

What is a Personal Protection Order?

A personal protection action involves seeking an order from the Court to protect you from harassment, assault, beating, molesting, wounding or stalking by another person. The person filing for the order is called the petitioner and the person whom you are filing the petition against is called the respondent. There is no filing fee to file for a Personal Protection Order. Generally, there are three types of Petitions for Personal Protection Orders but the packet you choose depends on whether the respondent is an adult or in a minor.

Respondent as an Adult:

1. Petition for Personal Protection Order (Domestic Relationship)
2. Petition for Personal Protection Order (Non Domestic Relationship)
3. Petition for Personal Protection Order Sexual Assault

Respondent as a Minor:

1. Petition for Personal Protection Order Against a Minor (Domestic Relationship)
2. Petition for Personal Protection Order Against a Minor (Non Domestic Relationship)
3. Petition for Personal Protection Order Against a Minor (Sexual Assault)

Requirements of Stalking Statute

In order to obtain a Personal Protection Order which restrains a person from stalking you, you must meet the requirements of the Michigan Statute (MCL § 750.411h).

The elements of stalking require the following:

1. Two or more willful acts
2. Of continuing harassment or uncontested contact
3. That would cause a reasonable individual to suffer emotional distress
4. That actually cause the victim to suffer emotional distress
5. That would further cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested
6. That actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.

Your legal obligations in filing for a Personal Protection Order

You assume certain legal obligations when you apply for a Personal Protection Order. Meeting these obligations is essential for the success for your order and for you and/or your children's safety. The following is a list of your obligations as a Petitioner:

1. **You must avoid contact with the respondent.** By beginning this court proceeding, you must comply with the order by not contacting the respondent. Since the Court issued your Personal Protection Order, 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 terminated, you must file the appropriate motion requesting the court to do so.
2. **You must serve the respondent.** Service may be completed by one of the following:
 - a. Personal Service: You cannot serve the respondent yourself. A process server or someone you trust, such as a friend or relative, over the age of 18, must complete service, or
 - b. Certified mail, restricted delivery to the respondent only

Note: the respondent will receive a letter from the Michigan State Police stating that s/he cannot get a license to purchase a pistol nor a license to carry a concealed weapon. This letter is sent even if the respondent is not served.

3. **You must file the proof of service with the County Clerk.** Whoever serves the Personal Protection Order must file the proof of service with the Court. If it was served by certified restricted mail you must attach the green card which has been signed by the respondent.
4. **You must carry a certified copy of the Personal Protection Order with you at all times.** If you call the police, but the respondent has not been served, the police can use your copy to serve the respondent at the scene.
5. **You must be truthful in all statements you make to the Court.** An individual, who knowingly and intentionally makes a false statement to the Court in support of his or her petition, is subject to contempt sanctions. An individual who alters the Court's order is also subject to contempt sanctions.

Form CC 395

PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)

Use this form if you want an order to restrain a person over the age of 18 from sexually assaulting you or threatening to sexually assault you, **you do not have a domestic relationship to this person**, and that person has:

1) previously been convicted of a sexual assault against you,

or

2) subjected you to, threatened you with, or placed you in reasonable apprehension of sexual assault,

or

3) previously been convicted of furnishing you, a minor, with obscene material

or

4) furnished you, a minor, with obscene material.

**INSTRUCTIONS FOR COMPLETING "PETITION FOR PERSONAL PROTECTION ORDER
(NONDOMESTIC SEXUAL ASSAULT)"**

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 will be issued without waiting for a hearing. Items A through H must be completed before your petition 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** 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, and telephone number of the person you want restrained in the "Respondent" box. **If you want the address and telephone number where you live to be kept from the respondent, do not write that address here. Write the address of a relative or friend or a post office box where the court can contact you.**
- B** Check the box if the respondent is required to carry a firearm at work. If you aren't sure, check the box "unknown."
- C** Check in item 3.a. whether there is a pending action between you and the respondent. If there is, 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 in item 3.b. whether there are any court orders or judgments between you and the respondent. If there are, 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.
- D** Check each box that explains why you need a personal protection order. **If you checked item 4.c. or 4.d., explain in as much detail** as possible why you are asking for a personal protection order. Describe what has happened, what has been threatened, or what obscene material has been furnished to you, 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.
- E** **Check only those boxes** you need because you must be able to convince the judge you need all the protection you are requesting.
- F** An "ex parte order" means you do not have to let the other party 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 an ex parte personal protection order.
- If you do not check the box for an ex parte order, you must have a court hearing. Fill out form CC 381.
- G** 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.
- H** 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.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)	CASE NO.
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Court address _____ **Court telephone no.** _____

A Petitioner's name _____ Age _____ Address and telephone no. where court can reach petitioner _____	v	Respondent's name, address, and telephone no. _____ Age _____
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1. The petitioner and respondent have never been husband and wife, resided in the same household together, had a child in common, or had a dating relationship with one another.

