COURT POLICIES/PRELIMINARY INSTRUCTIONS FOR INCORRIGIBILITY PETITION SIGNED BY PARENTS

I. WHAT IS INCORRIGIBILITY?

Refers to children under 18 years of age.

A. Minors must be found to be in violation of the Probate Code, chapter 712A.2Sec.2(a)(3) as follows:

1. The child is repeatedly disobedient to the reasonable and lawful commands of his/her parents, guardian, or other custodian, and

2. The court finds on the record by clear and convincing evidence that court-accessed services are necessary.

B. Local Standards:

1. The misbehavior must be continuous or frequently repeated and the court is generally more willing to accept petitions which show a wide scope of misconduct rather than a repeated violation of one rule. Examples of actions which are not considered incorrigible enough to warrant court action are: failure to do household chores, incessant talking on the phone, insolent back talk.

2. Examples of thing which are generally accepted for court action, if they are frequently repeated:

- serious and deliberate threats of physical harm to family members;
- acts of intimidation toward household members;
- deliberate injury to home structure, grounds, furnishings or pets;
- serious and repeated violations of curfew;
- refusing to go to school – schools may bring truancy complaints under the law, however, refusing to attend school contrary to the parents repeated order to attend may be included in an incorrigibility complaint.

3. Criminal violations by your child should be reported to the law enforcement agency which services your community.

4. The Livingston County Juvenile Court recognizes that children have many emotional, social and interpersonal problems as they are maturing and that many of their attitudes and actions that drive parents to distraction are only normal developmental steps that all children go through in their adolescence. Although the Court will accept petitions charging children with incorrigibility, the courts policy is not to bring children into the Court, you may want to attend one of the child management classes options listed on the last page of this packet to get a better understanding of normal adolescent behavior and how to cope with it.

5. In many cases, consumption of alcohol, drugs or other addictive chemical substances is the basis of a child's disobedient or antisocial behavior. If you believe this applies to your child, you should have a professional substance abuse evaluation done on your child and follow their recommendations.

IF THE AREA OF SUBSTANCE ABUSE, IT IS EXTREMELY IMPORTANT THAT PARENTS SET A GOOD EXAMPLE FOR THEIR CHILDREN AND THE COURT WILL INQUIRE INTO FAMILY ALCOHOL AND DRUG USE IF AN INCORRIBILITY PETITON IS FILED.

II. COURT JURISDICTION/WHO IS ELIGIBLE?

A. The Livingston County Juvenile Court has jurisdiction over cases of incorrigibility in this County. The Court is located at 204 S. Highlander Way, Suite 3, Howell, MI

B. Your child must be a resident of Livingston County in order for you to file a petition in this Court.

C. Your child must be under age of 18 years for the court to have jurisdiction.

D. Only parents and/or legal guardians are able to file incorrigibility petitions. Law enforcement involvement is not necessary in filling an incorrigibility petition.

INVOLVING A CHILD WITH THE COURT IS A SERIOUS MATTER, AND THE FILING OF AN INCORRIGIBILITY PETITION AGAINST A CHILD SHOULD BE DONE ONLY AS A LAST RESORT, AND ONLY WHEN THERE ARE NO OTHER OPTIONS AVAILABLE. PARENTS WILL BE REQUIRED TO REIMBURSE THE COURT FOR ATTORNEY FEES AND FOSTER CARE COSTS.

III. DOCUMENTATION NEEDED FOR A PETITION:

A. A parent must submit a written statement supporting the claim of incorrigibility with specific instances (including date, time and place) of child's disobedient or truant behavior. Some parents document their child's behavior in the form of a journal, diary, or calendar. This can be helpful when ready to file.

B. Parents must submit evidence of efforts made to resolve the behavior problems through available private or public human services. The kinds of efforts which satisfy this courts requirements are:

1. Family counseling – child has either refused or exhausted within the last 3 month period.
   a). Petitioner must document who counseling was with, when and how long counseling was attended. If no longer in counseling, document reason why.

2. Substance abuse counseling/treatment as recommended by a professional evaluator. Child has refused or exhausted this service within the last 3 months.

3. If counseling could not be attempted for a legitimate reason (i.e. cannot afford services), petitioner must clearly document the events and reasons why or who turned them down for services.

4. Refer to the back of the packet for a referral list of counseling options.

C. A parent must also agree to release of records of counseling and medical services that have been engaged to treat the behavior problems.

IV. HOW TO SUBMIT A PETITON:

A. Parents must complete the COMPLAINT form which is included in this packet. This form should be filled out as completely as possible and must contain the following information:

1. The name, birth date and residence of the child.

2. The names, residence and phone number (if there is one) of the parents, guardian, or other custodian. (If whereabouts are unknown, state unknown and give the last known address.) Make sure to note if a child is a member of, or eligible for membership in an American Indian Tribe or band, and check the appropriate box on the petition form.

3. Itemized statement of the incidents of incorrigibility and the community resources utilized.

B. It is only necessary for one of the parents to be the petitioner.

C. Once completed, the proper paperwork should be returned in person to the Juvenile Court.

Livingston County Juvenile Court
204 S. Highlander Way, Suite 3
Howell MI 48843
517 546 1500

D. If the petition is accepted, you will be sent a Notice of Preliminary Inquiry. This is the hearing date for your case, and your son or daughter will also be sent this notice of hearing. Complaints are accepted Monday thru Friday from 9:00 a.m. - 11:00 a.m. and 1:30 p.m. - 3:30 p.m. Questions may be directed to the Juvenile Court at 517-546-1500.

V. OTHER THINGS PARENTS NEED TO KNOW:

A. Incorrigibility petition will be denied if:

1. The Courts involvement in the matter is not necessary.
2. The matter can be more appropriately handled by another agency
3. There are not sufficient ground for filling the petition.

B. It is important to remember, that before submitting an incorrigibility petition, appropriate community resources (see III, B) must be explored and used, if available.

C. Because the parent or guardian is the petitioner against the child, the law requires the court to appoint an attorney to represent the child. Parents do not need and are not required to have an attorney representing them to file a petition. If Parents wish, they may hire an attorney at their own expense, to represent or assist them.

D. The child has the legal right to admit or deny the petition and have a trial if the petition is contested. The child also has the other constitutional rights that an adult would have if accused of a crime.

E. At least one parent will be expected to attend all court hearings with the child and follow the court orders.

F. Federal and State law prohibits the Court from placing a child in a locked detention facility for incorrigibility unless the child has violated a valid court order. The policy of the Livingston County Juvenile Court is to work with children in their own homes. The Court may order a child into foster care or other living situations if the Court finds it necessary.

G. Questions regarding incorrigibility may be directed to the Juvenile Court at 517-546-1500.

H. Parents will be responsible to pay for all the services provided by the Court (including child's attorney fees). A financial statement will be requested from parent.

VI. COUNSELING RESOURCES may be found in the Healthy Habits for Youth Resource Guide, Livingston County.