE CONVEYED TO THE INSTITUTION THE SAME COMPENSATION  
6 SHALL BE PAID BY THE STATE FOR THE TRANSPORTATION OF THE CHILD AS  
7 IS PAID TO COUNTY AGENTS IN LIKE CASES

8 (2) WHENEVER THE COURT PLACES A CHILD IN A PRIVATE OR INCOR-  
9 PORATED INSTITUTION OR AGENCY, IT SHALL REQUIRE A PROGRESS REPORT  
10 CONCERNING THE CHILD THE PROGRESS REPORT SHALL BE MADE AT LEAST  
11 ONCE EVERY 6 MONTHS AFTER THE DATE OF THE ORDER

12 SEC 9681 EXPENSES INCURRED IN CARRYING OUT THIS CHAPTER,  
13 EXCEPT AS MAY OTHERWISE BE SPECIFICALLY PROVIDED BY LAW, SHALL BE  
14 PAID UPON THE ORDER OF THE JUDGE OF THE COURT BY THE COUNTY TREA-  
15 SURER FROM THE GENERAL FUND OF THE COUNTY

16 SEC 9683 THE COURT MAY PUNISH FOR CONTEMPT OF COURT, IN  
17 ACCORDANCE WITH CHAPTER 17, ANY PERSON WHO WILLFULLY VIOLATES,  
18 NEGLECTS, OR REFUSES TO OBEY AND PERFORM ANY ORDER OR PROCESS THE  
19 COURT HAS MADE OR ISSUED IN THE ENFORCEMENT OF THE PROVISIONS OF  
20 THIS CHAPTER

21 SEC 9685 (1) BEFORE JUNE 1, 1988, THE COURT SHALL MAIN-  
22 TAIN RECORDS OF ALL CASES BROUGHT BEFORE IT AND AS PROVIDED IN  
23 THE JUVENILE DIVERSION ACT, ACT NO 13 OF THE PUBLIC ACTS OF  
24 1988, BEING SECTIONS 722 821 TO 722 831 OF THE MICHIGAN COMPILED  
25 LAWS THE RECORDS SHALL BE OPEN ONLY BY ORDER OF THE COURT TO  
26 PERSONS HAVING A LEGITIMATE INTEREST EXCEPT THAT DIVERSION

1 RECORDS SHALL BE OPEN ONLY AS PROVIDED IN ACT NO 13 OF THE  
2 PUBLIC ACTS OF 1988

3 (2) BEGINNING JUNE 1, 1988, THE COURT SHALL MAINTAIN RECORDS  
4 OF ALL CASES BROUGHT BEFORE IT AND AS PROVIDED IN THE JUVENILE  
5 DIVERSION ACT, ACT NO 13 OF THE PUBLIC ACTS OF 1988, BEING SEC-  
6 TIONS 722 21 TO 722 31 OF THE MICHIGAN COMPILED LAWS EXCEPT AS  
7 OTHERWISE PROVIDED IN THIS SUBSECTION, RECORDS OF A CASE BROUGHT  
8 BEFORE THE COURT SHALL BE OPEN TO THE GENERAL PUBLIC DIVERSION  
9 RECORDS SHALL BE OPEN ONLY AS PROVIDED IN ACT NO 13 OF THE  
10 PUBLIC ACTS OF 1988 EXCEPT AS OTHERWISE PROVIDED IN SECTION 49  
11 OF THE CRIME VICTIM'S RIGHTS ACT, ACT NO 87 OF THE PUBLIC ACTS  
12 OF 1985, BEING SECTION 780 799 OF THE MICHIGAN COMPILED LAWS, IF  
13 THE HEARING OF A CASE BROUGHT BEFORE THE COURT IS CLOSED PURSUANT  
14 TO SECTION 9643, THE RECORDS OF THAT HEARING SHALL BE OPEN ONLY  
15 BY ORDER OF THE COURT TO PERSONS HAVING A LEGITIMATE INTEREST