B 2. The respondent is required to carry a firearm in the course of his/her employment. Unknown.

C 3. a. There are are not _____ other pending actions in this or any other court regarding the parties.

Case number	Name of court, county, and state or province	Name of judge
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b. There are are not _____ orders/judgments entered by this or any other court regarding the parties.

Case number	Name of court, county, and state or province	Name of judge
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- D** 4. I need a personal protection order because
- a. the respondent has been convicted of sexual assault against me (insert case number in item 3.b.).
 - b. I am a minor and the respondent has been convicted of furnishing obscene material to me in violation of MCL 750.142 or a substantially similar law from another jurisdiction (insert case number in item 3.b.).
 - c. I have a reasonable apprehension of sexual assault because the respondent has sexually assaulted me or threatened me with sexual assault. Explain what has happened (attach additional sheets).
 - d. I am a minor and the respondent has furnished obscene material to me. Explain what has happened (attach additional sheets).

- E** 5. I make this petition under the authority of MCL 600.2950a(2) and ask the court to grant a personal protection order prohibiting the respondent from
- entering onto property where I live.
 - entering onto property at _____.
 - threatening to sexually assault, kill, or physically injure me or another named person _____.
 - purchasing or possessing a firearm.
 - interfering with my efforts to remove my children or personal property from premises that are solely owned or leased by the respondent.
 - interfering with me at my place of employment or education or engaging in conduct that impairs my employment or educational relationship or environment.
 - following me or appearing within my sight.
 - approaching or confronting me in a public place or on private property.
 - appearing at my workplace or residence.
 - entering onto or remaining on property owned, leased, or occupied by me.
 - contacting me by telephone.
 - sending mail or electronic communications to me.
 - placing an object on or delivering an object to property owned, leased, or occupied by me.
 - posting an electronic message with the intent to cause others to contact me in a way that would make me feel terrorized, frightened, intimidated, threatened, harassed, or molested.
 - doing any other specific act or conduct that imposes upon or interferes with my personal liberty or that causes me a reasonable apprehension of violence or sexual assault, as follows: _____

F 6. I request an ex parte order because immediate and irreparable injury, loss, or damage will occur between now and a hearing or because notice itself will cause irreparable injury, loss, or damage before the order can be entered.

G 7. I have a next friend petitioning for me. I certify that the next friend is not disqualified by statute and is an adult.

H _____
Date

Petitioner's/Next friend's signature

PROOF OF SERVICE

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:

Respondent name	Complete address of service	Day, date, time
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- 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.

Respondent 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	TOTAL FEE
\$		\$	\$

Signature _____
 Name (type or print) _____
 Title _____

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

My commission expires: _____ Signature: _____
Date 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 petition for personal protection order on _____ .
Day, date, time

 Signature of respondent

File Number: _____

Petitioner's Name

Respondent's Name

4. I need a personal protection order because:

Please check appropriate box(es):

- The respondent has physically assaulted me, or threatened to physically assault me. Follow the format below for describing the date, location and description of each incident.

- The respondent has stalked me. Stalking is two or more incidents of unconsented contact that have caused you to feel frightened, intimidated or threatened. You should specify the manner in which you have communicated that you don't want contact, and the date, location and description of each unwanted contact by the respondent.

When: _____

Where: _____

What: _____

File Number: _____

Petitioner's Name

Respondent's Name

4. I need a personal protection order because (continued):

When: _____

Where: _____

What: _____

When: _____

Where: _____

What: _____

When: _____

Where: _____

What: _____

Form CC 396

PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)

Use this form if you filled out form CC 395, Petition for Personal Protection Order (Nondomestic Sexual Assault).

**INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER
(NONDOMESTIC SEXUAL ASSAULT)"**

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

Items A and B 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 "petitioner" and "respondent" the same way you did on form CC 395. **If you want the address and telephone number where you live to be kept from the respondent, do not write that address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- B** Write in the respondent's name and as much of the other information about the respondent 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 court that issued 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 Valid Personal/Foreign Protection Order. This form is available from the circuit court clerk.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**PERSONAL PROTECTION ORDER
(NONDOMESTIC SEXUAL ASSAULT)**
 EX PARTE

CASE NO.

Court address
ORI
MI-

Court telephone no.

A

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

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

v

B

Height	Weight	Race *	Sex *	Date of birth or age*	Hair color	Eye color	Other identifying information
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*These items **must** be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful.

Date: _____ Judge: _____ no hearing. after hearing.

- 1. A petition has been filed requesting an order under MCL 600.2950a(2).
- 2. The 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 the notice itself will precipitate adverse action before the order can be issued.
- 3. The respondent has been convicted of sexual assault against the petitioner as follows: _____
- The petitioner is a minor and the respondent has been convicted of furnishing obscene material to the petitioner in violation of MCL 750.142 or a substantially similar law from another jurisdiction as follows: _____
- The petitioner has a reasonable apprehension of sexual assault because the respondent has sexually assaulted the petitioner or threatened the petitioner with sexual assault.
- The petitioner is a minor and the respondent has furnished obscene material to the petitioner.
- 4. _____ is prohibited from
 - entering onto property where the petitioner lives.
 - entering onto property at _____.
 - threatening to sexually assault, kill, or physically injure the petitioner or a named individual.
 - purchasing or possessing a firearm.
 - interfering with the petitioner's efforts to remove the petitioner's children or personal property from premises that are solely owned or leased by the respondent.
 - interfering with the petitioner at the petitioner's place of employment or education, or engaging in conduct that impairs the petitioner's employment or educational relationship or environment.
 - following the petitioner or appearing within the petitioner's sight.
 - approaching or confronting the petitioner in a public place or on private property.
 - appearing at the petitioner's workplace or residence.
 - entering onto or remaining on property owned, leased, or occupied by the petitioner.
 - contacting the petitioner by telephone.
 - sending mail or electronic communications to the petitioner.
 - placing an object on or delivering an object to property owned, leased, or occupied by the petitioner.
 - posting an electronic message with the intent to cause others to contact the petitioner in a way that would make the petitioner feel terrorized, frightened, intimidated, threatened, harassed, or molested.
 - any other specific act or conduct that imposes upon or interferes with the petitioner's personal liberty or that causes a reasonable apprehension of violence or sexual assault, as follows: _____
- 5. Violation of this order subjects the respondent to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty, the respondent shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.
- 6. **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 the respondent violates this order in a jurisdiction other than this state, the respondent is subject to enforcement and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.
- 7. The court clerk shall file this order with _____, who will enter it into the LEIN.
- 8. For an ex parte order, the respondent may file a motion to modify or terminate the order within 14 days after being served with or receiving actual notice of the order. Forms and instructions are available from the clerk of the court.
- 9. A motion to extend the order must be filed 3 days before the expiration date in item 6 or a new petition must be filed.

Date and time issued

Judge

Bar no.

PROOF OF SERVICE

**Personal Protection Order
(Nondomestic Sexual Assault)**
Case No. _____

TO PROCESS SERVER: You must serve the 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

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

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)

I served a copy of the 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
Law enforcement agency	Complete address of service	Day, date, time

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

Respondent 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	TOTAL FEE
\$		\$	\$

Name (type or print)

Signature

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 personal protection order on _____.
Day, date, time

Signature of respondent

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER DENYING OR DISMISSING PETITION FOR PERSONAL PROTECTION ORDER	CASE NO.
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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 without a hearing. after hearing.

THE COURT FINDS:

2. a. A petition was filed for a personal protection order in a domestic relationship.
 There is not reasonable cause to believe the respondent may commit one or more of the acts listed in MCL 600.2950(1).
- b. A petition was filed for a personal protection order in a nondomestic relationship.
 Respondent has not committed two or more acts of willful, unconsented contact.
- c. A petition was filed for a nondomestic sexual assault personal protection order.
- d. Other: _____
3. The petitioner requested an ex parte order.
 a. The petitioner has been interviewed, the petitioner's claims are sufficiently without merit, and the action should be dismissed without a hearing.
 b. An ex parte order should not be issued, but the petitioner has been advised of the right to request a hearing on the petition.
 c. Other: _____

IT IS ORDERED:

4. a. The petition for a personal protection order is denied for the following reasons: (Specified below.)
 b. The petition for an ex parte personal protection order is denied with notice of the right to request a hearing for the following reasons: (Specified below.)
 c. The petition for an ex parte personal protection order is dismissed without notice of the right to request a hearing because the petitioner's claims are sufficiently without merit for the following reasons: (Specified below.)

