

Instructions for **PERSONAL PROTECTION ORDERS**

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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Here are some words you should know before filling out the forms.

- Complaint - a written claim filed with the court to start a case against another person. It can be a civil case or criminal case.
- Civil Contempt - if a person disobeys a court order, they can be fined and jailed but cannot be arrested without a warrant.
- Criminal Contempt - if a person disobeys a court order, they can be arrested without a warrant, fined and jailed. If the act is a criminal offense, criminal charges can be filed against him or her.
- Defendant - the person who is being sued or charged with a crime.
- Ex Parte Order - a temporary order signed by the judge **without a hearing and without sending notice** to the person to be restrained before the order is entered. An ex parte order is valid for at least 182 days.
- First Class Mail - a way of delivering the motion, notice of hearing, and order to the person to be restrained by mailing in a regular envelope with regular postage. Also see Personal Service or Registered Mail.
- Harassment - actions that include repeated or continuing unconsented contact that causes the victim to suffer emotional distress.
- Hearing - a court meeting where both parties explain why a personal protection order should or should not be signed by the judge. Sometimes called an "evidentiary hearing".
- LEIN - Law Enforcement Information Network. An information system used by police agencies to record and verify that an order exists.
- Motion - a request made to the court for an order.
- Moving Party - a person who asks the court to do something on their behalf.
- Party - a person involved in a court case.
- Pending Case - a court case where no final judgment/order has been entered.
- Plaintiff - the person who files an original complaint with the court. Also called the complainant.
- Process Server - a person hired by you or the court to serve (deliver) copies of court papers to the person to be restrained. This person should file proof with the court that the papers were served.

- Order - a decision signed by a judge requiring certain action.
- Personal Service - a way of serving a personal protection order on a person to be restrained by having someone other than yourself hand deliver it to the restrained person. Also see Registered Mail.
- Proof of Service - a paper filed with the court that proves to the court the copies of court papers were served (delivered) to the person to be restrained.
- Permanent Personal Protection Order - an permanent order signed by the judge after notice is given to the person to be restrained and a hearing has been held. It is valid until changed by the court at the request of one of the parties.
- Registered Mail, Restricted Delivery - a way of serving a personal protection order on a person to be restrained by mailing the order to the restrained person using registered mail with delivery restricted to the restrained person. You must go to the post office to get the order mailed this way. Also see Personal Service.
- Restrained Party - a person who is ordered by the court to refrain from certain activity.
- Stalking - repeated or continuing harassment of an individual that causes him or her to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- Temporary Personal Protection Order - a temporary order signed by the judge **after notice** is given to the person to be restrained and after a hearing has been held. It comes after an ex parte order and is generally valid for 1 to 5 years.
- True Copy - a copy of a court paper which has been imprinted with a seal of the court to show that the copy is valid and real.
- Unconsented Contact - any contact with another person that is started or continued without that person's consent or which ignores that person's demand that the contact be avoided or stopped. Some examples are: 1) following or appearing within the sight of that person; 2) approaching or confronting that person in a public place or on private property; 3) appearing at that person's workplace or residence; 4) contacting that person by telephone; 5) entering onto or staying on property owned, leased, or occupied by that person; 6) sending mail or other communications to that person; and 7) placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

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 on 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 disabilities, 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 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 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.