16 (3) WHENEVER THE COURT ISSUES AN ORDER IN RESPECT TO PAY-  
17 MENTS BY A PARENT UNDER SECTION 9651(2) A COPY SHALL BE MAILED  
18 TO THE DEPARTMENT OF TREASURY ACTION TAKEN AGAINST PARENTS OR  
19 ADULTS SHALL NOT BE RELEASED FOR PUBLICITY UNLESS THE PARENTS OR  
20 ADULTS ARE ADJUDGED GUILTY OF CONTEMPT OF COURT THE COURT SHALL  
21 FURNISH THE DEPARTMENT OF SOCIAL SERVICES WITH REPORTS OF THE  
22 ADMINISTRATION OF THE FAMILY DIVISION OF CIRCUIT COURT IN A FORM  
23 AS SHALL BE RECOMMENDED BY THE MICHIGAN ASSOCIATION OF PROBATE  
24 AND JUVENILE COURT JUDGES COPIES OF THESE REPORTS SHALL, UPON  
25 REQUEST, BE MADE AVAILABLE TO OTHER STATE DEPARTMENTS BY THE  
26 DEPARTMENT OF SOCIAL SERVICES

1 (4) AS USED IN SUBSECTIONS (1) AND (2), "PERSONS HAVING A  
2 LEGITIMATE INTEREST" INCLUDES A MEMBER OF A LOCAL FOSTER CARE  
3 REVIEW BOARD ESTABLISHED UNDER ACT NO 422 OF THE PUBLIC ACTS OF  
4 1984, BEING SECTIONS 722 131 TO 722 140 OF THE MICHIGAN COMPILED  
5 LAWS

6 SEC 9687 (1) IF A CHILD IS SUBJECT TO ANY COMBINATION OF  
7 FINES, COSTS, RESTITUTION, ASSESSMENTS, OR PAYMENTS ARISING OUT  
8 OF THE SAME ORDER OF DISPOSITION, MONEY COLLECTED FROM THAT  
9 CHILD, OR HIS OR HER PARENT OR PARENTS, FOR THE PAYMENT OF FINES,  
10 COSTS, RESTITUTION, ASSESSMENTS, OR OTHER PAYMENTS SHALL BE ALLO-  
11 CATED AS PROVIDED IN THIS SECTION

12 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A  
13 CHILD IS SUBJECT TO PAYMENT OF VICTIM PAYMENTS AND ANY COMBINA-  
14 TION OF OTHER FINES, COSTS, ASSESSMENTS, OR OTHER PAYMENTS, 50%  
15 OF THE MONEY COLLECTED FROM THAT CHILD, OR HIS OR HER PARENT OR  
16 PARENTS, SHALL BE APPLIED TO PAYMENT OF VICTIM PAYMENTS, AND THE  
17 BALANCE SHALL BE APPLIED TO PAYMENT OF FINES, COSTS, AND OTHER  
18 ASSESSMENTS OR PAYMENTS IF FINES, COSTS, OR OTHER ASSESSMENTS  
19 OR PAYMENTS REMAIN UNPAID AFTER ALL VICTIM PAYMENTS HAVE BEEN  
20 PAID, ADDITIONAL MONEY COLLECTED SHALL BE APPLIED TO PAYMENT OF  
21 THOSE FINES, COSTS, OR OTHER ASSESSMENTS OR PAYMENTS IF VICTIM  
22 PAYMENTS REMAIN UNPAID AFTER ALL FINES, COSTS, OR OTHER ASSESS-  
23 MENTS OR PAYMENTS HAVE BEEN PAID, ADDITIONAL MONEY COLLECTED  
24 SHALL BE APPLIED TOWARD PAYMENT OF THOSE VICTIM PAYMENTS

25 (3) IN CASES INVOLVING ORDERS OF DISPOSITION FOR OFFENSES  
26 THAT WOULD BE VIOLATIONS OF STATE LAW IF COMMITTED BY AN ADULT,  
27 MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF FINES, COSTS,

