Motion and Order to Show Cause for Violating Valid Personal/Foreign Protection Order

Use this form if the respondent has violated a valid personal/foreign protection order and has not been arrested and you want the court to order him/her into court to answer to a contempt charge.

By filling in this form, you are asking the court to order the respondent into court to answer a contempt charge. You must have the form dated and signed by a notary public.

(Form CC 382)

INSTRUCTIONS FOR COMPLETING "MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING VALID PERSONAL/FOREIGN PROTECTION ORDER"

Use this form if the respondent has violated your valid personal/foreign protection order and you want the court to order him/her into court to answer a contempt charge.

Please print neatly.

Items A through E 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 case number only if you are filing this form in the same court where you got your order. If you are filing this form in a court other than the one that gave you your valid personal/foreign protection order, the clerk will enter the name of the respondent in this space.

(B) Fill in the "petitioner" and "respondent" as it appears in your order (i.e. form CC 376 or CC 380). If the date of birth for the respondent is known, please include it.

(C) Write in the date of your valid personal/foreign protection order, the name of the court that signed your order, and the name of the judge who signed the order. Get this information from your order. You must attach a copy of your valid personal/foreign protection order and either proof of service on or notification to the respondent of this order. If you don't have a copy of your order, ask the clerk for a copy. There may be a copy fee.

(D) **Explain in** as much **detail** as possible what the respondent has done to violate the personal/foreign protection order. You must attach any supporting documents. Make four copies of all supporting documents.

(E) Sign your name in front of a notary public. Take the form and the supporting documents to the county clerk. The clerk will keep one white copy and a set of the supporting documents and return the white, green, blue, pink, and yellow copies and remaining supporting documents to you.

What to do next.

1. Ask the county clerk for instructions for getting the motion and order to the judge. You need the green, blue, pink, and yellow copies of the form and one set of supporting documents for the judge. Keep the white copy and the remaining two sets of supporting documents for yourself until you get the pink copy back. Ask when to come back for the signed order.

2. Pick up the order on the day and time you were told to pick up the order. When you leave, you should have the blue, pink, and yellow copies.

3. You must have the blue copy with one set of supporting documents personally served on the respondent at least 7 days before the hearing.

4. If the respondent is under 18 years of age, additional copies must be served on the respondent's parent(s), guardian(s), or custodian(s) at the addresses found on the proof of service of the protection order.

5. Have the process server return to the county clerk's office with the yellow copy. Make sure you keep the pink copy and one set of supporting documents for yourself.

6. Attend the hearing.

Refer to the Instructions for Personal Protection Orders, page 8 for details on attending a hearing.

Original - Court
1st copy - Judge/Assignment clerk (green)
2nd copy - Respondent (blue)
3rd copy - Petitioner (pink)
4th copy - Return (yellow)

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING VALID PERSONAL/ FOREIGN PROTECTION ORDER	(A) CASE NO. In the matter of contempt of
Court address		Court telephone no.

(B)

Petitioner's name	v	Respondent's name, address, and telephone no.
Address and telephone no. where court can reach petitioner		Date of birth, if known

AFFIDAVIT AND MOTION

(C) 1. I am the protected party in a valid personal/foreign protection order dated _____ and issued by the _____ Court, case number _____.
Attached is a copy of that order and either proof of service on or notification to the respondent of that order.

(D) 2. The respondent has violated the order by doing the following:
Explain what has happened and include dates, times, and events (attach any supporting documents, such as a complaint filed with the police).

3. I request the court to order the respondent to appear at a specified time to answer a contempt charge or to issue a bench warrant for the arrest of the respondent.

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

(E)

/s/
Signature

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

My commission expires: _____ (Date) Signature: _____

Notary public, State of Michigan, County of _____

ORDER

IT IS ORDERED:

☐ 5. The respondent is ordered to appear before this court on _____ (Date) at _____ (Time)
☐ the court address above
at ☐ courtroom number _____
☐ _____
to show cause why the respondent should not be held in contempt for violating a valid personal/foreign protection order. Failure to appear for this contempt hearing may result in a bench warrant being issued for the respondent's arrest. The petitioner shall serve this motion and order on the respondent at least 7 days before the hearing date.

☐ 6. A bench warrant shall be issued for the respondent's arrest to answer a contempt charge for violating a valid personal/ foreign protection order.

_____
Date

_____
Judge Bar no.

If you require special accommodations to use the court because of disabilities, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MCR 3.708(B)

Original - Court
1st copy - Judge/Assignment clerk (green)
2nd copy - Resondent (blue)
3rd copy - Petitioner (pink)
4th copy - Return (yellow)

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING VALID PERSONAL/ FOREIGN PROTECTION ORDER	(A) CASE NO. In the matter of contempt of

(B) Petitioner's name

v

Respondent's name, address, and telephone no.

(D) 2. Continued:
The respondent has violated this order by doing the following:

Motion and Order to Show Cause for Violating Personal Protection Order
Case No.

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the copies of the motion and order to show cause for violating a valid personal/foreign 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 motion and order to show cause for violating a valid personal/foreign protection order by personal service on:

Respondent's name	Complete address of service	Day, date, time

☐ I have personally attempted to serve a copy of the motion and order to show cause for violating a valid personal/foreign protection order on the following respondent and have been unable to complete service.

Respondent's 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**
$		$	$

_____
Signature

_____
Name (type or print)

_____
Title

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

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 motion and order to show cause for violating a valid personal/foreign protection order on _____ (Day, date, time).

_____
Signature of respondent