

**THIRD JUDICIAL CIRCUIT COURT
FAMILY DIVISION – JUVENILE SECTION**

**Procedure for Handling
Absent Without Legal Permission (AWOLP) Matters**

POLICY

This policy applies to Temporary Court Wards (TCW), MCI wards or any minor **under the age of 18** with an open neglect case wherein a preliminary hearing has already been held, the minor has already been placed in the care and custody of DHS and the minor is truant from court-ordered placement.

NOTE: This policy also applies children who are 18 years of age or older, only if the child is mentally incapacitated or cognitively impaired in some way.

PROCEDURE

When a minor is absent without legal permission (AWOLP) from court-ordered neglect placement, the case worker shall file an AWOLP Petition with the Court's Intake Unit at 1025 East Forest, Detroit, Michigan, 48207, Building B – Room 348. The petition shall be scheduled for Preliminary Inquiry Hearing (PRI) to be heard by the Preliminary Hearing Referee the next morning.

The Preliminary Hearing Referee may authorize the petition and issue an Order to Place into Protective Custody (JC-05b), also known as an AWOLP Neglect Writ. All AWOLP writs will be set to expire on the ward's 18th birthday. If an AWOLP Neglect Writ is issued, the Preliminary Hearing Referee will schedule an Investigative Hearing (IVH) on the AWOLP Docket (90028), which is heard by the Presiding Judge every Monday.

The Preliminary Hearing Referee may schedule up to five IVH hearings at 9:00 a.m., up to five IVH hearings at 10:00 a.m. and up to five IVH hearings at 11:00 a.m. on every Monday, excluding holidays. A completed AWOLP Checklist and written report is to be delivered to the Presiding Judge two days prior to the AWOLP hearing.

For cases in which a child is returning to care, the County Clerk's Case Initiation Unit (CIU) is to schedule a Pretrial Hearing (PT) on the AWOLP Docket (90028). The child and the worker are to appear for the Pretrial Hearing. Pretrial Hearings are to be scheduled for 1:30 p.m. on the Monday following a child's return to care, excluding holidays.

To confirm a hearing date on the AWOLP docket or to request an adjournment, case workers should contact the Presiding Judge's courtroom clerk.

FILING

The Department of Human Services (DHS) worker initiates the filing process by submitting the following packet of documents to the Court's Intake Department:

- Child Protective Proceedings Case Control Form - typed or printed (MJC-903)
- Original Petition plus 8 copies - typed (JC-04b)
- Petition Application –typed (WC-602 DHS)
- Ready for Trial - typed (MJC 920)
- Affidavit of Parent or CMO stating Child is AWOL and factual basis to support the affidavit

In addition to the above listed documents, workers from private agencies must also submit:

- DHS Letter of Authorization signed by their DHS specialist.

NOTE: Individual packets must be submitted for each child even when siblings have truant placement together.

SCREENING & PROCESSING AWOLP PACKETS

Intake Probation Officers will screen the writ packet and forward it to the County Clerk's Case Initiation Unit (CIU) for data processing.

CIU will set the AWOLP petition for PRI on the Preliminary Hearing Referee's docket for the following morning, except on Fridays. AWOLP packets submitted on Fridays before 11:00 a.m. will be scheduled for a PRI the same afternoon. AWOL packets submitted on Fridays after 11:00 a.m. will be set for PRI the following Monday morning.

The Intake PO will:

- Inform the worker of the date, time and location of PRI;
- Provide worker with an AWOLP Checklist and Writ Cancellation Slip; and
- Immediately deliver the AWOLP packet to the PRI courtroom upon completion of screening and processing.

The Preliminary Hearing Referee will:

- Conduct the PRI;
- Review the petition and affidavit;
- If satisfied the child is AWOLP, authorize the petition;

- Prepare an AWOLP Writ (JC 05); and
- Schedule IVH on the AWOLP Docket (90028) and complete hearing notice.

All AWOLP petition packets are to be forwarded to the neglect legal file once the PRI hearing is completed.

RETURN TO PLACEMENT

Executed AWOLP Writs:

When a child is located, the law enforcement agency shall contact the Court's 24-Hour Intake Desk at (313) 967-2127 or (313) 967-2002 to confirm the Writ is still active. The child must be turned over to DHS at 1801 East Canfield, Detroit, MI, 48207, for placement.

Neglect wards shall not be admitted to the Juvenile Detention Facility (JDF) unless they are the subject of a delinquent writ or have picked up a delinquent charge that warrants their admission at JDF.

The Court's 24-Hour Intake Desk staff person will contact DHS via their 24-hour desk to advise that the Writ has been executed, the minor is en route and will provide DHS with the PT hearing date. The PT hearing date is always set on the AWOLP docket for the following Monday at 1:30 p.m., excluding holidays, which will be heard by the Presiding Judge.

The Court's 24-Hour Intake Desk staff person will check the AS400 425 screen to identify the petitioning caseworker and leave a voicemail message to advise that the Writ was executed and that the AWOLP petition is set for PT.

The 24-Hour Intake Desk staff person will complete an AWOLP Writ Cancellation Slip and fax it to the main Intake Unit at (313) 833-3060. Writ cancellation slips will forward to CIU. CIU will cancel the AWOLP writ on the AS400 375 screen and set that petition for PT on the AWOLP docket for the following Monday at 1:30 p.m., excluding holidays.

Voluntary Returns:

When a minor voluntarily returns or is located by the caseworker and returned to care, the caseworker shall complete and fax a Writ Cancellation Slip to the Intake Unit at (313) 833-3060 within 24 hours.

The Writ Cancellation Slip should provide a brief statement about how, when and where the minor was located and where the child has been placed.

Intake PO will forward the faxed Writ Cancellation Slip to CIU. CIU will cancel the Writ on the AS400 375 screen and set the petition for PT on the AWOLP docket for the following Monday at 1:30 p.m., excluding holidays.