



Sixth Judicial Circuit Court – Family Division Oakland County Juvenile Court

FILING A HOME STATUS OFFENSE PETITION IN OAKLAND COUNTY

The Circuit Court Family Division has jurisdiction over children under 18 who run away from home (truancy) or repeatedly disobey the reasonable and lawful commands of their parents or legal guardians (incurrigibility). These court proceedings are called “status” offenses because of the age status of the person committing the violation. Home status offenses begin when the child’s parent or guardian files a petition with the court. **Only a parent who possesses primary physical custody of a juvenile may file a petition for a status offense.**

Incurrigibility Petitions

If a parent files a home incurrigibility petition, the parent must prove that –

- the child is repeatedly disobedient to the reasonable and lawful commands of his or her parents, guardian, or custodian, and,
- there is “clear and convincing evidence” that court-accessed services are necessary to solve the incurrigibility.

Incurrigibility is more than simple disobedience. The juvenile court will not accept a home incurrigibility petition unless the child has engaged in incurrigible behavior for at least the last three months before the filing of the petition. Second, the child’s incurrigibility must be causing significant problems for the child, parents, or the legal guardians in the home. Examples of incurrigible behavior include:

- Leaving home without permission or violating curfew,
- Threatening to cause or causing deliberate physical harm to family members,
- Causing property damage to the home or property of family members,
- Stealing money or property from other family members,
- Using alcohol, drugs, or other illegal substances,
- Constantly using vulgar or abusive language to parents and/or family members,
- Not following the parents’ reasonable requests,
- Associating with undesirable people,
- Skipping school or being disruptive in school against the parents’ directives.

These behaviors must be chronic in nature – not one-time instances of normal child rebellion.

Truancy Petitions

If a parent files a home truancy petition, the parent must prove that –

- the child has deserted his or her home without sufficient cause, and,
- the child –
 - has been placed or refused alternative placement (other than the child’s home), OR,
 - the child and his parents have exhausted or refused family counseling.

If a child is currently truant at the time the parent files the petition with the court, the court may issue an Order to Take Into Custody (“OTTIC”). When apprehended, the child will be temporarily placed in Oakland County Children’s Village shelter care pending a preliminary hearing within 24 hours (excluding holidays and weekends). Absent extreme circumstances, the child will be returned home following the preliminary hearing.

Status Offense Court Procedure

Once the court receives a status offense petition, the case will be referred to Oakland County Youth Assistance for an intake evaluation and further services designed to divert the matter from the formal court system. The Youth Assistance caseworker will work with the family to determine the next steps. Those steps could include a recommendation for further non-court action, such as:

- Attending individual and family therapy,
- Working with the child’s school,
- Exploring arrangements for the child to live with a relative if necessary, or,
- Trying other actions identified by Youth Assistance.

If efforts have been made to solve the problem and the situation has still not improved, Youth Assistance may recommend that the court accept the parents’ petition. If so, the parent must file an updated petition, including specific information concerning the child’s and parent’s involvement with Youth Assistance services. **Youth Assistance will not recommend further court action if the parents have not fully cooperated with Youth Assistance recommendations during the diversionary process. Likewise, the court will not take further action unless the parent files the updated petition in a timely fashion.** Upon acceptance of an updated petition, a time for a Court hearing will be set. That hearing could be –

- A preliminary inquiry between the child, the parents, and a juvenile court referee.
- A pretrial hearing before a juvenile court referee on the court’s formal docket.

If the matter is scheduled for a hearing on the court’s formal docket, the court will appoint an attorney to represent the child. Formal court proceedings can lead to either a plea from the child that he or she committed the offense in the petition, or a trial in which the parents must produce evidence to prove that the child is incorrigible or truant. The trial can be before a juvenile court referee, a Family Division judge, or a jury of 6 members of the public. If the child is found guilty of the offense, the court will set a disposition hearing to determine what orders the child must follow.

What you should know about :

- **A parent’s responsibilities during the court process:** The juvenile court has a “family-focused” approach to all cases. If the court accepts an updated petition after the parent has worked cooperatively with Youth Assistance, the court may issue orders to the parent in the context of the child’s case. Those orders could include a psychological evaluation, family therapy, individual therapy, or parent education classes. If the parent fails to follow those court orders, the court will in all likelihood dismiss the parent’s petition. Likewise, the court will dismiss the petition if the parent no longer wishes court involvement. Acceptance of subsequent petitions will be reviewed in light of parental participation in previous petitions.

- **Pretrial detention:** State and federal law DO NOT allow status offenders to be detained in a secure facility while engaging in diversionary services or while awaiting a trial on a petition. It is important for parents to know that the child MUST remain at home during this time. The court can issue orders to ensure the child complies with behavioral norms.