Date

Judge

CERTIFICATE OF SERVICE

I certify that on this date I personally served a copy of this order on the petitioner at _____
Location
_____ at _____
Time

I certify that on this date I mailed a copy of this order to the petitioner by first-class mail addressed to his/her last-known address.

I certify that I personally served a copy of this order on the respondent at _____
Location
_____ at _____
Time

served a copy of this order on the respondent by first-class mail addressed to his/her last-known address because the respondent was served with a copy of the petition for a personal protection order.

Date

Court clerk

Know and Protect Your Legal Rights

During court proceedings, important legal questions are likely to arise in relation to your Personal Protection Order. The Court may consider legal issues such as enforcement of your order.

The Clerk's office cannot give you legal advice. The Clerk's Office can help you fill out the forms and give you referrals for Counseling, shelter and legal services. However, only a licensed attorney can advise you on how these proceedings may affect your legal rights.

All information that you provide to the Clerk of the Court is public information. This information is not kept confidential.

I have read this disclosure and I understand that all of the information that I have provided is public information. I also understand and agree that the Clerk cannot give me legal advice and I understand that the Clerk recommends that I consult with an attorney to protect my legal rights.

Petitioner's Signature

Date

Deputy Clerk's Signature

Date

Part I (to be filled out by petition)

1. Is respondent a law Enforcement Officer?

- Yes
- No
- Unknown

If yes, with what law enforcement agency is respondent employed? If unknown, leave blank: _____

2. Is respondent an employee of the Department of Corrections?

- Yes
- No
- Unknown

If yes, with what Department of Corrections agency is respondent employed? If unknown, leave blank: _____

3. Does respondent currently work at the same location where you work?

- Yes
- No
- Unknown

If yes, what is the name of the company that you both work for? _____

FOR OFFICIAL USE ONLY

Part II (to be filled out by the Clerk's Office)

1. Does the Personal Protection Order prohibit respondent from purchasing or possessing a firearm?

- Yes
- No

2. Does the Personal Protection Order prohibit respondent from having access to information concerning the petitioner or child which is contained in Friend of Court records?

- Yes
- No

Copy of PPO sent to:

- Michigan Department of Corrections
- Law Enforcement Agency
- Concealed Weapons Licensing Board
- Friend of the Court

Deputy Clerk

Date

Information Sheet

Petitioner:

Full Name: _____

Address: _____

Telephone: _____

Date of Birth: _____ Gender: _____ Race: _____

Social Security Number: _____

Driver's License Number: _____

Respondent:

Full Name: _____

Address: _____

Telephone: _____

Date of Birth: _____ Gender: _____ Race: _____

Social Security Number: _____

Driver's License Number: _____

Next Friend: (if applicable)

Full Name: _____

Address: _____

Telephone: _____

Date of Birth: _____ Gender: _____ Race: _____

Social Security Number: _____

Driver's License Number: _____

Document used by Petitioner for Identification: _____

Whether or not you feel able to leave an abuser, there are things you can do to make yourself and your family safer.

IN AN EMERGENCY

If you are at home & you are being threatened or attacked:

- **Stay away from the kitchen** (the abuser can find weapons, such as knives, there)
- **Stay away from bathrooms**, closets or small spaces where the abuser can trap you
- **Get to a room with a door** or window to escape
- **Get to a room with a phone** to call for help; lock the abuser outside if you can
- **Call 911** (or your local emergency number) **right away for help**; get the dispatcher's name
- Think about a neighbor or friend you can run to for help
- If a police officer comes, tell him/her what happened; **get his/her name & badge number**
-
- **Get medical help** if you are hurt
- **Take pictures** of bruises or injuries
- **Call a domestic violence program or shelter** (some are listed here); ask them to help you make a safety plan

