

Shiawassee County Circuit Court

208 N Shiawassee St
Corunna MI 48817

Instructions for:

PERSONAL PROTECTION ORDERS (PPOs)

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IMPORTANT NOTICE

By using this forms packet you are representing yourself in a court action to get a Personal Protection Order (PPO). In order to receive the protection the statute provides, you must follow the instructions in this booklet and on the forms. If you fail to do so, the PPO may be ineffective and you could remain unprotected.

If you require special accommodations to use the Court because of a disability, please contact Krissi Lab, Circuit Court Administrator, immediately to make arrangements at (989) 743-2248.

***** READ THIS PACKET CAREFULLY BEFORE FILLING OUT THE FORMS *****

GETTING STARTED:

The three most important things you will have to do are:

- 1) Get the PPO signed by the Judge – then it's valid.
- 2) Have the PPO served on the party to be restrained – then it's enforceable.

This booklet will help you with these duties.

Here are some things you may need before you fill out the forms:

- Forms and instructions from the Circuit Court Clerk's Office. (There is no charge for the forms.)
- Money to pay the cost of serving papers on the other party. There are no costs for local service within Shiawassee County by the Shiawassee County Sheriff's Department arranged through the Court. Outside service may cost between \$10 and \$100.
- Information about the person to be restrained, such as: name, address, place of employment, physical description, driver's license number, age, date of birth, etc. Additionally, information about the person if he/she is issued a license to carry a concealed weapon AND is required to carry a weapon as a condition of his/her employment; a police officer certified by the Michigan Law Enforcement Officers Training Council Act of 1965; a sheriff; a deputy sheriff; or a member of the Michigan State Police; a local corrections officer; Department of Corrections employee; or federal law enforcement officer who carries a firearm during the normal course of his/her employment.
- Copies of divorce, annulment, separate maintenance, paternity, support, custody, or any other judgments or orders involving you and the person you want restrained.
- If there are current orders of the Court between the parties, include the file number and the name of the Judge.
- A statement whether the respondent has been issued a license to carry a concealed weapon as a condition of his/her employment.
- Notarized, written statements from witnesses, if there are any.
- Copies of supporting documents or materials (reports from police, social agencies, doctors, or hospitals), if there are any. This information is important for the Judge in making a decision, but is not necessary for the Judge to enter a PPO.

**TYPES OF PPOs: 1) DOMESTIC
 2) NON-DOMESTIC
 STALKING**

I. DOMESTIC PPO

Use forms CC 375, CC 376, and Statement of Petitioner if:

You want a PPO to restrain or enjoin:

- a) a spouse, or a former spouse;
- b) an individual with whom you have had a child in common;
- c) an individual with whom you have or have had a dating relationship; or
- d) an individual residing or having resided in the same household as you, from doing 1 or more of the following:
 - Entering onto premises.
 - Assaulting, attacking, beating, molesting, or wounding a named individual.
 - Threatening to kill or physically injure a named individual.
 - Removing minor children from the individual having legal custody of the children except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
 - Purchasing or possessing a firearm.
 - Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
 - Interfering with petitioner at petitioner's place of employment or education, or engaging in conduct that impairs petitioner's employment or educational relationship or environment.
 - Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
 - Engaging in conduct that is prohibited under the Michigan "Stalking" and/or "Aggravated Stalking" statutes.
 - Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.

II. NON-DOMESTIC STALKING PPO

Use forms CC 377, CC 380, and Statement of Petitioner if:

You want a PPO to restrain another person from stalking you, but items a-d listed above do not fit your situation.

Stalking is a willful course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel this way.

Examples of stalking include:

- Following or appearing within the victim's sight.
- Approaching or confronting the victim in a public place or on private property.
- Appearing in the victim's home or workplace.
- Entering onto or remaining on property owned, leased, or occupied by the victim.
- Contacting the victim by phone, mail, or electronic communication.
- Placing an object on or delivery of an object to property owned, leased, or occupied by the victim.
- Threatening to kill or physically injure the victim.

