

STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT

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**SUBJECT: CHILDREN ABSENT FROM PLACEMENT WITHOUT LEGAL  
PERMISSION (AWOLP)**

The Court issues this Administrative Order in accordance with the directive contained in Supreme Court Administrative Order 2002-4 that each circuit court must develop a plan for reviewing cases involving children who are absent from court-ordered placement without permission from the court.

**IT IS HEREBY ORDERED:**

**I. Special Docket**

A special docket (90028) has been created to review all cases where the juvenile is Absent From Placement Without Legal Permission (AWOLP). Judge Michael M. Hathaway shall preside over the consolidated AWOLP docket for juveniles ages 18 and under. Youth 19 years and older shall be reviewed by the jurist of record.

Once a juvenile is reported absent without legal permission from placement the case shall be transferred to the AWOLP docket and will remain on said docket until the child is taken into custody, stabilized and the Judge is satisfied that the juvenile is no longer an AWOLP risk. The case may then be returned to the jurist of record.

**II. Coordination with FIA**

The Family Independence Agency liaison with the Court on AWOLP matters is Margaret Warner, FIA Wayne County Zone Manager. FIA's discovery of AWOLP status for any Wayne County neglect ward shall be reported promptly by the caseworker to Judge Michael Hathaway's court clerk, Charise Conley, and to Judge Hathaway's court assigned Assistant Attorney General, presently Rebekah Visconti. For juveniles 16 years or younger who appear to have voluntarily truant from lawful placement, a delinquency petition charging truancy from lawful placement shall be submitted consistent with Third Circuit Court CM Rule C.23 and a writ of apprehension shall be issued.

Upon receipt of an AWOLP report, the matter will be placed on the Court's AWOLP docket and scheduled for a first Investigative Hearing before Judge Michael Hathaway no later than two weeks from the receipt of that report. All other decisional responsibilities on the neglect case including dispositional orders pertaining to siblings of the AWOLP ward shall remain with the original jurist.

## **A. Initial Review**

For the first Investigative Hearing, the FIA assigned caseworker and the missing juvenile's attorney shall receive notice and be present along with the Assistant Attorney General. The assigned caseworker should be sufficiently prepared to respond orally or in writing to the Court's inquiries as to the juvenile's history of placement, AWOLP history, location and circumstances of prior rescues, names and addresses of relatives and special needs, attributes or circumstances of the child. The FIA worker may be requested or ordered by the Court to conduct some investigative tasks with due concern for the welfare and safety of the worker.

The focus of the First Investigative Hearing is to:

- (1) Ascertain whether the juvenile is a truant or involuntarily AWOLP;
- (2) To identify leads and/or names of individuals who may be sheltering the youth or have knowledge of his/her whereabouts;
- (3) And to determine the past habits or practices of the child and explore possible rescue locations.

At the conclusion of the First Investigative Hearing, the Court shall, with the advice and input of all present, order the issuance of subpoenas, direct further investigation to be carried out by the assigned worker, and order, if necessary, the issuance of a writ of apprehension and setting of an adjourned investigative hearing date in no more than 30 days.

## **B. Priority Matters**

Special priority shall be given in the scheduling of further dates, the issuance of writs and investigative efforts for AWOLP juveniles 12 years of age and younger, and those older juveniles who appear to be involuntarily AWOLP or engaged in unlawful or dangerous activities.

## **C. Further Investigative Efforts**

In subsequent investigative hearings, the Court shall question subpoenaed witnesses in an effort to ascertain new or updated information on the missing child's whereabouts, question the worker on the results of his or her investigation, and order the updating of writ information as necessary.

Additional investigative hearings will be held as necessary until the juvenile is rescued or located.

## **III. Handling A Located Ward**

When a missing juvenile is located or rescued, the following procedures will apply:

- A. For juveniles 12 years of age or under or juveniles of any age who have been involuntarily away from lawful placement, those juveniles will be delivered into the custody of the FIA for suitable placement. A juvenile 12 years of age and under who truanted from lawful placement will be brought before Judge Hathaway by the agency worker on the next available court date but no later than

seven days so that the Court may admonish the juvenile to refrain from further truancies and to explore and decide on suitable placement options of a temporary or permanent nature that will minimize the likelihood of further truancy. The matter will then be removed from Judge Hathaway's special docket and returned to the original jurist for all further purposes. The juvenile will be personally served in the courthouse with any placement order.

