

## PERSONAL PROTECTION ORDERS

The information in this packet is **NOT** intended to be legal advice. It is a brief explanation of the basic procedure that is required to obtain a Personal Protection Order. You are not required to have an attorney, however, the Clerk of the Court cannot act as your attorney or assist you in completing the forms.

### OTHER RESOURCES AVAILABLE TO YOU:

**SAVE** (Sanilac Area Violence Elimination Council)  
1-866-336-7283

### PPO GENERAL INFORMATION:

Personal Protection Orders (commonly referred to as PPOs) are orders of the Circuit Court that forbid a person from certain actions. There is no charge for filing a PPO. The person filing a PPO is the Petitioner and the person the PPO is filed against is the Respondent.

To file a PPO:

- You will need to file an affidavit including dates, times, and locations of the incidents, details of any injuries, and descriptions of events.
- Your PPO will then be filed with the 24<sup>th</sup> Judicial Circuit Court, County Clerk's Office, Room 203.
- Call the County Clerk's Office @ (810) 648-3212 to find out if your ex parte request for a PPO has been granted.
- If your PPO is granted, you will need to return to the office to pick-up your PPO and arrange for service.
- Once your PPO has been served, return the Proof of Service to the County Clerk's Office.
- If your PPO is denied ex parte, you have the right to request a hearing and all parties must be notified.

A PPO **MAY** order the Respondent not to:

- Enter your property
- Assault, attack, beat, molest or wound you
- Threaten to kill or physically injure you
- Remove children from you, if you have legal custody
- Interfere with your efforts to remove your children or personal property
- Interfere with you at your place of employment
- Contact you by phone
- Send you mail, email, or any other form of communications
- Purchase or possess a firearm

A PPO **DOES NOT**:

- Evict a person in a landlord/tenant issue – you may contact District Court @ (810) 648-3250.
- Mediate neighborhood disputes.
- Protect personal property from damage – you may need to contact local police agency.
- Establish custody or parenting time – you may need to contact an attorney or the Friend of the Court Office at (810) 648-4866.

### THERE ARE THREE TYPES OF PERSONAL PROTECTION ORDERS:

- (1) **Domestic PPO** – for victims of dating or domestic violence. To qualify for a Domestic PPO, you must establish one of the following relationships with the Respondent:
  - Are/were married
  - A current or former dating relationship
  - Reside or resided in the same household
  - Have a child in common
  - AND – show an assault or a threat to assault, causing reasonable apprehension of violence and/or stalking.

(2) **Non-Domestic PPO** – for victims of stalking. To qualify for a Non-Domestic PPO, you are not required to prove a relationship with the Respondent. However, you must establish that the Respondent has shown:

- **A Pattern of Behavior:**
  - Including two separate stalking incidents.
  - That would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(3) **Sexual Assault PPO** – for victims of sexual assault.

- This PPO is to remove the requirement of a non-domestic PPO of 2 separate stalking incidents.
- A sexual assault in and of itself may qualify you for a sexual assault PPO.

#### **FORMS:**

SCAO **General Forms** are available through this link. The proper Petition/Motion and Proposed Order, depending on type of PPO being requested, are available online. The forms must be completed with black/blue ink or typewritten and needs to be legible. <http://courts.mi.gov/Administration/SCAO/Forms/Pages/Personal-Protection.aspx>

- Petitions, Orders, Notice of Hearing, Proof of Service, Motions and Order to Dismiss, Motions and Order to Show Cause for Violating and Motions and Order to Extend/Terminate PPO are all available online.

