

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.

By filling in this form, you are asking the court to order the respondent to court to answer a contempt charge. You must have the form dated and signed by a notary of the public.

Step 1: 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, you must provide a copy of the original personal protection order and proof of service.

Step 2: Fill in the "petitioner" and "respondent" as it appears in your order (i.e. form CC 376 or CC 380).

Step 3: Write in the date of your valid personal/foreign protection order. Get this information from your order. If Ottawa County is not the county where the personal/foreign protection order was issued, you must attach a copy of that order, along with either proof of service on or notification to the respondent of this order.

Civil contempt: Civil contempt is intended to ensure future compliance with a court order. If the court finds a violation of the court order by a preponderance of the evidence, the court may assess fines and even jail time to ensure compliance. An individual can resolve the civil contempt issue by following the court order.

Criminal contempt: Criminal contempt is simply punishment for past violation of a court order. The court must find, by a "beyond a reasonable doubt" standard, that an individual has violated a court order and can assess fines or jail time.

Step 4: On the attached page, 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.

Step 5: Bring your completed forms and all copies to the court clerk's office in Grand Haven. The court clerk's office is located on the 3rd floor of the courthouse (room 320). You may sign the paperwork in front of a court clerk, as they are notaries.

Step 6: On the Order to Show Cause for Violating Valid Personal/Foreign Protection Order you must fill out the Petitioner and Respondent's name, address, and phone number. The Court will fill out the remainder of the document.

Step 7: After filing the documents with the clerk's office, the court will review the motion and order to show cause and sign the order. You, as the petitioner, must pick up the documents and have the other party, the respondent, served. You may come into the clerk's office to pick up the copies, or you may provide a self-addressed stamped envelope and the clerk will mail the documents to you for you to have the respondent served. You, the petitioner, **may not** serve the respondent. You must have a third party or process server serve the respondent in person or by registered mail. The respondent must be served at least seven days prior to the hearing.

State of Michigan 20th Circuit Court – Family Division Ottawa County	Motion to Show Cause for Violating Valid Personal/Foreign Protection Order	Case Number
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12240 Fillmore St, Rm 50, West Olive, MI 49460

616-846-8315

Petitioner's Name, Address, and Phone No:

Respondent's Name, Address, and Phone No:

V

Affidavit and Motion

1. I am the protected party in a valid personal/foreign protection order dated _____ and issued by the 20th Circuit Court. **Attached is a copy of that order and either proof of service on or notification to the respondent of that order.**

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

 See Attached.

3. I request the court to order the respondent to appear at a specified time to answer a

 civil contempt criminal 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 of this affidavit.

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 20th Circuit Court – Family Division Ottawa County	Order to Show Cause for Violating Valid Personal/Foreign Protection Order	Case Number
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12240 Fillmore St, Rm 50, West Olive, MI 49460

616-846-8315

Petitioner's Name, Address, and Phone No:

Respondent's Name, Address, and Phone No:

V

The court has reviewed the motion to show cause dated _____ and

IT IS ORDERED:

1. The respondent shall appear before the court on _____ at _____ at _____
Date Time at
_____ to show cause why the respondent
Location

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. The petitioner shall appear to give evidence of the alleged violation.

The court finds:

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

The motion and order to show cause is denied.

Judge signature and date

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)