

Form CC 377

PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC)

Use this form if you want an order to restrain another person over the age of 18 and you do not have a domestic relationship to this person.

Domestic Relationship is:

- 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 emancipated 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.

If any of the above apply – Use petition for Personal Protection Order (Domestic Relationship)

If the person who needs a restrained order is a minor you must fill out a Petition of Next of Friend and submit it with your Petition.

INSTRUCTIONS FOR COMPLETING "PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC)"

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 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, and telephone number of the person you want restrained in the "Respondent" box; if he or she is under 18 years of age, write in his/her age. **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.**
- (B)** Check the box if the respondent is required to carry a firearm while at work. If you aren't sure, check the box "unknown."
- (C)** Check 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 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)** 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. If you want to prohibit stalking, you must detail two or more separate instances of harassment (unconsented contact) that caused you to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Include dates and places. Write on a separate sheet of paper and attach it to this form. If you only want to prohibit the posting of a message through the use of any medium of communication, including the Internet or a computer or any electronic medium, you must detail what caused you to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- (E)** Check only those boxes you need because you must be able to convince the judge you need all the protection you are requesting. Check box a only if you provided details in item 4 that support an order against stalking.
- (F)** An "ex parte order" means you do not have to let the 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)	CASE NO.
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Court address

Court telephone no.

<p>A Petitioner's name Age</p> <hr/> <p>Address and telephone no. where court can reach petitioner</p>	v	<p>Respondent's name, address, and telephone no. Age</p> <hr/>
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1. The petitioner and respondent have never been married, 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: Explain what has happened (attach separate sheets).

E 5. I make this petition under the authority of MCL 600.2950a(1) and ask the court to grant a personal protection order prohibiting the respondent from

a. stalking me as defined by 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.
- approaching or confronting me in a public place or on private property.
- entering onto or remaining on property owned, leased, or occupied by me.
- sending mail or other communications to me.
- contacting me by telephone.
- placing an object on or delivering an object to property owned, leased, or occupied by me.
- threatening to kill or physically injure me.
- purchasing or possessing a firearm.
- other: _____

b. posting a message through the use of any medium of communication, including the Internet or a computer or any electronic medium, pursuant to MCL 750.411s.

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

Form CC 380

**PERSONAL PROTECTION ORDER
(NONDOMESTIC)**

Use this form if you filled out form CC 377, Petition for Personal Protection Order (Nondomestic).

INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER (NONDOMESTIC)"

Please print neatly.

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 377. **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.**
- B** Write in the respondent's name and as much of the other information as you know. This information will help the police 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.

Approved, SCAO

Original - Court
1st copy - Law enforcement agency (file) (green)
2nd copy - Respondent (blue)

3rd copy - Petitioner (pink)
4th copy - Return (yellow)
5th copy - Return (goldenrod)

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

PERSONAL PROTECTION ORDER
(NONDOMESTIC)
 EX PARTE

CASE NO.

Court address

Court telephone no.

ORI
MI-

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

V

Respondent's name, address, and telephone no.
Address and telephone no. where court can reach respondent

3

Full name of respondent (type or print) *							Driver's license number (if known)
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.

Date: _____ Judge: _____ Bar no. _____

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

THE COURT FINDS:

- 2. A petition requesting an order to restrain conduct prohibited under MCL 750.411h and MCL 750.411i and/or MCL 750.411s has been filed under the authority-of MCL 600.2950a.
- 3. Petitioner requested an ex parte order, which should be entered without notice because irreparable injury, loss, or damage will result from delay required to give notice or notice itself will precipitate adverse action before an order can be issued.
- 4. Respondent committed the following acts of willful, unconsented contact: (State the reasons for issuance.)

IT IS ORDERED:

5. _____ is prohibited from
Full name of respondent

- a. stalking as defined under MCL 750.411h and MCL 750.411i, which includes but is not limited to
 - following or appearing within sight of the petitioner.
 - appearing at the workplace or the residence of the petitioner.
 - approaching or confronting the petitioner in a public place or on private property.
 - entering onto or remaining on property owned, leased, or occupied by the petitioner.
 - sending mail or other communications to the petitioner.
 - contacting the petitioner by telephone.
 - placing an object on or delivering an object to property owned, leased, or occupied by the petitioner.
 - threatening to kill or physically injure the petitioner.
 - purchasing or possessing a firearm.
 - other: _____
- b. posting a message through the use of any medium of communication, including the Internet or a computer or any electronic medium, pursuant to MCL 750.411s.