FILL OUT FORMS:

Now complete the forms from the Circuit Court Clerk's Office that fit your situation. There is no filing fee. If you don't understand something on the forms, ask the Court Clerk to explain the term or process to you.

- **If you are in immediate danger**, request an **Ex-Parte** PPO (a PPO that is signed without a hearing and without notifying the other party). Simply check the "Ex-Parte" boxes on the forms. The Court must rule on an Ex-Parte Petition within 24 hours of the filing of the Petition.
- **If you are not in immediate danger**, do not request an **Ex-Parte** PPO. Simply do not mark the "Ex-Parte" boxes on the forms and complete Form CC 382, Notice of Hearing on Petition for Personal Protection Order. (See section on Motions found on page 9.) A hearing will be scheduled. You **must** attend this hearing to prove that a PPO is needed.

Use and attach any information that may help you fill out the forms and/or support your need for a PPO, such as: copies of reports from police, social agencies, doctors or hospitals, orders of divorce, annulments, separate maintenance, etc.

Fill out the Statement of Petitioner form completely and sign and date it on the last page. Make sure you give facts, such as: month and year, and what happened for each recent incident. This Statement, together with any attached information, serves as the factual basis for your PPO Petition.

After you have filled out the forms, you need to read the directions on how to get the PPO signed.

Read these instructions carefully. You are acting as your own attorney and these instructions will help you with the legal process. The laws of Michigan do not allow the employees of the Court or the Judge to give you legal advice.

GETTING THE PPO SIGNED:

- 1) Once the petition is completed by you, file the same with the Clerk's office. The Clerk's office will make a Judge's Copy and the PPO will be presented to the Judge for review and signature.

Call the Clerk's Office at (989) 743-22262 the following day, after 10 a.m., to see if the PPO has been signed.

- a) **If the Judge has signed the PPO, return to the Clerk's office to pick up the signed PPO.** The Clerk will stamp the PPO, keep the original and a copy, and will make 3 more copies: These copies are for you, the respondent, and to use as proof of service. **The PPO is valid as soon as the Judge signs it.**
- b) **If the Judge will NOT sign the PPO without a hearing, or your Ex-Parte request is denied, but your petition is not dismissed,** complete Form CC 382, Notice of Hearing on Petition for Personal Protection Order. (See section on Motions found on page 9.) The Judge must state the reasons for the denial of the PPO in writing. Ask for a copy of these written reasons.

NOTE: Once a PPO is signed by a Judge, it remains in effect until the date of expiration, or until it is cancelled or changed by another court order. Even if you decide to have contact with the restrained party, the PPO will still be enforced. If you want to have contact with the other party and do not want the PPO enforced, you must file Form CC 379, Motion to Modify, Extend, or Terminate Personal Protection Order with the Court.

You assume certain legal obligations when you apply for a Personal Protection Order. Meeting these obligations is essential for the success of your order, and for your safety. The following is a list of your obligations as the petitioner:

AVOID contact with the respondent. By beginning this court proceeding, YOU MUST COMPLY with the order by not contacting the respondent. The judge issued your PPO. Therefore, the order (although not expressly stated) prohibits YOU from allowing or giving permission to the respondent to engage in behaviors that the Judge has ordered not to occur. If you need to have the order changed or ended, you must file the motion requesting the Judge to do so. **Failure to comply with the Court's Order could result in your being found in contempt of court with jail and/or monetary fines imposed.**

- 2) **Serve the PPO on the respondent.** (See section on How to Serve found on page 7.)

If the Respondent resides in Shiawassee County, the Clerk will send the Petition along with supporting documents to the Sheriff's Department to be served on the Respondent. In the event you must serve the Respondent, you must file the completed Proof of Service at the Clerk's office. **This is very important.** The Clerk will then send a copy to the Sheriff's Department for entry on the LEIN.

HOW TO SERVE COPIES OF FORMS:

The other party must be served (notified) as soon as possible. A PPO is valid when signed by the Judge and immediately enforceable anywhere in Michigan. Service of the PPO on the respondent will make it easier for police to arrest in case of a violation. Service will also make it easier for the PPO to be enforced in states other than Michigan.

