

Preliminary	
Inquiry (PI)	Hearing (PH)
<ul style="list-style-type: none"> <li>In/formal</li> <li>Request Jurisdiction</li> <li>No Placement (JC 11)</li> <li>No time limit for hearing</li> <li>Notice by Summons</li> </ul>	<ul style="list-style-type: none"> <li>Formal</li> <li>Request Jurisdiction</li> <li>Placement</li> <li>Hearing held within 24 hours</li> <li>Immediate Notice</li> <li>written or oral</li> <li>Contrary to child's welfare</li> <li>Reasonable efforts</li> </ul>
<ul style="list-style-type: none"> <li>Authorize the Petition</li> <li>Burden: Probable Cause               <ul style="list-style-type: none"> <li>1 or more of the allegations are true &amp; it brings the child within the JC</li> </ul> </li> <li>Appoint Attorneys</li> <li>Consider all evidence including hearsay</li> <li>Defendants' right to cross-examine</li> </ul>	

Pretrial Conference
<ul style="list-style-type: none"> <li>Not Required, Court &amp; Attorneys only</li> <li>Considers ways to expedite disposition               <ul style="list-style-type: none"> <li>Simplify issues</li> <li>Time necessary for discovery</li> <li>Time needed for trial</li> <li>Identify witnesses</li> <li>Limit the number of expert witnesses</li> <li>Possibility of settlement,</li> <li>Alternate resolution i.e. mediation.</li> </ul> </li> </ul>
Pretrial
<ul style="list-style-type: none"> <li>Not required</li> <li>Time is left to court's discretion</li> <li>Requires Notice by Summons (writing)</li> <li>Can matter be settled out of court?</li> <li>Have parties w/standing received notice?</li> <li>Will petition be dismissed?</li> <li>Will respondent enter a plea?</li> <li>Will respondent request a trial?</li> <li>Who will be the trier of fact? Judge/Jury</li> </ul>

Trial (AKA: Adjudication)	
No Placement	Placement
<ul style="list-style-type: none"> <li>Six months</li> </ul>	<ul style="list-style-type: none"> <li>ASAP, WI/63 Days</li> </ul>
<ul style="list-style-type: none"> <li>Formal i.e. on the record</li> <li>Fact Finding Process</li> <li>Written Summons of Notice to parties</li> <li>Right to Cross Examine</li> <li>Rules of Evidence apply i.e. hearsay is not admissible (unless exception applies)</li> <li>Introduce Evidence</li> <li>Witnesses offer testimony</li> <li>Burden:               <ul style="list-style-type: none"> <li>Preponderance: non-Indian Children</li> <li>Clear &amp; convincing: Indian Children</li> <li>1 or more of the allegations are true &amp; bring the child within the JC</li> <li>* Judge or Jury can be trier of fact for Jurisdiction</li> </ul> </li> </ul>	

Initial Disposition	
No Placement	Placement
<ul style="list-style-type: none"> <li>Court's discretion</li> </ul>	<ul style="list-style-type: none"> <li>28D from Trial.</li> </ul>
<ul style="list-style-type: none"> <li>What to do to remedy the problem? i.e. What do you recommend?</li> <li>Written or oral Notice to parties</li> <li>Rules of Evidence do not apply</li> <li>Court must review Case Service Plan</li> <li>Court required to enter an Order of Disposition</li> <li>Judgement on reasonable efforts</li> <li>Services to be complied with</li> <li>Temporary or Permanent Custody</li> </ul>	



Disposition Review	
No placement	Placement
<b>First Year</b> <ul style="list-style-type: none"> <li>182 Days from Petition Date</li> <li>91 Days from Review Hearing</li> <li>Review Progress</li> <li>Notice to Parties</li> </ul>	
<b>Second Year</b> <ul style="list-style-type: none"> <li>Progress reviewed no later than 182 days</li> </ul>	

Permanency Planning
Out-of-Home Placement Only
<ul style="list-style-type: none"> <li>12 months from the date of placement</li> <li>May consider all information</li> <li>Court must review written &amp; oral information</li> <li>Written Notice to parties</li> <li>Right to Cross Examine</li> <li>What next, safely return home order that a termination petition to be filed?</li> <li>Not required for children in own home placement</li> </ul>
<ul style="list-style-type: none"> <li>Requirement that a PPH be held w/in 30 days of a finding that reasonable efforts "were not required"</li> <li>*If worker is ordered to file a TPR, this must be done within 14 days.</li> </ul>

Termination
<ul style="list-style-type: none"> <li>Written notice of hearing</li> <li>Right to Judge but not jury</li> <li>On initial TPR determined at IDH</li> <li>Commence WI/42 days of supplemental petition requesting TPR</li> <li>Conclude WI/70 of day commenced</li> <li>Right to cross-examine</li> <li>Determine Legal Basis MCL 719A.19b(3)</li> <li>Burden:               <ul style="list-style-type: none"> <li>Clear &amp; Convincing Non-Indian</li> <li>Beyond a Reasonable doubt Indian and testimony of expert witness</li> </ul> </li> <li>Is termination in minor's best interest?</li> <li>Can terminate on one or both parents</li> <li>Parents do not need to be present for court to terminate.</li> </ul>

Post Termination
<ul style="list-style-type: none"> <li>Notice to parties, excluding parents</li> <li>Held ever 91 days so long as minor is in Foster Care.</li> <li>Consider placement &amp; progress</li> <li>* Foster Parent and child age 14 and older need to receive notice and have an opportunity to be heard.</li> </ul>