



BERRIEN COUNTY

811 Port Street, St. Joseph, MI 49085

Clerk's Office • 269.983.7111 Ext. 8368

Self Help Legal Resource Center • 269.983.7111 Ext. 8793

1205 N. Front Street, Niles, MI 49120

Clerk's Office • 269.684.5274 Ext. 6288

Self Help Legal Resource Center • 269.684.5274 Ext. 6202

PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)

Necessary forms:

- Petition for Personal Protection Order (Domestic Relationship) (CC 375)
- Supplement to PPO Request (CCF 103)
- Notice to PPO Petitioners
- Personal Protection Order – Ex Parte (Domestic Relationship) (CC 376)
- Service of Personal Protection 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 date of birth or 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.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PETITION FOR PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)	CASE NO.
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Court address Court telephone no.

A Petitioner's name Age <hr/> Address and telephone no. where court can reach petitioner	v	Respondent's name, address, and telephone no. DOB or age <hr/>
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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
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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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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

/s/
Petitioner's/Next friend's signature

PROOF OF SERVICE

**Petition for
Personal Protection Order**
Case No. _____

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

<input type="checkbox"/> 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	<input type="checkbox"/> 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)
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I served a copy of the petition for 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
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I have personally attempted to serve a copy of the petition for 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	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature _____
Date 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 _____

SUPPLEMENT TO PPO REQUEST

Petitioner's Name

Case Number

Respondent's Name

Today's Date

This form is for the purpose of submitting **detailed** information regarding the incidents which a judge will need to know before approving a Personal Protection Order. You will have to provide a date for each incident. Do not list incidents that have occurred more than one year ago.

I need a personal protection order because respondent:

- Entered onto my property.
- Assaulted, attacked, beat, molested, or wounded me.
- Threatened to kill or physically injure me.
- Removed minor child(ren) from the individual having physical custody of the child(ren) without a court order.
- Interfered with me at my job or is threatening my job relationship or environment.
- Interfered with my efforts to remove my child(ren) or personal property from defendant's property.

Please answer the following questions:

Has the person ever used physical force or touched you against your will? Yes No. If yes, give the **most recent** date of that incident: _____ What exactly did the person do: _____

What is the **next** most recent incident of the physical force or touching you against your will: _____
What happened that time: _____

Has the person ever **threatened** you? Yes No. If so give details of the threat:

Date of threat: _____; Exact words used: _____

Date of threat: _____; Exact words used: _____

Did the threat involve a **weapon**? Yes No. If so, give details: _____

Has the person ever harassed you? Yes No. If so, give details of incident:

Date: _____; Place: _____

What the person did: _____

Date: _____; Place: _____

What the person did: _____

Date: _____; Place: _____

What the person did: _____

As a result of any of the above force, threats, or harassment, describe your current emotions: _____

(over)

**STATE OF MICHIGAN
BERRIEN COUNTY
TRIAL COURT**

NOTICE TO PPO PETITIONERS

This notice is to inform you that if your PPO request is approved and you have **NOT** provided the court with an *exact date of birth* for the Respondent, you will **NOT** be protected throughout the entire United States. Without a date of birth, you will **only** have protection in the State of Michigan.

I have read the above notice and I understand if I do not provide the Court with a date of birth for the respondent, I will only be protected in the state of Michigan if my PPO is approved.

Date

Signature of Petitioner

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.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	(A) PERSONAL PROTECTION ORDER <input type="checkbox"/> EX PARTE (DOMESTIC RELATIONSHIP)	(B) CASE NO.
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Court address Court telephone no.

ORI
MI-

(C) Petitioner's name Address and telephone no. where court can reach petitioner	v	(D) Respondent's name, address, telephone no., and driver's license no.								
<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:10%;">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:20%;">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: _____ 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:

<input type="checkbox"/> following petitioner or appearing within his/her sight.	<input type="checkbox"/> appearing at petitioner's workplace or residence.
<input type="checkbox"/> sending mail or other communications to petitioner.	<input type="checkbox"/> contacting petitioner by telephone.
<input type="checkbox"/> approaching or confronting petitioner in a public place or on private property.	
<input type="checkbox"/> entering onto or remaining on property owned, leased, or occupied by petitioner.	
<input type="checkbox"/> 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 _____ 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 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 \$	TOTAL FEE \$

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 _____

LEIN Records Compliance

CONFIDENTIAL

Protected Party information required for LEIN entry ONLY:

Case _____ vs _____ Case #: _____

Petitioner

Respondent

Protected Party: _____

Last Name

First Name

Middle Name

DOB: _____ (mm/dd/yyyy) Sex: _____ Race: _____

Marital Status: Single Married Divorced Widowed

Full Social Security Number: _____



SERVICE OF PERSONAL PROTECTION ORDER

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Self Help Legal Resource Center • 269.684.5274 Ext. 6202

It is extremely important that the Respondent be served with the PPO so that he/she knows what they are prohibited from doing. Serving the Respondent will allow the police to arrest the Respondent for violating the PPO.

If your PPO is approved, it will be your responsibility to pick up the set of papers for you and the set of papers for the Respondent.
(You may have someone pick up the forms for you.)

It is also your responsibility to arrange for the Respondent to be served with the PPO.

Below are the three options you may choose from for service to be made:

1. Certified mail with **RESTRICTED DELIVERY** and return receipt.
2. Personal service through a deputy sheriff. There is a fee of \$70.00 per case. This fee must be paid by money order made payable to Michael Garrison or PCI. Do not bring cash.
THE PROCESS SERVER WILL NOT SERVE OUTSIDE BERRIEN COUNTY.
3. Personal service by anyone over the age of 18, not directly related to the case with a valid ID. This person must have their signature notarized after service has been made. The server can come to the County Clerk's office to have their signature notarized.
4. if you wish to have a respondent served with a PPO while he/she is incarcerated in the Berrien County Jail, you must hire a **Berrien County** process server. Private Citizens are not permitted to serve documentation on any inmate at the Berrien County jail.

**The petitioner cannot personally serve the restrained party
or be present while the person is being served!!!**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ **IMPORTANT NOTICE** ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

If the respondent is a minor under 18 years old, a copy of the PPO must also be served on the minor's parent or guardian using the same method of service listed above.
If you choose option #2, personal service by a deputy, there is an **additional charge of \$25.00.**