1 AND ASSESSMENTS OR PAYMENTS OTHER THAN VICTIM PAYMENTS SHALL BE  
2 APPLIED IN THE FOLLOWING ORDER OF PRIORITY

3 (A) PAYMENT OF COSTS

4 (B) PAYMENT OF FINES

5 (C) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS

6 (4) IN CASES INVOLVING ORDERS OF DISPOSITION FOR OFFENSES  
7 THAT WOULD BE VIOLATIONS OF LOCAL ORDINANCES IF COMMITTED BY AN  
8 ADULT, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF FINES,  
9 COSTS, AND ASSESSMENTS OR PAYMENTS OTHER THAN VICTIM PAYMENTS  
10 SHALL BE APPLIED IN THE FOLLOWING ORDER OF PRIORITY

11 (A) PAYMENT OF FINES AND COSTS

12 (B) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS

13 (5) MONEY ALLOCATED FOR PAYMENT OF COSTS UNDER SUBSECTION  
14 (3) SHALL BE PAID TO THE COUNTY TREASURER FOR DEPOSIT IN THE GEN-  
15 ERAL FUND OF THE COUNTY MONEY ALLOCATED FOR PAYMENT OF FINES  
16 UNDER SUBSECTION (3) SHALL BE PAID TO THE COUNTY TREASURER TO BE  
17 USED FOR LIBRARY PURPOSES AS PROVIDED BY LAW

18 (6) ONE-THIRD OF THE MONEY ALLOCATED FOR PAYMENT OF FINES  
19 AND COSTS UNDER SUBSECTION (4) SHALL BE PAID TO THE TREASURER OF  
20 THE POLITICAL SUBDIVISION WHOSE ORDINANCE WAS VIOLATED, AND 2/3  
21 OF THAT MONEY SHALL BE PAID TO THE COUNTY TREASURER FOR DEPOSIT  
22 IN THE GENERAL FUND OF THE COUNTY

23 (7) AS USED IN THIS SECTION, "VICTIM PAYMENT" MEANS RESTITU-  
24 TION ORDERED UNDER SECTIONS 30 AND 31 AND UNDER THE CRIME  
25 VICTIM'S RIGHTS ACT, ACT NO 87 OF THE PUBLIC ACTS OF 1985, BEING  
26 SECTIONS 780 751 TO 780 834 OF THE MICHIGAN COMPILED LAWS, PAID  
27 TO THE VICTIM OR THE VICTIM'S ESTATE, BUT NOT TO A PERSON WHO



1 REIMBURSED THE VICTIM FOR HIS OR HER LOSS, OR AN ASSESSMENT  
2 ORDERED UNDER SECTION 5 OF ACT NO 196 OF THE PUBLIC ACTS OF  
3 1989, BEING SECTION 780 905 OF THE MICHIGAN COMPILED LAWS  
4 SEC 9689 (1) FOR PURPOSES OF THIS SECTION AND SECTION  
5 9691

6 (A) "OFFENSE" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE  
7 OR A VIOLATION OF AN ORDINANCE OF A LOCAL UNIT OF GOVERNMENT OF  
8 THIS STATE PUNISHABLE BY IMPRISONMENT OR BY A FINE THAT IS NOT A  
9 CIVIL FINE

10 (B) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS DIRECT OR  
11 THREATENED PHYSICAL, FINANCIAL, OR EMOTIONAL HARM AS A RESULT OF  
12 THE COMMISSION OF AN OFFENSE FOR PURPOSES OF SUBSECTIONS (2),  
13 (3), (4), (7), (9), (10), (11), AND (15), VICTIM INCLUDES A SOLE  
14 PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMEN-  
15 TAL ENTITY, OR OTHER LEGAL ENTITY THAT SUFFERS DIRECT PHYSICAL OR  
16 FINANCIAL HARM AS A RESULT OF THE COMMISSION OF AN OFFENSE

