

## **Form CC 379**

# **MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER**

**Use this form** if you want the court to modify, extend, or terminate the personal protection order.

## INSTRUCTIONS FOR COMPLETING "MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER"

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

By filling in this form, you are asking the court to modify, extend, or terminate a personal protection order.

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

- A** Fill in the "Case No." the same way it appears on form CC 376 or CC 380.
- B** Fill in the "petitioner" and "respondent" and addresses the same way they appear on form CC 376 or CC 380, including the ages of the "petitioner" and "respondent" if either is under the age of 18.
- C** Write in the same date that form CC 376 or CC 380 was signed by the judge. That date is in the lower left hand corner of form CC 376 or CC 380.
- D** If you are the person the protection order is against, check item 2a. Also check either the box "modify" if you want the court to change something in the order or check the box "terminate" if you want the court to terminate the entire order. Then explain why you want the order changed or terminated. If the order was issued without a hearing (ex parte), you may file a motion and request a hearing within 14 days after being served with, or receiving actual notice of, the order. If the order was issued ex parte and more than 14 days have passed, you must show good cause for the motion. If the order was issued after a full hearing, you must show good cause for the motion. See MCR 3.707(A)(1)(b).

If you are the person who is protected by the order, you can check either item 2b or item 2c. Check item 2b if you want the court to change something in the order. Check item 2c if you want the court to extend the expiration date of the order or terminate the entire order. Then explain why you want the order extended or terminated. To extend the expiration date of the order, you must file this motion no later than 3 days before the order expires.

- E** 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.
- F** Write in today's date and sign the form.
- G** If you checked box 2a or box 2b in **D** you must get a hearing date. Ask the clerk to schedule a hearing. The clerk will give you the information you need to fill out this part of the form. If you checked box 2c and the judge terminates the order without a hearing, skip the instructions below in **H**. If you checked box 2c and the judge will not terminate the order without a hearing, follow the instructions below in **H**.
- H** Write in today's date and sign the form. Hand the form to the county clerk. The clerk will keep two copies and return the blue, pink, and yellow copies to you.

**You must serve the other party with a copy of this form. If there is a hearing scheduled, you must serve this form at least 7 days before the hearing date unless the respondent is a law enforcement officer or a person required to carry a firearm as a condition of employment.** In that situation, you must serve this form at least 5 days before the hearing date. For details about serving the form, read page 7 of the booklet "Instructions for Personal Protection Orders."

If a hearing was scheduled, make sure you attend the hearing. Take a blank copy of form CC 376 or CC 380 with you to the hearing. If a hearing was not scheduled, the court will notify the law enforcement agency to make changes to LEIN as stated in the order.

- For details about the hearing, read page 8 of the booklet "Instructions for Personal Protection Orders."
- If you asked for a modified order and it is granted by the judge, you will need to fill out form CC 376 or CC 380, get it signed, and serve it on the other party. For details on how to do this, read pages 5 and 6 of the booklet "Instructions for Personal Protection Orders."

|  |   |                     |
|--|---|---------------------|
| <b>STATE OF MICHIGAN<br/>JUDICIAL CIRCUIT<br/>COUNTY</b> | <b>MOTION TO<br/>MODIFY, EXTEND, OR TERMINATE<br/>PERSONAL PROTECTION ORDER</b> | <b>(A) CASE NO.</b> |
|--|---|---------------------|

Court address Court telephone no.

|   |   |  |
|---|---|--|
| <b>(B)</b> Petitioner's name <span style="float: right;">Age</span><br>Address and telephone no. where court can reach petitioner | v | Respondent's name, address, and telephone no. <span style="float: right;">Age</span> |
|---|---|--|

**MOTION**

- (C)** 1. On \_\_\_\_\_ a personal protection order was entered by this court.  
Date
- (D)** 2.  a. I am the respondent. I ask the court to conduct a hearing to  modify  terminate the order.  
 b. I am the petitioner. I ask the court to conduct a hearing to modify the order.  
 c. I am the petitioner. I ask the court to  extend  terminate the order.  
 Explain why you want the order modified, extended, or terminated. If box 2a is checked, the respondent must show good cause if the order was issued after a full hearing or if more than 14 days have passed since the ex parte order was served.

**(E)**  3. I have a next friend motioning for me. I certify that the next friend is not disqualified by statute and is an adult.

**(F)** \_\_\_\_\_  
Date Signature of moving party

**NOTICE OF HEARING**

Complete this Notice of Hearing only  
if you checked box 2a or 2b above.

**(G)** You are notified that a hearing has been scheduled to modify, extend, or terminate the personal protection order issued in this case.

Judge: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Location: \_\_\_\_\_

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

The court can modify, extend, or terminate the order even if you do not attend the hearing. It is important for you to attend.

