

Shiawassee County Circuit Court

208 North Shiawassee Street
Corunna, Michigan 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 by calling (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 CC375, CC376, 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 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 CC377, CC380, 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 CC382, Notice of Hearing on Petition for Personal Protection Order. (See section on Motions found on page 8.) 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) 743-2262 the following date, 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 CC382, Notice of Hearing on Petition for Personal Protection Order. (See section on Motions found on page 8.) 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 CC379, 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 request the Judge to do so. **Failure to comply with the Court's Order could result in you 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 below)

If the Respondent resides in Shiawassee County, the Clerk will send the Order along with the 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 into 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 to you.

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 (as 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 by the restrained party.

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 serve 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 MC303, 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 that 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 CC378, 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 CC381, and served the respondent, but now you don't want to get a PPO, fill out Form CC378, 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 6.) 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 has already signed the PPO and you want the PPO terminated, fill out Form CC379, Motion to Modify, Extend, or Terminate the Personal Protection Order. (See section on Motions found on page 8.)

MOTIONS THAT YOU MAY NEED TO USE:

1) NOTICE OF HEARING ON PETITION FOR PERSONAL PROTECTION ORDER (FORM CC381). THERE ARE NOT 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 6.)
- 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 6.)
- 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 CC379)

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 6.)
- 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 6.)
- 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 CC382)

(See section on Violation of PPOs found on page 9.)

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 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 the 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 your PPO. If a hearing is not held within 72 hours, the respondent may be released from jail after posing 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 CC382) BROUGHT BY THE PETITIONER. THERE ARE NO FILING FEES.**

Use this form if the respondent has violated the 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 6.)
- 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 schedule day and time. Dress neatly. Get there 10 to 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 pencil so you can make notes. Bring witnesses willing to testify since their written statements may not be enough.
- 3) Check in with the Bailiff (if in Circuit Court) or the Court's staff in the other courts. Tell the Bailiff or staff member that you are present for a PPO Hearing.
- 4) When your case is called, go to the podium and clearly tell the Judge the following:
 - a. Your name.
 - b. That you are representing yourself.
 - c. 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.
 - d. 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 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 remember how to reply.
- 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 CC383). 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. A contempt is civil if its

primary purpose is to get the respondent to comply with the court's order.

- CRIMINAL CONTEMPT -** If a party disobeys a court order they can be arrested without a warrant, fined and jailed. If the contempt deserves punishment, the court may deem it as criminal contempt, and the protections of criminal law are provided (e.g., the respondent has the right to court-appointed lawyer, the prosecutor must prove the case beyond a reasonable doubt, etc.)
- DEFENDANT -** The person who a complaint with the Court is filed against. In certain civil cases like PPO cases, known as 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 proceeding 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 information about members of the public, including whether PPOs exist.
- MOTION -** A request made to the Court for an order.
- MOVING PARTY -** A person who asks the Court do enter an order on their behalf.
- ORDER -** A decision signed by a Judge requiring certain actions.
- PARTY -** A person involved in a court case.
- PENDING CASE -** A court case where no final judgment or orders have 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 that party.
- PETITIONER -** The person seeking a PPO.
- PLAINTIFF -** The person who filed an original complaint with the Court. In certain civil cases, like PPOs, also called a 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 other person; and 7) placing an object on, or delivering an object to, property owned, leased, or occupied by that person.