17 (2) EXCEPT AS PROVIDED IN THIS SECTION AND SECTION 9691, THE  
18 COURT, AT THE DISPOSITIONAL HEARING FOR A JUVENILE OFFENSE, SHALL  
19 ORDER, IN ADDITION TO OR IN LIEU OF ANY OTHER DISPOSITION AUTHO-  
20 RIZED BY LAW, THAT THE JUVENILE MAKE FULL OR PARTIAL RESTITUTION  
21 TO ANY VICTIM OF THE JUVENILE'S COURSE OF CONDUCT THAT GIVES RISE  
22 TO THE DISPOSITION, OR TO THE VICTIM'S ESTATE

23 (3) IF THE COURT DOES NOT ORDER RESTITUTION, OR ORDERS ONLY  
24 PARTIAL RESTITUTION UNDER THIS SECTION, THE COURT SHALL STATE ON  
25 THE RECORD THE REASONS FOR THAT ACTION

26 (4) IF A JUVENILE OFFENSE RESULTS IN DAMAGE TO OR LOSS OR  
27 DESTRUCTION OF PROPERTY OF A VICTIM OF THE OFFENSE, OR RESULTS IN

1 THE SEIZURE OR IMPOUNDMENT OF PROPERTY OF A VICTIM OF THE  
2 OFFENSE, THE ORDER OF RESTITUTION MAY REQUIRE THAT THE JUVENILE  
3 DO 1 OR MORE OF THE FOLLOWING

4 (A) RETURN THE PROPERTY TO THE OWNER OF THE PROPERTY OR TO A  
5 PERSON DESIGNATED BY THE OWNER

6 (B) IF RETURN OF THE PROPERTY UNDER SUBDIVISION (A) IS  
7 IMPOSSIBLE, IMPRACTICAL, OR INADEQUATE, PAY AN AMOUNT EQUAL TO  
8 THE GREATER OF SUBPARAGRAPH (1) OR (11), LESS THE VALUE, DETER-  
9 MINED AS OF THE DATE THE PROPERTY IS RETURNED, OF THAT PROPERTY  
10 OR ANY PART OF THE PROPERTY THAT IS RETURNED

11 (1) THE VALUE OF THE PROPERTY ON THE DATE OF THE DAMAGE,  
12 LOSS, OR DESTRUCTION

13 (11) THE VALUE OF THE PROPERTY ON THE DATE OF DISPOSITION

14 (C) PAY THE COSTS OF THE SEIZURE OR IMPOUNDMENT, OR BOTH

15 (5) IF A JUVENILE OFFENSE RESULTS IN PHYSICAL OR PSYCHOLOGI-  
16 CAL INJURY TO A VICTIM, THE ORDER OF RESTITUTION MAY REQUIRE THAT  
17 THE JUVENILE DO 1 OR MORE OF THE FOLLOWING, AS APPLICABLE

18 (A) PAY AN AMOUNT EQUAL TO THE COST OF ACTUAL MEDICAL AND  
19 RELATED PROFESSIONAL SERVICES AND DEVICES RELATING TO PHYSICAL  
20 AND PSYCHOLOGICAL CARE

21 (B) PAY AN AMOUNT EQUAL TO THE COST OF ACTUAL PHYSICAL AND  
22 OCCUPATIONAL THERAPY AND REHABILITATION

23 (C) REIMBURSE THE VICTIM OR THE VICTIM'S ESTATE FOR  
24 AFTER-TAX INCOME LOSS SUFFERED BY THE VICTIM AS A RESULT OF THE  
25 OFFENSE

1 (D) PAY AN AMOUNT EQUAL TO THE COST OF PSYCHOLOGICAL AND  
2 MEDICAL TREATMENT FOR MEMBERS OF THE VICTIM'S FAMILY THAT HAS  
3 BEEN INCURRED AS A RESULT OF THE OFFENSE

4 (E) PAY AN AMOUNT EQUAL TO THE COSTS OF ACTUAL HOMEMAKING  
5 AND CHILD CARE EXPENSES INCURRED AS A RESULT OF THE OFFENSE

