

Form CC 379

MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER

Use this form if you want the court to modify, extend, or terminate the personal protection order.

INSTRUCTIONS FOR COMPLETING "MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER"

Please print neatly. Press firmly because you are printing on five copies.

By filling in this form, you are asking the court to modify, extend, or terminate a personal protection order.

Items A through E must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A)** Fill in the "Case No." the same way it appears on form CC 376 or CC 380.
- (B)** Fill in the "petitioner" and "respondent" and addresses the same way they appear on form CC 376 or CC 380, including the ages of the "petitioner" and "respondent" if either is under the age of 18.
- (C)** Write in the same date that form CC 376 or CC 380 was signed by the judge. That date is in the lower left hand corner of form CC 376 or CC 380.
- (D)** If you are the person the protection order is against, check item 2a. Also check either the box "modify" if you want the court to change something in the order or check the box "terminate" if you want the court to terminate the entire order. Then explain why you want the order changed or terminated. If the order was issued without a hearing (ex parte), you may file a motion and request a hearing within 14 days after being served with, or receiving actual notice of, the order. If the order was issued ex parte and more than 14 days have passed, you must show good cause for the motion. If the order was issued after a full hearing, you must show good cause for the motion. See MCR 3.707(A)(1)(b).

If you are the person who is protected by the order, you can check either item 2b or item 2c. Check item 2b if you want the court to change something in the order. Check item 2c if you want the court to extend the expiration date of the order or terminate the entire order. Then explain why you want the order extended or terminated. To extend the expiration date of the order, you must file this motion no later than 3 days before the order expires.

- (E)** 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.
- (F)** Write in today's date and sign the form.
- (G)** If you checked box 2a or box 2b in **(D)** you must get a hearing date. Ask the clerk to schedule a hearing. The clerk will give you the information you need to fill out this part of the form. If you checked box 2c and the judge terminates the order without a hearing, skip the instructions below in **(H)**. If you checked box 2c and the judge will not terminate the order without a hearing, follow the instructions below in **(H)**.
- (H)** Write in today's date and sign the form. Hand the form to the county clerk. The clerk will keep two copies and return the blue, pink, and yellow copies to you.

You must serve the other party with a copy of this form. If there is a hearing scheduled, you must serve this form at least 7 days before the hearing date unless the respondent is a law enforcement officer or a person required to carry a firearm as a condition of employment. In that situation, you must serve this form at least 5 days before the hearing date. For details about serving the form, read page 7 of the booklet "Instructions for Personal Protection Orders."

If a hearing was scheduled, make sure you attend the hearing. Take a blank copy of form CC 376 or CC 380 with you to the hearing. If a hearing was not scheduled, the court will notify the law enforcement agency to make changes to LEIN as stated in the order.

- For details about the hearing, read page 8 of the booklet "Instructions for Personal Protection Orders."
- If you asked for a modified order and it is granted by the judge, you will need to fill out form CC 376 or CC 380, get it signed, and serve it on the other party. For details on how to do this, read pages 5 and 6 of the booklet "Instructions for Personal Protection Orders."

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER	Ⓐ CASE NO.
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Court address _____ Court telephone no. _____

Ⓑ Petitioner's name _____ Age _____ Address and telephone no. where court can reach petitioner _____	v	Respondent's name, address, and telephone no. _____ Age _____
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MOTION

- Ⓒ** 1. On _____ a personal protection order was entered by this court.
Date
- Ⓓ** 2. a. I am the respondent. I ask the court to conduct a hearing to modify terminate the order.
 b. I am the petitioner. I ask the court to conduct a hearing to modify the order.
 c. I am the petitioner. I ask the court to extend terminate the order.
 Explain why you want the order modified, extended, or terminated. If box 2a is checked, the respondent must show good cause if the order was issued after a full hearing or if more than 14 days have passed since the ex parte order was served.

Ⓔ 3. I have a next friend motioning for me. I certify that the next friend is not disqualified by statute and is an adult.

Ⓕ _____
Date Signature of moving party

NOTICE OF HEARING

Complete this Notice of Hearing only if you checked box 2a or 2b above.

Ⓖ You are notified that a hearing has been scheduled to modify, extend, or terminate the personal protection order issued in this case.

Judge: _____
Date: _____
Time: _____
Location: _____

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

The court can modify, extend, or terminate the order even if you do not attend the hearing. It is important for you to attend.

Ⓖ _____
Date Signature of moving party

PROOF OF SERVICE

**Motion to Modify/Extend/Terminate
Personal Protection Order**
Case No. _____

TO PROCESS SERVER: You must serve the copies of the motion to modify, extend, or terminate 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 motion to modify, extend, or terminate personal protection order by:

personal service registered mail, delivery restricted to the nonmoving party (return receipt attached) on:

Nonmoving party name	Complete address of service	Day, date, time

I have personally attempted to serve a copy of the motion to modify, extend, or terminate personal protection order on the following party and have been unable to complete service.

Nonmoving party 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 _____, _____ 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 motion to modify, extend, or terminate personal protection order on

 Day, date, time

 Signature of nonmoving party

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER ON MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER	CASE NO.
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Court address _____ Court telephone no. _____

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

v

Respondent's name, address, and telephone no.

Date: _____ Judge: _____ Bar no. _____

1. This order is entered after hearing.

THE COURT FINDS:

2. A motion was filed to

- a. modify the personal protection order dated _____ .
- b. extend the expiration date of the personal protection order dated _____ .
- c. terminate the personal protection order dated _____ .

3. a. Circumstances continue to exist that would require extension/modification of the order.

- b. Circumstances do not exist that would require extension/modification of the order.
- c. Circumstances do not exist that would require continuation of the term of the order.

IT IS ORDERED:

4. The motion to modify the personal protection order is granted in full. part. An amended personal protection order shall be issued.

5. The personal protection order is extended from _____ to _____ .
Current expiration date New expiration date

The court clerk shall file this order with _____
Name of law enforcement agency

who shall enter the new expiration date in the LEIN system. The conditions of the existing personal protection order are continued except as to the new expiration date.

6. The motion to terminate the personal protection order is granted. The court clerk shall complete and file the Removal of Entry from LEIN (form MC 239) with the law enforcement agency named in the last order.

7. The motion to modify, extend, or terminate the personal protection order is denied and the existing personal protection order will expire on the date of that order.

8. This order is effective when signed.

Date

Judge

CERTIFICATE OF MAILING

Instruction to moving party: You must mail this order to the other party, date and sign below, and file a copy of this certificate of mailing with the court clerk as soon as possible.

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

Date

Moving party