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## OVERVIEW

Juvenile guardianship is available for temporary and permanent court wards and state wards when reunification and adoption have been ruled out as permanency goals. The court, at a permanency planning hearing, may appoint a juvenile legal guardian(s) for a child in lieu of terminating parental rights or returning the child home (MCL 712A.19 (12) and (13)). The court, with the consent of the Michigan Children's Institute (MCI) superintendent for a state ward, may appoint a juvenile legal guardian(s) for a child after termination of parental rights.

The guardianship is a legally created relationship between the child and the guardian(s) that is intended to be permanent and provide the following:

- Protection.
- Education.
- Care and control of the person.
- Custody of the person.
- Decision making.

A guardian may receive financial support that will help pay for the child's support, including guardianship assistance payments, child support and governmental benefits, authorizing medical treatment, and consenting to the child's marriage or adoption. If parental rights have not been terminated, the guardian(s) may facilitate contact between the child and a parent, unless the court has limited the guardian's authority to do so.

## DEFINITIONS

### Guardian

A person appointed as guardian of a child by a Michigan court pursuant to MCL 700.5204 or 700.5205. This is a person who has qualified as a guardian of a minor or a legally incapacitated individual under a parental or spousal nomination or a court appointment and includes a limited guardian. Guardian does not include guardian ad litem.

### Juvenile Guardian

A person appointed guardian of a child by a Michigan court pursuant to MCL 712A.19a or MCL 712A.19c.

### Estate and Protected Individuals Code (EPIC) guardianship

Governs matters pertaining to the administration of estates of a deceased and protected person. There are two types of court-ordered guardianships for a minor.

- **Limited guardianship** is created by the filing of a petition by the minor's custodial parent or parent(s), where parental rights are voluntarily suspended.
- **Full minor guardianship** is created by way of a petition typically filed by someone other than a parent without the consent of parent(s).

### JUVENILE GUARDIANSHIP ASSISTANCE

When a prospective guardian(s) is requesting guardianship assistance, the Michigan Department of Health and Human Services (MDHHS) juvenile guardianship assistance eligibility and agreement process must be completed prior to the appointment of the guardian(s) by the court. The assigned foster care caseworker is responsible for applying on the prospective guardian(s) behalf when assistance is requested through the Adoption and Guardianship Assistance Office (AGAO); see GDM 700 - 745.

When the child is a temporary, permanent court ward, or MCI ward and the prospective guardian(s) is not requesting juvenile guardianship assistance per the DHS-2051, Caregiver's Permanency Planning Checklist, the worker is not required to receive the AGAO approval prior to the court appointing a juvenile guardian, the DHS-2051 *Not Requesting* section on this form must be provided to the AGAO.

**Note:** When the child is a MCI ward the assigned foster care caseworker must request consent from the MCI superintendent, including those in which juvenile guardianship assistance is not being requested by the prospective guardian(s). The consent packet must be directly sent to the MCI office and the Guardianship Assistance Program (GAP) application must be directly sent to the AGAO.

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**DETERMINING  
GUARDIANSHIP AS  
A PERMANENCY  
GOAL**

Before pursuing a juvenile guardianship for a child, the foster care caseworker must review the federal permanency goals as outlined in [FOM 722-07, Permanency Planning- Overview](#). The caseworker must consider if reunification and adoption are in the child's best interest. Reasons of why reunification and adoption are not in the child's best interest must be clearly documented in the child's case service plan.

The caseworker must determine if juvenile guardianship is appropriate for the child by completing the DHS-2052, Caseworker's Permanency Planning Checklist for permanent wards-MCI or court, or the DHS-2053, Caseworker Permanency Planning Checklist for temporary court wards.

The caseworker must explain the differences between adoption and guardianship to the prospective guardian(s) and child using the MDHHS Publication 140, Making the Decision to Become a Child's Permanent Family.

The caseworker must assist the prospective guardian(s) and child in completing the DHS-2051.

If parental rights have not been terminated the caseworker must discuss the proposed juvenile guardianship arrangement with the child's parent(s), if possible. Parent's consent of the guardianship will help ensure the future stability of the guardianship, although not legally required.

The following must be documented in the case service plan, why reunification, if parental rights have not been terminated, and adoption are not appropriate permanency plans for the child. Examples of reasons why adoption may not be appropriate include:

- Strong cultural beliefs that are in opposition to termination of parental rights.
- It is in the child's best interest to maintain the parental rights of the birth parent(s) because the child and parent(s) have a meaningful relationship as evidenced by attachment and regular visitation. However, the parent(s), due to physical, medical, or mental health disabilities is unable to provide day-to-day supervision and care for the child. The guardianship

would allow the child to be cared for by the guardian(s) on a permanent basis and maintain a relationship with the birth parent(s).