If the respondent lives in Shiawassee County, the Court will make immediate arrangements with the Shiawassee County Sheriff's Department for service at no cost.

If the respondent lives outside of Shiawassee County, the respondent can be served:

- 1) **By certified mail, return receipt requested, or by registered mail, return receipt requested, with restricted delivery to the other party (ask for a postal receipt):**

To serve the respondent by certified or registered mail with delivery restricted to the respondent, go to the post office and pay to have a copy of the forms mailed to the restrained party. Once the forms have been delivered, you will receive the green card (the return receipt) in the mail. Make sure it is signed.

Attach the green card to the Proof of Service on the back of the form, complete the Proof of Service, and have it notarized. Return the completed Proof of Service to the Clerk. **This is very important.** Service by mail is cheaper than hiring a process server, and it takes from several days to a week.

- 2) **By personal service:**

To serve the respondent in person you can either pay a process server, Law Enforcement Agent, or have a willing friend or relative, over the age of 18, do it for you. **You cannot serve the respondent yourself and the person who serves the papers cannot be a party to the action.**

3) **If you are unable to serve the forms as indicated above, you may ask the Court for permission to serve by first class mail or another method.**

Ask the Clerk for Form MC 303, Motion and Verification for Alternate Service. Fill out the form and file it with the Clerk. If the Judge permits alternate service, the Court will prepare an Order and you can then serve the PPO and/or other forms in the manner the Court approves.

If the Court approved service by first class mail, place a copy of the form(s) in an envelope; then go to the post office to get it mailed - ask for a certificate of mailing.

After service has been made, fill out the Proof of Service on the back of the form and have it notarized. Return the completed Proof of Service to the Clerk. **This is very important.** Service by first class mail is cheaper than registered mail or personal service, and takes from several days to a week.

WHAT TO DO IF YOU CHANGE YOUR MIND ABOUT THE PPO:

- If the Judge has not signed the PPO yet and you decide not to proceed in getting one, but have already submitted your petition for a PPO, fill out Form CC 378, Motion and Order to Dismiss Action for Personal Protection Order.

Once completed, give to the Clerk. The Clerk will forward the order to the Judge. Once the order has been signed, return to the Clerk to complete the Certificate of Non-service at the bottom of the form and give back to the Clerk for filing. Keep a copy for your records.

- If the PPO has **not** been signed by the Judge yet, **and** you have filed and received a hearing date on the Notice of Hearing on Petition for Personal Protection Order, Form CC 381, and served the respondent, but now you don't want to get a PPO, fill out Form CC 378, Motion and Order to Dismiss Action for Personal Protection Order.

Once completed, give to the Clerk. The Court may order dismissal after interviewing the petitioner and finding that the action is without merit, or may request that you keep your hearing date so that testimony can be taken. Once the Order to Dismiss is signed, the Clerk will finish filling out the forms and will return copies for you, the respondent, and for use as service.

Service on the respondent can be made by **First Class Mail with a Certificate of Mailing.** (See section on How to Serve found on page 7.) After service has been made, fill out the Certificate of Mailing at the bottom of the form and attach the postal receipt, and return the completed form to the Clerk for filing. **This is very important.** Keep a copy for your records.

- If the Judge already has signed the PPO and you want the PPO terminated, fill out Form CC 379, Motion to Modify, Extend, or Terminate Personal Protection Order. (See section on Motions found on page 9.)

MOTIONS THAT YOU MAY NEED TO USE:

1) **NOTICE OF HEARING ON PETITION FOR PERSONAL PROTECTION ORDER (FORM CC 381). THERE ARE NO FILING FEES.**

Use this Motion if you did not request an “ex-parte” PPO, or the Judge refused to sign the PPO without a hearing.

- a) Fill out the motion and obtain a hearing date.
- b) File the motion with the Clerk.
- c) Serve the motion on the other party. Service must be made at least 1 day prior to the hearing date. (See section on How to Serve found on page 7.)
- d) You **must** attend the hearing.
- e) If the PPO is granted, serve the signed PPO on the respondent. (See section on How to Serve found on page 7.)
- f) After service has been made file the completed Proof of Service with the Clerk. **This is very important.** Keep a copy for your records.

