

Petition for Personal Protection Order Against Stalking (Non Domestic Relationship)

Use this form if you want an order to restrain another person over the age of 18 from stalking you and you do not have a domestic relationship to this person.

(Form CC 377)

INSTRUCTIONS FOR COMPLETING "PETITION FOR PERSONAL PROTECTION ORDER AGAINST STALKING"

Please print neatly. Press firmly since you are printing on 5 copies.

By filling in this form, you are asking for a personal protection order which 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 and county 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 is, fill in the case number, the name of the court and county 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. You must detail 2 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.

E **Check only those boxes** you need since 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 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.

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 AGAINST STALKING (NON DOMESTIC)	CASE NO.
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Court address Court telephone no.

A Petitioner's name Age <hr/> Address and telephone no. where court can reach petitioner	v	Respondent's name, address, and telephone no. Age <hr/>
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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 and county	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 and county	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 and ask the court to grant a personal protection order prohibiting the respondent from stalking me as defined under 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: _____

F 6. I ask the court to grant a personal protection order against stalking:

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.

I declare that the statements above are true to the best of my information, knowledge, and belief.

H _____
Date

Petitioner's signature

PROOF OF SERVICE

**Petition for Personal Protection
Order Against Stalking**
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 / NON-SERVICE

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: (notary 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: (notary required)

I served a copy of the petition for personal protection order against stalking by:

personal service registered mail, delivery restricted to the respondent (return receipt attached)

on:

Respondent's name	Complete address of service	Day, date, time
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I have personally attempted to serve a copy of the petition for personal protection order against stalking on the following respondent and have been unable to complete service.

Respondent's name	Complete address of service
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Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

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 petition for personal protection order against stalking on _____ .
Day, date, time

Signature of respondent

File No: _____

Petitioner's Name

Respondent's Name

4. I need a personal protection order because:
Please check appropriate box(es):

- The respondent has physically assaulted me, or threatened me to physically assault me. Follow the format below for describing the date, location and description of each incident.

- The respondent has stalked me. Stalking is two or more incidents of unconsented contact that have caused you to feel frightened, intimidated or threatened. You should specify the manner in which you have communicated that you don't want contact, and the date, location and description of each unwanted contact by the respondent.

When: _____

Where: _____

What: _____

When: _____

Where: _____

What: _____

Petitioner's Name

File No: _____
Respondent's Name

4. I need a personal protection order because (continued):

When: _____

Where: _____

What: _____

When: _____

Where: _____

What: _____

When: _____

Where: _____

What: _____

When: _____

Where: _____

What: _____

Personal Protection Order Against Stalking (Non Domestic Relationship)

Use this form if you filled out Form CC 377, Petition for Personal Protection Order Against Stalking

(Form CC 380)

INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER AGAINST STALKING"

Please print neatly. Press firmly since you are printing on 6 copies.

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** If you checked box **F** on Form CC 377, check the box for "Ex Parte".
- B** Fill in the "Case No." from Form CC 377.
- C** 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.**
- D** Write in the respondent's name and as much of the other information 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 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 judge who signed 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 Personal Protection Order. This form is available from the circuit court clerk.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	(A) PERSONAL PROTECTION ORDER AGAINST STALKING (NON DOMESTIC) <input type="checkbox"/> EX PARTE	(B) CASE NO.
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Court address _____ Court telephone no. _____
 ORI _____
 MI- _____

(C) 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 _____
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(D) 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 750.411 i 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 stalking as defined under Full name of respondent _____
 MCL 750.411h and MCL 750.411i which includes but is not limited to:
- following or appearing within sight of the petitioner.
 - appearing at workplace/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/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: _____
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 else a new petition must be filed.

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the personal protection order against stalking 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: (notary 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: (notary required)
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I served a copy of the personal protection order against stalking 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 against stalking on the following respondent and have been unable to complete service.

Respondent's name	Complete address of service
-------------------	-----------------------------

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

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 against stalking on _____ .
Day, date, time

Signature of respondent

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**ORDER DENYING OR DISMISSING
PETITION FOR
PERSONAL PROTECTION ORDER**

CASE NO.