#### **PROCEDURE WHEN AN EX PARTE PPO IS REQUESTED:**

- (1) An ex parte PPO will only be issued if it clearly appears from specific facts shown on the sworn Affidavit, that immediate and irreparable injury, loss or damage will result from the delay required to give notice or that the notice itself will precipitate adverse action before a PPO can be issued.
- (2) You must print your name and Respondent's name legibly and provide all identifying information of the Respondent, including: current address, phone number, date of birth, and physical description.
- (3) The Judge will review your Petition and Affidavit to determine whether an ex parte PPO should be issued.
- (4) The office may tell you that the Judge has done one of the following:
  - a. **Granted the PPO.** The Judge has determined that you are in immediate need for protection. Return to the Clerk's office for your paperwork. It is your responsibility for serving the Respondent. **YOU CANNOT SERVE THE RESPONDENT YOURSELF.** A Police Officer, or a third party, must complete service. Service must be completed by one of the following:
    - Personal Service (hand the respondent the paperwork)
    - Certified Mail (return receipt requested, delivery restricted)
    - Registered Mail (return receipt requested, delivery restricted)
    - Upon completion of service, file the Proof of Service with the Court.
  - b. **Denied the PPO in its entirety.** The Judge has decided the facts you presented do not qualify for a PPO at this time.
  - c. **Denied the PPO, but allow a hearing.** The Judge has not found an immediate need for your PPO. He cannot justify it without allowing the opposing party to have notice that a PPO could be authorized against them. It now becomes your responsibility to set a hearing where both parties are allowed to speak to the Judge and present their case. Forms are available at the above link for Motions and Orders, Notice of Hearing and Proof of Service. After filing the Motion, the respondent needs to be served the Motion and Notice of Hearing. A Proof of Service must be completed and returned to the Clerk's Office.

Courthouse Hours:

Monday – Friday 8:00 a.m. – 4:30 p.m. (excluding holidays)

County Clerk's Office Phone Number: (810) 648-3212

# 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

## Table of Contents

Important Notice .....	Page 2
<b>Steps to Follow</b>	
- Getting an Order Without a Hearing .....	Page 3
- Getting an Order With a Hearing .....	Page 5
- How to Serve Copies of Forms.....	Page 7
Information About the Hearing .....	Page 8

# 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.

# **Form CC 375**

## **PETITION FOR PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)**

**Use this form if the person you want restrained is 18 years of age or older and:**

1) if you are married to the person you want restrained;

**or**

2) if you are not married to the person you want restrained but you live with or have lived with him or her and he or she is not your unemancipated minor child;

**or**

3) if you and the person you want restrained have a child in common even if you were never married to one another or never lived together;

**or**

4) if you and the person you want restrained have or had a dating relationship.

## INSTRUCTIONS FOR COMPLETING "PETITION FOR PERSONAL PROTECTION ORDER"

**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 can be issued without waiting for a hearing.

Items A through I must be completed before your petition can be filed with the court. Please read the instructions 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, telephone number, and age of the person you want restrained in the "Respondent" box. **If you want your address and telephone number to be kept from the other party, do not write your address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- B** Check the boxes that best describe your relationship with the respondent.
- C** Check the box if the respondent is required to carry a firearm while at work. If you aren't sure, check the box "unknown."
- D** Check whether there is a pending case between you and the respondent. Examples of a case are: divorce, separate maintenance, support, paternity, child support, other personal protection actions, etc. If there is a pending case, 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 whether there are any court orders or judgments between you and the respondent. Examples of orders are divorce judgments, parenting time (visitation) orders, custody orders, other personal protection orders, etc. If there are other court orders or judgments, 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.

- E** **Explain in as much detail** as possible why you are asking for a personal protection order. Describe what has happened or what has been threatened 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.
- F** **Check only those boxes** you need because you must be able to convince the judge you need all the protection you are requesting. On the lines after each item you check, fill in the requested information such as names, addresses, or specific types of activity you do not want allowed. Check item "5.b" only if you want to keep the other party from entering onto property other than your home (for example, school, work, etc.). Check item "5.e" only if there have been two or more acts of harassment. If you want the court to order that any records that exist which contain information about yourself or your minor children be kept confidential, state that in box "5.i." Examples of such records are school reports that the respondent would normally have access to.
- G** An "ex parte order" means you do not have to let the respondent 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 a personal protection order.

If you do not need to check the "ex parte" box, you must have a court hearing. Fill out form CC 381.

- H** 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.
- I** 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.**

<b>STATE OF MICHIGAN</b> <b>24TH JUDICIAL CIRCUIT</b> <b>SANILAC COUNTY</b>	<b>PETITION FOR</b> <b>PERSONAL PROTECTION ORDER</b> <b>(DOMESTIC RELATIONSHIP)</b>	<b>CASE NO. and JUDGE</b>  HON. TIMOTHY C. WRATHELL
---	---	---

Court address **60 W Sanilac Avenue, Sandusky, Michigan 48471** Court telephone no. **810-648-3212**

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

**B** 1. The petitioner and respondent  are married to each other.  were married to each other.  
 have a child in common.  have or had a dating relationship.  reside or resided in the same household.