- In the case of a child aged 14 or older who has been provided information and counseling concerning permanency options and outcomes, the child may choose not to be adopted but is willing to enter into a juvenile guardianship relationship.
- A relative is willing to provide a permanent home until the child is of appropriate age but does not want to change the legal relationship to the child. An example of this includes a grandparent, aunt, or uncle.
- There are obstacles to adoption by a relative who has been determined to be the best placement for the child.
- Based on a long-term placement with a foster family that has decided not to adopt, the placement is the best choice to provide a permanent family for the child through a juvenile guardianship.

### **Guardianship Assistance Program (GAP)**

A juvenile guardianship can be appointed with or without guardianship assistance. The AGAO is responsible for determining eligibility.

To be eligible for GAP, MDHHS must determine if reunification and adoption is appropriate for the child. If these permanency goals are not appropriate for the child, it must be documented in their guardianship assistance application. A determination by AGAO that reunification and adoption have not been ruled out for the purposes of determining GAP eligibility may differ from the court determined permanency goal. The eligibility determination for GAP is based on the requirements of the Guardianship Assistance Act and title IV-E under the Social Security Act.

If the necessary information is not documented in the application packet the AGAO may request additional information.

For temporary court ward cases, where the prospective guardian(s) is requesting juvenile guardianship assistance, the worker must complete the DHS-591, Juvenile Guardianship Best Interest Determination for Temporary Court Wards form. The DHS-591

must be submitted to the AGAO along with the DHS-2051, and to the court holding jurisdiction over the child's abuse or neglect (A/N) case.

If the child's assigned foster care caseworker assesses that it is not in the child's best interest to be placed in a juvenile guardianship, the caseworker must state their reasoning for the outcome of the assessment on the record during a court hearing and document their reasoning in the child's case service plan.

If the court approves juvenile guardianship as a child's permanency plan at a permanency planning hearing or post-termination review hearing, the department must conduct required background checks and complete a home study on the prospective guardian(s).

**Note:** Federal Bureau of Investigation (FBI) fingerprinting completed for families requesting guardianship assistance and results must not be released with the exception to the AGAO.

### Safe and Timely Interstate Placement of Children

The Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239, requires the timely completion of interstate home studies. Juvenile guardianship, including relative home studies requested by another state, must be completed within 60 calendar days. Placements cannot be made until training requirements are met and approval is given by the Interstate Compact on the Placement of Children (ICPC) Office; see [ICM 100, Interstate Compact on the Placement of Children \(ICPC\) Overview](#).

### Interstate Notification

The MDHHS ICPC Office must be informed within 45 business days of the permanency plan goal change to juvenile guardianship for a Michigan foster child placed in foster care in another state. The assigned worker must complete the DHS-3309, Interstate Guardianship Plan Notice, and send it to the address below or email it to [MDHHS MI ICPC Mailbox \(MDHHS-MI-ICPC@michigan.gov\)](mailto:MDHHS MI ICPC Mailbox (MDHHS-MI-ICPC@michigan.gov)).

Michigan Department of Health and Human Services  
Interstate Compact Office  
235 S. Grand Ave., Suite 1315

P.O. Box 30037  
Lansing, MI 48909

The Interstate Compact Office will inform the state where the child is living and the plan for juvenile guardianship.

**Background  
Checks and Home  
Study, Assistance  
Not Requested**

Before the court may appoint the guardian(s), the department must complete criminal background checks and Central Registry clearances on the prospective guardian(s) and all other adults living in the household per foster care policy.

Law enforcement information network (LEIN) documents must not be filed in the foster care case record. LEIN documents must be cross-cut shredded or incinerated after review, verification of data, and incorporation of this verified information in narratives; see [SRM 700, Law Enforcement Information Network \(LEIN\)](#).

MDHHS must also conduct a home study of the prospective guardian's home unless a home study has been performed within the last 12 months. Results of verified background checks and clearances must be submitted to the court within seven days of the child's placement in a prospective guardian's home or, if the child already resides in the home, within seven days of the court's determination at a permanency planning hearing or post-termination review hearing that juvenile guardianship with a current caregiver is appropriate; see [SRM 700, Law Enforcement Information Network \(LEIN\)](#) for direction on Documentation of Verified Information and Disclosure of LEIN Information.

