

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

712A.14b Ex parte order authorizing immediate protective custody of child.

Sec. 14b.

(1) Upon receipt electronically or otherwise of a petition or affidavit of facts, a judge or referee may issue a written ex parte order, electronically or otherwise, authorizing the department of human services to immediately take a child into protective custody and place the child pending the preliminary hearing if the court finds all of the following:

(a) There is reasonable cause to believe that the child is at substantial risk of harm or is in surroundings that present an imminent risk of harm and the child's immediate removal from those surroundings is necessary to protect the child's health and safety.

(b) The circumstances warrant issuing an ex parte order pending the preliminary hearing.

(c) Consistent with the circumstances, reasonable efforts were made to prevent or eliminate the need for removal of the child.

(d) No remedy other than protective custody is reasonably available to protect the child.

(e) Continuing to reside in the home is contrary to the child's welfare.

(2) The ex parte order shall be supported by written findings of fact.

History: Add. 2012, Act 163, Imd. Eff. June 12, 2012

Popular Name: Probate Code

Popular Name: Juvenile Code