

## Form CC 395

# PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)

**Use this form** if you want an order to restrain a person over the age of 18 from sexually assaulting you or threatening to sexually assault you, **you do not have a domestic relationship to this person**, and that person has:

1) previously been convicted of a sexual assault against you,

**or**

2) subjected you to, threatened you with, or placed you in reasonable apprehension of sexual assault,

**or**

3) previously been convicted of furnishing you, a minor, with obscene material

**or**

4) furnished you, a minor, with obscene material.

**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, the county, and the state or province 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, the county, and the state or province 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, and have the next friend sign the petition.
- 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 CIRCUIT COUNTY</b>	<b>PETITION FOR PERSONAL PROTECTION ORDER (NONDOMESTIC SEXUAL ASSAULT)</b>	<b>CASE NO.</b>
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**Court address** \_\_\_\_\_ **Court telephone no.** \_\_\_\_\_

<b>A</b> Petitioner's name _____ Age _____ Address and telephone no. where court can reach petitioner _____	<b>v</b>	Respondent's name, address, and telephone no. _____ Age _____
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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, county, and state or province	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, county, and state or province	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/Next friend's signature

**PROOF OF SERVICE**

**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**

<input type="checkbox"/> <b>OFFICER CERTIFICATE</b> 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)	<b>OR</b>	<input type="checkbox"/> <b>AFFIDAVIT OF PROCESS SERVER</b> Being first duly sworn, I state that I am a legally competent adult who is <b>not</b> a party or an officer of a corporate party, and that: (notarization required)
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- I served a copy of the petition for personal protection order by:  
 personal service     registered mail, delivery restricted to the respondent (return receipt attached)  
 on:

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: \_\_\_\_\_ 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 petition for personal protection order on \_\_\_\_\_ .  
Day, date, time

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