HOW TO PROTECT YOURSELF AT HOME

phone numbers

- **Keep a phone** in a room you can lock from the inside; if you can, get a cellular phone that you keep with you at all times
- If the abuser has moved out, **change the locks on your door**; get locks on the windows
- **Plan an escape route** out of your home; teach it to your children
- Think about where you would go if you need to escape
- **Ask your neighbors** to call the police if they see the abuser at your house; make a signal for them to call the police, for example, if the phone rings twice, a shade is pulled down or a light is on
- **Pack a bag** with important things you'd need if you had to leave quickly; put it in a safe place, or give it to a friend or relative you trust
- Include **cash, car keys & important information** such as: court papers, passport or birth certificates, medical records & medicines, immigration papers
- **Get an unlisted phone number**
- **Block caller ID**
- **Use an answering machine**; screen the calls
- **Take a good self-defense course**

HOW TO MAKE YOUR CHILDREN SAFER

- **Teach them not to get in the middle of a fight**, even if they want to help
- **Teach them how to get to safety**, to call 911, to give your address & phone number to the police
- **Teach them who to call for help**
- **Tell them to stay out of the kitchen**
- **Give the principal at school or the daycare center a copy of your court order**; tell them not to release your children to anyone without talking

to you first; use a password so they can be sure it is

- you on the phone; give them a photo of the abuser
- **Make sure the children know who to tell at school if they see the abuser**
- **Make sure that the school knows not to give your address** or phone number to ANYONE

- **Change your regular travel habits**

HOW TO PROTECT YOURSELF OUTSIDE THE HOME

- Try to **get rides with different people**
- **Shop and bank in a different place**
- **Cancel any bank accounts** or credit cards you shared; open new accounts at a different bank
- **Keep your court order and emergency numbers with you at all times**
- **Keep a cell phone** & program it to 911 (or other emergency number)

HOW TO MAKE YOURSELF SAFER AT WORK

- Keep a copy of your court order at work
- Give a **picture of the abuser to security** and friends at work
- **Tell your supervisors** - see if they can make it harder for the abuser to find you
- Don't go to lunch alone
- Ask a **security guard** to walk you to your car or to the bus
- If the abuser calls you at work, **save voice mail** and save e-mail
- Your employer may be able to help you find community resources

To find out where to get help in your area,
CALL the National Domestic Violence Hotline
1-800-799-SAFE
1-800-787-3224 (TTY)

-
- Learn where to get help; **memorize emergency**

USING THE LAW TO HELP YOU

Protection or Restraining Orders

- Ask your local domestic violence program to help you get a civil protection order and to help you with criminal prosecution
- Ask for help in finding a lawyer

In most places, the judge can:

- **Order the abuser to stay away** from you or your children
- **Order the abuser to leave your home**
- **Give you temporary custody** of your children & **order the abuser to pay you temporary child support**
- **Order the police to come to your home** while the abuser picks up personal belongings
- **Give you possession of the car**, furniture and other belongings
- **Order the abuser to go to a batterers' intervention program**
- **Order the abuser not to call you at work**
- **Order the abuser to give guns to the police**

If you are worried about any of the following, make sure you:

- **Show the judge any pictures** of your injuries
- **Tell the judge that you do not feel safe** if the abuser comes to your home to pick up the children to visit with them
- **Ask the judge to order the abuser to pick up and return the children at the police station or some other safe place**
- Ask that any **visits the abuser is permitted are at very specific times** so the police will know by reading the court order if the abuser is there at the wrong time
- **Tell the judge if the abuser has harmed or threatened the children**; ask that visits be supervised; think about who could do that for you
- **Get a certified copy** of the court order
- **Keep the court order with you at all times**

- **Show** the prosecutor your **court orders**
- **Show** the prosecutor **medical records** about

- your injuries or **pictures** if you have them
- **Tell the prosecutor the name of anyone who is helping you (a victim advocate or a lawyer)**
- Tell the prosecutor about **any witnesses** to injuries or abuse
- **Ask the prosecutor to notify you ahead of time if the abuser is getting out of jail**

BE SAFE AT THE COURTHOUSE

- **Sit as far away from the abuser** as you can; you don't have to look at or talk to the abuser; you don't have to talk to the abuser's family or friends if they are there
- **Bring a friend or relative** to wait with you until your case is heard
- **Tell a bailiff or sheriff that you are afraid** of the abuser and ask him/her to look out for you
- Make sure you **have your court order before you leave**
- Ask the judge or the sheriff to **keep the abuser there** for a while when court is over; leave quickly
- If you think the abuser is following you when you leave, call the police immediately
- **If you have to travel to another State for work or to get away from the abuser, take your protection order with you; it is valid everywhere**