If a new home study is required, it must be submitted to the court within 28 calendar days of the child's placement in a prospective guardian's home or within 28 calendar days of the court's determination that juvenile guardianship with a current caregiver is appropriate. If guardianship assistance is not requested, the DHS-616, Juvenile Guardianship Home Study, must be used if the DHS-3130, Initial Foster Home/Adoption Evaluation, was not completed.

LEIN documents can only be released to the court pursuant to a court order, or subpoena issued by the Circuit Court, including the Family Division.

## Licensing of Prospective Guardians

If the prospective guardian(s) requests guardianship assistance, they must become a licensed foster parent(s) and meet all licensing requirements, including fingerprinting and criminal history checks as listed for foster parents in [FOM 921: Foster Family Home Certification](#). A copy of the current foster home licensing assessment completed within the last 12 months must be submitted to the court. If the assessment was not completed within the last 12 months, a copy of an addendum to the assessment updating information in the original assessment must be submitted to the court. The DHS-3130A, Relative Placement Home Study, needs to be used for new foster home licensing assessments.

## JUVENILE GUARDIANSHIP PROCESS FOR TEMPORARY AND PERMANENT COURT WARDS

Before requesting a goal change to guardianship, the child's assigned foster care worker must submit the following documents:

- A copy of the DHS-2051.
- A copy of the DHS-2053.
- The DHS-591, if the child is a temporary court ward.

When the court grants approval to change the goal to juvenile guardianship and the prospective guardian(s) are requesting juvenile guardianship assistance the assigned foster care case worker must submit a guardianship assistance application and required documentation to the AGAO; see [GDM 715, Juvenile Guardianship Assistance Eligibility](#).

A guardianship assistance agreement must be signed by both the prospective guardian(s) and the MDHHS designee prior to the court's appointment of the guardian(s) and is effective on the date of the guardian's appointment by the court.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment of the guardian(s), the child will not be eligible for juvenile guardianship assistance.

**Note:** When the child is a temporary or permanent court ward and the prospective guardian(s) has indicated on the DHS-2051, that they are not requesting juvenile guardianship assistance, the worker is not required to receive approval from the AGAO prior to the court appointing a juvenile guardian.

If the court approves the juvenile guardianship, an order appointing the guardian(s) will be entered. If the court denies the guardianship the foster care caseworker will communicate with all involved parties to determine an appropriate permanency goal for the child.

### ***Not Requesting***

When the prospective guardian(s) is not requesting guardianship assistance, they must sign the DHS-2051, indicating they are not requesting assistance. The assigned foster care caseworker must provide a copy of the DHS-2051 to the AGAO prior to petitioning the court for guardianship.

## **JUVENILE GUARDIANSHIP PROCESS FOR MCI WARDS**

The MCI superintendent is authorized to consent to juvenile guardianship for a state ward.

The MCI superintendent must review the materials cited below in the consent packet and consult with the child's lawyer-guardian ad litem (L-GAL) when considering the request for consent.

The completed DHS-2049, Juvenile Guardianship Consent Request for MCI Wards- Not Requesting Guardianship Assistance, or the DHS-2050, Juvenile Guardianship Consent Request for MCI Ward form, and required documentation must be submitted to the MCI superintendent, to request consent for the juvenile guardianship of a child.

### **Consent Packet**

The following documents must be included when consent is requested:

- DHS-2050 or DHS-2049.
- Copy of the child's birth certificate.



- JC-63, Order Terminating Parental Rights, Child Protective Proceedings, or applicable tribal court form.
- Following voluntary release:
  - Release of Child by Parent, PCA 305.
  - Release of Child by Agency, PCA 306.
  - Order Terminating Parental Rights after Release or Consent, PCA 318 or applicable tribal form.
  - Order Committing to MDHHS, PCA 322 or applicable tribal court form.
- The following additional documents must be submitted with the consent packet for Indian children as defined by ICWA/MIFPA or Indian children who are members of or eligible for membership in a federally recognized Indian tribe:
  - Documentation of tribal consultation.
  - Documentation of the tribe's recommendation.
- Copy of current DHS-3130A, or DHS-616, and any addenda.
- Copies of any special evaluations and licensing complaints for the prospective guardian(s).
- DHS-1927, Child Adoption Assessment, and any addendums, if available.
- DHS-2052.
- DHS-2051.
- Copy of the case plan and updated service plan (USP) addressing the required elements cited in [GDM 715, Juvenile Guardianship Assistance Eligibility](#).