Similarly, all located or rescued juveniles who were involuntarily AWOLP will be brought before Judge Hathaway on the next available court date but no later than seven days so the Court may explore suitable temporary or permanent placement options in the best interest of the child. The matter will then be removed from Judge Hathaway's special docket and the matter returned to the original jurist for further proceedings.

- B.** For all juveniles 13 to 16 years of age who have voluntarily truanted from lawful placement, the agency worker shall submit a JC01 complaint along with a delinquent writ indicating the juvenile has Truanted From Lawful Placement consistent with Third Circuit Court Case Management Rule C.23.

Upon apprehension, the juvenile shall be delivered to the Wayne County Juvenile Detention Facility consistent with CM Rule C.23 and shall be detained until brought before Judge Hathaway or his designee for a preliminary hearing within twenty-four hours consistent with applicable law and CM Rule C.23. The assigned caseworker shall be present at the preliminary hearing along with the juvenile's attorney and representative of the Attorney General's office. The Court will inquire regarding efforts to notify the juvenile's legal parent.

At the preliminary hearing, the Court shall question the worker as to the circumstances of the juvenile's truancy and rescue exploring suitable placement alternatives. The Court shall make placement orders suitable to the particular case taking into account the age of the youth, the apparent causes of or reasons for the youth's truancy, the likelihood of reoccurrence, the suitability of temporary or permanent placement alternatives, the possibility of the juvenile being in unlawful or dangerous circumstances should the juvenile truant again. Placement in a secure facility will be ordered only if no other viable option exists. A pretrial date will be set for no more than seven days hence if the juvenile is detained or no more than 14 days otherwise.

At the pretrial hearing, the Attorney General and/or Prosecutor will make recommendations as to the advisability of proceeding with the delinquency petition. Upon the recommendation of the FIA, the Attorney General and/or the Prosecutor, if it appears that the truant juvenile has been placed in a suitable environment and is unlikely to re-truant, the delinquency petition may be dismissed with a warning and the juvenile will be served with the placement order. The matter will then be removed from the special docket and remanded to the original jurist of record for further proceedings. This procedure may, under circumstances deemed suitable by the Court and all other parties, be applied at the time of preliminary hearing.

In cases where no alternative placement is presented by the time of pretrial or where the circumstances of the juvenile's truancy or rescue give the Court cause for concern for the safety and welfare of the youth, the Court will continue detention until trial or disposition. The trial of a truancy case under this plan will be scheduled forthwith and will occur without delay.

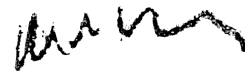
At the initial dispositional hearing on cases where there has been a plea or trial conviction to a delinquency petition arising out of the youth's AWOLP status, a disposition will be rendered and the matter will be removed from the special docket and returned to the original jurist of record. Disposition in these cases will be that which best serves the best interests of the truant juvenile.

In cases where there is a trial acquittal of truancy charges, the case will be similarly removed from the special docket and returned to the original jurist as a neglect case. In either case the originally assigned jurist will make further dispositional orders consistent with the special circumstances of the case. Should the ward truant again from lawful placement, the procedures followed in Sections I and II above will apply.

- C. For all 17- and 18-year-old court wards who truant from lawful placement, those trancies will be duly reported to the special docket as outlined in Section II above. Since 17- and 18-year-old AWOLP juveniles cannot be charged with truancy and are not picked up by the Warrant Enforcement Bureau, all reasonable efforts will be made to urge the voluntary court appearance of the juvenile so that his or her circumstances can be ascertained and services evaluated. If the juvenile is picked up on other charges or appears voluntarily, the juvenile shall be brought before the Court for review of the circumstance of the rescue and to determine what services or additional efforts are appropriate. These matters may be removed from the special truancy docket and returned to the original jurist once the location and well being of the juvenile has been determined and it appears that further Court intervention would be unproductive.

**IV. Third Circuit Court Case Management Rule C.23**

Child Protection Case Management Rule C.23 - Orders to Take Into Custody (see attached) has been modified to include detailed filing and case flow procedures for foster care, juvenile justice and adoption's workers and court staff. The Court shall conduct training sessions with agency workers on the consolidated AWOLP docket and case flow procedures for processing AWOLP cases.



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Honorable Mary Beth Kelly  
Co-Chief Judge  
Third Judicial Circuit Court

Dated January 30, 2003