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

**D** 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
-------------	--	---------------

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
-------------	--	---------------

**E** 4. I need a personal protection order because: Explain what has happened. Attach separate sheet(s).

- F** 5. I ask the court to grant a personal protection order prohibiting the respondent from:
- a. entering onto the property where I live. I state that either I have a property interest in the premises, I am married to the respondent, or the respondent has no property interest in the premises.
  - b. entering onto the property at \_\_\_\_\_  
Address
  - c. assaulting, attacking, beating, molesting, or wounding \_\_\_\_\_  
Name(s)
  - d. removing the minor children from the petitioner who has **legal** custody, except as allowed by a custody or parenting time order as long as removal of the children does not violate other conditions of the personal protection order.
  - e. stalking as defined under MCL 750.411h and MCL 750.411i, which includes but is not limited to:
    - following me or appearing within my sight.  appearing at my workplace or residence.
    - sending mail or other communications to me.  contacting me by telephone.
    - approaching or confronting me in a public place or on private property.
    - entering onto or remaining on property owned, leased, or occupied by me.
    - placing an object on or delivering an object to property owned, leased, or occupied by me.
  - f. interfering with efforts to remove my children/personal property from premises solely owned/leased by the respondent.

- g. threatening to kill or physically injure \_\_\_\_\_ .
- h. interfering with me at my place of employment or education or engaging in conduct that impairs my employment or educational relationship or environment.
- i. having access to information in records concerning a minor child of mine and the respondent that will reveal my address, telephone number, or employment address or that will reveal the child's address or telephone number.
- j. intentionally causing me mental distress or exerting control over me by:
  - injuring, killing, torturing, or neglecting, or threatening to injure, kill, torture, or neglect any animal in which I have an ownership interest.
  - removing any animal from my possession in which I have an ownership interest.
  - retaining or obtaining possession of any animal in which I have an ownership interest.
- k. purchasing or possessing a firearm.
- l. other: \_\_\_\_\_ .

**G** 6. I make this petition under the authority of MCL 600.2950/MCL 600.2950a and ask the court to grant a personal protection order.

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.

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

**I** \_\_\_\_\_  
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**

I served  personally  by registered or certified mail (copy of return receipt attached) a copy of the petition for personal protection order, and the attachments listed below on:

I have attempted to serve the petition for personal 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 proof 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	<b>TOTAL FEE</b>
\$		\$	<b>\$</b>

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title (if applicable)

**Note:** If documents are served by someone other than a sheriff, deputy sheriff, or other person listed in MCL 600.1910(b), this return must be notarized.

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.

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the petition for personal protection order, together with

\_\_\_\_\_  
Attachments on \_\_\_\_\_  
Date and time

\_\_\_\_\_  
Signature of respondent

## **Form CC 376**

# **PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)**

**Use this form** if you filled out form CC 375, Petition for Personal Protection Order.

## INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER"

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

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

- Ⓐ If you checked box Ⓔ on form CC 375, check the box "Ex Parte."
- Ⓑ Fill in the "Case No." from form CC 375.
- Ⓒ Fill in the "petitioner" information the same way you did on form CC 375. **If you want your address and telephone number to be kept from the respondent, do not write your address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- Ⓓ Write in the respondent's information and as much of the other information 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 judge who signed 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 Personal Protection Order. This form is available from the circuit court clerk.

<b>STATE OF MICHIGAN</b> <b>24TH JUDICIAL CIRCUIT</b> <b>SANILAC COUNTY</b>	<b>(A) PERSONAL PROTECTION ORDER</b> <b>(X) EX PARTE</b> <b>(DOMESTIC RELATIONSHIP)</b>	<b>(B) CASE NO.</b>  TIMOTHY C. WRATHELL
---	---	--

Court address **60 W Sanilac Avenue, Sandusky, Michigan 48471** Court telephone no. **810-648-3212**  
 ORI **760025J** MI-

<b>(C)</b> Petitioner's name	<b>v</b>	<b>(D)</b> Respondent's name, address, telephone no., and driver's license no.								
Address and telephone no. where court can reach petitioner										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">Height</td> <td style="width:10%;">Weight</td> <td style="width:15%;">Race*</td> <td style="width:5%;">Sex*</td> <td style="width:15%;">Date of birth or age*</td> <td style="width:10%;">Hair color</td> <td style="width:10%;">Eye color</td> <td style="width:25%;">Other identifying information</td> </tr> </table>	Height	Weight	Race*	Sex*	Date of birth or age*	Hair color	Eye color	Other identifying information		
Height	Weight	Race*	Sex*	Date of birth or age*	Hair color	Eye color	Other identifying information			

\*These items **must** be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful. \*\*Needed for NCIC entry

Date: \_\_\_\_\_ Judge: TIMOTHY C. WRATHELL P-71990  
Bar no.