### Competing Parties to Guardianship

If there is more than one family who wishes to obtain guardianship of the same child, the Permanency Planning Checklists must be completed and, if the family is appropriate for guardianship, a DHS-1926-G, Preliminary Guardianship Assessment, should be completed.

The assigned worker should provide a separate memo with the consent packet explaining which family is recommended for guardianship and supporting information for this determination.

If guardianship assistance will be requested, prospective guardian(s) must be licensed foster parents and the child must live in the prospective guardian's home for at least six consecutive months prior to requesting guardianship assistance. In these cases, recommending a guardian(s) other than the caregiver the child has resided with will cause a delay in permanency. This delay in permanency is significant but should not be the deciding factor in the caseworker's decision to recommend the guardian(s). Preference should be given to the prospective guardian(s) who best meets the needs of the child and with whom the child has a significant bond.

MCI wards may not be replaced with another family without the approval of the MCI superintendent.

### **Guardianship Assistance Application**

Each competing party must be given information regarding the GAP, including Publication 140, Making the Decision to Become a Child's Permanent Family.

A guardianship assistance agreement must be signed by both the prospective guardian(s) and the MDHHS AGAO program manager or designee prior to the court's appointment of the guardian(s) and is effective on the date of the guardian's appointment by the court.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment of the guardian(s), the child will not be eligible for juvenile guardianship assistance; see *not requesting* in this item.

### **MCI REVIEW AND WRITTEN DECISION**

The MCI office must review the information provided by the supervising agency and the prospective guardian(s). The MCI office may request additional information from the supervising agency. Consultation with other professionals may also occur. The MCI office may consult with the MDHHS Office of Family Advocate (OFA). The MCI superintendent must issue a written decision containing a brief

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description of the factors considered and whether the MCI superintendent consents to the juvenile guardianship.

**DENIAL OF MCI  
CONSENT TO  
APPOINT THE  
GUARDIAN(S) FOR A  
SPECIFIC CHILD**

The following process is to be followed when an assigned worker recommends the prospective guardian(s) not be granted consent to become a guardian of a specific MCI ward.

***Written Notice of Agency's Recommendation to Deny Consent***

If the assigned worker determines the prospective guardian(s) should not be recommended for consent, the prospective guardian(s) must be informed and provided with a summary of the factors that were considered.

The assigned worker must inform the family in writing, using the DHS-605G, Recommendation to Deny Request. The DHS-605G notifies the applicants if they applied for guardianship of a specific child, the recommendation will be sent to the MCI superintendent, who will make the final decision regarding consent for guardianship. The DHS-605-G will also inform the applicant that they may provide additional information directly to the MCI.

***Written Notice to Family of MCI Decision***

If the MCI office denies the consent to guardianship, a copy of the written decision must be sent from the MCI office to the prospective guardian(s) informing them of the denial of the request for consent to guardianship. The written decision must also be sent to the supervising agency and the L-GAL for the child. The supervising agency will be informed they may proceed with permanency planning for the child.

Notification of the denial to the prospective guardian(s) from the MCI office must include information that MCL 712A.19c allows an individual who has been denied a request for consent to guardianship to file a motion that consent was withheld in an arbitrary or capricious manner. This motion must be filed within 56 days of receipt of the decision to deny consent.

### ***Forwarding Information to the Court***

Copies of the denial of consent letter to the prospective guardian(s) from the MCI office and the DHS-605G, from the supervising agency must be presented to the court if a motion is filed.

### ***Decision by the Court***

When a motion is filed alleging the MCI superintendent's failure to consent was arbitrary or capricious, the court must ensure notice is provided to the MCI superintendent and other parties entitled to notice. The court must hold a hearing. If the court finds by clear and convincing evidence the decision to withhold consent was not appropriate the court may approve the guardianship without the MCI superintendent's consent.

**Note:** Upon request from the assigned worker's supervisor, the MCI superintendent may approve exceptions to the above process for MCI wards. Exceptions may be granted if it appears that doing so will achieve permanency and stability of the child as quickly as possible and is in the best interest of the child. The DHS-1785, Policy Decision, may be used for documenting an exception.

## **JUVENILE GUARDIANSHIP COURT DOCUMENTATION**

The assigned worker must submit the following documentation to the court when requesting juvenile guardianship:

- A copy of the DHS-2052, or a complete DHS-2053.
- A copy of the DHS-2051.
- A copy of the DHS-3130A, or the DHS-616, not requesting guardianship assistance.
- Criminal background checks and Central Registry clearances must be completed for all adult members of the prospective guardian's household. Due to confidentiality issues, LEIN information and documents must not be shared via phone, fax or electronic mail (e-mail); see [SRM 700, Law Enforcement Information Network \(LEIN\)](#).
- Any addenda to the above assessments, if the original assessment is more than one year old.

