
OVERVIEW

When a petition alleging abuse is filed, MCL 712A.13a(4) requires the court to consider removing the alleged perpetrator or other person from the home.

See PSM 713-08, Special Investigative Situations, Coordination with Friend of the Court for requirements on determining if the family has an open Friend of the Court case when a petition is filed.

**Removal of
Alleged
Perpetrator from
the Home**

The court may order a parent, guardian, custodian, non-parent adult, or other person residing in the child's home to leave the home and, except as the court orders, not subsequently return to the home, if all of the following take place:

- The petition is authorized.
- The court, after a hearing, finds probable cause to believe the individual in question committed the abuse.
- The court finds **on the record** that the presence of the alleged perpetrator in the home presents a substantial risk of harm to a child's life, physical health or mental well-being.

If the court orders the alleged perpetrator out of the child's home, the court must order with whom the child is placed and find that the conditions of custody (placement) are adequate to safeguard the child from the risk of harm to the child's life, physical health or mental well-being.

The court may consider, in making its order, whether the parent who is to remain in the home is married to the person being removed from the home or has a legal right to retain possession of the home. It may also order:

- The alleged abusive parent to pay appropriate support to maintain a suitable home environment for the child.
- The alleged perpetrator to surrender to local law enforcement any firearms or other weapons the alleged perpetrator may own, use or possess.

- Any other reasonable term or condition necessary to safeguard the child's physical or mental well-being or necessary to protect the child.

In addition to taking the actions described above, the court may issue an order permanently restraining a nonparent adult from coming into contact with or being in close proximity to the child (MCL 712A.6b).

**CPS
Recommendations
to the Court**

CPS must be prepared to address, in the best interests of the child, as many of these issues as possible in the development of the petition and recommendations to the court and at the court hearing.