For additional information in your area, please contact:

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CRIMINAL PROCEEDINGS

IF YOU ARE IN DANGER,
call **911**
or your local police emergency



number

To find out about help in your area, call:
National Domestic Violence Hotline:
1-800-799-SAFE (7233)
1-800-787-3224 (TTY)

Domestic Violence

IT'S EVERYONE'S BUSINESS

American Bar Association
Commission on Domestic Violence
&
Tort Trial & Insurance Practice Section

Instructions for PERSONAL PROTECTION FORMS

Instructions for the legal process when using Forms:

1. **CC 375** - Petition for Personal Protection Order (Domestic Relationship)
and
CC 376 - Personal Protection Order (Domestic Relationship)
2. **CC 377** - Petition for Personal Protection Order Against Stalking (Non Domestic)
and
CC 380 - Personal Protection Order Against Stalking (Non Domestic)
3. **CC 381** - Notice of Hearing on Petition for Personal Protection Order

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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. In order to receive the protection or action you seek, you must follow the instructions in this booklet and on the forms. If you fail to do even one of the required steps, the order you get from the court could be ineffective and you could remain unprotected.

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

- 1) get the order signed by the judge.
- 2) provide legal notice of the court's order to the person to be restrained.
- 3) follow up with the law enforcement agency to make sure they entered the order on LEIN.

This booklet will help you with these duties.

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

- Forms and instructions.
- Money to pay the costs of serving papers on the restrained person. Service may cost between \$10.00 and \$100.00.
- Information about the person to be restrained such as name, date of birth, age, address, place of employment, physical description, etc.
- Copies of divorce, annulment, separate maintenance, paternity, support, custody or any other judgments or orders involving you and the person you want restrained.
- 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 an order.**

Now complete the forms that fit your situation. If you don't understand something on the forms, ask the circuit court clerk to explain the terms or process to you.

After you have filled out the forms, go to the Table of Contents on the front of this booklet and find out which pages you need to read for directions on how to get your personal protection order. **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.**

If you require special accommodations to use the court because of a disability, please contact the court immediately to make arrangements.

Follow these steps if you have requested an ex parte order (order without a hearing) on Form CC 375 or Form CC 377.

1. Fill out the forms that apply to your situation using the instructions on the forms.

2. File the Petition and Order form with the county clerk.

Take the forms to the circuit court clerk in the county where you are seeking the order. Bring 3 sets of statements from witnesses and supporting documents if you have any.

The circuit court clerk will finish filling out the form, will attach your written statements and supporting documents to the proper copies, and will return copies of both forms to you. **Do not lose these copies.**

What you should have when you leave the clerk's office:

Green, Blue, Pink, and Yellow copies of CC 375 or CC 377

All 6 copies of CC 376 or CC 380

3. Get the order signed.

Ask the circuit court clerk for instructions to the judge's office. Go to the judge's office as soon as possible. Leave the green copy of the petition form (with attachments) and all copies of the order form with the judge's staff. Ask when to come back for the signed order.

What you should have when you leave the judge's office:

Blue, Pink, and Yellow copies of CC 375 or CC 377 and 1 set of attachments for yourself.

Do not lose these copies and the attached materials; you will need them later.

4. Pick up the signed order from the judge.

If the judge's office does not send the order to the circuit court clerk, go back to the judge's office on the day and time you were told to pick up the signed order.

What you should have when you leave the judge's office:

White, Green, Blue, Pink, Yellow, and Goldenrod copies of CC 376 or CC 380

If the judge will not sign the order without a hearing, he or she must state the reasons in writing at that time. Ask for a copy of these written reasons. If you are told you can request a hearing and want to schedule one, return to the circuit court clerk to do so (see page 5).

5. Return to the circuit court clerk.

Unless the order form was already sent to the clerk by the judge's office, return to the clerk's office with:

White, Green, Blue, Pink, Yellow, and Goldenrod copies of CC 376 or CC 380
Blue and Yellow copies of CC 375 or CC 377

The circuit court clerk will stamp the order, keep the original and green copy and return 4 copies to you. The clerk will send a true copy of the order to the law enforcement agency.

If you want to take the order to the law enforcement agency also, the clerk will make a true copy for you.