1. This order is entered  without a hearing.  \*\*after hearing.

**THE COURT FINDS:**

- 2. A petition requested respondent be prohibited from entry onto the premises, and either the parties are married, petitioner has a property interest in the premises, or respondent does not have a property interest in the premises.
- 3. 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 notice itself will precipitate adverse action before the order can be issued.
- \*\*  4. Respondent poses a credible threat to the physical safety of petitioner and/or a child of petitioner.
- 5. Respondent  \*\*is the spouse or former spouse of petitioner, had a child in common with petitioner, or is residing or had resided in the same household as petitioner.  has or had a dating relationship with petitioner.

**IT IS ORDERED:**

6. \_\_\_\_\_ is prohibited from:
- Name \_\_\_\_\_
- a. entering onto property where petitioner lives.
  - b. entering onto property at \_\_\_\_\_.
  - \*\*  c. assaulting, attacking, beating, molesting, or wounding \_\_\_\_\_.  
Name \_\_\_\_\_
  - d. removing minor children from petitioner who has **legal** custody, except as allowed by custody or parenting-time order provided removal of the children does not violate other conditions of this order. An existing custody order is dated \_\_\_\_\_ . An existing parenting-time order is dated \_\_\_\_\_ .
  - \*\*  e. stalking as defined under MCL 750.411h and MCL 750.411i that includes but is not limited to:
    - following petitioner or appearing within his/her sight.  appearing at petitioner's workplace or residence.
    - sending mail or other communications to petitioner.  contacting petitioner by telephone.
    - approaching or confronting petitioner in a public place or on private property.
    - entering onto or remaining on property owned, leased, or occupied by petitioner.
    - placing an object on or delivering an object to property owned, leased, or occupied by petitioner.

(SEE OTHER PAGE)

**IT IS ORDERED:**

6. (continued)

f. interfering with petitioner's efforts to remove his/her children/personal property from premises solely owned/leased by respondent.

\*\*  g. threatening to kill or physically injure \_\_\_\_\_  
Name

h. interfering with petitioner at his/her place of employment or education or engaging in conduct that impairs his/her employment or educational relationship or environment.

i. having access to information in records concerning a minor child of petitioner and respondent that will reveal petitioner's address, telephone number, or employment address or that will reveal the child's address or telephone number.

j. intentionally causing petitioner mental distress or exerting control over petitioner by:  
 injuring, killing, torturing, or neglecting, or threatening to injure, kill, torture, or neglect any animal in which petitioner has an ownership interest.  
 removing any animal from his/her possession in which petitioner has an ownership interest.  
 retaining or obtaining possession of any animal in which petitioner has an ownership interest.

\*\*  k. purchasing or possessing a firearm.

l. other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. As a result of this order, federal and/or state law may prohibit you from possessing or purchasing ammunition or a firearm.

8. Violation of this order subjects respondent to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty, respondent shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.

9. **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 respondent violates this order in a jurisdiction other than this state, respondent is subject to enforcement and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.

10. The court clerk shall file this order with SANILAC COUNTY SHERIFF DEPARTMENT who will enter it into the LEIN.  
Name of law enforcement agency

11. Respondent may file a motion to modify or terminate this order. For ex parte orders, the motion must be filed within 14 days after being served with or receiving actual notice of the order. Forms and instructions are available from the clerk of court.

12. A motion to extend the order must be filed 3 days before the expiration date in item 9 or a new petition must be filed.

\_\_\_\_\_  
Date and time issued

\_\_\_\_\_  
Judge Timothy C. Wrathell P-71990 Bar no.

**Personal Protection Order**

**PROOF OF SERVICE**

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**

**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 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.

Name of respondent	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 personal protection order on \_\_\_\_\_.  
Day, date, time

Signature of respondent \_\_\_\_\_