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 without a hearing. after hearing.

THE COURT FINDS:

- 2. a. A petition was filed for a personal protection order in a domestic relationship.
 - There is not reasonable cause to believe the respondent may commit 1 or more of the acts listed in MCL 600.2950(1).
- b. A petition was filed for a personal protection order against stalking in a nondomestic relationship.
 - Respondent has not committed 2 or more acts of willful, unconsented contact.
- c. Other: _____
- 3. The petitioner requested an ex parte order.
 - a. The petitioner has been interviewed and it is found the petitioner's claims are sufficiently without merit that the action should be dismissed without a hearing.
 - b. An ex parte order should not be issued, but the petitioner has been advised of the right to request a hearing on the petition.
 - c. Other: _____

IT IS ORDERED:

- 4. a. The petition for a personal protection order is denied for the following reasons: (specified below)
- b. The petition for an ex parte personal protection order is denied with notice of the right to request a hearing for the following reasons: (specified below)
- c. The petition for an ex parte personal protection order is dismissed without notice of the right to request a hearing because the petitioner's claims are sufficiently without merit for the following reasons: (specified below)

Date

Judge

CERTIFICATE OF SERVICE

I certify that on this date I personally served a copy of this order on the petitioner at _____
Place
_____ at _____ m.
Time

I certify that on this date I mailed a copy of this order to the petitioner at his/her last known address.

I certify that I personally served a copy of this order on the respondent at _____
Place
_____ at _____ m.
Time

mailed a copy of this order to the respondent at his/her last known address

because the respondent was served with a copy of the petition for personal protection order.

Date

Court clerk

Part I (to be filled out by petitioner)

1. Is respondent a Law Enforcement Officer?

Yes No Unknown

If yes, with what law enforcement agency is respondent employed? If unknown, leave blank.

2. Is respondent an employee of the Department of Corrections?

Yes No Unknown

If yes, with what Department of Corrections agency is respondent employed? If unknown, leave blank.

3. Does respondent currently work at the same location where you work?

Yes No Unknown

If yes, what is the name of the company that you both work for?

FOR OFFICIAL USE ONLY

Part II (to be filled out by the Clerk's Office)

1. Does the Personal Protection Order prohibit respondent from purchasing or possessing a firearm?

Yes No

2. Does the Personal Protection Order prohibit respondent from having access to information concerning the petitioner or child which is contained in Friend of the Court records?

Yes No

Part II (to be filled out by the Clerk's Office)

Copy of PPO sent to: Michigan Department of Corrections
 Law Enforcement Agency
 Concealed Weapons Licensing Board
 Friend of the Court

Deputy Clerk

Date

Information Sheet

Petitioner:

Full Name _____

Address _____

Telephone _____

Date of Birth _____ Gender _____ Race _____

Social Security Number _____

Driver's License Number _____

Respondent:

Full Name _____

Address _____

Telephone _____

Date of Birth _____ Gender _____ Race _____

Social Security Number _____

Driver's License Number _____

Next Friend: (if applicable)

Full Name _____

Address _____

Telephone _____

Date of Birth _____ Gender _____ Race _____

Social Security Number _____

Driver's License Number _____

Document used by Petitioner for Identification: _____

Know and Protect Your Legal Rights

During court proceedings, important legal questions are likely to arise in relation to your Personal Protection Order. The Court may consider legal issues such as enforcement of your order.

The Clerk's Office cannot give you legal advice. The Clerk's Office can help you fill out the forms and give you referrals for Counseling, shelter and legal services. However, only a licensed attorney can advise you on how these proceedings may affect your legal rights.

All information that you provide to the Clerk and the Court is public information. This information is not kept confidential.

I have read this disclosure and I understand that all of the information that I have provided is public information. I also understand and agree that the Clerk cannot give me legal advice and I understand that the Clerk recommends that I consult with an attorney to protect my legal rights.

Petitioner's Signature

Date

Deputy Clerk's Signature

Date