2) **MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER (FORM CC 379)**

Use this Motion if you want to make a change, extend the time, or terminate a PPO.

NOTE: A **MOTION TO EXTEND** CAN BE FILED EX-PARTE, BUT MUST BE FILED AT LEAST **3 DAYS** BEFORE THE PPO EXPIRES.

- a) Fill out the motion and obtain a hearing date for the Motion to Modify, or Motion to Terminate.
- b) File the motion with the Clerk.
- c) Serve the motion on the other party. Service must be made at least 7 days prior to the hearing date. (See section on How to Serve found on page 7.)
- d) You **must** attend the hearing.
- e) If the order is granted, serve the signed order on the other party. (See section on How to Serve found on page 7.)
- f) After service has been made file the completed Proof of service with the Clerk. **This is very important.** Keep a copy for your records.

3) **MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING PERSONAL PROTECTION ORDER (FORM CC 382)**

(See section on Violation of PPOs found on page 10.)

VIOLATION OF A PPO:

IF THE RESPONDENT IS AGE 17 OR OLDER, VIOLATION OF A PPO IS PUNISHABLE BY CRIMINAL CONTEMPT SANCTIONS – UP TO 93 DAYS IN JAIL AND A \$500 FINE.

INITIATING ENFORCEMENT PROCEEDINGS:

- There are 2 ways to initiate enforcement proceedings:
 - 1) BY WARRANTLESS ARREST AT THE SCENE OF AN ALLEGED VIOLATION.

If the police are called to the scene of an alleged PPO violation, they may arrest the respondent without a warrant if:

- a) They are shown a copy of the PPO or can verify that it is in the LEIN.
- b) They have reasonable cause to believe that the respondent is in violation of the PPO.

If arrested, the Court will set a date, time, and place for a hearing on the charges against the respondent to be held within 72 hours after arrest. The Court or prosecutor is responsible for giving you notice of this hearing. If you are not notified within 24 hours of the arrest, contact the Judge who signed the PPO. If a hearing is not held within 72 hours, the respondent may be released from jail after posting bond pending the hearing.

If the respondent was not previously served, the police can make formal service or give oral notice at the scene of the call and file a return of service or oral notice with the Court.

- 2) BY A MOTION TO SHOW CAUSE (FORM CC 382) BROUGHT BY THE PETITIONER. THERE ARE NO FILING FEES.

Use this form if the respondent has violated a PPO and has not been arrested and you want the Court to order him/her into court to answer to a contempt charge.

- a) Fill out the motion and obtain a hearing date.
- b) File the motion with the Clerk.
- c) Serve the motion on the other party by Personal Service. Service must be made at least 7 days prior to the hearing date. (See section on How to Serve found on page 7.)
- d) After service has been made, file the completed Proof of Service with the Clerk. **This is very important.** Keep a copy for your records.
- e) You **must** attend the hearing. The Shiawassee County Prosecutor will be there to represent you, and conduct the hearing for you.

INFORMATION ABOUT THE HEARING:

- 1) If the County Clerk tells you a hearing is required, go to the Judge's courtroom on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court.
- 2) Bring all copies of your papers with you, including the PPO form. Bring paper and a pencil so you can make notes. Bring witnesses willing to testify since written statements may not be enough.
- 3) Check in with the Bailiff in Courtroom 1, 3rd Floor, Circuit Courthouse. Tell the Bailiff your name and that you are here for a PPO Hearing.
- 4) When your case is called, go to the podium and clearly tell the Judge the following:
 - 1) Your name.
 - 2) That you are representing yourself.
 - 3) That you need either a PPO, or that you are asking that a PPO be modified, extended, or terminated, and the reasons why, or that the PPO has been violated.
 - 4) Whether you have witnesses in court who are willing to testify.

