



# 17<sup>th</sup> Judicial Circuit Court for the County of Kent

## Adoption Department

### GUARDIAN INITIATED TERMINATION PROCEDURES PURSUANT TO THE JUVENILE CODE

**If parental rights will need to be terminated by the court pursuant to MCL 712A.19b(3) (a-m), the following procedures will be used: (These procedures apply to guardianships through the Kent County Circuit Court.** If guardians live in Kent County, but jurisdiction for the guardianship is in another county or state, the attorney should first apply to have jurisdiction of the guardianship changed to Kent County Circuit Court, or receive permission from the prior court to proceed in this manner.

- Guardian will obtain an attorney to assist with the process.
- The Guardian needs to be able to provide evidence that the biological parent(s) of the child have not provided regular and substantial support and have not had regular and substantial contact with the adoptee in the two or more years prior to the filing of the petition to terminate parental rights.
- Guardian will be the petitioner and the attorney will assist petitioner in filing a petition with the 17<sup>th</sup> Circuit Court-Family Division to establish the Courts jurisdiction pursuant to MCL 712A.2 and for the termination of parent's rights pursuant to MCL 712A.19b(3) (a-m). SCAO form **JC 04b** will be used. Indicate each possible statutory basis for termination of parental rights. May include a brief history of the situation leading up to the petition to terminate. Include a copy of the child's birth certificate and guardianship papers. Also, any divorce degrees or paternity actions related to the child.
- If the Guardian is **not** the intended adoptive parent, the guardian will still be the petitioner, however, a Petition for Modification to have the prospective adoptive parent appointed as successor of the guardianship, must also be filed. (Successor will become a **Full Guardian** even if the petitioning guardian is a Limited Guardian).
- Contact Case Management to schedule a neglect case preliminary hearing with a Family Division Referee. Do this by emailing the completed Guardian Termination Request for Court Appointed Attorney form to [neglect@kentcountymi.gov](mailto:neglect@kentcountymi.gov)
- A lawyer-guardian ad litem will be appointed for the child and will attend the preliminary hearing. Send notice to the parents, and/or their attorney's if they have been appointed prior to the preliminary hearing. **Be sure to bring the JC 04b petition with you to the hearing.**
- If approved, the petition will be assigned a judge and set for a termination hearing. Any unrepresented parties will be appointed attorneys by the court.
- If parental rights are successfully terminated, a Petition for Adoption must be filed within 30 days of the termination date with the Adoption Department. Contact the department at 616-632-5108 or 616-632-5107 for a checklist.
- If a parent is willing to consent to the termination of their parental rights and allow the guardian to adopt, a separate hearing will need to be scheduled once the petition for adoption is filed.

# GUARDIAN INITIATED TERMINATION

## REQUEST FOR NEGLECT PRELIMINARY HEARING & COURT-APPOINTED COUNSEL

**\*\* Email this form and the petition to [neglect@kentcountymi.gov](mailto:neglect@kentcountymi.gov) \*\***

PRELIMINARY INFORMATION	
Attorney/Petitioner:	Contact Phone Number:
Termination of Parental Rights Requested: <input type="checkbox"/> No <input type="checkbox"/> Yes	Interpreter Requested: <input type="checkbox"/> No <input type="checkbox"/> Yes _____ Language
FAMILY & CASE INFORMATION (Mother and guardian name is mandatory)	
Mother's Name:	Date of Birth:
Mother Formerly Known As:	Indicate who the allegations are against:
Is any party incarcerated at the Kent County Jail/MDOC: <input type="checkbox"/> No <input type="checkbox"/> Yes _____ Name	Is there currently an active case or case history: <input type="checkbox"/> No <input type="checkbox"/> Yes _____ Case Number / Judge
Guardian(s) Name(s):	Date(s) of Birth:
CHILDREN (List oldest child first)	
1. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
2. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
3. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
4. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
*Attach Supplement to Request For Neglect Preliminary Hearing & Court-Appointed Counsel for additional children.	
*** COURT USE ONLY ***	
Referee:	Preliminary Hearing Date and Time:
Attorney for Children:	Prior Judge: _____ Case Number: _____
Attorney for Mother:	Assigned Judge:
Attorney for Father:	Assigned Case Numbers: <input type="checkbox"/> New FID <input type="checkbox"/> Existing FID
Status:	

**GUARDIAN INITIATED TERMINATION**

**SUPPLEMENT TO REQUEST FOR NEGLECT PRELIMINARY HEARING  
& COURT-APPOINTED COUNSEL**

ONLY INCLUDE THIS PAGE FOR CASES WITH FIVE OR MORE CHILDREN

<b>CHILDREN CONTINUED</b>	
5. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
6. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
7. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
8. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
9. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____
10. _____ Father's Name: _____ Father is: <input type="checkbox"/> Legal <input type="checkbox"/> Putative/Unknown <input type="checkbox"/> Unknown	Date of Birth: _____ Date of Birth: _____