Instructions for Completing Your Petition

1. You must complete the petition. Incomplete petitions will be rejected. Court employees may not provide legal advice or assist you in completing a petition.
2. The allegations about your child's behavior must be current. This behavior must have occurred within the last three months.
3. You must include documentation from a counselor or community-based agency that details your efforts to solve your child's truancy or incorrigibility issue.
4. You must include your child's descriptive information on the next page of this packet. Without descriptive information, the court cannot issue an order for your child's apprehension if he or she has run away from home.
5. You must include a completed Dental Form for your child. The form is attached and must be filled out by your child's dentist's office. You must also include a copy of your most recent custody order, if applicable.
6. When completed, email the petition and supporting documentation to intake@oakgov.com, or, mail or deliver them to:

Juvenile Intake Department
Ground Floor, East Wing
Courthouse Tower
1200 N. Telegraph Road
Pontiac, MI 48341

7. Should you wish to contact Youth Assistance, you may do so at:

Oakland County Youth Assistance
1200 N. Telegraph Road
Pontiac, Michigan 48341
(248) 858-0050

FAMILY INFORMATION FOR HOME STATUS OFFENSES

1.

Juvenile's Information

Juvenile's Last Name		First	Middle		
Other name Juvenile has used – Last		First	Middle		
Date of Birth	Place of Birth	Sex	Race	School/District	
Eye Color	Hair Color	Weight	Height	S.S. # (Last 4 digits)	

2.

Mother's Information

Mother's Last Name	First	Middle	Date of Birth	S.S. # (Last 4 digits)	
Address	City, State, Zip	Home Phone	Work Phone	Cell Phone	

3.

Father's Information

Father's Last Name	First	Middle	Date of Birth	S.S. # (Last 4 digits)	
Address	City, State, Zip	Home Phone	Work Phone	Cell Phone	

4.

Step Parent's Information

Step Parent's Last Name	First	Middle	Date of Birth	S.S. # (Last 4 digits)	
Address	City, State, Zip	Home Phone	Work Phone	Cell Phone	

5.

Guardian/Legal Custodian's Information

Guardian/Legal Custodian's Last Name	First	Middle	Date of Birth	S.S. # (Last 4 digits)	
Address	City, State, Zip	Home Phone	Work Phone	Cell Phone	

6.

Social Information

Divorced? <input type="checkbox"/> No <input type="checkbox"/> Yes	Date of Divorce	Place of Divorce (County, State)
Custody to: <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Stepfather <input type="checkbox"/> Stepmother <input type="checkbox"/> Other:		
Juvenile living with: <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Stepfather <input type="checkbox"/> Stepmother <input type="checkbox"/> Other:		

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	PETITION (DELINQUENCY PROCEEDINGS) <input type="checkbox"/> _____ Amended <input type="checkbox"/> Supplemental	CASE NO. PETITION NO. JUDGE
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Court address 1200 N. Telegraph Rd., Pontiac MI 48341 **Court telephone no.**
(248) 858-0112

ORI MI- 632025j	CTN	TCN	SID	DOB	DLN
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A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous petition.

In the matter of _____
 First and last name(s), alias(es)

1. The above named juvenile comes within the provisions of MCL 712A.2. has violated probation as follows:
 Citations and allegations: operator/chauffeur driver's license commercial driver's license no license vehicle type

Allegations contained on Page #3

See attached sheet for further allegations. Member of or eligible for membership in an Indian tribe, as stated above.

2. a. There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the petition.

b. There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the petition. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.

c. It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

3. ~~I designate this case as a case in which the juvenile is to be tried in the same manner as an adult.~~

4. The above named juvenile is a legal resident of _____ County, and resides in the care and custody of the Petitioner

5. The names and addresses of the parents, guardian, legal custodian, or nearest known relative are as follows:

NAME	ADDRESS	HOME PHONE	WORK PHONE
Father Putative <input type="checkbox"/>			
Mother			
Guardian/Legal custodian/Nearest known relative			

6. I request the court to (check either box a or b)

- a. review the information and make an appropriate decision.
- b. authorize this petition and take jurisdiction over the juvenile. Further, I request the court to
 - 1) issue an order to apprehend and/or detain the juvenile.
 - 2) ~~find the juvenile in contempt of court for violating a minor personal protection order.~~
 - 3) ~~find the juvenile has violated probation and~~
 - ~~notify the juvenile to appear for the hearing.~~
 - ~~order the juvenile apprehended and brought to court for a detention hearing.~~
 - 4) ~~designate this case as a case in which the juvenile is to be tried in the same manner as an adult.~~

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Petitioner's signature Date

Print or type name

Agency/Address

City, state, zip Telephone no.