- 6. Violation of this order subjects the 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.
- 7. **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.
- 8. The court clerk shall file this order with _____ who will enter it into the LEIN.
- 9. 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.
- 10. A motion to extend the order must be filed 3 days before the expiration date in item 7, or a new petition must be filed.

Date and time issued

Judge

STATE OF MICHIGAN CLINTON COUNTY 29 TH JUDICIAL CIRCUIT FAMILY DIVISION	DENIAL OF REQUEST FOR EX PARTE PPO; NOTICE AND CERTIFICATE OF SERVICE	FILE NO.
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Gratiot County Courthouse, 214 E. Center Street, Ithaca, Michigan 48847 (989) 875-5215

Petitioner's name:	V	Respondent's name:
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1. Petitioner's request for an ex parte personal protection order is denied for the following reasons:
- a. The petition fails to clearly establish by specific facts and there is not reasonable cause to believe that the petitioner is entitled to a personal protection order, per MCL 600.2950.
 - b. The petition fails to clearly establish that the petitioner is being stalked as defined in MCL 600.2950a, MCL 750.441h and MCL 750.411i.
 - c. The petition fails to clearly establish by specific facts two or more acts that constitute stalking behavior.
 - d. The petition fails to clearly establish reasonable cause to believe that a serious or irreparable injury will occur if this petition is not granted immediately and without notice to the respondent.
 - e. Another PPO exists and a hearing with both parties present is necessary.
 - f. This problem appears to relate to custody and/or parenting time issue and both parties need to be present to determine if a PPO should issue and/or if the custody and/or parenting time order should be modified.
 - g. The petitioner is a prisoner as defined under MCL 600.2950a(32)(e).
 - h. A spousal injunction or mutual restraining order is already in place or should be filed in the divorce action.
 - i. A PPO is not a substitute for an order for exclusive use of the marital home.
 - j. A PPO is not a substitute for an eviction proceeding.
 - k. Other _____

2. You have the right to request a hearing as provided by MCR 3.705. You may notice your petition if denied for hearing before the Judge. If you do not request a hearing within 21 days of entry of the order denying your request for an ex parte PPO, then the court's denial of the PPO will become final, MCR 3.705(A)(5).
3. You must complete the Notice of Hearing form. The Notice of Hearing and Petition must be served upon the Respondent at least 24 hours in advance of the hearing. A proof of service must be immediately filed with the court or brought with you to hearing.

ORDER OF DENIAL

In accordance with MCR 3.705(A)(5) the PPO is denied.

Date

Circuit Court Judge (Family Division)

CERTIFICATE OF SERVICE

- I certify that on this date I personally served a copy of this order on the petitioner at 214 E. Center Street, Ithaca, Michigan at _____ .m.
- I certify that on this date I mailed a copy of this order to petitioner at his/her last known address.

Date

Court clerk

Gratiot County Circuit Court Family Division

PERSONAL PROTECTION ORDER QUESTIONNAIRE

1. Do you have a pending domestic relations file, or matter to be filed within 30 days involving the opposing party? _____ Yes _____ No
2. Does the other person have any ownership interest in your residence? _____ Yes _____ No
Have you or are you living together with the Respondent? _____ If yes, when? _____
3. Have you filed for a Personal Protection Order (PPO) before? _____ Yes _____ No
4. If yes, what was the date of the petition? _____
Did you obtain the PPO? _____
5. Does this petition accurately state the home address and telephone number of the other person? _____
6. Is the other person at least eighteen (18) years of age? _____
7. Does the petition specifically state what the other person has done to you, along with specific dates of the trouble caused? _____
8. Do you work at the same business or location as the other person? _____ Yes _____ No
9. Does the other party have a PPO against you? _____ Yes _____ No
10. Are you, the petitioner, at least eighteen (18) years of age? _____
11. Do you and the respondent have any children together? _____
12. Have police reports been filed? _____
13. Does the respondent own guns? _____
14. Why do you believe that the respondent will cause you more problems? _____

I hereby swear or affirm that the aforementioned answers are the truth to the best of my ability and belief.

Dated: _____

Signed _____