



**Michigan Supreme Court**  
**State Court Administrative Office**  
**Trial Court Services Division**  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, MI 48909

October 6, 2009

**MICHIGAN COURT FORMS COMMITTEE**  
Family Division Section  
Minutes of September 17, 2009 Meeting

- Present: Hon. R. Terry Maltby, Sanilac County Probate Court  
David C. Rauch, Court Administrator, Charlevoix County Probate Court  
Hon. Frederick Mulhauser, Emmet/Charlevoix County Probate Court  
Shelley Spivack, Genesee County  
Cynthia J. Sherburn, 3<sup>rd</sup> Circuit Court, Family Division (for Peter Schummer and Hon. Judy Hartsfield)  
Amy L. Byrd, State Court Administrative Office (staff)  
Traci R. Gentilozzi, State Court Administrative Office (staff)  
Jennifer Warner, State Court Administrative Office (staff)
- Absent: Hon. Judy Hartsfield, Wayne County Probate Court  
Peter Schummer, 3<sup>rd</sup> Circuit Court, Family Division  
Hon. Karen Tighe, Bay County Probate Court  
Karen Snyder, 37<sup>th</sup> Circuit Court  
Jerome Colwell, Barry/Eaton County DHS

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Meeting called to order at 9:30 a.m.

**A. General Discussion**

1. Military/Nonmilitary Affidavit Language

Last year the committee included the language “ Military/nonmilitary affidavit attached” on JC 04b and questioned whether the language should be on other juvenile forms, but tabled the issue until 2009 so the SCAO could identify which forms may be affected. The committee considered whether the following forms should include the military affidavit language: JC 98, JC 99, PCA 301, PCA 301a, PCA 310, PCA 313, PCA 327, PCA 335, and PCA 349. The committee decided the affidavit language does not need to be included on these forms because it only applies to child protective

proceedings. Committee members also noted that a publication titled “A Judge’s Guide to the Servicemembers Civil Relief Act” (by Mark E. Sullivan, retired Army Reserve JAG colonel) addresses this issue for the courts. The publication can be found at <http://www.abanet.org/family/military/scrajudgesguidecklist.pdf>. It was suggested the SCAO send a notice to the courts, letting judges know that such resources are available.

The forms were unchanged.

## 2. Signing and Authentication of Papers

The committee discussed whether certain juvenile forms need to be verified. The committee was informed that the Circuit and District Section of the Michigan Court Forms Committee has removed the declaration language required by MCR 2.114(B) from all circuit and district forms that do not need verification pursuant to court rule or statute. The committee considered whether the declaration statement should be removed from the following forms: JC 01, JC 02, JC 04a, JC 04b, JC 05a, JC 05b, JC 15, JC 16, JC 18, JC 33, JC 34, JC 36, JC 44, JC 46, JC 52, JC 54, and JC 81.

The committee noted MCR 3.901 provides that the rules in subchapter 3.900, subchapter 1.100, and MCR 5.113 govern the practice and procedure in cases filed under the juvenile code, but does not include MCR 5.114(B) or MCR 2.114(B). Currently, only JC 04a and JC 04b are required to be verified pursuant to MCL 712A.11. Because neither MCR 5.114(B) nor MCR 2.114(B) apply, these petitions can be verified only by affidavit.

In light of this, the committee addressed which forms should retain the declaration language. Members decided the declaration statement should remain on JC 04a and JC 04b even though the juvenile court rules do not provide for verification of the petitions in this manner. To remedy this, the committee requested the SCAO seek a court rule amendment that would permit verification to be by oath or, except as to an affidavit, by declaration as permitted in MCR 2.114(B) and MCR 5.114(B).

As to the remaining forms, the committee decided the declaration language should remain, even though the forms may not necessarily need to be verified. Instead of removing the declaration language, the committee concluded a court rule should be recommended requiring the declaration, similar to the language in MCR 5.114(B).

The committee agreed that, if/when a court rule amendment is implemented, the forms should then be reviewed to determine their compliance.

