

## PERSONAL PROTECTION ORDERS

A Personal Protection Order (PPO) is a Civil Order granted by the Circuit Court prohibiting the person you file your PPO against from engaging in various harassing, threatening, or violent behaviors towards you. A PPO is granted in cases where there is found to be present and on-going harassment or violence against one person from another. This type of Order is initiated by the individual that is being harassed/threatened/abused making it a Civil Order in the Court system.

Violations of a PPO Order however, are a criminal matter and will be prosecuted as the crime "Contempt of Court".

When an individual files a Petition for a PPO and is granted that Order, it is expected that the petitioner will also abide by that Order by not initiating or engaging in any prohibited contact with the person they are having restrained. Doing so, could bring about a termination of the Order. It is always very important to contact the Police immediately whenever there is a violation of your PPO.

### Obtaining a Personal Protection Order

When you get a PPO without an Attorney, you are representing yourself. The system is designed so that you can do this. Please read the instructions so that you will have an understanding of the process involved. Please note that the Court Clerk is unable to give any legal advice regarding your Petition, but can answer any procedural questions when you pick-up or drop-off your forms.

If you would like to file a Petition for a Domestic Relationship Personal Protection Order (see Section I below) and you would like assistance, you can contact the Barbara Kettle Gundlach Shelter Home at (906)337-5623. There is no charge for their services. They can provide you with the PPO forms, and help walk you through the completion of the Petition. They can also help provide victims of domestic violence with emergency shelter and/or connect you with counseling services for you and/or your children, and other resources that can help you get back on your feet. The Barbara Kettle Gundlach Shelter Home advocates are available to provide advocacy support through the Court process when you are the victim in a criminal case, assist you with the safety planning if you decide to stay there and provide a 24 hour crisis.

If you find yourself in need of a PPO, these are the basic steps to follow:

1. Go to the County Clerk's Office to get the forms

There are two (2) types of PPO forms-domestic (form-cc-375) and stalking (non-domestic form-cc377). "Domestic" means that you and the person you want restrained are currently or have lived together, dated, been married or have a child in common. If any of these are true, you need the domestic forms. If none of these apply, you need the stalking (non-domestic forms). The forms consist of a "Petition" and a "Contact Information Sheet". No matter which one you need, you will need both forms. There are instruction sheets along with the forms to help you compile the information you need to fill them out properly. Please read these carefully. If you are filing a domestic relationship PPO and would like assistance with completing the forms, you can contact the Barbara Kettle Gundlach Shelter Home at (906)337-5623. The Barbara Kettle Gundlach Shelter Home also has PPO forms available to help you with the process right from the beginning.

You can also read Instructions for Completing a PPO here on our site.

### II. Filing your Petition for Review

When your PPO forms are complete, you need to take them back to the County Clerk's Office and file them. Forms that are missing information or incomplete will not be reviewed by the Judge. Before leaving your forms, make sure with a court clerk that your forms are complete and have accurate contact information for both you (Petitioner) and the person you're requesting to have restrained (Respondent). You will be asked to contact the County Clerk's Office at a specific time to be notified on the Judge's decision. If, for your safety, confidentiality of your location

and phone number is necessary, please inform the court clerk when you drop off your forms. There is no fee to request a PPO/file a Petition.

### III. Judicial Review and Outcomes

Once you have filed your completed petition forms with the court clerk, it will be sent to the Judge for review. The Judge will then decide on the PPO Petition in one of three ways:

1. Grant the PPO immediately, without a hearing (“ex parte”).
2. Deny the PPO, reserving a right for you to request a hearing for further consideration of your petition.
3. Deny the PPO.
  - \* If the Judge grants your Order immediately (ex parte), your Order is effective right away, and all you need to do is have it served on the party to be restrained (see next section for instructions) and pick up your copies at the County Clerk’s Office.
  - \* If the Judge does not grant the Order immediately, but reserves the right for you to request a hearing, you will need to get a hearing date. Request your hearing as soon as possible to ensure your Petition remains active with the Court. The Order/letter you receive from the Court denying your Petition will provide you with the information needed so you can contact the Court to request a hearing date. Following your request for a hearing the Judge’s secretary will set the date and you will need to pick up both copies of the “Notice of Hearing from the County Clerk’s Office. You must inform the person you want restrained by providing them with a copy of your Petition and Notice of Hearing signed by the Judge in accordance to the rules of service. Simply telling him or her is not sufficient notice. See the next section for more information regarding service. Both of you are expected to appear at this hearing.
  - \* If the Judge denies your request for a PPO without the right to a hearing, do not feel that you are being left unprotected. If you (or your children) are being physically abused, stalked or harassed, you can call the police and request a report of the incident be sent to the Prosecutor for consideration of criminal charges. If you are being emotionally abused or otherwise controlled by your abuser, you can contact the Barbara Kettle Gundlach Shelter Home for support and resources to help you as you transition out of your current situation, or discuss safety planning with them if you decide to stay. If you still feel you need a PPO after having a Petition denied, you can come back to reapply for a PPO. You should be prepared however, to explain how things have changed, or how they have gotten worse since your last Petition request. If you come in with the same information, it is unlikely that you will get a PPO.