- Any special evaluations and licensing complaints regarding the prospective guardian(s).
- Fingerprint clearance for the prospective guardian(s).

**Note:** The court may request additional documents.

When the court grants approval to change the goal to juvenile guardianship and the prospective guardian(s) are requesting juvenile guardianship assistance, the following documentation must be submitted to the AGAO, along with the application for juvenile guardianship assistance; see [GDM 715, Juvenile Guardianship Assistance Eligibility](#) for juvenile guardianship assistance application requirements.

A guardianship assistance agreement must be signed by both the prospective guardian(s) and the MDHHS AGAO program manager or designee prior to the court's appointment of the guardian(s) and is effective on the date of the guardian's appointment.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment the child will not be eligible for juvenile guardianship assistance.

When the court approves the juvenile guardianship, an Order Appointing Guardian will be entered. If the court denies the guardianship, a FTM with all involved parties must be scheduled to determine an appropriate permanency goal for the child.

## ORDER APPOINTING GUARDIAN(S)

After the court has received the background checks, home study and the MCI superintendent's written consent for state wards only, the court may enter an order appointing a juvenile guardian or schedule the matter for a hearing.

**Note:** If guardianship assistance is requested, the determination of eligibility and a guardianship assistance agreement must be completed and signed by all parties before the court enters the order appointing the guardian(s); see GDM 700-745.

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**TERMINATION OF  
COURT  
JURISDICTION AND  
FOSTER CARE  
CASE ACTIONS****Temporary Court  
Wards**

For temporary court wards, court jurisdiction over the case under MCL 712A.2(b), the child protective proceeding, does not terminate until after the court appoints the juvenile guardian and conducts a review hearing. The foster care case must remain open with all required foster care activities provided after the guardian(s) is appointed. The foster care case must not be closed until the court terminates jurisdiction of the A/N proceeding at a review hearing.

**State Wards**

For state wards, MCI jurisdiction ends after the court appoints the juvenile guardian, however, the foster care case must remain open with all required foster care activities provided after the guardian(s) is appointed. The foster care case must not be closed until the court terminates jurisdiction of the A/N proceeding at a review hearing. Court jurisdiction terminates after the court appoints a juvenile guardian and conducts a review hearing.

**Review Hearing  
Time Frames**

Required review hearings must be conducted:

- No later than 91 days from the most recent review hearing if the guardian(s) is appointed less than one year from the child's latest removal from home.
- No later than 182 days from the most recent review hearing if the guardian(s) is appointed more than one year from the child's latest removal from home.

The court may require the department to file a written report for the review hearing.

The court may hold a review hearing and terminate jurisdiction of the A/N proceeding earlier than the 91 or 182-day requirement. It is possible for the review hearing to be scheduled immediately following the court's guardianship order. The foster care worker

should routinely ask the court to schedule the final review hearing before the expiration of the 91 or 182-day time period. If the child has resided in the guardian's home for an extended period of time and the court has appointed the guardian(s), an extended period of court and agency supervision should not be necessary.

### **Required Foster Care Activities after the Guardianship Appointment**

During the review period, the foster care case and Medicaid remains open, and all required foster care worker activities must continue until the court terminates jurisdiction of the A/N proceeding.

A family who was licensed for foster care in order to receive juvenile guardianship assistance must maintain their license until the court's jurisdiction of the A/N proceeding is terminated.

### **Payment Activities after the Guardianship Appointment**

The foster care payment must be ended effective the day immediately prior to the court order of guardianship. If the foster care payment authorization continues beyond the day immediately prior to the court order of guardianship, the foster care worker will need to recoup the foster care funds. For a child under foster care supervision by a private child placing agency (CPA), the foster care administrative rate will be paid through the MDHHS Federal Compliance Division from the date of the court order of guardianship to the date immediately prior to the court dismissing the wardship. The private CPA must submit a completed, signed, DHS-5602, Payment Voucher, and supporting documentation to the [MDHHS-AdoptionandGuardianshipPayments@michigan.gov](mailto:MDHHS-AdoptionandGuardianshipPayments@michigan.gov).