6. Serve the petition and signed order on the respondent.

What you need for service:

Blue copies of CC 375 **and** CC 376 or CC 377 **and** CC 380 - for respondent
Yellow copies of CC 375 **and** CC 376 or CC 377 **and** CC 380 - for proof of service
Goldenrod copy of CC 376 or CC 380 - for proof of service

The respondent must be served (notified) as soon as possible: 1) by registered mail return receipt requested, with restricted delivery to the respondent; or 2) in person. You may serve the respondent by first class mail only if you get permission from the judge. See page 7 for details on service.

After the respondent has been served, fill out the Proofs of Service on the back of the yellow copies of both the petition and order forms and on the back of the goldenrod copy of the order form and attach the receipt of service to the yellow copies, if one. **All copies must be notarized.**

Return to the county clerk with the yellow copies of CC 375 **and** CC 376 or CC 377 **and** CC 380 and the goldenrod copy of CC 376 or CC 380.

7. Call the police or sheriff to be sure they received the order and entered it onto LEIN.

The circuit court clerk will send the green copy of your order to the law enforcement agency stated in the order even if you take a copy to them yourself. A few days after the order was signed, call the police or sheriff department named in the order to be sure they have a record of the order and that it has been entered onto LEIN. If they don't have the order, call the circuit court clerk and ask where it is. **The order is enforceable as soon as it is signed by the judge.**

What to do if you change your mind about the personal protection order.

- If the personal protection order has not been signed by the judge yet and you don't want to get a personal protection order, fill out form CC 378, Motion and Order to Dismiss Action for Personal Protection Order. Ask the circuit court clerk for a copy of the form.
- If the personal protection order has already been signed by the judge and you want to cancel the order or get it changed, fill out form CC 379, Motion to Modify, Extend or Terminate Personal Protection Order. Ask the circuit court clerk for a copy of the form.

Follow these steps if you have NOT requested an ex parte order on Form CC 375 or CC 377. If you already filled out the petition and the judge refused to issue an ex parte order, go to step 3.

- 1. Fill out the forms that apply to your situation** using the instructions on the forms.
- 2. File the Petition forms with the circuit court clerk.**

Take the forms to the circuit court clerk in the county where you live. Bring 3 sets of statements from witnesses and supporting documents if you have any. The circuit court clerk will finish filling out the form, will attach your written statements and supporting documents to the proper copies, and will return copies of the form to you. **Do not lose these copies.**

- 3. Ask for a hearing.**

Ask the clerk to schedule a hearing. The clerk will give you a Notice of Hearing (Form CC 381) to fill out. The clerk will tell you if there are any other things you must do to schedule the hearing. The clerk will give you copies of this form and a blank Form CC 376 or CC 380.

What you should have when you leave the clerk's office:

Blue, Pink, and Yellow copies of both CC 375 or CC 377, 1 set of attachments for yourself, **and** CC 381
Blank Form CC 376 or CC 380 for filling out at or before your hearing

- 4. Serve the petition and the notice of hearing on the respondent.**

What you need for service:

Blue copies of CC 375 or CC 377 and CC 381 - for respondent
Yellow copies of CC 375 or CC 377 **and** CC 381 - for proof of service

The respondent must be served (notified) at least 1 day before the hearing date: 1) by registered mail return receipt requested, with restricted delivery to the respondent; or 2) in person. You may serve the respondent by first class mail only if you get permission from the judge. See page 7 for details on service.

After the respondent has been served, fill out the Proofs of Service on the back of the yellow copies of both the petition and notice of hearing forms and attach the receipt of service, if one. **Both copies must be notarized.**

- 5. Return to the circuit court clerk.**

Return to the clerk's office with the yellow copies of CC 375 or CC 377 **and** CC 381.

- 6. Fill out Form CC 376 or CC 380 and attend a hearing.**

Fill out the order form before the date of the hearing. Instructions are included with the form.

You must attend the hearing. Bring all 6 copies of the order form with you to the hearing. If the respondent attends the hearing, ask the court to make arrangements to serve him or her right after the hearing. See page 8 for details on the hearing.

After the hearing, return to the circuit court clerk with:

White, Green, Blue, Pink, Yellow, and Goldenrod copies of CC 376 or CC 380

The circuit court clerk will stamp the order, keep the original and green copy and return 4 copies to you. The clerk will serve the order on the law enforcement agency. **If you want to take the order to the law enforcement agency also, the clerk will make a true copy for you.**

7. Serve the signed order on the respondent.

What you need for service:

Blue copy of CC 376 or CC 380 - for respondent
Yellow copy of CC 376 or CC 380 - for proof of service
Goldenrod copy of CC 376 or CC 380 - for proof of service

The respondent must be served (notified) with the blue copy of the signed order as soon as possible. If the respondent is not served after the hearing or did not attend the hearing, serve the order by registered mail return receipt requested or in person. You need permission from the judge to serve the order by first class mail. See page 7 for details on service.