The forms were unchanged.

## **B. Adoption Forms**

### 1. PCA 301, Petition for Adoption

The committee discussed a request to insert a checkbox before item 14 because the item is optional. Members agreed and the change was made.

The form was approved as revised.

**Staff Note:** During typesetting, “Present residential address (if known)” in item 2 was changed to “Current residential address (if known)” for consistency purposes.

### 2. PCA 344, Petition and Order for Release of Information from Confidential Intermediary and Court

The committee discussed a caseworker’s recommendation to revise this form, including a suggestion to combine items 5 and 7, and 6 and 8. The committee considered what information must be on the form pursuant to statute and agreed that items 7 and 8 should be removed. Although item 7 reflects a statutory requirement, members remarked that it was inappropriate in the order. Rather, the confidential intermediary needs to be informed of this requirement before the hearing.

After additional discussion about including a notice of hearing on the form to accommodate the requirement for item 7, the committee decided to place the issue on the 2010 agenda. The addition of a notice of hearing will be published for consideration, including notice to the confidential intermediary to submit information stated in item 7.

The form was approved as revised.

**Staff Note:** During typesetting, “6” in items 2. and 5. was replaced with “six” to comply with style rules.

## **C. Juvenile and Child Protective Forms**

### 1. JC 20, Summons: Order to Appear (Delinquency Proceedings)/(Personal Protection Proceedings) JC 21, Summons: Order to Appear (Child Protective Proceedings)

The committee discussed and then decided the newly-designed proof of service fee box that has been applied to all circuit, district, and friend of the court forms should be applied to these forms. The redesigned fee box provides a field for an incorrect address fee, which was requested by the Michigan Court Officer, Deputy Sheriff and Process Servers Association.

The committee also considered the addition of a declaration statement pursuant to the discussion in agenda item 2.

The forms were approved as revised.

**Staff Note:** The committee did not discuss deleting the hyphen in “nonservice” on the proofs of service for both forms, but they were changed as provided in the agenda. During typesetting, “to” was removed from the special accommodations language at the bottom of both forms (“... to help you fully participate ...”) in order to comply with style rules.

2. JC 40, Order for Contempt of Court

The committee discussed and approved a request to include space for additional information on this form. Some members noted that more space could be added by removing several of the checkbox options in item 9 because some rarely apply. However, the committee decided it made more sense to keep all the checkbox options and to add a new option in item 9 for “ other: \_\_\_\_\_.”

The form was approved as revised.

3. JC 59, Order of Adjudication (Delinquency Proceedings)

The committee considered a request to include information for licensing sanctions. The committee agreed that licensing information should be included because it is required at adjudication rather than disposition (JC 14a and JC 14b). The committee added a new item 8 (identical to the language on JC 14a and JC 14b):

“ 8. The licensing sanction is reportable to the State Police (under MCL 333.7408a[12] or 257.625[20][b]).  
 Revoked.     Suspended \_\_\_\_\_ days.     Restricted \_\_\_\_\_ days.”

The remaining items on the form were renumbered accordingly (e.g., item 8 is now item 9, item 9 is now item 10, etc.).

The form was approved as revised.

4. JC 66, Application to Set Aside Adjudication and Order

The committee discussed and decided that the terms “order of disposition” and “disposition” should be replaced with “record of adjudication” and “adjudication” (as provided in the agenda materials) to reflect the language of the statute, MCL 712A.18e.

Members agreed to change the address for the Michigan State Police Criminal Records

Division on the instructions page to reflect the current address of P.O. Box 30634, Lansing, Michigan 48913.

The committee considered whether personal delivery should remain an option in items 5 and 7 of the instructions (e.g., “deliver” and “delivered”) and in the proof of service (“ by leaving it at his/her office”). The committee was informed that personal delivery was removed as an option from the Attorney General and prosecutor checkbox on the adult form because the Attorney General’s office does not want personal service/delivery. While the committee understood the reason for this, it decided to keep the delivery language in the instructions and the personal delivery option in the proof of service for the prosecuting official. Members noted sometimes personal delivery is easier. For example, if the prosecutor’s office is across the hall from the court and the form is being completed at the court, it would be simpler to personally deliver copies rather than mail them.

