

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 instruction for each item. Then fill in the correct information for that item on the form.

- A** If you checked box **G** on form CC 375, check the box for "Ex Parte."
- B** Fill in the "Case No." from form CC 375.
- C** Fill in the "petitioner" and "respondent" 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.**
- D** Write in the respondent's name 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.

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

(A)

PERSONAL PROTECTION ORDER
 EX PARTE
(DOMESTIC RELATIONSHIP)

(B)

CASE NO.

Court address
ORI
MI-

Court telephone no.

(C)

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

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

(D)

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: _____ no hearing. **after hearing.

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

IT IS ORDERED:

5. _____ is prohibited from:
- a. entering onto property where petitioner lives.
 - b. entering onto property at _____.
 - ** c. assaulting, attacking, beating, molesting, or wounding _____.
 - 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.
 - 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 _____.
 - 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. purchasing or possessing a firearm.
 - k. other: _____
6. As a result of this order, federal and/or state law may prohibit you from possessing or purchasing ammunition or a firearm.
7. 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.
8. **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.
9. The court clerk shall file this order with _____ who will enter it into the LEIN.
10. 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.
11. A motion to extend the order must be filed 3 days before the expiration date in item 8 or a new petition must be filed.

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

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