

Legal Process Instructions for PERSONAL PROTECTION FORMS

PLEASE READ THESE INSTRUCTIONS CAREFULLY

By using these instructions you are representing yourself in a court action to get a personal protection order. You are acting as your own attorney and these instructions will help you with the legal process. Michigan Law does not allow court employees or the judge to give you legal advice.

In order to receive the protection or action you seek, you must follow the instructions in this booklet and on the forms. If you fail to do one of the required steps, the order you get from the court could be ineffective and you could remain unprotected.

NOTE: If you require special accommodations to use the court because of disabilities, please contact Circuit Court Administration at (248) 858-0345 to make arrangements.

The two most important things you will have to do are:

- 1) Get the order signed by the judge.
- 2) Provide legal notice of the court's order on the person to be restrained.

Information you need to know BEFORE you begin the process:

1. The process to request a PPO will take about **3 to 4 hours**.
2. PPO forms are available at the courthouse or on-line at:
https://www.oakgov.com/courts/circuit/Pages/program_service/ppo-mainpage.aspx
3. You will need to provide information about the person to be restrained, such as first and last name, date of birth, age, address, place of employment, physical description, etc.
4. Bring copies of supporting documents or materials (reports from police, social agencies, doctors, or hospitals) if you have any. Also, copies of divorce, annulment, separate maintenance, paternity, support, custody, any other judgments or orders involving you and the person you want restrained. This information is important for the judge in making a decision but is not necessary for the judge to enter an order.
5. Bring notarized, written statements from witnesses if there are any.

Oakland County Circuit Court PPO Office - (248) 975-9511

6. Camera phones are NOT allowed in the courthouse. Bring important phone numbers with you.
7. If your PPO petition refers to text messages, please bring the date, time and exact words of text messages written on a sheet of paper.
8. Delete all social security or other private information from supporting documents. Your petition is a public document.
9. Complete the forms that fit your situation. If you don't understand something on the forms, ask for assistance from staff in the PPO Office at 1200 N. Telegraph, Pontiac on the ground floor, and East wing of the Oakland County Courthouse.
10. The County Clerk does not charge a civil action fee for filing a PPO. However, you may need money to pay the costs of serving papers on the restrained person (See *Service on the Respondent* – Page 6). Service, including mileage, may cost up to \$100.00 (or more if the person is served in another county). The Oakland County Sheriff's Civil Division accepts only CASH or CHECK (no credit cards are accepted).
11. It is recommended that you do not bring children with you as the process may take several hours to complete. However, if you must bring children, and it is possible, please bring an adult with you to supervise them.

STEPS TO REQUEST AN EX PARTE PPO
(PLEASE ALLOW 3 TO 4 HOURS FOR THIS PROCESS.)

Ex parte orders are orders that one party obtains without giving the other party notice or an opportunity to respond.

1. Complete the forms in the PPO packet:
 - a) The Petition
 - b) The Addendum
 - c) Verified Statement
 - d) Worksheet on Custody and Parenting Time (if applicable).
2. Confidential address and phone number forms are available for your safety only when the other party does not know this information. If this applies to you, please ask for the *Confidential Address Form* and **do not write this information anywhere on the documents.**
3. Take your completed forms to the Clerk's Office (Red Line A) on the ground floor of the courthouse in the main hallway. Wait in Red Line A. Give your forms to the clerk.
4. The Clerk will file (start) your case, assign a judge and give you a case number and case labels. The clerk will return copies of your petition, verified statement, unsigned order and a blank notice of hearing and proof of service forms.
5. Return to the PPO Office to receive a map and directions to the courtroom and the PPO Office staff will log your case.
6. Follow the map to the judge's chambers and see the judge's clerk. The judicial chambers' have a call box or a buzzer. Please follow the directions for the judge assigned to your case.
7. Please wait while the judge reviews your forms and evidence and renders a decision.
 - a. The judge can grant your request for an ex parte order.
 - b. The judge can deny your request for an ex parte order.
 - c. The judge may deny your request for the ex parte order but allow a hearing at which time the other party can be present. The judge's clerk will schedule the hearing if necessary.
8. If the Judge grants your request for a PPO or schedules your petition for a hearing, you must return to the Red Line A at the Clerk's Office on the ground floor. Give all your forms to the clerk.
9. The Clerk's staff will photocopy and give you several copies of your documents and any other forms you might need.
10. You must make sure that copies of all the documents and the order are served on the other person. After service of the documents, you must file a *Proof of Service* form with the court. (See *Service on the Respondent* – P. 6).
You may wish to contact the Oakland County Sheriff's Civil Division (located on the first floor) at 248-452-9725 or a process server to serve the respondent.
11. The *Proof of Service* form must be returned to the County Clerk's Office. This form must be completed to prove that the respondent knows about the PPO or, if he or she is being served for the hearing, that the person knows about the date and time.

WHAT CAN HAPPEN WHEN YOU REQUEST A PPO FROM THE COURT?