**(H)** \_\_\_\_\_  
Date Signature of moving party

**Motion to Modify/Extend/Terminate  
Personal Protection Order**

Case No. \_\_\_\_\_

**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the copies of the motion to modify, extend, or terminate 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**

**OFFICER CERTIFICATE**

**OR**

**AFFIDAVIT OF PROCESS SERVER**

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)

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)

I served a copy of the motion to modify, extend, or terminate personal protection order by:

personal service     registered mail, delivery restricted to the nonmoving party (return receipt attached) on:

|                      |                             |                 |
|----------------------|-----------------------------|-----------------|
| Nonmoving party name | Complete address of service | Day, date, time |
|                      |                             |                 |

I have personally attempted to serve a copy of the motion to modify, extend, or terminate personal protection order on the following party and have been unable to complete service.

|                      |                             |
|----------------------|-----------------------------|
| Nonmoving party name | 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 | <b>TOTAL FEE</b> |
| \$                    |                | \$  | \$               |

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

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

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 motion to modify, extend, or terminate personal protection order on

\_\_\_\_\_  
Day, date, time

\_\_\_\_\_  
Signature of nonmoving party

Approved, SCAO

**STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY**

**ORDER ON MOTION TO  
MODIFY, EXTEND, OR TERMINATE  
PERSONAL PROTECTION ORDER**

**CASE NO.**

Court address

Court telephone no.

|  |
|--|
| Petitioner's name  |
| Address and telephone no. where court can reach petitioner |

v

|   |
|---|
| Respondent's name, address, and telephone no. |
|---|

Date: \_\_\_\_\_ Judge: \_\_\_\_\_ Bar no. \_\_\_\_\_

1. This order is entered after hearing.

**THE COURT FINDS:**

2. A motion was filed to
- a. modify the personal protection order dated \_\_\_\_\_ .
  - b. extend the expiration date of the personal protection order dated \_\_\_\_\_ .
  - c. terminate the personal protection order dated \_\_\_\_\_ .
3.  a. Circumstances continue to exist that would require extension/modification of the order.  
 b. Circumstances do not exist that would require extension/modification of the order.  
 c. Circumstances do not exist that would require continuation of the term of the order.

**IT IS ORDERED:**

4. The motion to modify the personal protection order is granted in  full.  part. An amended personal protection order shall be issued.
5. The personal protection order is extended from \_\_\_\_\_ to \_\_\_\_\_ .  
Current expiration date New expiration date  
 The court clerk shall file this order with \_\_\_\_\_  
Name of law enforcement agency  
 who shall enter the new expiration date in the LEIN system. The conditions of the existing personal protection order are continued except as to the new expiration date.
6. The motion to terminate the personal protection order is granted. The court clerk shall complete and file the Removal of Entry from LEIN (form MC 239) with the law enforcement agency named in the last order.
7. The motion to modify, extend, or terminate the personal protection order is denied and the existing personal protection order will expire on the date of that order.
8. This order is effective when signed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**CERTIFICATE OF MAILING**

**Instruction to moving party:** You must mail this order to the other party, date and sign below, and file a copy of this certificate of mailing with the court clerk as soon as possible.

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Moving party

|  |                                   |                 |
|--|-----------------------------------|-----------------|
| <b>STATE OF MICHIGAN</b><br><b>JUDICIAL DISTRICT</b><br><b>JUDICIAL CIRCUIT</b><br><b>COUNTY PROBATE</b> | <b>REMOVAL OF ENTRY FROM LEIN</b> | <b>CASE NO.</b> |
|--|-----------------------------------|-----------------|

|            |                      |                            |
|------------|----------------------|----------------------------|
| <b>ORI</b> | <b>Court address</b> | <b>Court telephone no.</b> |
|------------|----------------------|----------------------------|

|                         |                          |                 |
|-------------------------|--------------------------|-----------------|
| Effective date of order | Expiration date of order | Agency file no. |
|-------------------------|--------------------------|-----------------|

TO: Law enforcement agency and address

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| Defendant/Juvenile/Respondent name, address, and telephone no. |
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|               |
|---------------|
| Date of birth |
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**IT IS ORDERED:**

1. The conditions requiring LEIN entry in this case or matter no longer exist.
2. The record of this entry shall be removed immediately from Law Enforcement Information Network (LEIN) files.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/District court magistrate

\_\_\_\_\_  
Bar no.

**To the law enforcement agency:**

Immediately after receiving this form, remove entry in this case or matter from Law Enforcement Information Network (LEIN) files, complete the certification, and return the 2nd copy to the court.

**CERTIFICATION OF REMOVAL**

I certify that the LEIN entry in this case or matter has been removed from LEIN files.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of law enforcement representative