Answer the Judge's questions clearly and directly. If the Judge wants to hear from the other witnesses, ask them to tell the Court what they saw or know regarding your situation.

- 5) If the other party is in court, he/she will have a chance to speak also. When the other party talks, take notes - do not try to interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
- 6) If the Judge says that the order is granted, you will be given a copy of the signed Order or it will be mailed to you.
- 7) If the Judge does not grant the order, he/she will state the reasons on the record and complete an Order Denying or Dismissing Petition for Personal Protection Order (form CC 383). You will be given a copy of the signed order. If you want the reasons in writing, ask the Court Reporter for a copy of the transcript of the hearing - you have to pay for the transcript.

WORDS TO KNOW:

- Certified Mail -** You must go to the post office to serve copies of court papers by certified mail, return receipt requested. Ask for a postal receipt.
- Civil Contempt -** If a party disobeys a court order, they can be fined and jailed, but cannot be arrested without a warrant.

Criminal Contempt -	If a party disobeys a court order they can be arrested without a warrant, fined and jailed. If the act is a criminal offense, criminal charges can be filed.
Defendant -	The person who a complaint with the Court is filed against. Also called the respondent.
Ex-Parte Personal Protection Order (PPO) –	A Temporary Order signed by the Judge without a hearing and without sending notice to the respondent which tells the respondent not to do certain things you don't want him/her to do.
First Class Mail -	A way of delivering copies of court papers to a party by mailing the court papers in a regular envelope with regular postage. Request a certificate of mailing at the post office.
Harassment -	Actions that include repeated or continuing unconsented contact that causes the victim to suffer emotional distress.
Hearing -	A court meeting where both parties explain why an order should or should not be signed by the Judge.
LEIN -	Law Enforcement Information Network. An information system used by police agencies to record and verify that an order exists.
Motion -	A request made to the Court for an order.
Moving Party -	A person who asks the Court to do something on their behalf.
Order -	A decision signed by a Judge requiring certain action.
Party -	A person involved in a court case.
Pending Case -	A court case where no final judgment/order has been entered.
Personal Protection Order (PPO) –	A Temporary Order signed by the Judge which tells the respondent not to do certain things you don't want him/her to do.
Personal Service -	A way of serving copies of court papers on a party by having someone other than you hand-deliver the court papers to the party.
Petitioner -	The person seeking the PPO.
Plaintiff -	The person who files an original complaint with the Court. Also called the petitioner.
Process Server -	A person hired by you to serve (deliver) copies of court papers. This person should file proof with the Court that the papers were served.
Proof of Service -	A paper filed with the Court that proves to the Court the copies of court papers were served (delivered) to the other party.

Registered Mail,

Restricted Delivery – You must go to the post office to serve copies of court papers by registered mail, restricted delivery, return receipt requested. Ask for a postal receipt.

Respondent - The person you are requesting protection from.

Restrained Party - A person who is ordered by the Court to refrain from certain activity. Also called the respondent.

Stalking - Repeated or continuing harassment of an individual that causes him/her to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

True Copy - A copy of a court paper which has been imprinted with a seal of the Court to show that the copy is valid and real.

**Unconsented
Contact –**

Any contact with another person that is started or continued without that person's consent or which ignores that person's demand that the contact be avoided or stopped. Some examples are: 1) following or appearing within the sight of that person; 2) approaching or confronting that person in a public place or on private property; 3) appearing at that person's workplace or residence; 4) contacting that person by telephone; 5) entering onto or staying on property owned, leased, or occupied by that person; 6) sending mail or other communications to that person; and 7) placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

Form CC 375

PETITION FOR PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)

Use this form if the person you want restrained is 18 years of age or older and:

1) if you are married to the person you want restrained;

or

2) if you are not married to the person you want restrained but you live with or have lived with him or her and he or she is not your unemancipated minor child;

or

3) if you and the person you want restrained have a child in common even if you were never married to one another or never lived together;

or

4) if you and the person you want restrained have or had a dating relationship.

INSTRUCTIONS FOR COMPLETING "PETITION FOR PERSONAL PROTECTION ORDER"

Please print neatly. Press firmly because you are printing on five copies.

