

GUIDELINES FOR PERSONAL PROTECTION ORDERS 25TH CIRCUIT COURT

WHAT YOU SHOULD ADDRESS IN YOUR PETITION

Provide enough information so that the judge understands why you feel the order is necessary. The judge cannot call you with questions or obtain police reports, etc. that you refer to in your petition. If there is something the judge needs to know, make sure it is written in or attached to your petition.

Write as neatly as you can. If the judge cannot read your allegations, you may not be able to communicate why you think the order is necessary.

Be as specific as possible. Even if you don't know the exact date, make sure you give some estimate, such as "a few days ago" or "last year."

Make sure you explain your relationship to the person you want restrained, and provide the person's age, date of birth, and physical characteristics requested on the forms.

WHEN AN EX PARTE PPO IS REQUESTED

An "ex parte" PPO is granted without notice to the other party, and without the judge listening to both sides. Most of the time, judges hear from both sides before making a decision or issuing an order. Because it is uncommon, there are very specific requirements that judges must follow before they can issue ex parte orders.

The law says that ex parte orders are available only when "it clearly appears from specific facts shown in the affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to give notice, or that the notice itself will precipitate adverse action before a PPO can be issued."

This means that if you are requesting that the judge issue an ex parte order, you must make sure your petition gives enough information for the judge to justify granting an ex parte order.

Check your petition and see that it answers these questions:

When did the events occur?

How many times and how recently?

Why you are afraid?

What has the respondent done or said to make you feel that way?

Why does the situation require immediate action?

How will you be harmed if the PPO is not issued immediately?

Why can you not wait for a court hearing so that the judge can hear from both sides?

WHAT CAN HAPPEN AFTER YOUR PETITION IS FILED

- 1) The judge might issue a PPO on an ex parte basis. If so, the judge's office or the clerk's office will contact you to pick up your order.
- 2) The judge might deny the ex parte request, but find that you can have a hearing on your petition. **This does not mean that your request for a PPO is denied.** It means that the petition does not meet the requirements to have the judge issue the order without hearing from both sides. The judge still might issue it after listening to the evidence at a hearing. You will get a copy of the denial order in the mail. If you want a hearing, you can get a date from the judge's office. You will then need to send notice to the other party.
- 3) The judge might deny the petition completely. This means that even if everything in your petition were proved, it would not be sufficient to get a PPO.

IF A PPO IS ISSUED

If the judge grants your request for a PPO, you need to have it served on the other party. The order is in effect as soon as it is signed, but it cannot be enforced against the other party until it is served on him or her. Arranging for service of the PPO is your responsibility. You can either have the Sheriff's Department serve it, or you can arrange for any adult person (friend, relative, etc) other than yourself to deliver it to the other party. The Marquette County Sheriff's Department charges approximately \$21 for service. If you cannot afford this, complete the forms for "suspension of fees." These are in the County Clerk's office.

If the other party asks for a hearing after the PPO is issued, make sure you appear. If you do not, the PPO might be dismissed without your input.

MOTIONS TO TERMINATE

After a PPO is issued, either party can ask for it to be terminated. These are the two most common scenarios:

1) **An ex parte PPO was issued against you and you want it terminated**

If a PPO is issued against you, you are the Respondent. When an order is issued "ex parte" (without a hearing), you have 14 days to request a hearing to have it terminated.

At the County Clerk's Office, pick up the form entitled "Motion to Modify or Terminate a Personal Protection Order." Fill it out completely. Go to the Judge's office on the 2nd Floor and ask for a hearing date. Make sure this is filled out on

the form. Take your completed form to the County Clerk's Office. A clerk will make copies for you to use in serving the other party.

It is your responsibility to ensure that the other party is served with notice of the hearing. Notice must be sent at least 7 days in advance of the hearing, so be sure you arrange for service right away. You can have the notice served either in person, or by certified or registered mail, restricted delivery and return receipt requested.

At that hearing, it is the petitioner's responsibility to prove to the judge that the PPO should be issued.

2) You are the Petitioner and you want the PPO terminated

At the County Clerk's Office, pick up the form entitled "Motion to Modify or Terminate a Personal Protection Order." Fill it out completely. Take it to the judge's office on the 2nd floor. The judge might set it for a hearing, or might decide to terminate the PPO without a hearing.

If a hearing is scheduled, you will need to send notice to the other party by mail.

When a PPO is terminated, the clerk's office will send a form to the police directing them to remove the PPO from LEIN. The judge's office will mail to both parties a copy of the order of dismissal.

PLEASE NOTE: If a hearing is scheduled, it is important that you appear. If you do not, the judge may deny whatever relief you requested.



MICHAEL H. LOVELACE
MARQUETTE COUNTY SHERIFF

JACK L. SCHNEIDER
UNDERSHERIFF

236 West Baraga Avenue ♦ Marquette, Michigan 49855
(906) 225-8435 ♦ FAX: (906) 225-8485

PRE-PAYMENT OF \$26.00
SERVICE FEE OR
SUSPENSION OF FEE FORM
FROM THE COUNTY
CLERK'S OFFICE IS
REQUIRED ON ALL
PERSONAL PROTECTION
ORDERS PRIOR TO SERVICE.

Checks payable to:
Marquette County Sheriff's Office

PERSONAL PROTECTION ORDER INFORMATION SHEET

Please complete the information requested below.
IT IS VERY IMPORTANT THAT THIS INFORMATION BE PRINTED NEATLY

_____ Your Name (Petitioner)	_____ Age	
_____ Address	_____ Phone	
<input type="checkbox"/> Does the Respondent know your address?	Yes	No
<input type="checkbox"/> Do you want the address kept confidential?	Yes*	No
*If you want your address to be kept confidential: DO NOT enter your address on the Petition form. LIST ANOTHER ADDRESS BELOW FOR SERVICE PURPOSES: _____ Service Address		

_____ Name of Person to be Restrained (Respondent)	_____ Age				
_____ Respondent's Address	_____ Phone				
Physical Description of Respondent: complete as much as possible					
_____ Height	_____ Weight	_____ Race	_____ Birth Date	_____ Hair Color	_____ Eye Color
Sex: Male or Female	Other Identifying Information: _____				

Is the Respondent required to carry a firearm in the course of employment? Yes No Unknown

Are there any legal actions in the Marquette County courts or any other court that either party is involved? These actions could include divorce cases, custody and visitation issues, civil lawsuits, or any other contact with the court. If yes, please provide:

Case No: _____ Parties: _____
Judge: _____

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MARQUETTE**

FILE NO: _____

_____ v _____
Petitioner Respondent

PETITION AND ORDER FOR APPOINTMENT OF NEXT FRIEND

1. A request for a Personal Protection Order has been filed.
2. The Petitioner is a minor under the age of 14 years or a minor over the age of 14 years but under the age of 18 years (check one). If the Petitioner is over 14 years and under 18 years, the minor must sign a Consent to Appoint Next Friend form.
3. I, _____, request the Court appoint _____ as next friend for the minor petitioner.
4. I, _____, consent to act as next friend of _____ and to appear for him/her in all matters relating to this action. I acknowledge that by accepting this appointment I become responsible for the costs of this action.

Date

Signature of Next Friend

Date

Signature of Minor

ORDER

Upon the filing of a verified Request for a Personal Protection Order on _____, the Court hereby appoints _____ as next friend of minor petitioner in all matters related to this action.

Date

Circuit Court Judge