



DAVID C. TOMLINSON, Judge of Probate
ST. JOSEPH COUNTY PROBATE COURT

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STATE OF MICHIGAN
IN THE 45TH CIRCUIT COURT FOR THE COUNTY OF ST. JOSEPH

Administrative Order C45 2023-01 – this rescinds 2003-01

CASES INVOLVING CHILDREN ABSENT FROM COURT-ORDERED

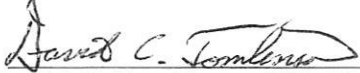
PLACEMENT WITHOUT LEGAL PERMISSION (AWOLP)

This Administrative Order is issued in accordance with The Michigan Supreme Court Administrative Order 2002-4. The purpose of this order is to establish a plan for reviewing cases involving children who are absent from court-ordered or authorized placements without permission from the court upon approval by the State Court Administrative Office.

1. The judge responsible for ensuring compliance with this plan is the Probate/Juvenile Judge (Presiding Family Division Judge).
2. The Juvenile Division and The Michigan Department of Human Health and Safety (MDHHS) will conduct an initial inventory regarding AWOLP children within their respective jurisdiction(s) and determine what efforts have been made to locate the missing children.
3. The court will request that MDHHS identify a local liaison who will be responsible for coordinating and implementing policy in conjunction with expedited hearings on AWOLP cases within 24 hours of notification. The MDHHS person shall notify the court of the child's absence and include MDHHS 3198A.
4. Upon notification by MDHHS, or upon the Court's own initiative of a child's absence without legal permission (AWOLP) status, an immediate preliminary inquiry will be held by a Referee or Judge to determine the status of the child, what efforts have been made to find the child and to set a hearing with notice to review the matter. The Court will utilize all statutory and court rule authority to locate and expeditiously return a child to an appropriate custodial placement.

5. There will be a coordination of efforts between the local MDHHS and the Court to locate any absent children:
 - MDHHS shall designate a liaison person who shall in turn notify the Court of a child's absence from placement (3198A).
 - The Court will inquire of the liaison the date and approximate time the child left the placement, the possible reasons for leaving, the actions taken to locate the child, were the police notified and the child entered into the LIEN system, any possible locations where the child may be found, any risk factors to the child, and whether or not the placement will take the child back when found.
 - The liaison shall notify the parents where appropriate and the attorney/guardian ad litem for the child of the child's absence.
6. There shall be periodic reviews of the children who are absent without legal permission:
 - After the initial inquiry by the Court the child's status shall be reviewed by the Court as the child's next regularly scheduled dispositional review hearing and at every subsequent three month review hearing until the child is located.
 - The Court may set a hearing or review at any time with notice to the parties as the Court sees fit.
7. The Court shall make an inquiry of MDHHS to determine the reason the child is absent from placement:
 - If the child has run away or is truant from placement, determine if the placement will take the child back when found.
 - If MDHHS requests the child be placed in a more restrictive placement, the Court shall hold a hearing within 24 hours of the child's apprehension to determine the appropriateness of the placement.
 - If the child has been abducted or is illegally being concealed from a proper custodian, the Court shall immediately issue an apprehension order to have the child taken into custody by the police and/or MDHHS when located
8. All children 15 years and younger who are AWOLP shall have priority in hearings and reviews with particular emphasis being placed on cases of younger children who may have been abducted.

Date: 2-24-23



David C. Tomlinson Chief Judge