1. Your request **may be granted** ex parte. This means it will take effect immediately without a hearing and without advance notice to the other party. Your petition must state facts showing you are in immediate danger or that notifying the other party would put you in more danger. Take the order to the Clerk's Office for filing.
2. Your request for an ex parte PPO **may be denied with the right to a hearing**. This does not mean you cannot have a PPO, but the judge wants to hear testimony from both parties before making a decision. The judge's clerk will give you a hearing date and will complete the *Notice of Hearing* form in your packet. If a hearing is set, you must attend the hearing. Take the *Notice of Hearing* to the Clerk's Office for filing.
3. Your request **may be denied**. This means you will not get a PPO with the facts you have given. There may be other legal options available to you. If further incidents happen, you may file a new petition.

A PPO is a court order and is enforceable as soon as it is signed by the judge. It will be entered into LEIN (Law Enforcement Information Network) by the Clerk's Office as soon as the signed order is presented to them. Always carry a true or certified copy of the signed order to show the police.

WHAT IF I CHANGE MY MIND?

If the Personal Protection Order has not yet been signed by the judge and you have changed your mind about getting a PPO, go to the PPO Office. Complete the *Motion and Order to Dismiss Action for Personal Protection Order* form and take it to the judge's clerk.

If the Personal Protection Order has been signed by the judge and you want to cancel the order or get it changed, go to the PPO Office. Complete the *Motion to Modify, Extend or Terminate Personal Protection Order* form and take it to the judge's clerk. Only the court has the power to modify or terminate the PPO.

Please Note: The PPO is in effect until it expires or the court enters an order to change or end it. Each PPO expires at 12:01 A.M. the morning of the date of expiration. You must not do anything that would encourage the respondent to violate the PPO before it expires or the court orders it to be terminated, (e.g. invite respondent over.)

If you have been threatened, coerced, or otherwise forced to dismiss the PPO against your will, please call the HAVEN crisis hotline anytime. Trained advocates are available to discuss your safety options. Contact information for HAVEN is on page 6.

TO FILE A MOTION TO MODIFY, EXTEND, OR TERMINATE A PERSONAL PROTECTION ORDER

- To extend your PPO, you must file a motion. **It is recommended you file your motion 30 days before the expiration date but you must file at least 3 days BEFORE it expires.** If your motion requires a hearing and you file the motion 3 days before the PPO expires, your PPO may expire before the matter can be heard.
 - The expiration date of your PPO is clearly marked on your order. This is the date when the PPO will no longer be in effect. It is important that you make a note of this date.
 - There are no filing fees for PPO Motions.
1. To file the motion to extend your PPO, go to the PPO Office located at 1200 N. Telegraph, Pontiac on the ground floor, East wing of the Oakland County Courthouse. Complete a *Motion to Modify, Extend or Terminate a Personal Protection Order* form.
 2. After you complete the form, go to the judge's chambers. Give the form to the judge's clerk. The judge may grant your request or the judge's clerk will give you a hearing date and complete the Notice of Hearing section of your form.
 3. If a hearing has been scheduled, take the form to the county clerk. You will be given copies.
 4. A copy of your motion must be served on the respondent at least seven (7) days before the hearing date (See *Service on the Respondent* – Page 6).
 5. **You MUST attend the hearing** if you want your PPO extended.
 6. If the PPO is extended, the new order may be served on the other party by first class mail.

INFORMATION ABOUT THE HEARING (IF A HEARING IS SCHEDULED)

If you require special accommodations to use the court because of disabilities, please call 248-858-0345 immediately to make arrangements.

If the judge's clerk has given you a hearing date:

1. Go to the judge's courtroom on the scheduled day and time and see the judge's clerk. Tell the clerk your name, that you are there for a hearing and that you are representing yourself. Have a seat on a bench in the courtroom and wait for your case to be called.
2. Dress appropriately for court.
3. Get there 10 or 15 minutes early.
4. Be prepared to spend most of the morning or afternoon in court.
5. Bring all copies of your documents with you, including the *Personal Protection Order* form.
6. Bring paper and pen so you can take notes.
7. If you have any witnesses willing to testify, bring them with you also.

If information on your cell phone is to be used as evidence, please make arrangements in advance with the judge's clerk so that the phone may be brought in the building to the hearing.

When your case is called, go to the podium and clearly tell the judge:

1. Your name.
2. The reason you are before the court.
3. Whether you have witnesses in court who are willing to testify.
4. Answer the judge's questions clearly and directly. If witnesses testify, ask them to tell the court what they saw or heard regarding your situation. If the other party is in court, he or she will also have a chance to speak. Do not interrupt. After the other party speaks, you will have another chance to talk.

If the judge says that the order is granted, the judge will complete the order, sign it and return it to you. After the order is signed, go to the Clerk's Office and ask for copies of the order. You must have the order served. (See *Service on the Respondent* – Page 6) Check with the judge's clerk to see if they will serve the other party while he or she is in court.

