



Berrien County Trial Court

Paul L. Maloney, Chief Judge ~ Sandra J. Belter, Administrator
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Administrative Order 2003-01

Children Absent Without Legal Permission (AWOLP)

IT IS ORDERED:

This administrative order is issued in accordance with MCL 712A.2(b)(2) effective February 1, 2003, upon approval by the State Court Administrative Office.

I. Purpose.

This Administrative Order outlines the process for identifying those child(ren) who are absent without legal permission (AWOLP) from his/her Court ordered placement with the Family Independence Agency through Child Protective or Juvenile Delinquency Proceedings initiated in this Court. It also will address the Court's efforts to initiate and monitor actions to locate and return such children to placement and care.

II. Identification of AWOLP Children.

- A. The court and MFIA will conduct an initial inventory regarding AWOLP children within their respective jurisdiction(s).
- B. When the institution or facility with which child(ren) have been placed by the Family Independence Agency for care via MCL 712A.2(b)(1) and/or (b)(2) determines that a child or children are absent from placement without legal permission, the institution or facility shall contact the assigned Agency worker who shall immediately contact the Court's Intake Manager (via facsimile transmission) with the following information:
 - i) the name of the child;
 - ii) the date of birth of the child;
 - iii) a physical description and recent picture (if available) for the child;
 - iv) the last known address for the child;
 - v) the Court file number and the name of the assigned judge for the child;
 - vi) the date the child was absent from his/her placement without legal permission;

- vii) names and addresses of the parents, grandparents and/or other relatives who may know of the location of the child;
 - viii) addresses at which the Agency believes the child may be staying to avoid his/her Court ordered placement;
 - ix) any additional efforts anticipated to be undertaken to locate the whereabouts of the child, and;
 - x) any requested assistance from the Court to initiate and effectuate return of the child to his/her placement.
- C. Thereafter, the Intake Manager shall forthwith initiate the entry of a Pick up Order for the child(ren) with the assigned Judge. The Order shall be entered into the LEIN system and a copy provided to the Family Independence Agency worker assigned to the child(ren). The Order shall include the FIA caseworker's name and work phone number, and the FIA 24-hour on-call phone number.
- D. The court will utilize all statutory and court rule authority to locate and expeditiously return a child to a proper custodial placement. In its discretion the court may use informal measures to locate, communicate with and ensure proper placement of an AWOLP child.

III. Hearings.

- A. Within 15 days of the notice to the Court's Intake Manager under Section II above, a hearing will be held to explore what action has been or should be taken to locate and secure the return of the child to his/her placement. That hearing will address:
- i) Coordination efforts of the Family Independence Agency and the court to locate the absent children;
 - ii) Process for further reviewing such cases;
 - iii) Frequency of additional reviews, and;
 - iv) Any special problems that the court has identified regarding the case.
- B. Appropriate orders shall be issued to initiate and monitor those actions by Agency or other appropriate personnel. Such actions may include, but are not limited to, review of the case file and Agency records, posting of the child's photograph or other information on appropriate Internet websites, contact with police agencies, FIA offices and school officials in locations where the child had last resided or where he/she may currently be residing.
- C. Thereafter, the Court will continue to hold Adjudication/Disposition, Dispositional Review and/or Post-Termination Review Hearings concerning the AWOLP child not less than every 91 days. For such children who are under the age of 16, Dispositional Review and/or Post-Termination Review hearings shall be held not less frequently than every 60 days. At such hearings, the Court will determine the current status of

efforts to locate the AWOLP child(ren) and what additional efforts should be taken to locate the AWOLP child(ren). If further efforts need to be undertaken, the Court shall identify and direct those person or persons to take such efforts and within a particular time frame. Such efforts may enlist the services of the Agency staff, police departments and other community resources interested in the welfare of children within this State. As appropriate, orders may be issued mandating compliance with such efforts.

- D. Any such Orders that the Court anticipates entering directing person/persons (who are not parties to the proceeding involving the AWOLP child) to assist the Agency and the Court shall be entered after proper notice and an opportunity to be heard by those person/persons. Other than this required due process compliance issue, the Court does not anticipate any special problems in identifying, locating and returning an AWOLP child to his/her Court-directed placement.

IV. Compliance and Responsibility.

- A. The Presiding Judge of the Family Division of the Berrien County Trial Court shall be responsible to for ongoing monitoring of the cases involving AWOLP children who continue to be wards of the Court.
- B. The Children's Service Section Head for the Berrien County Family Independence Agency shall be appointed as the Family Independence Agency liaison to coordinate efforts among the Court, Agency, police agencies, placement agency (including foster care or residential facilities) from which the child is absent without legal permission and others as directed by the Court after consultation with the Agency liaison.

Effective date: February 1, 2003

Date: _____

Paul L. Maloney, Chief Judge

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