

## **HOW TO GET A PERSONAL PROTECTION ORDER IN MACOMB COUNTY CIRCUIT COURT**

### **What is a PPO?**

In a Personal Protection Order (PPO), the court orders an individual to stop threats or violence against you. According to the court rules, the proceeding to obtain an order is called a “personal protection action.” The following describes the three types of PPOs:

(1) Domestic – when the person you want protection from is:

- Your spouse or former spouse
- Someone with whom you have a child in common
- Someone you are dating or used to date
- Someone who lives now or has ever lived in the same household as you

You must demonstrate to the Court that this person is interfering with your personal liberty or has threatened to or has committed violence against you.

(2) Nondomestic (Stalking) – when the person you want protection from has engaged in a pattern of two or more non-continuous acts, without your consent, that make you feel threatened, harassed, frightened, or molested.

(3) Nondomestic (Sexual Assault) – when the person you want protection from has been convicted of sexual assault against you or subjected you to, threatened you with, or placed you in reasonable apprehension of sexual assault, or if you are a minor child furnished you with obscene material.

Note: you may not get a PPO against your minor child. Likewise, a minor child cannot obtain a PPO against a parent.

### **How to apply for a PPO?**

Forms can be picked up from the PPO Assistance Office, located on the first floor of the Macomb County Circuit Court building at 40 North Main Street, in downtown Mt. Clemens. The PPO Assistance Office is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. on court business days. This service is free and available to anyone. An advocate is available to explain how to fill out the forms and answer questions. Once all the forms are completed, you must file them in the Circuit Court Clerk’s Office on the 1<sup>st</sup> floor of the Court building. You may also call the PPO Assistance Office at 586.469.7494.

If you fear immediate injury or irreparable harm if you have to wait for a hearing on the PPO, check the “ex parte” box. By court rule, the judge assigned to your personal protection action has twenty-four hours to review the information you have provided and grant or deny an ex parte PPO request. Once it has been decided, the paperwork should either be picked up by you after 3:00 p.m. the next court day or it can be mailed to you.

Personal Protection Orders are *public record* and thus, anyone can access your petition, verified statement, and evidence at the courthouse.

If your request for an ex parte order is denied and you wish to have the judge consider it in court, you have the right to request a hearing before the judge. In order to request such a hearing, you must file a “Motion to Enter” within twenty-one days of the date that your PPO was denied. Motion forms are available in the PPO Office.

### **What if I am a minor or an incapacitated person?**

Under the Michigan court rules, a minor or legally incapacitated person must bring their personal protection action through an adult who is not disqualified by law. You do this by requesting in your petition that the Court appoint a “next friend” for you, such as a parent or legal guardian.

### **What does the Court need to know?**

The PPO forms ask for important information that the Court needs before it can issue a PPO. Please *fill out the forms legibly and completely*. Also, you may attach supporting documents to the forms.

#### **Tips:**

- You are the “petitioner” and the person from whom you want protection is the “respondent.”
- As best you can, state what the respondent did, what happened to you as a result, and the dates that the events occurred. State facts rather than conclusions.
- You do not need a police report or other supporting documents, but if you have them, they can help the judge understand the situation. Provide four copies of any document that you are attaching in support of your PPO request.
- Inform the Court of other cases involving you and the respondent and whether or not the cases are open. These cases need not be in Michigan. It is especially important to notify the Court about a court order regarding child custody, parenting time, or a criminal case against the respondent.
- You must provide a mailing address for you. This address does not have to be the same as your residence.
- It is very helpful to have an address and physical description for the respondent because without enough identifying information, the order cannot be entered into LEIN – the Law Enforcement Information Network.

### **When will the PPO go into effect?**

Once signed by a judge, the PPO is effective and enforceable anywhere in Michigan. Without notice of the PPO, the respondent will have an opportunity to comply with the order before an officer will make an arrest. Upon service of the order, it may also be enforced by another state, Indian tribe, or a territory of the United States.

## **What do I do after a PPO is issued?**

- (1) Arrange for delivery of the PPO to the respondent. This delivery is called “service.” Service may be made as follows: (1) process server (2) Macomb County Sheriff’s Civil Division (3) neutral third party (4) registered or certified mail with return receipt requested and delivery restricted to the respondent. Please direct questions as to service to the PPO Office.
- (2) File the “Proof of Service” with the County Clerk of the Court.
- (3) Carry one copy of the PPO and proof of service with you at all times. Keep a second copy in a safe place. Consider obtaining extra copies to give to day-care providers, schools, employers, and other who may need to know about it.
- (4) Develop a safety plan. If you need help, feel free to call Turning Point, Inc. at 586.463.6990. Remember that within twenty-four hours after the State Police receive notification of the PPO, the State Police will send the respondent a letter about firearm restrictions.

## **What if the respondent violates the PPO?**

If the PPO is violated:

- (1) Immediately call 911 or the local police.
- (2) If the police do not arrest the respondent, file a police report and bring the report to the PPO Office to file a “Motion to Show Cause.”

The respondent must come to court after being arrested or after you file and serve the “Motion to Show Cause.” The Prosecutor’s Office may have an Assistant Prosecuting Attorney assist you during your hearing. The court has the discretion to jail the respondent for up to ninety-three days and/or impose a fine of up to \$500.

## **How do I modify, terminate, or extend the PPO?**

In order to change or terminate the PPO, you must file a “Motion to Modify, Extend, or Terminate” and a hearing will be set so that the court can consider your request.

In order to extend the PPO, you must file a “Motion to Extend” three days before the PPO expires.

## **Where can I call for help?**

- PPO Office [586.469.7494]: Assistance filling out PPO forms, safety planning, and finding counseling and shelter.
- Turning Point, Inc. [586.463.6990 – crisis hotline; 586.465-9161 – legal advocate; 586.463.4430 - administration]: Free domestic and sexual violence counseling and emergency shelter.
- Lakeshore Legal Aid [586.469.5185]: Free legal assistance for those who qualify.
- Legal Aid and Defender Association – Macomb Office [586.465.1344]: Free legal assistance for those who qualify.
- Macomb County Bar Association [586.468.8300]: Lawyer referral service.