

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

710.23e Temporary placement; hearing to determine custody; petition; ex parte order to return child to parent or guardian; petition requesting court jurisdiction; temporary disposition; powers of court; act as exclusive remedy.

Sec. 23e. (1) Not later than 14 days after the filing of a petition by the prosecutor as required by section 23d(4) of this chapter, by a prospective adoptive parent as permitted in section 23d(6) of this chapter, or by a child placing agency as required by section 23d(7) of this chapter, the court shall hold a hearing to determine the custody of a child for whom a temporary placement has been made.

(2) Upon receiving a petition filed under section 23d(5) of this chapter, the court shall immediately issue an ex parte order directing the prospective adoptive parent to return the child to the parent or guardian with legal custody within 24 hours after receipt of the order, unless the court proceeds under subsection (3).

(3) The court may appoint an attorney to represent the child or refer the matter to the department. The attorney or the department may file a petition on the child's behalf requesting the court to take jurisdiction under section 2(b) of chapter XIIA. If that petition has not been filed within 14 days after the court appoints an attorney or refers the matter to the department under this section, the court shall order the return of the child to the parent or guardian with legal custody. During the period before the petition for jurisdiction under section 2(b) of chapter XIIA is filed and a preliminary hearing is held or the return of custody is ordered, the court shall remove the child from the home of the prospective adoptive parent and make a temporary disposition appropriate for the welfare of the child as authorized by section 18 of chapter XIIA.

(4) Subject to subsection (2), the court may appoint a guardian under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, in response to a petition filed by the prospective adoptive parent or another individual interested in the child's welfare, and make a temporary disposition appropriate for the child's welfare as authorized by section 18 of chapter XIIA until an order of guardianship is entered.

(5) The court may order the return of a child to a child placing agency that has obtained legal custody of the child.

(6) The court may appoint a guardian ad litem for the child or for a minor parent of the child.

(7) This act provides the exclusive remedy for all custody disputes arising out of a temporary placement.

History: Add. 1994, Act 222, Eff. Jan. 1, 1995;—Am. 1994, Act 373, Eff. Jan. 1, 1995;—Am. 2000, Act 55, Eff. Apr. 1, 2000.

Popular name: Probate Code