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**Actions When the Court Terminates Jurisdiction of the Child Abuse/Neglect Proceeding**

The private CPA caseworker must send a copy of the court order terminating the jurisdiction of the A/N proceeding to the MDHHS foster care monitor and the AGAO within five business days of the termination. For MDHHS supervised cases, a copy of the order terminating the jurisdiction of the A/N proceeding must be sent to:

Michigan Department of Health and Human Services  
Adoption and Guardianship Assistance Office  
235 S. Grand Ave., Suite 612  
P.O. Box 30037  
Lansing, MI 48909

In all cases, the standards and procedures in [FOM 722-15, Case Closing](#) must be followed to close the foster care case and Medicaid when the court terminates jurisdiction of the A/N proceeding.

**COURT- ORDERED INVESTIGATIONS OF THE GUARDIANSHIP**

Following the court's termination of jurisdiction under MCL 712A.2(b), termination of the MCI's jurisdiction and closure of the foster care case, the court's jurisdiction over the juvenile guardianship continues. The court must conduct annual reviews of the guardianship, which are based upon either a court hearing or an annual written report the guardian(s) submits to the court and the AGAO.

During the guardianship or in conjunction with an annual review, the court may appoint the department to conduct an investigation of the guardianship and file a written report of the investigation within 28 days of the appointment. The report must include a recommendation regarding whether the guardianship should continue or be modified and whether a court hearing should be scheduled. The assigned MDHHS worker may use the State Court Administrative Office (SCAO) JC 96 form, or another form as directed by the court.



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## REVOCAION OR TERMINATION OF JUVENILE GUARDIANSHIP

The court must, on its own motion or upon petition from MDHHS or the child's L-GAL, hold a hearing to determine whether a guardianship should be revoked. A guardian(s) or interested person may also petition the court for permission to terminate the guardianship. Interested persons may include a parent if the parent's rights were not terminated.

**Example:** The guardianship was ordered prior to termination of parental rights.

A petition to terminate a guardianship may include a request for appointment of a successor juvenile guardian, without guardianship assistance if due to the incapacitation of the guardian(s).

If a petition for revocation or termination of the guardianship is filed, the court must hold a hearing on the petition within 28 days. In conjunction with a revocation or termination petition, the court may order temporary removal of the child from the guardian's home pending the hearing. If the court orders the child's removal, the court must conduct an emergency removal hearing within 24 hours of the removal, and, unless the child has been returned to the home of the guardian(s), a review hearing within 14 days. The court may order a representative of the department to appear at the review hearing and give testimony or file a written report.

### Investigation and Report

In preparation for a revocation or termination hearing, the court must order MDHHS to conduct an investigation and file a written report with the court. The report must be filed with the court no later than seven days before the revocation or termination hearing. The report must include the reasons for terminating or revoking a guardianship and a recommendation regarding temporary placement, if necessary.

### Hearing

After a hearing on a petition to revoke a juvenile guardianship, the court must revoke the guardianship if it finds by a preponderance of evidence all of the following:

- Continuing the guardianship is not in the child's best interest.
- It is contrary to the child's welfare to be placed in or remain in the guardian's home.
- Reasonable efforts were made to prevent removal from the guardian's home.

After a hearing on a petition to terminate a juvenile guardianship, when there is no request to appoint a successor juvenile guardian, the court must follow the same procedure that is required for a hearing on revocation of a guardianship, as outlined in this item.

If the termination petition includes a request for appointment of a successor guardian(s), the court must terminate the current guardian's appointment and proceed with the investigation and appointment of the successor guardian(s). The department must conduct the required background checks and home study. The successor guardian(s) is ineligible for guardianship assistance, except for when the successor guardian(s) is appointed due to the death or incapacitation of the proceeding guardian(s) and eligible requirements in [GDM 750, Successor Guardian](#) are met.

Following revocation or termination, without a successor guardian, of a guardianship, the court's jurisdiction over the previous child protective proceeding is reinstated under MCL 712A.2(b). The court must place the child under the care and supervision of the department or, if parental rights were previously terminated, commit the child to MCI under MCL 400.203.

### **Dispositional and Review Hearings**

Within 42 calendar days following revocation or termination of a guardianship, the court must hold a dispositional hearing or, if parental rights were terminated, a post-termination review hearing. The department must prepare a case service plan and file it with the court no later than seven calendar days before the hearing.

The court will schedule subsequent dispositional review hearings, regardless of whether the child has been returned to the custody of a parent or placed in out-of-home care.

### **POLICY CONTACT**

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox \(Child-Welfare-Policy@michigan.gov\)](mailto:Child-Welfare-Policy@michigan.gov).