

**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 and county 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 and county 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 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.**

<b>STATE OF MICHIGAN JUDICIAL DISTRICT BERRIEN COUNTY</b>	<b>PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)</b>	<b>CASE NO.</b>
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<b>Court address</b> <input type="checkbox"/> Berrien County Courthouse, 811 Port Street, St. Joseph, MI 49085-1188 <input type="checkbox"/> South County Building, 1205 North Front Street, Niles, MI 49120-1699	<b>Court telephone no.</b> (269) 983-7111 (269) 684-5274
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<b>(A)</b> Petitioner name _____ Age _____	v	Respondent name, address, and telephone no. _____ Age _____
Address and telephone no. where court can reach petitioner _____		

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
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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 signature

**PROOF OF SERVICE**

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

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 / NONSERVICE**

**OFFICER CERTIFICATE**

**OR**

**AFFIDAVIT OF PROCESS SERVER**

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)

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 petition for personal protection order by:
  - personal service     registered mail, delivery restricted to the respondent (return receipt attached)

Respondent 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 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	<b>TOTAL FEE</b>
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

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 on \_\_\_\_\_  
Day, date, time

Signature of respondent \_\_\_\_\_

# SUPPLEMENT TO PPO REQUEST

Petitioner's Name \_\_\_\_\_

Case Number \_\_\_\_\_

Respondent's Name \_\_\_\_\_

Today's Date \_\_\_\_\_

This form is for the purpose of submitting **detailed** information regarding the incidents which a judge will need to know before approving a Personal Protection Order. You will have to provide a date for each incident. Do not list incidents that have occurred more than one year ago.

I need a personal protection order because respondent:

- Entered onto my property.
- Assaulted, attacked, beat, molested, or wounded me.
- Threatened to kill or physically injure me.
- Removed minor child(ren) from the individual having physical custody of the child(ren) without a court order.
- Interfered with me at my job or is threatening my job relationship or environment.
- Interfered with my efforts to remove my child(ren) or personal property from defendant's property.

**Please answer the following questions:**

Has the person ever used physical force or touched you against your will?  Yes  No. If yes, give the **most recent** date of that incident: \_\_\_\_\_ What exactly did the person do: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What is the **next** most recent incident of physical force or touching you against your will: \_\_\_\_\_  
What happened that time: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Has the person ever **threatened** you?  Yes  No. If so, give details of the threat:

Date of threat: \_\_\_\_\_ ; Exact words used: \_\_\_\_\_

\_\_\_\_\_  
Date of threat: \_\_\_\_\_ ; Exact words used: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Did the threat involve a **weapon**?  Yes  No. Give details: \_\_\_\_\_

\_\_\_\_\_  
Has the person ever harassed you?  Yes  No. If so, give details of incident:  
Date: \_\_\_\_\_ ; Place: \_\_\_\_\_ ; What the person did: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_ ; Place: \_\_\_\_\_ ; What the person did: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_ ; Place: \_\_\_\_\_ ; What the person did: \_\_\_\_\_

\_\_\_\_\_  
As a result of any of the above force, threats, or harassment, describe your current emotions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(over)

Use the following space to explain why this problem is occurring and to explain additional incidents: \_\_\_\_\_

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If you had contact with a Police Department about the events that caused you to seek this Personal Protection Order, please complete the following:

1. Police Department (city): \_\_\_\_\_
2. Officer's Name (if known): \_\_\_\_\_
3. Was a report taken?  Yes  No      If no, why? \_\_\_\_\_  
\_\_\_\_\_
4. Was there an arrest?  Yes  No      If yes, who was arrested? \_\_\_\_\_  
\_\_\_\_\_
- If no, why? \_\_\_\_\_  
\_\_\_\_\_
5. Were you told you should sign a criminal complaint if you want your abuser/stalker prosecuted?  Yes  No
6. Was a complaint filed?  Yes  No
7. What exactly were you told by the Police Officer? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you currently under court supervision (probation, parole, bond):  Yes  No. If yes, indicate the county and state you are under supervision in: County: \_\_\_\_\_ State: \_\_\_\_\_

I declare under penalty of law that the above statements are true to the best of my information, knowledge and belief. I understand that if I did not tell the truth in my statement and in my petition for the personal protection order, I could be found guilty of a criminal misdemeanor.

