

Form CC 395

PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)

Use this form if you want an order to restrain another person over the age of 18 from sexually assaulting you or threatening to sexually assault you, **you do not have a domestic relationship to this person**, and that person has:

1) previously been convicted of a sexual assault against you,

or

2) subjected you to, threatened you with, or placed you in reasonable apprehension of sexual assault,

or

3) previously been convicted of furnishing you, a minor, with obscene material

or

4) furnished you, a minor, with obscene material.

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

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 you want the address and telephone number where you live to be kept from the respondent, do not write that address here. Write 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 at work. If you aren't sure, check the box "unknown."

C Check in item 3.a. 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 in item 3.b. 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 Check each box that explains why you need a personal protection order. If you checked item 4.c. or 4.d., explain in as much detail as possible why you are asking for a personal protection order. Describe what has happened, what has been threatened, or what obscene material has been furnished to you, 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.

E **Check only those boxes** you need because you must be able to convince the judge you need all the protection you are requesting.

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 SEXUAL ASSAULT)	CASE NO.
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Court address _____ **Court telephone no.** _____

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 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

- a. the respondent has been convicted of sexual assault against me (insert case number in item 3.b.).
- b. I am a minor and the respondent has been convicted of furnishing obscene material to me in violation of MCL 750.142 or a substantially similar law from another jurisdiction (insert case number in item 3.b.).
- c. I have a reasonable apprehension of sexual assault because the respondent has sexually assaulted me or threatened me with sexual assault. Explain what has happened (attach additional sheets).
- d. I am a minor and the respondent has furnished obscene material to me. Explain what has happened (attach additional sheets).

E 5. I make this petition under the authority of MCL 600.2950a(2) and ask the court to grant a personal protection order prohibiting the respondent from

- entering onto property where I live.
- entering onto property at _____.
- threatening to sexually assault, kill, or physically injure me or another named person _____.
- purchasing or possessing a firearm.
- interfering with my efforts to remove my children or personal property from premises that are solely owned or leased by the respondent.
- interfering with me at my place of employment or education or engaging in conduct that impairs my employment or educational relationship or environment.
- following me or appearing within my sight.
- approaching or confronting me in a public place or on private property.
- appearing at my workplace or residence.
- entering onto or remaining on property owned, leased, or occupied by me.
- contacting me by telephone.
- sending mail or electronic communications to me.
- placing an object on or delivering an object to property owned, leased, or occupied by me.
- posting an electronic message with the intent to cause others to contact me in a way that would make me feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- doing any other specific act or conduct that imposes upon or interferes with my personal liberty or that causes me a reasonable apprehension of violence or sexual assault, as follows: _____

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

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:

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 personal protection order on _____ .
Day, date, time

Signature of respondent _____

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**PERSONAL PROTECTION ORDER
(NONDOMESTIC SEXUAL ASSAULT)**
 EX PARTE

CASE NO.

Court address
ORI
MI-

Court telephone no.

A

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

Respondent's name, address, telephone no., and DLN
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v

B

Height	Weight	Race *	Sex *	Date of birth or age*	Hair color	Eye color	Other identifying information
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*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: _____ no hearing. after hearing.

- 1. A petition has been filed requesting an order under MCL 600.2950a(2).
- 2. The 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 the notice itself will precipitate adverse action before the order can be issued.
- 3. The respondent has been convicted of sexual assault against the petitioner as follows: _____
- The petitioner is a minor and the respondent has been convicted of furnishing obscene material to the petitioner in violation of MCL 750.142 or a substantially similar law from another jurisdiction as follows: _____
- The petitioner has a reasonable apprehension of sexual assault because the respondent has sexually assaulted the petitioner or threatened the petitioner with sexual assault.
- The petitioner is a minor and the respondent has furnished obscene material to the petitioner.
- 4. _____ is prohibited from
 - entering onto property where the petitioner lives.
 - entering onto property at _____.
 - threatening to sexually assault, kill, or physically injure the petitioner or a named individual.
 - purchasing or possessing a firearm.
 - interfering with the petitioner's efforts to remove the petitioner's children or personal property from premises that are solely owned or leased by the respondent.
 - interfering with the petitioner at the petitioner's place of employment or education, or engaging in conduct that impairs the petitioner's employment or educational relationship or environment.
 - following the petitioner or appearing within the petitioner's sight.
 - approaching or confronting the petitioner in a public place or on private property.
 - appearing at the petitioner's workplace or residence.
 - entering onto or remaining on property owned, leased, or occupied by the petitioner.
 - contacting the petitioner by telephone.
 - sending mail or electronic communications to the petitioner.
 - placing an object on or delivering an object to property owned, leased, or occupied by the petitioner.
 - posting an electronic message with the intent to cause others to contact the petitioner in a way that would make the petitioner feel terrorized, frightened, intimidated, threatened, harassed, or molested.
 - any other specific act or conduct that imposes upon or interferes with the petitioner's personal liberty or that causes a reasonable apprehension of violence or sexual assault, as follows: _____
- 5. Violation of this order subjects the respondent to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty, the respondent shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.
- 6. **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 the respondent violates this order in a jurisdiction other than this state, the respondent is subject to enforcement and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.
- 7. The court clerk shall file this order with _____, who will enter it into the LEIN.
- 8. For an ex parte order, the respondent may file a motion to modify or terminate the order within 14 days after being served with or receiving actual notice of the order. Forms and instructions are available from the clerk of the court.
- 9. A motion to extend the order must be filed 3 days before the expiration date in item 6 or a new petition must be filed.

Date and time issued

Judge

Bar no.

PROOF OF SERVICE

**Personal Protection Order
(Nondomestic Sexual Assault)**
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

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

Name (type or print)

Signature

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

Form CC 396

PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)

Use this form if you filled out form CC 395, Petition for Personal Protection Order (Nondomestic Sexual Assault).

INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)"

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

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 395. **If you want the address and telephone number where you live to be kept from the respondent, do not write that 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 about the respondent 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 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.