After the respondent has been served with the order, fill out the Proofs of Service on the back of both the yellow copy and the goldenrod copy of the order form and attach the receipt of service to the yellow copy, if one. **Both copies must be notarized.**

Return to the circuit court clerk with:

Yellow copy of 376 or CC 380 and the Goldenrod copy of CC 376 or CC 380

8. Call the police or sheriff to be sure they received the order and entered it onto LEIN.

The circuit court clerk will send the green copy of your order to the law enforcement agency stated in the order even if you take a copy to them yourself. A few days after the order was signed, call the police or sheriff department named in the order to be sure they have a record of the order and that it has been entered onto LEIN. If they don't have the order, call the circuit court clerk and ask where it is. **The order is enforceable as soon as it is signed by the judge.**

What to do if you change your mind about the personal protection order.

- If the personal protection order has not been signed by the judge yet and you don't want to get a personal protection order, fill out form CC 378, Motion and Order to Dismiss Action for Personal Protection Order. Ask the circuit court clerk for a copy of the form.
- If the personal protection order has already been signed by the judge and you want to cancel the order or get it changed, fill out form CC 379, Motion to Modify, Extend or Terminate Personal Protection Order. Ask the circuit court clerk for a copy of the form.

How to Serve Copies of Forms

- **To serve the respondent in person**, you can either pay a process server or sheriff or have a willing friend or relative do it for you. **You cannot serve the respondent yourself.** If you can't pay the service fee for a process server, have a friend or relative do it. If you choose a friend or relative to serve the papers, they must be over 18 years old. Pick a friend who will not be a witness in the case. **If a friend or relative serves the papers, proof of service must be notarized.** Personal service takes from several days to several weeks.

Give the process server or your friend:

Blue copies - for respondent
Goldenrod copy - for law enforcement
Yellow copies - for proof of service

Once the blue copies of the forms are delivered to the respondent, the person who did the serving must fill out the Proofs of Service and return them to the county clerk as explained on pages 4 through 6. **If a friend or relative served the forms, get the forms notarized.** If these copies come back to you instead, take them to the circuit court clerk as soon as possible.

- **To serve the respondent by registered mail** with delivery restricted to the respondent, go to the post office and pay to have the blue copies of the forms mailed to the respondent. Service by mail is cheaper than hiring a process server. It takes from several days to a week.

Once the forms have been delivered, you will receive a green card (the return receipt) in the mail. Make sure the respondent signed the green card. Make a copy of the return receipt. Attach the original return receipt to the yellow copies of the petition and order form. Attach the copied return receipt to the goldenrod copy of the order. Fill out proofs of service as explained on pages 4 through 6.

- **If you are unable to serve the respondent as indicated above, you may ask the court for permission to serve by first class mail or another method.** Ask the circuit court clerk for form MC 303, Motion and Verification for Alternate Service. Fill out the form and file it with the circuit court clerk. If the judge permits alternate service, Form MC 304 (Order for Alternate Service) will be prepared by the court and you can then serve the petition and/or other forms in the manner the court approves.

If service by first class mail was approved by the court, place the blue copy of the form in an envelope. Then go to the post office to get it mailed. Ask for a postal receipt. Service by first class mail is cheaper than registered mail or personal service and takes from several days to a week. Fill out proofs of service as explained on pages 4 through 6.

Information About the Hearing

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

1. If the circuit court clerk tells you a hearing is required, go to the judge's court room 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 personal protection order form. Bring paper and a pencil so you can make notes. Bring witnesses willing to testify if you have any.
3. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Hand the personal protection order form to the clerk and then take a seat in the back of the courtroom and wait for your case to be called.
4. When your case is called, go to the podium and clearly tell the judge:
 - 1) your name
 - 2) that you are representing yourself
 - 3) that you need a personal protection order or that you are asking that a personal protection order be modified or terminated and the reasons why
 - 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 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 or 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, he or she will complete the order and sign it and return it to you. After the order is signed, go to the clerk and ask for true copies of the order. Then serve the order.
7. If the judge does not grant the order, he or 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.