6 (6) IF A JUVENILE OFFENSE RESULTING IN BODILY INJURY ALSO  
7 RESULTS IN THE DEATH OF A VICTIM, THE ORDER OF RESTITUTION MAY  
8 REQUIRE THAT THE JUVENILE PAY AN AMOUNT EQUAL TO THE COST OF  
9 ACTUAL FUNERAL AND RELATED SERVICES

10 (7) INSTEAD OF RESTITUTION UNDER SUBSECTIONS (4) TO (6), IF  
11 THE VICTIM OR VICTIM'S ESTATE CONSENTS, THE ORDER OF RESTITUTION  
12 MAY REQUIRE THAT THE JUVENILE MAKE RESTITUTION IN SERVICES IN  
13 LIEU OF MONEY, OR MAKE RESTITUTION TO A PERSON DESIGNATED BY THE  
14 VICTIM OR VICTIM'S ESTATE IF THAT PERSON PROVIDED SERVICES TO THE  
15 VICTIM AS A RESULT OF THE OFFENSE

16 (8) IF THE COURT ORDERS RESTITUTION UNDER THIS SECTION, THE  
17 COURT SHALL, IF THE VICTIM IS DECEASED, ORDER THAT THE RESTITU-  
18 TION BE MADE TO THE VICTIM'S ESTATE

19 (9) ANY ORDER OF RESTITUTION SHALL BE AS FAIR AS POSSIBLE TO  
20 THE VICTIM OR VICTIM'S ESTATE WITHOUT UNDULY COMPLICATING OR PRO-  
21 LONGING THE DISPOSITION PROCESS

22 (10) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND  
23 SECTION 9691, THE COURT SHALL ORDER RESTITUTION TO THE CRIME VIC-  
24 TIMS COMPENSATION BOARD OR TO ANY INDIVIDUALS, PARTNERSHIPS, COR-  
25 PORATIONS, ASSOCIATIONS, GOVERNMENTAL ENTITIES, OR ANY OTHER  
26 LEGAL ENTITIES THAT HAVE COMPENSATED THE VICTIM OR VICTIM'S  
27 ESTATE FOR A LOSS INCURRED BY THE VICTIM TO THE EXTENT OF THE

1 COMPENSATION PAID FOR THAT LOSS      HOWEVER, AN ORDER OF  
2 RESTITUTION SHALL REQUIRE THAT ALL RESTITUTION TO A VICTIM OR  
3 VICTIM'S ESTATE UNDER THE ORDER BE MADE BEFORE ANY RESTITUTION TO  
4 ANY OTHER PERSON UNDER THAT ORDER IS MADE      THE COURT SHALL NOT  
5 ORDER RESTITUTION TO BE PAID TO A VICTIM OR VICTIM'S ESTATE IF  
6 THE VICTIM OR VICTIM'S ESTATE HAS RECEIVED OR IS TO RECEIVE COM-  
7 PENSATION FOR THAT LOSS

8            (11) ANY AMOUNT PAID TO A VICTIM OR VICTIM'S ESTATE UNDER AN  
9 ORDER OF RESTITUTION SHALL BE SET OFF AGAINST ANY AMOUNT LATER  
10 RECOVERED AS COMPENSATORY DAMAGES BY THE VICTIM OR THE VICTIM'S  
11 ESTATE IN ANY FEDERAL OR STATE CIVIL PROCEEDING AND SHALL REDUCE  
12 THE AMOUNT PAYABLE TO A VICTIM OR A VICTIM'S ESTATE BY AN AWARD  
13 FROM THE CRIME VICTIMS COMPENSATION BOARD MADE AFTER AN ORDER OF  
14 RESTITUTION UNDER THIS SECTION

15            (12) IF NOT OTHERWISE PROVIDED BY THE COURT UNDER THIS SUB-  
16 SECTION, RESTITUTION SHALL BE MADE IMMEDIATELY      HOWEVER, THE  
17 COURT MAY REQUIRE THAT THE JUVENILE MAKE RESTITUTION UNDER THIS  
18 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS  
19 THE END OF THE PERIOD OR THE LAST INSTALLMENT SHALL NOT BE LATER  
20 THAN THE FOLLOWING