The form was approved as revised.

**Staff Note:** During typesetting, “order of disposition” in item 2 on the first page and in item 2 under “Complete the Application” on the second page was changed to “record of adjudication” and not just “adjudication,” as was indicated in the agenda materials.

5. New Form, Petition and Order for Court-Appointed Attorney

The committee discussed a probate judge’s request to develop a form to evaluate indigency for purposes of appointing counsel. Members agreed that a new form would be preferable to using MC 222, Request for Court-Appointed Attorney and Order. The committee reviewed the draft that was submitted and noted the form would not be used in emancipation and parental waiver matters. The committee remarked that financial information is needed for both parents and discussed the feasibility of designing a single form for this purpose. After considerable discussion, members concluded the petition and order should be separate from the financial information because the financial information should not be retained in the legal file. It was agreed that each parent should complete JC 34, Financial Statement, which would be attached to the petition and order. The committee decided the new form should be typeset this year for committee review and approval by mail.

The development of a new form was approved.

6. New Form, Contact/Location Information of Relatives

The committee discussed a suggestion to create this form based on a recommendation from an out-of-state judge that a form of this nature could enhance the process whereby relatives have been considered for placement. Some committee members noted that the court does not “oversee” the placement of children but rather inquires as to DHS’

considerations in the case service plan. Other members remarked that the development of this form could create unwanted animosity between the courts and DHS. Some members also recommended that DHS be encouraged to add relatives' contact/location information to its case service plan. This way, the judge and the parties would be given the information without the court having to collect it. After much discussion, the committee decided the form does not make practical sense for Michigan.

No new form was developed.

7. JC 05b, Order to Take Child(ren) into Protective Custody (Child Protective Proceedings)  
JC 11a, Order after Preliminary Hearing (Child Protective Proceedings)  
JC 19, Order Following Dispositional Review/Permanency Planning Hearing (Child Protective Proceedings)  
JC 63, Order Following Hearing To Terminate Parental Rights (Child Protective Proceedings)  
JC 75, Order Following Emergency Removal Hearing (Child Protective Proceedings)  
JC 76, Order After Post-Termination Review/Permanency Planning Hearing (Child Protective Proceedings)  
JC 91, Order Appointing Juvenile Guardian  
JC 92, Acceptance of Appointment (Juvenile Guardian)  
JC 93, Letters of Juvenile Guardianship  
JC 94, Annual Report of Juvenile Guardian on Condition of Child  
JC 95, Order Appointing Person to Investigate Juvenile Guardianship  
JC 96, Report after Investigation of Juvenile Guardianship  
JC 97, Order Following Investigation and Report of Juvenile Guardianship  
JC 98, Petition to Terminate Appointment of Juvenile Guardian, Notice of Hearing, and Order for Investigation  
JC 99, Petition to Revoke Juvenile Guardianship, Notice of Hearing, and Order for Investigation  
JC 100, Order Following Hearing on Petition to Terminate Appointment of Juvenile Guardian  
JC 101, Order Regarding Revocation of Juvenile Guardianship

These forms were revised and developed to comply with Public Act 199, 200, and 203 of 2008, and to comply with new and amended court rules relating to these laws. Because the forms have only recently been developed, the committee decided there was no need for a review at this time.

Members addressed the suggestion that line 23 on JC 11a be revised to reflect similar provisions on JC 19 (line 20) and JC 75 (line 16) and decided this is a minor revision that should be kept on file.

The committee also agreed an order of discharge should be developed and published for

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comment in the 2010 agenda.

The forms were unchanged.

Meeting adjourned, 11:45 a.m.

Respectfully submitted,

Traci R. Gentilozzi