\_\_\_\_\_  
Petitioner's Signature

STATE OF MICHIGAN  
BERRIEN COUNTY  
TRIAL COURT

**NOTICE TO PPO PETITIONERS**

This notice is to inform you that if your PPO request is approved and you have **NOT** provided the court with an exact date of birth for the Respondent, you will **NOT** be protected throughout the entire United States. Without a date of birth, you will **only** have protection in the State of Michigan.

I have read the above notice and I understand if I do not provide the court with a date of birth for the respondent, I will only be protected in the State of Michigan if my PPO is approved.

Date: \_\_\_\_\_ Signature of Petitioner: \_\_\_\_\_

**INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER  
(NONDOMESTIC SEXUAL ASSAULT)" (Form CC 396)**

**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.

Original - Court  
1st copy - Law enforcement agency (file) (green)  
2nd copy - Respondent (blue)

3rd copy - Petitioner (pink)  
4th copy - Return (yellow)

Approved, SCAO

STATE OF MICHIGAN  
2ND JUDICIAL CIRCUIT  
BERRIEN COUNTY

PERSONAL PROTECTION ORDER  
(NONDOMESTIC SEXUAL ASSAULT)  
 EX PARTE

CASE NO.

Court address

ORI  Berrien County Courthouse, 811 Port Street, St. Joseph, MI 49085-1188  
MI-  South County Courthouse, 1205 N. Front Street, Niles, MI 49120-1699

Court telephone no.  
(269) 983-7111  
(269) 684-5274

A	Petitioner's name	v	Respondent's name, address, telephone no., and DLN
	Address and telephone no. where court can reach petitioner		

B	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: \_\_\_\_\_  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 Berrien County Sheriff's Department, 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.





## SERVICE OF PERSONAL PROTECTION ORDER

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811 Port Street, St. Joseph, MI 49085  
Clerk's Office • 269.983.7111 Ext. 8368  
Self Help Legal Resource Center • 269.983.7111 Ext. 8793  
1205 N. Front Street, Niles, MI 49120  
Clerk's Office • 269.684.5274 Ext. 6288  
Self Help Legal Resource Center • 269.684.5274 Ext. 6202

It is extremely important that the Respondent be served with the PPO so that he/she knows what they are prohibited from doing. Serving the Respondent will allow the police to arrest the Respondent for violating the PPO.

If your PPO is approved, it will be your responsibility to pick up the set of papers for you and the set of papers for the Respondent.  
(You may have someone pick up the forms for you.)

It is also your responsibility to arrange for the Respondent to be served with the PPO.

**Below are the three options you may choose from for service to be made:**

1. Certified mail with **RESTRICTED DELIVERY** and return receipt.
2. Personal service through a deputy sheriff. There is a fee of \$70.00 per case. This fee must be paid by money order made payable to Michael Garrison or PCI. Do not bring cash.  
**THE PROCESS SERVER WILL NOT SERVE OUTSIDE BERRIEN COUNTY.**
3. Personal service by anyone over the age of 18, not directly related to the case with a valid ID. This person must have their signature notarized after service has been made. The server can come to the County Clerk's office to have their signature notarized.
4. If you wish to have a respondent served with a PPO while he/she is incarcerated in the Berrien County Jail, you must hire a **Berrien County** process server. Private Citizens are not permitted to serve documentation on any inmate at the Berrien County jail.

**The petitioner cannot personally serve the restrained party  
or be present while the person is being served!!!**

**★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ IMPORTANT NOTICE ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★**

If the respondent is a minor under 18 years old, a copy of the PPO must also be served on the minor's parent or guardian using the same method of service listed above.  
If you choose option #2, personal service by a deputy, there is an **additional charge of \$25.00.**