

Form CC 382

Motion and Order to Show Cause for Violating Valid Personal/Foreign Protection Order

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

INSTRUCTIONS FOR COMPLETING "MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING VALID PERSONAL/FOREIGN PROTECTION ORDER"

Use this form if the respondent has violated your valid personal/foreign protection order and you want the court to order him/her into court to answer a contempt charge.

Please print clearly.

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

- A** Fill in the case number only if you are filing this form in the same court where you got your order. If you are filing this form in a court other than the one that gave you your valid personal/foreign protection order, the clerk will enter the name of the respondent in this space.
- B** Fill in the "petitioner" and "respondent" name, address, and telephone number as it appears in your order (i.e. form CC 376 or CC 380). Do **not** include the respondent's driver's license number or date of birth.
- C** Write in the date of your valid personal/foreign protection order, the name of the court that signed your order, and the name of the judge who signed the order. Get this information from your order. You must attach a copy of your valid personal/foreign protection order and either proof of service on or notification to the respondent of this order. If you don't have a copy of your order, ask the clerk for a copy. There may be a copy fee.
- D** **Explain in** as much **detail** as possible what the respondent has done to violate the personal/foreign protection order. You must attach any supporting documents. Make four copies of all supporting documents.
- E** Sign your name in front of a notary public. Take the form and the supporting documents to the county clerk. The clerk will keep one copy and a set of the supporting documents and return the remaining copies and supporting documents to you.

What to do next

1. Ask the county clerk for instructions for getting the motion and order to the judge. You need four copies of the form and one set of supporting documents for the judge. Keep one copy and the remaining two sets of supporting documents for yourself until you get a copy back. Ask when to come back for the signed order.
2. Pick up the order on the day and time you were told to pick up the order. When you leave, you should have three copies.
3. You must have one copy with one set of supporting documents personally served on the respondent at least 7 days before the hearing.
4. If the respondent is under 18 years of age, additional copies must be served on the respondent's parent(s), guardian(s), or custodian(s) at the addresses found on the proof of service of the protection order.
5. Have the process server return to the county clerk's office with the proof of service. Make sure you keep one copy and one set of supporting documents for yourself.
6. Attend the hearing.

For more information about personal protection orders, [visit www.michiganlegalhelp.org](http://www.michiganlegalhelp.org).

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION TO SHOW CAUSE FOR VIOLATING VALID PERSONAL/ FOREIGN PROTECTION ORDER	(A) CASE NO. and JUDGE In the matter of contempt of _____
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Court address _____ Court telephone no. _____

(B) Petitioner's name <hr/> Address and telephone no. where court can reach petitioner	v	Respondent's name, address and telephone no.
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AFFIDAVIT AND MOTION

(C) 1. I am the protected party in a valid personal/foreign protection order dated _____ and issued by the _____ Court, case number _____. **Attached is a copy of that order and either proof of service on or notification to the respondent of that order.**

(D) 2. The respondent has violated the order by doing the following:
 Explain what has happened and include dates, times, and events (attach any supporting documents, such as a complaint filed with the police.)

3. I request the court to order the respondent to appear at a specified time to answer a contempt charge or to issue a bench warrant for the arrest of the respondent.

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

(E) _____
 Signature
 Subscribed and sworn to before me on _____
 Date

 Deputy clerk/Notary public signature
 My commission expires on _____
 Name (type or print)

Notary public, State of Michigan, County of _____. Acting in the County of _____.
 This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER TO SHOW CAUSE FOR VIOLATING VALID PERSONAL/ FOREIGN PROTECTION ORDER	(A) CASE NO. and JUDGE In the matter of contempt of
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Court address _____ Court telephone no. _____

(B) Petitioner's name <hr/> Address and telephone no. where court can reach petitioner	v	Respondent's name, address and telephone no.
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The court has reviewed the motion to show cause dated _____ and
Date

IT IS ORDERED:

1. The respondent is ordered to appear before this court on _____ at
Date and time
- the court address above
 - courtroom number _____
 - _____

to show cause why the respondent should not be held in contempt for violating a valid personal/foreign protection order. Failure to appear for this contempt hearing may result in a bench warrant being issued for the respondent's arrest. The petitioner shall serve this motion and order on the respondent at least 7 days before the hearing date.

2. A bench warrant shall be issued for the respondent's arrest to answer a contempt charge for violating a valid personal/foreign protection order.

Judge signature and date

If you require accommodations to use the court because of disabilities, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the motion and order to show cause for violating valid personal/foreign 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 OF SERVICE / NONSERVICE

- I personally served a copy of the motion and order to show cause for violating valid personal/foreign protection order, together with the attachments listed below, on:

- I have attempted to serve a copy of the motion and order to show cause for violating valid personal/foreign protection order, together with the attachments listed below, and have been unable to complete service on:

Respondent's name	Date and time of service
Place or address of service	
Attachments (if any)	

I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents 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)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the motion and order to show cause for violating valid personal/foreign protection order, together with

Attachments (if any)

Date and time

Respondent's signature

Name (type or print)