7. ~~I approve this petition for submission.~~ ~~I agree to have this petition placed on the consent calendar.~~

Date

Prosecutor's signature

8. A preliminary inquiry and/or hearing has been conducted and the filing of this petition is is not authorized.

Judge/Referee signature and date

STATE OF MICHIGAN
6th JUDICIAL CIRCUIT - FAMILY DIVISION
OAKLAND COUNTY

PETITION
(DELINQUENCY PROCEEDINGS)

CASE NO.
PETITION NO.
JUDGE

Court address
1200 N. Telegraph Rd., Pontiac MI 48341

Court telephone no.
(248) 858-0112

In the matter of _____
First and last name(s), alias(es)

1. Citations and allegations (cont.):

The child has engaged in the following behaviors in the home WITHIN THE LAST THREE MONTHS:

a. **TRUANCY (MCL 712A.2(a)(2): The juvenile has deserted his or her home without sufficient cause, as follows:**

The child left home without permission and did not return for a period exceeding 24 hours on the following dates:

_____ Date _____ Date _____ Date _____ Date _____ Date

The child is currently a runaway from home and,
 the child's whereabouts are unknown, OR,
 the child's parent believes the child is located at:

_____ Address _____

REQUIRED INFORMATION FOR TRUANCY PETITIONS (select one that applies):

- The child and the child's parent(s) or guardian(s) have exhausted or refused family counseling (letter from counseling agency attached), - OR -
- The parent has arranged an alternative placement (i.e., with a relative, family friend, etc.) for the child and the child has: (1) lived in that placement unsuccessfully, or, (2) refused to live in that placement. Describe the alternative placement: _____

b. **INCORRIGIBILITY (MCL 712A.2(a)(3)): The juvenile is repeatedly disobedient to the reasonable and lawful commands of his or her parent(s) or guardian(s), as follows:**

- The child leaves home without permission and does not inform his or her parents of his or her whereabouts.
- The child violates his or her curfew.
- The child uses foul and abusive language.
- The child allows other people into the home against the directives of his or her parents.
- The child has damaged the home or destroyed property of other family member(s).
- The child has stolen money or property from family members.
- The child associates with undesirable people.
- The child uses alcohol or other drugs.
- The child did not follow the reasonable requests of his or her parents.
- The child does not attend school on a regular basis, against the directives of his or her parents.
- The child's behavior, while in school, is incorrigible, against the directives of his or her parents.
- Other: _____

REQUIRED INFORMATION FOR INCORRIGIBILITY PETITIONS:

Community resources have been attempted and have been unsuccessful in the correcting the situation. Court accessed services are necessary (letter from counseling agency attached).

The child refused to attend counseling appointments made on the following dates:

_____ Date _____ Date _____ Date _____ Date

CHILD'S NAME: _____

CASE NUMBER: _____
COURT _____

SECTION I

Patient's Name: _____ Age: _____

Completed by: _____ Date Completed: _____

Address: _____

Telephone Number: _____ Email Address: _____

X-Rays Available: Yes No

Dental Models Available: Yes No

Dental Photography Available: Yes No

SECTION II

DENTAIL CHARACTERISTICS

UPPER RIGHT		
01 (18)	_____	
02 (17)	_____	
03 (16)	_____	
04 (15)	_____	(A)
05 (14)	_____	(B)
06 (13)	_____	(C)
07 (12)	_____	(D)
08 (11)	_____	(E)
UPPER LEFT		
09 (21)	_____	(F)
10 (22)	_____	(G)
11 (23)	_____	(H)
12 (24)	_____	(I)
13 (25)	_____	(J)
14 (26)	_____	
15 (27)	_____	
16 (28)	_____	

(Numbers in parentheses represent FDI System.)

(Letters in parentheses represent deciduous Dentition.)

LOWER RIGHT		
32 (48)	_____	
31 (47)	_____	
30 (46)	_____	
29 (45)	_____	(T)
28 (44)	_____	(S)
27 (43)	_____	(R)
26 (42)	_____	(Q)
25 (41)	_____	(P)
LOWER LEFT		
24 (31)	_____	(O)
23 (32)	_____	(N)
22 (33)	_____	(M)
21 (34)	_____	(L)
20 (35)	_____	(K)
19 (36)	_____	
18 (37)	_____	
17 (38)	_____	

SECTION III

DENTAL CODES

- X** – Tooth has been removed or did not develop
- V** – Tooth is unrestored or no information (Default Code)
- M** – Mesial Surface Restored
- O** – Occlusal/Incisal Surface Restored
- D** – Discal Surface Restored

- F** – Facial or Buccal Surface Restored
- L** – Lingual Surface Restored
- C** – Lab Processed or Prefabricated Restoration
- R** – Endodontic Treatment
- /** - Tooth present with endodontic treatment but clinical crown missing (i.e., fractured, caries)*

SECTION IV

DENTAL REMARKS

All (All 32 teeth are present and unrestored)

UNK (No dental information available)