21            (A) THE END OF THE PERIOD OF PROBATION, IF PROBATION IS  
22 ORDERED

23            (B) IF THE JUVENILE IS MADE A STATE WARD, WHEN THE DEPART-  
24 MENT OF SOCIAL SERVICES' JURISDICTION OVER THE JUVENILE EXPIRES

25            (C) IF THE JUVENILE IS MADE A WARD OF THE COURT, WHEN THE  
26 COURT'S JURISDICTION OVER THE JUVENILE EXPIRES

1 (D) THREE YEARS AFTER THE DATE OF DISPOSITION OR WHEN THE  
2 COURT'S JURISDICTION OVER THE JUVENILE EXPIRES, WHICHEVER IS  
3 LATER

4 (13) IF THE JUVENILE IS PLACED ON PROBATION, ANY RESTITUTION  
5 ORDERED UNDER THIS SECTION SHALL BE A CONDITION OF THAT  
6 PROBATION THE COURT MAY REVOKE PROBATION IF THE JUVENILE FAILS  
7 TO COMPLY WITH THE ORDER AND IF THE JUVENILE HAS NOT MADE A GOOD  
8 FAITH EFFORT TO COMPLY WITH THE ORDER IN DETERMINING WHETHER TO  
9 REVOKE PROBATION, THE COURT SHALL CONSIDER THE JUVENILE'S EMPLOY-  
10 MENT STATUS, EARNING ABILITY, AND FINANCIAL RESOURCES, THE WILL-  
11 FULNESS OF THE JUVENILE'S FAILURE TO PAY, AND ANY OTHER SPECIAL  
12 CIRCUMSTANCES THAT MAY HAVE A BEARING ON THE JUVENILE'S ABILITY  
13 TO PAY

14 (14) A JUVENILE WHO IS REQUIRED TO PAY RESTITUTION AND WHO  
15 IS NOT IN WILLFUL DEFAULT OF THE PAYMENT OF THE RESTITUTION MAY  
16 AT ANY TIME PETITION THE COURT FOR A CANCELLATION OF ANY UNPAID  
17 PORTION OF RESTITUTION IF IT APPEARS TO THE SATISFACTION OF THE  
18 COURT THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST HARD-  
19 SHIP ON THE JUVENILE OR HIS OR HER IMMEDIATE FAMILY THE COURT  
20 MAY CANCEL ALL OR PART OF THE AMOUNT DUE IN RESTITUTION OR MODIFY  
21 THE METHOD OF PAYMENT

22 (15) AN ORDER OF RESTITUTION MAY BE ENFORCED BY THE PROSE-  
23 CUTING ATTORNEY OR A VICTIM OR VICTIM'S ESTATE NAMED IN THE ORDER  
24 TO RECEIVE THE RESTITUTION IN THE SAME MANNER AS A JUDGMENT IN A  
25 CIVIL ACTION

26 (16) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
27 JUVENILE SHALL NOT BE DETAINED FOR A VIOLATION OF PROBATION, OR

1 OTHERWISE, FOR FAILURE TO PAY RESTITUTION AS ORDERED UNDER THIS  
2 SECTION UNLESS THE COURT DETERMINES THAT THE JUVENILE HAS THE  
3 RESOURCES TO PAY THE ORDERED RESTITUTION AND HAS NOT MADE A GOOD  
4 FAITH EFFORT TO DO SO

5 (17) IF THE COURT DETERMINES THAT THE JUVENILE IS OR WILL BE  
6 UNABLE TO PAY ALL OF THE RESTITUTION ORDERED, AFTER NOTICE TO THE  
7 JUVENILE'S PARENT AND AN OPPORTUNITY FOR THE PARENT TO BE HEARD,  
8 THE COURT MAY ORDER THE PARENT OR PARENTS HAVING SUPERVISORY  
9 RESPONSIBILITY FOR THE JUVENILE AT THE TIME OF THE ACTS UPON  
10 WHICH AN ORDER OF RESTITUTION IS BASED TO PAY NOT MORE THAN  
11 \$5,000 00 OF THE RESTITUTION ORDERED AS USED IN THIS SUBSEC-  
12 TION, "PARENT" DOES NOT INCLUDE A FOSTER PARENT