If the judge does not grant the order, he or she will state the reasons on the record and complete an Order Denying or Dismissing Petition for Personal Protection Order. The judge's clerk may give you a copy of the signed order.

SERVICE ON THE RESPONDENT AND PROOF OF SERVICE

Service is the process of notifying the other person know that you have been granted a PPO against him/her or that the court has scheduled a hearing regarding the PPO.

Information you need to know before you serve the other party:

1. The other party must be served with a copy of all forms filed with the court. The forms must be served either personally or by registered mail, restricted delivery, return receipt requested.
2. **Once service is made, a Proof of Service form must be filled out and filed with the court.**
3. If a friend or relative serves the copies for you, he or she must be at least 18 years old.

To serve a PPO, the other party must be served with:

1. A copy of the Petition.
2. A copy of the Verified Statement.
3. A certified copy or true copy of the signed PPO order.

To serve a Notice of Hearing, the other party must be served with:

1. A copy of the Petition.
2. A copy of the Verified Statement.
3. A copy of the Notice of Hearing.

To serve a Motion to Modify, Extend or Terminate a PPO, the other party must be served with:

1. A copy of the Motion.
 - If you are the respondent serving the Motion and the other party has a confidential address, see the Clerk's Office for service on the other party. The clerk's office WILL NOT give the confidential address to anyone.

SERVICE CAN BE MADE IN ONE OF TWO WAYS:

1. Personal Service

- **You cannot serve the other party yourself.**
- You can have a friend or relative, who will not be a witness in your case, serve the copies for you.
- The person serving must be 18 years old.
- You can pay a process server or the Oakland County Sheriff's Civil Division to personally serve the copies. The fee for service from the Sheriff's Civil Division is based on federal standards and has a base rate, plus mileage to and from the point of service, and may be more if service is difficult. They will only accept cash or check.
- Once the copies are served on the other party, ***the person who served them must complete the Proof of Service form.*** If a friend or relative served the forms, his or her signature must be notarized by a notary public on the *Proof of Service* form. If the *Proof of Service* form comes back to you instead of going to the court, take or mail it to the Clerk's Office as soon as possible.

OR

2. Registered Mail, Restricted Delivery, Return Receipt Requested

- **Have the copies mailed to the other party by registered mail, restricted delivery, return receipt requested.** To serve the other party by registered mail, go to the post office. *This means that delivery of the envelope is restricted to the person to whom it is addressed. The other party will sign a green card (also called a return receipt) when they accept the envelope. The green card will be returned to you so that you can attach it to the Proof of Service form.*
- Make sure the other party signed the green card.
- Make a copy of the green card for your records.
- Fill out the *Proof of Service* form which is to be **signed by you AND notarized by a notary public.**
- Attach the original green card to the *Proof of Service* form.
- Take or mail the *Proof of Service* form to the Clerk's Office as soon as possible.

REMEMBER – The *Proof of Service* form must be filed with the Clerk's Office.

When Court Papers Can't be Served.

Sometimes court papers cannot be served because the address of the person to be served is wrong or the whereabouts of the person to be served are unknown. A hearing cannot be held until it can be proven to the court that both parties know about the hearing or that every effort was made to serve the court papers. If the other person's copy of the court papers is returned to you as undeliverable, you must contact the PPO Office to discuss the possibility of alternate service. Alternate Service means the court may permit service by any other manner that could reasonably give actual notice of the proceedings. Any request for alternate service must be made in a verified motion (FORM MC303).

INFORMATIONAL RESOURCES

1. **HAVEN**

<http://www.haven-oakland.org/>

HAVEN is committed to eliminating domestic violence and sexual assault. HAVEN serves the community through a series of innovative intervention, treatment, prevention and education programs. Information is available on each program below on HAVEN's website.

[24-Hour Crisis & Support Line](#) • [Counseling Program](#) [Support Groups](#) • • [START \(Safe Therapeutic Assault Response Team\)](#) • [Community Education & Prevention](#) • [Intern & Volunteer Program](#) • [PPO Office](#)

HAVEN Office: (248) 858-0203

24-hour Crisis & Support line: (248) 334-1274

Toll free Crisis & Support: (877) 922-1274

TTY: (248) 334-1290

2. **MICHIGAN DOMESTIC VIOLENCE BENCHBOOK**

<http://www.courts.michigan.gov/education/mji/Publications/Documents/Domestic-Violence.pdf>

The *Domestic Violence Benchbook* is an integrated resource that addresses Michigan law governing domestic violence in the three courtroom contexts where it is most likely to be at issue.

Personal protection proceedings • Criminal proceedings • Divorce and child custody proceedings

3. **OAKLAND COUNTY CIRCUIT COURT PERSONAL PROTECTION ORDER**

http://www.oakgov.com/courts/circuit/Pages/program_service/ppo-mainpage.aspx

Index of SCAO Approved Forms for Use in Personal Protection Proceedings and a list of In-House forms required by Oakland County for use in preparing various types of Personal Protection Orders.