

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.

Women's Resource Center Of Northern Michigan



HONORING OUR HISTORY - FOCUSED ON THE FUTURE

VITAL SERVICES FOR 40 YEARS

1977 ~ 2017



Cheboygan Office
825 South Huron St.
Cheboygan, MI 49721
231-627-2380
231-597-9552-fax

-Other Office Locations-

Main Office-Petoskey
423 Porter St.
231-347-0067

-Gaylord-
95 Livingston Blvd.
989-731-0918

-Mancelona-
205 Grove St.
231-587-8891

24 Hour Crisis Line
1-800-275-1995

**Free Counseling –Confidential,
non-judgmental services for current
and past survivors of:**

- Domestic Abuse/Family Violence
- Adult Sexual Assault
- Adults Sexually Abused/Assaulted
as Children
- Child Physical Abuse/Neglect
- Elder Abuse

Domestic Abuse Services

- 24-hr crisis and information line
- Safe Home
- Individual Support and Advocacy
- Confidential Counseling for residents and
non-residents of the Safe Home
- Safety Planning
- Assistance with Personal Protection Orders
(PPOs)
- Support Groups
- Information and Referral Services

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 instruction 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 other 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.

Approved, SCAO

Original - Court
1st copy - Judge/Assignment clerk (green)
2nd copy - Respondent (blue)

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

53rd Cheboygan STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC)	CASE NO.
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Court address 870 S Main, PO Box 70, Cheboygan, MI 49721	Court telephone no. (231) 627-8818
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(A) 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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1. The petitioner and respondent have never been husband and wife, 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
-------------	--	---------------

(D) 4. I need a personal protection order because: Explain what has happened (attach additional 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

PROOF OF SERVICE

**Petition for Personal Protection
Order (Nondomestic)**
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

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 petition for personal protection order by:
 personal service registered mail, delivery restricted to the respondent (return receipt attached)
on:

Respondent name	Complete address of service	Day, date, time

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.

Respondent 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 petition for personal protection order on _____
Day, date, time

Signature of respondent

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
53rd JUDICIAL CIRCUIT
Cheboygan COUNTY

PERSONAL PROTECTION ORDER
(NONDOMESTIC)
 EX PARTE

CASE NO.

Court address 870 S. Main, PO Box 70, Cheboygan, MI 49721
ORI
MI-

Court telephone no.
231-627-8818

<input type="checkbox"/> A 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

<input type="checkbox"/> B 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 _____

PROOF OF SERVICE

**Personal Protection Order
(Nondomestic)
Case No.**

TOPROCESS 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

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 personal protection order by
 - personal service on: 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.

Respondent's name	Complete address of service
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I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	TOTAL FEE
\$		\$	
Incorrect address fee	Miles traveled	Fee	
\$		\$	\$

Signature _____
 Name (type or print) _____
 Title _____

Subscribed and sworn to before me on _____, Cheboygan 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