By filling in this form, you are asking for a personal protection order that tells the respondent not to do certain things you don't want him or her to do. **If you are in immediate danger**, you should ask the judge for an "ex parte" order, which can be issued without waiting for a hearing.

Items A through I must be completed before your petition can be filed with the court. Please read the instructions for each item. Then fill in the correct information for that item on the form.

- (A)** Write your name, address, and telephone number in the "Petitioner" box. If you are under 18 years of age, write in your age. Write the name, address, telephone number, and date of birth or age of the person you want restrained in the "Respondent" box. **If you want your address and telephone number to be kept from the other party, do not write your address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- (B)** Check the boxes that best describe your relationship with the respondent.
- (C)** Check the box if the respondent is required to carry a firearm while at work. If you aren't sure, check the box "unknown."
- (D)** Check whether there is a pending case between you and the respondent. Examples of a case are: divorce, separate maintenance, support, paternity, child support, other personal protection actions, etc. If there is a pending case, fill in the case number, the name of the court, the county, and the state or province where the action was filed, and the name of the judge.

Check whether there are any court orders or judgments between you and the respondent. Examples of orders are divorce judgments, parenting time (visitation) orders, custody orders, other personal protection orders, etc. If there are other court orders or judgments, fill in the case number, the name of the court, the county, and the state or province where the order or judgment was entered, and the name of the judge that signed the order.

- (E)** Explain in as much detail as possible why you are asking for a personal protection order. Describe what has happened or what has been threatened so the judge has enough facts to decide if a personal protection order should be signed. Include dates and places. Write on a separate sheet of paper and attach it to this form.
- (F)** Check only those boxes you need because you must be able to convince the judge you need all the protection you are requesting. On the lines after each item you check, fill in the requested information such as names, addresses, or specific types of activity you do not want allowed. Check item "5.b" only if you want to keep the other party from entering onto property other than your home (for example, school, work, etc.). Check item "5.e" only if there have been two or more acts of harassment. If you want the court to order that any records that exist which contain information about yourself or your minor children be kept confidential, state that in box "5.i." Examples of such records are school reports that the respondent would normally have access to.
- (G)** An "ex parte order" means you do not have to let the respondent know in advance that you are asking the court for an order and you do not have to wait for a court hearing to get the order. Check the box for an "ex parte order" if you believe the other party might hurt you or threaten you if he or she found out you were getting a personal protection order.

If you do not need to check the "ex parte" box, you must have a court hearing. Fill out form CC 381.

- (H)** If you are under 18 years old, you may need an adult (called a "next friend") to petition for you. Check this box if you have a next friend helping you file this form, and have the next friend sign the petition.
- (I)** Write in today's date and sign the form. Hand the form to the county clerk. The clerk will fill in the rest of the information and will give you your copies.

You must read the booklet "Instructions for Personal Protection Orders" for directions on the legal process.

PROOF OF SERVICE

**Petition for
Personal Protection Order**
Case No. _____

TO PROCESS SERVER: You must serve the copies of the petition for personal protection order and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE/AFFIDAVIT OF SERVICE/NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
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- I served a copy of the petition for personal protection order by:
- personal service registered mail, delivery restricted to the respondent (return receipt attached) on:

Name of respondent	Complete address of service	Day, date, time

- I have personally attempted to serve a copy of the petition for personal protection order on the following respondent and have been unable to complete service.

Name of respondent	Complete address of service

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____ Date _____, _____ County, Michigan.

My commission expires: _____ Date _____ Signature _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received a copy of the personal protection order on _____ Day, date, time

Signature of respondent _____

STATE OF MICHIGAN
IN THE 35TH CIRCUIT COURT FOR SHIAWASSEE COUNTY

Personal Protection Order – Statement of Petitioner

1. What is the relationship between you (Petitioner) and the person you are seeking protection from (Respondent)?

2. If married to the Respondent, has a divorce case been filed?

Yes _____ No _____

If yes to the above, please list the county, judge, and case number for these cases:

3. Do you and the Respondent have any children in common?

Yes _____ No _____

If yes above, is there a visitation/parenting time order in effect?

