


**Juvenile Guardianship
FAQ's**

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Juvenile Guardianship Court Rules and Forms

• New Court Rule MCR 3.979

- Fills in process questions not addressed in statute

• New Court Forms

- JC 91 (Order Appointing Juvenile Guardian)
- JC 93 (Letters of Juvenile Guardianship)
- JC 94 (Annual Report of Juvenile Guardian)
- JC 95 (Order Appointing Person to Investigate Juvenile Guardianship)
- JC 96 (Report After Investigation of Juvenile Guardianship)
- JC 97 (Order Following Investigation and Report on Juvenile Guardianship)
- JC 98 (Petition to Terminate/Revoke Juvenile Guardianship, Notice of Hearing, and Order)
- JC 99 (Order Following Hearing on Petition to Terminate/Revoke Juvenile Guardianship)

Benefits of Juvenile Guardianship

• Allows child to exit foster care, but maintains family court jurisdiction.

- Permanency/stability.
- More contact with siblings.
- Pre-termination, maintains relationship with parents.
- Some children do not want to be adopted and/or break ties with their birth parents.

• Maintain family history and culture. Some cultures believe that termination of parental rights defies important societal norms of extended family.

• Gives caregivers the necessary legal decision-making authority for children, including the ability to consent to routine activities such as field trips and sports.

• Juvenile Guardianship will most frequently target older youth.

- First goal = reunification. Second goal = adoption. JG should only be considered after these goals are ruled out.

Case Processing FAQ's

- **Who opens the guardianship case? Court? JG? Other? Difference between TCW & MCI Ward?**
 - This is a permanency disposition in the NA case. The court opens the JG court case. No petition is required; No filing fee. No difference if TCW or MCI Ward.
- **When is the JG case opened? Post-PPH or after Order of Appointment is signed?**
 - When the court signs the order appointing the JG (JC 91).
- **What is the case code and caption?**
 - JG (Juvenile Guardian)
 - In the matter of (child's name). Separate order for each child.
- **Does the county clerk have to issue the Letter of Guardianship?**
 - MCR 3.979(B)(2): "court shall issue letters of authority".

Case Processing

- **What is the first document in the JG case, since there's no petition?**
 - Order Appointing Juvenile Guardian (JC 91)
 - Order following PPH or Post TPR Review (JC 19 or JC 76)
 - Acceptance of Appointment (JC 92)
 - Letters of Juvenile Guardianship (JC 93)
- **If JG and child live in other county, should JG case be opened in that county?**
 - Follow regular change of venue rules (MCR 3.926)

Annual Case Review

- **How can the court track the one year reviews? TCS computer programming?**
 - JIS is adding this component to the computer system.
- **What is the appropriate action for non-reporting JGs? Does the court file a 3200?**
 - MCR 3.979(D)(1) : "court shall take appropriate action". Court can order DHS to investigate, send a letter reminding JG to file report, etc.
- **MCR 5.203 requirements for fiduciary tracking required?**
 - No

Due Process/Legal Questions

- **What if the parent (whose rights have not been terminated) objects to the guardianship? Is this terminating parental rights without following TPR procedures?**
 - The court has ruled out reunification and termination of parental rights. Guardianship allows the parent to maintain a connection with the child.
 - JG should be discussed during TDM meetings.
 - DHS must discuss guardianship assistance agreement with parents.
 - Follow appellate process.

Indian Child Welfare Act

- **Does ICWA apply to Juvenile Guardianships?**
 - Yes. ICWA applies to any "child custody proceeding", including, but not limited to:
 - × "foster care placements": any action removing an Indian child from its parent for temporary placement in a foster home or institution or in the home of a guardian or conservator where the parent cannot have the child returned upon demand.
 - × "termination of parental rights": any action resulting in the termination of the parent-child relationship.

25 USC 1903(1)(i) and (ii)

DHS Services

- **Does DHS keep the case open and provide services to the guardian?**
 - DHS closes the NA case after the first review. HOWEVER, if the case qualifies for guardianship assistance, there will be a guardianship assistance agreement which will outline the services the guardian will receive (services will be similar to post-adoption services).
- **Does DHS have to continue to provide services to the parent if parental rights have not been terminated?**
 - No. The NA case closes when permanency is attained.

Revoking/Terminating the Juvenile Guardianship

- **If the guardianship is revoked, does a NEW petition and case get filed?**
 - No. The court revokes the guardianship and places the child under care/supervision of DHS. Jurisdiction over child under previous NA case is reinstated. (MCR 3.979(F)(5))
 - Court must hold a dispositional review hearing within 42 days of revocation (MCR 3.979(F)(7))
- **Does the court administratively close the case when the minor emancipates or if the child dies?**
 - Upon notice of the child's death, the court shall enter an order of discharge. The court may schedule a hearing before entering this order. (MCR 3.979(D)(4))

How does the court order child support?

- **Ordering Child Support**
 - MCR 3.973 (F)(5) allows the court to order child support in child protective proceedings.
 - All child support orders must be on the Uniform Support Order (SCAO Form FOC 10).
 - All child support orders must be calculated with the Michigan Child Support Formula.

Ordering Child Support (cont'd)

- **Process Options:**
 - **Court can calculate and order child support when appointing the JG. MUST USE UNIFORM SUPPORT ORDER.**
 - Checkbox 10 on form JC 91 (Order Appointing Juvenile Guardian) states "Child support shall be paid as follows:"
 - *Example:* "One or both parents shall pay child support as indicated in the Uniform Support Order that accompanies this order."
 - **Court can order LGAL to request Title IV-D services.**
 - **Court can order FOC to investigate and make child support recommendation pursuant to MCL 552.505(1)(h).**

Subsidized Guardianship Case Example



- **Jan 1:** At 9 mo review hearing, start considering Guardianship. Order DHS to conduct background checks/home study; subsidy contract. Schedule PPH for April 1.
- **April 1 PPH:** court should ask: How long has the home been licensed? How long has the child been placed there? Subsidy contract filed with DHS? Change goal to Guardianship. Schedule next review hearing for July 1.
- **July 1:** if everything in order, appoint guardian (use JC 91 and JC 93). Schedule next review hearing.
- **Oct 1:** Final NA hearing. Close NA case, JG case remains open.