13 (18) IF THE COURT ORDERS A PARENT TO PAY RESTITUTION UNDER  
14 SUBSECTION (17), THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL  
15 RESOURCES OF THE PARENT AND THE BURDEN THAT THE PAYMENT OF RESTI-  
16 TUTION WILL IMPOSE, WITH DUE REGARD TO ANY OTHER MORAL OR LEGAL  
17 FINANCIAL OBLIGATIONS THAT THE PARENT MAY HAVE IF A PARENT IS  
18 REQUIRED TO PAY RESTITUTION UNDER SUBSECTION (17) THE COURT  
19 SHALL PROVIDE FOR PAYMENT TO BE MADE IN SPECIFIED INSTALLMENTS  
20 AND WITHIN A SPECIFIED PERIOD OF TIME

21 (19) A PARENT WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER  
22 SUBSECTION (17) MAY PETITION THE COURT FOR A MODIFICATION OF THE  
23 AMOUNT OF RESTITUTION OWED OR FOR A CANCELLATION OF ANY UNPAID  
24 PORTION OF THE RESTITUTION THE COURT SHALL CANCEL ALL OR PART  
25 OF THE AMOUNT OF RESTITUTION DUE, IF IT APPEARS TO THE SATISFAC-  
26 TION OF THE COURT THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A  
27 MANIFEST HARDSHIP ON THE PARENT

1           (20) IN EACH CASE IN WHICH PAYMENT OF RESTITUTION IS ORDERED  
2 AS A CONDITION OF PROBATION, THE JUVENILE CASEWORKER OR PROBATION  
3 OFFICER ASSIGNED TO THE CASE SHALL REVIEW THE CASE NOT LESS THAN  
4 TWICE YEARLY TO ENSURE THAT RESTITUTION IS BEING PAID AS  
5 ORDERED THE FINAL REVIEW SHALL BE CONDUCTED NOT LESS THAN 60  
6 DAYS BEFORE THE EXPIRATION OF THE PROBATIONARY PERIOD IF THE  
7 JUVENILE CASEWORKER OR PROBATION OFFICER DETERMINES THE RESTITU-  
8 TION IS NOT BEING PAID AS ORDERED, THE JUVENILE CASEWORKER OR  
9 PROBATION OFFICER SHALL FILE A WRITTEN REPORT OF THE VIOLATION  
10 WITH THE COURT ON A FORM PRESCRIBED BY THE STATE COURT ADMINIS-  
11 TRATIVE OFFICE THE REPORT SHALL INCLUDE A STATEMENT OF THE  
12 AMOUNT OF THE ARREARAGE AND ANY REASONS FOR THE ARREARAGE THAT  
13 ARE KNOWN BY THE JUVENILE CASEWORKER OR PROBATION OFFICER THE  
14 JUVENILE CASEWORKER OR PROBATION OFFICER SHALL IMMEDIATELY PRO-  
15 VIDE A COPY OF THE REPORT TO THE PROSECUTING ATTORNEY IF A  
16 MOTION IS FILED OR OTHER PROCEEDINGS ARE INITIATED TO ENFORCE  
17 PAYMENT OF RESTITUTION AND THE COURT DETERMINES THAT RESTITUTION  
18 IS NOT BEING PAID OR HAS NOT BEEN PAID AS ORDERED BY THE COURT,  
19 THE COURT SHALL PROMPTLY TAKE ACTION NECESSARY TO COMPEL  
20 COMPLIANCE

21           (21) A COURT SHALL NOT ORDER A JUVENILE TO PAY RESTITUTION  
22 UNDER THIS SECTION IN AN AMOUNT THAT EXCEEDS 30% OF THE  
23 JUVENILE'S NET INCOME PER PAY PERIOD FROM THE JUVENILE'S PAID  
24 EMPLOYMENT