Yes _____ No _____

If yes to the above, please list the county, judge, and case number for these cases:

4. Do you now or have you ever lived at the same residence with the Respondent?

Yes _____ No _____ If yes, list dates: From _____ to _____

Whose name is on the lease or mortgage?

5. Are there any other court cases between you and the Respondent?

Yes _____ No _____

If yes to the above, please list the county, judge, and case number for these cases:

6. What is your occupation?: _____

7. What is the Respondent's occupation, if known? _____

8. Does the Respondent have a license to carry a concealed weapon or is he/she required to carry a firearm for the course of their employment?

Yes _____ No _____

If yes, Explain: _____

9. Has the Respondent ever threatened you with a weapon?

Yes _____ No _____

If yes, explain (include dates, type of weapon used, and how you were threatened):

11.Cont. _____

12. Were there witnesses to the incident? What are their names and are they willing to testify on your behalf at a hearing if needed?

13. Were the police called? Yes _____ No _____

If yes, explain (responding department, officer/deputy name, report number).

14. Please separately describe any **other** incidents, if any, which have occurred between you and the Respondent in order of occurrence.

Date and location of Incident: _____

Description of other incident: _____

14.Cont. _____

15. Please separately describe any **other** incidents, if any, which have occurred between you and the Respondent in order of occurrence.

Date and location of Incident: _____

Description of other incident: _____

16. Describe how these incidents have made you feel overall: _____

19.Cont. _____

An individual who knowingly and intentionally makes a false statement to the court in support of his/her Petition for a Personal Protection Order is subject to the contempt powers of the court. MCLA 600.2950(24), 600.2959a(21).

Signature

Date

Please be advised that a motion to extend the effectiveness of a Personal Protection Order must be filed at least 3 days before the expiration date in the order. MCR 3.707(A) (1)

Form CC 376

**PERSONAL PROTECTION ORDER
(DOMESTIC RELATIONSHIP)**

Use this form if you filled out form CC 375, Petition for Personal Protection Order.

INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER"

Please print neatly. Press firmly because you are printing on six copies.

Items A through D must be completed before you give this form to the court clerk. Please read the instructions for each item. Then fill in the correct information for that item on the form.

- (A) If you checked box (G) on form CC 375, check the box "Ex Parte."
- (B) Fill in the "Case No." from form CC 375.
- (C) Fill in the "petitioner" information the same way you did on form CC 375. **If you want your address and telephone number to be kept from the respondent, do not write your address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- (D) Write in the respondent's information and as much of the other information as you know. This information will help the police to identify the respondent if he or she disobeys the restraining order. Be sure to identify the respondent accurately. **The race, sex, and date of birth are required for law enforcement to enter an order on the Law Enforcement Information Network (LEIN).**

The court will complete the rest of this form.

You must read the booklet "Instructions for Personal Protection Orders" for directions on the legal process.

- If you asked for an ex parte order (order without a hearing), read pages 3 and 4 of the booklet.
- If you did not ask for an ex parte order or the judge refuses to sign an ex parte order, read pages 5 and 6 of the booklet.

Important:

If the respondent violates this personal protection order and is arrested, the court will set a date, time, and place for a hearing on the charges against the respondent to be held within 72 hours after arrest. The court or prosecutor is responsible for giving you notice of this hearing. If you are not notified within 24 hours of the arrest, contact the judge who signed this order. If a hearing is not held within 72 hours, the respondent may be released from jail after posting bond pending the hearing.

If the respondent violates this personal protection order and there is no arrest, use form CC 382, Motion and Order to Show Cause for Violating Personal Protection Order. This form is available from the circuit court clerk.

Original - Court
1st copy - Law enforcement agency (file) (green)
2nd copy - Respondent (blue)

3rd copy - Petitioner (pink)
4th copy - Return (yellow)
5th copy - Return (goldenrod)

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

(A) PERSONAL PROTECTION ORDER
 EX PARTE
(DOMESTIC RELATIONSHIP)

(B) CASE NO.