Whether the Judge grants your Order “ex parte” or after a hearing, the PPO is effective as soon as the Judge signs it, even before it has been served. Be sure to contact the Police immediately if the restrained individual contacts you at any point while you have an authorized PPO. The person cannot be arrested for a violation of the PPO if it has not been served, however, if you are contacted by the restrained individual, you should call the Police immediately. Upon arrival, the police can provide service of the PPO (either verbally or by giving them one of your copies) if the violator is still present.

### IV. Service

Service means that an adult, other than you, give copies of the PPO or hearing notice to the person you want restrained and records this service with the Court. If the Judge Orders a hearing on your Petition, you will need to have the other person served with a copy of the Petition and the Notice of Hearing. If you get your PPO without a hearing, you will still need to have the person served with a copy of the Order. In either case you have three options:

1. For in-county PPO Service, go to the Houghton County Sheriff's Department to have them serve the PPO. Their fee is approximately \$26.00 plus mileage. If you cannot afford this, you can complete an Affidavit with your Petition forms providing information about your financial condition, and you may be eligible for free service. This document is called the "Suspension of Fees" form. Domestic relationship PPO's normally do not incur a service fee, however, the Affidavit still must be completed. Ask for this form at the County Clerk's Office when you file your PPO if needed. The Affidavit/Suspension of Fees form must include an authorized Notary Public signature to be considered complete. Bring your driver's license to the County Clerk's Office with you, and a court clerk can provide this signature for you.
2. Have a friend, family member, or any adult other than yourself serve the PPO. All they do is hand it to the person then complete a Proof of Service form with the County Clerk's Office for your PPO file. This person may be called into Court as witness should the person you are restraining contest a violation that relates to the service of the PPO. You should choose someone whom you trust, and who can approach this person without a confrontation.
3. Send the PPO by registered mail with delivery restricted to the respondent. You can do this at the Post Office. This is cheaper than personal service, but it might take a bit longer. The Domestic Return Receipt you receive back from the Post Office after delivery must be given to the court clerk for your PPO file confirming service of the Order.
4. Service is very important. If the Judge wants a hearing on your PPO Petition, and you do not service the other party, you cannot have the hearing. If you get a PPO but never serve it, the other party cannot be prosecuted for violating the Order.

## V. Violations of the PPO

If the person restrained is contacting you, call the Police. It will be easier to enforce your PPO if you let law enforcement know about contact right away and not allow it to progress to a point where you might be in greater danger. When the Police arrive, they will make a decision as to whether they can arrest the person. If the Police do make an arrest or send a notice of violation to the Prosecutor's Office, the Prosecutor will determine whether there is enough evidence to take the issue to Court and try to have that person held in contempt. You may need to be present at the Court hearing. This can take place within a few days after the arrest or violation, but could be adjourned for a number of weeks, depending on the amount of evidence, number of necessary witnesses, and the Court's schedule. The Police or Prosecutor's Office will contact you regarding when you need to appear. Prior to the hearing, the person you had restrained will be eligible to post bond and be released, but the PPO will still remain in effect.

If the Police do not make an arrest or request a warrant, and the Prosecutor's Office does not file a charge, you or your Attorney (if you have one) may ask the Judge to hold the person in contempt. This would happen at a hearing in Court. If you want to have this hearing, you need a form (Michigan Court form #cc382) called "Motion and Order to Show Cause". You can get this form at the Prosecutor's Office or the County Clerk's Office. If you choose to file a Motion to Show Cause form, you take the form to the Court, and the Judge's Office will set a hearing date. Prior to that hearing, you need to serve the other person with the Petition and a Notice of the Motion and Order to Show Cause hearing signed by the Judge. Please see Section IV above for your three options regarding service.

At the time of the hearing you should be prepared to be a witness and testify, under oath, about how the respondent violated the PPO. If the violation concerned letters or any other documents or recordings, including Police reports, bring them with you so the Judge can see all of the evidence that supports the violation.