25           SEC 9691 (1) THE COURT, IN DETERMINING WHETHER TO ORDER  
26 RESTITUTION UNDER SECTION 9689 AND THE AMOUNT OF THAT  
27 RESTITUTION, SHALL CONSIDER THE AMOUNT OF THE LOSS SUSTAINED BY

1 ANY VICTIM AS A RESULT OF THE OFFENSE, THE FINANCIAL RESOURCES  
2 AND EARNING ABILITY OF THE JUVENILE AND HIS OR HER SUPERVISORY  
3 PARENT, THE FINANCIAL NEEDS OF THE JUVENILE AND THE JUVENILE'S  
4 DEPENDENTS, AND SUCH OTHER FACTORS AS THE COURT CONSIDERS  
5 APPROPRIATE

6 (2) THE COURT MAY ORDER THE PERSON PREPARING A REPORT FOR  
7 THE PURPOSE OF DISPOSITION TO OBTAIN INFORMATION PERTAINING TO  
8 THE FACTORS SET FORTH IN SUBSECTION (1) THAT PERSON SHALL  
9 INCLUDE THE INFORMATION COLLECTED IN THE DISPOSITION REPORT OR IN  
10 A SEPARATE REPORT, AS THE COURT DIRECTS

11 (3) THE COURT SHALL DISCLOSE TO THE JUVENILE, THE JUVENILE'S  
12 SUPERVISORY PARENT, AND THE PROSECUTING ATTORNEY ALL PORTIONS OF  
13 THE DISPOSITION OR OTHER REPORT PERTAINING TO THE MATTERS  
14 DESCRIBED IN SUBSECTION (1)

15 (4) ANY DISPUTE AS TO THE PROPER AMOUNT OR TYPE OF RESTITU-  
16 TION SHALL BE RESOLVED BY THE COURT BY A PREPONDERANCE OF THE  
17 EVIDENCE THE BURDEN OF DEMONSTRATING THE EARNING ABILITY OF THE  
18 JUVENILE AND THE AMOUNT OF THE LOSS SUSTAINED BY A VICTIM AS A  
19 RESULT OF THE OFFENSE SHALL BE ON THE PROSECUTING ATTORNEY THE  
20 BURDEN OF DEMONSTRATING THE FINANCIAL RESOURCES OF THE JUVENILE  
21 AND HIS OR HER SUPERVISORY PARENT SHALL BE ON THE JUVENILE AND  
22 HIS OR HER SUPERVISORY PARENT, AND THE BURDEN OF DEMONSTRATING  
23 THE FINANCIAL NEEDS OF THE JUVENILE AND THE JUVENILE'S DEPENDENTS  
24 SHALL BE ON THE JUVENILE THE BURDEN OF DEMONSTRATING SUCH OTHER  
25 MATTERS AS THE COURT CONSIDERS APPROPRIATE SHALL BE UPON THE  
26 PARTY DESIGNATED BY THE COURT AS JUSTICE REQUIRES



1       Section 2    The following acts and parts of acts are  
2 repealed

3       (a) Act No 288 of the Public Acts of 1939, being  
4 sections 710 21 to 712A 31 of the Michigan Compiled Laws

5       (b) Sections 401 to 499 of the revised probate code, Act  
6 No 642 of the Public Acts of 1978, being sections 700 401 to  
7 700 499 of the Michigan Compiled Laws

8       (c) Act No 84 of the Public Acts of 1949, being  
9 sections 720 601 to 720 608 of the Michigan Compiled Laws

10      Section 3    The files, records, and pending cases of the  
11 circuit or probate court concerning cases over which jurisdiction  
12 is transferred to the family division of circuit court by this  
13 amendatory act shall be transferred to the family division of  
14 circuit court pursuant to rules prescribed by the supreme court  
15 The family division of circuit court shall have jurisdiction to  
16 hear and determine all cases transferred under this section

17      Section 4    This amendatory act shall take effect  
18 January 1, 1996