Court address

ORI

Court telephone no.

MI-

(C)	Petitioner's name				(D)	Respondent's name, address, telephone no., and driver's license no.		
	Address and telephone no. where court can reach petitioner					v		
(D)	Height	Weight	Race*	Sex*	Date of birth or age*	Hair color	Eye color	Other identifying information

*These items must be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful.

**Needed for NCIC entry

Date: _____ Judge: _____ Bar no.

1. This order is entered without a hearing. **after hearing.

THE COURT FINDS:

- 2. A petition requested respondent be prohibited from entry onto the premises, and either the parties are married, petitioner has a property interest in the premises, or respondent does not have a property interest in the premises.
- 3. Petitioner requested an ex parte order, which should be entered without notice because irreparable injury, loss, or damage will result from the delay required to give notice or notice itself will precipitate adverse action before the order can be issued.
- ** 4. Respondent poses a credible threat to the physical safety of petitioner and/or a child of petitioner.
- 5. Respondent **is the spouse or former spouse of petitioner, had a child in common with petitioner, or is residing or had resided in the same household as petitioner. has or had a dating relationship with petitioner.

IT IS ORDERED:

- 6. _____ is prohibited from:
 - a. entering onto property where petitioner lives.
 - b. entering onto property at _____.
 - ** c. assaulting, attacking, beating, molesting, or wounding _____
Name
 - d. removing minor children from petitioner who has legal custody, except as allowed by custody or parenting-time order provided removal of the children does not violate other conditions of this order. An existing custody order is dated _____ . An existing parenting-time order is dated _____ .
 - ** e. stalking as defined under MCL 750.411h and MCL 750.411i that includes but is not limited to:
 - following petitioner or appearing within his/her sight. appearing at petitioner's workplace or residence.
 - sending mail or other communications to petitioner. contacting petitioner by telephone.
 - approaching or confronting petitioner in a public place or on private property.
 - entering onto or remaining on property owned, leased, or occupied by petitioner.
 - placing an object on or delivering an object to property owned, leased, or occupied by petitioner.

(SEE OTHER PAGE)

IT IS ORDERED:

6. (continued)

- f. interfering with petitioner's efforts to remove his/her children/personal property from premises solely owned/leased by respondent.
- ** g. threatening to kill or physically injure _____
Name _____
- h. interfering with petitioner at his/her place of employment or education or engaging in conduct that impairs his/her employment or educational relationship or environment.
- i. having access to information in records concerning a minor child of petitioner and respondent that will reveal petitioner's address, telephone number, or employment address or that will reveal the child's address or telephone number.
- j. intentionally causing petitioner mental distress or exerting control over petitioner by:
 - injuring, killing, torturing, or neglecting, or threatening to injure, kill, torture, or neglect any animal in which petitioner has an ownership interest.
 - removing any animal from his/her possession in which petitioner has an ownership interest.
 - retaining or obtaining possession of any animal in which petitioner has an ownership interest.
- ** k. purchasing or possessing a firearm.
- l. other: _____

- 7. As a result of this order, federal and/or state law may prohibit you from possessing or purchasing ammunition or a firearm.
- 8. Violation of this order subjects respondent to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty, respondent shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.
- 9. **This order is effective when signed, enforceable immediately, and remains in effect until _____.**
This order is enforceable anywhere in this state by any law enforcement agency when signed by a judge, and upon service, may also be enforced by another state, an Indian tribe, or a territory of the United States. If respondent violates this order in a jurisdiction other than this state, respondent is subject to enforcement and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.
- 10. The court clerk shall file this order with _____ who will enter it into the LEIN.
Name of law enforcement agency
- 11. Respondent may file a motion to modify or terminate this order. For ex parte orders, the motion must be filed within 14 days after being served with or receiving actual notice of the order. Forms and instructions are available from the clerk of court.
- 12. A motion to extend the order must be filed 3 days before the expiration date in item 9 or a new petition must be filed.

Date and time issued

Judge

Bar no.