

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

712A.14 Officers or county agent authorized to take child into custody; notice; jail or detention facility; release of child; preliminary hearing; order; placement of child; foster care home services.

Sec. 14. (1) Any local police officer, sheriff or deputy sheriff, state police officer, county agent or probation officer of any court of record may, without the order of the court, immediately take into custody any child who is found violating any law or ordinance, or for whom there is reasonable cause to believe is violating or has violated a personal protection order issued under section 2(h) of this chapter by the court under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or for whom there is reasonable cause to believe is violating or has violated a valid foreign protection order. If the officer or county agent takes a child coming within the provisions of this chapter into custody, he or she shall immediately attempt to notify the parent or parents, guardian, or custodian. While awaiting the arrival of the parent or parents, guardian, or custodian, a child under the age of 18 years taken into custody under the provisions of this chapter shall not be held in a jail or any other detention facility unless the child is completely isolated so as to prevent any verbal, visual, or physical contact with an adult prisoner. Unless the child requires immediate detention as provided for in this act, the officer shall accept the written promise of the parent or parents, guardian, or custodian, to bring the child to the court at a fixed time. The child shall then be released to the custody of the parent or parents, guardian, or custodian.

(2) If a child is not released under subsection (1), the child and his or her parent or parents, guardian, or custodian, if they can be located, shall immediately be brought before the court for a preliminary hearing on the status of the child, and an order signed by a judge or a referee authorizing the filing of a complaint shall be entered or the child shall be released to his or her parent or parents, guardian, or custodian.

(3) If a complaint is authorized under subsection (2), the order shall state where the child is to be placed, pending investigation and hearing, which placement may be in any of the following:

(a) In the home of the child's parent, guardian, or custodian.

(b) If a child is within the court's jurisdiction under section 2(a) of this chapter, in a suitable foster care home subject to the court's supervision. If a child is within the court's jurisdiction under section 2(b) of this chapter, the court shall not place a child in a foster care home subject to the court's supervision.

(c) In a child care institution or child placing agency licensed by the department to receive for care children within the jurisdiction of the court.

(d) In a suitable place of detention.

History: Add. 1944, 1st Ex. Sess., Act 54, Imd. Eff. Mar. 6, 1944;—CL 1948, 712A.14;—Am. 1952, Act 133, Eff. Sept. 18, 1952;—Am. 1961, Act 30, Eff. Sept. 8, 1961;—Am. 1966, Act 43, Eff. Mar. 10, 1967;—Am. 1988, Act 224, Eff. Apr. 1, 1989;—Am. 1998, Act 474, Eff. Mar. 1, 1999;—Am. 2001, Act 211, Eff. Apr. 1, 2002;—Am. 2012, Act 163, Imd. Eff. June 12, 2012;—Am. 2019, Act 111, Eff. Oct. 1, 2021.

Popular name: Probate Code

Popular name: Juvenile Code