

Motion to Modify, Extend or Terminate Personal Protection Order

Use this form if you want the court to modify, extend, or terminate the personal protection order.

(Form CC 379)

INSTRUCTIONS FOR COMPLETING "MOTION TO MODIFY, EXTEND OR TERMINATE PERSONAL PROTECTION ORDER"

Please print neatly. Press firmly since you are printing on 5 copies.

By filling in this form, you are asking the court to modify, extend or terminate a personal protection order.

Items A through E must be completed before your motion 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** Fill in the "Case No." the same way it appears on Form CC 376 or CC 380.
- B** Fill in the "petitioner" and "respondent" and addresses the same way they appear on Form CC 376 or CC 380, including the ages of the "petitioner" and "respondent" if either of you are under the age of 18.
- C** Write in the same date that Form CC 376 or CC 380 was signed by the judge. That date is in the lower left hand corner of Form CC 376 or CC 380.
- D** If you are the person the protection order is against, check item 2.a. Also check either the box "modify" if you want the court to change something in the order or check the box "terminate" if you want the court to terminate the entire order. Then explain why you want the order changed or terminated.

If you are the person who is protected by the order, you can check either item 2.b. or item 2.c. Check item 2.b. if you want the court to change something in the order or you want to extend the expiration date of the order. Check item 2.c. if you want the court to terminate the entire order. Then explain why you want the order changed, extended, or terminated. To extend the expiration date of the order, you must file this motion no later than 3 days before the order expires.

- E** 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.
- F** Write in today's date and sign the form.
- G** If you checked box 2.a. or box 2.b. in **D** you must get a hearing date. Ask the clerk to schedule a hearing. The clerk will give you the information you need to fill out this part of the form. If you checked box 2.c. and the judge terminates the order without a hearing, skip the instructions below in **H**. If you checked box 2.c. and the judge will not terminate the order without a hearing, follow the instructions below in **H**.
- H** Write in today's date and sign the form. Hand the form to the county clerk. The clerk will keep 2 copies and return the blue, pink, and yellow copies to you.

You must serve the other party with a copy of this form. If there is a hearing scheduled, you must serve this form at least 7 days before the hearing date unless the respondent is a law enforcement officer. If the respondent is a law enforcement officer, you must serve this form at least 5 days before the hearing date. For details about serving the form, read page 7 of the booklet "Instructions for Personal Protection Orders".

If a hearing was scheduled, make sure you attend the hearing. Take a blank copy of Form CC 376 or CC 380 with you to the hearing. If a hearing was not scheduled, the court will notify the law enforcement agency to make changes to LEIN as stated in the order.

- For details about the hearing, read page 8 of the booklet "Instructions for Personal Protection Orders".
- If you asked for a modified order and it is granted by the judge, you will need to fill out Form CC 376 or CC 380, get it signed, and serve it on the other party. For details on how to do this, read pages 5 and 6 of the booklet "Instructions for Personal Protection Orders".

| | | |
|--|--|---------------------|
| STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY | MOTION TO MODIFY, EXTEND OR TERMINATE PERSONAL PROTECTION ORDER | (A) CASE NO. |
|--|--|---------------------|

Court address _____ Court telephone no. _____

| | | |
|--|----------|---|
| (B) Petitioner's name _____ Age _____ Address and telephone no. where court can reach petitioner _____ | v | Respondent's name, address, and telephone no. _____ Age _____ |
|--|----------|---|

MOTION

- (C)** 1. On _____ a personal protection order was entered by this court.
Date
- (D)** 2. a. I am the respondent. I ask the court to conduct a hearing to modify terminate the order because:
 b. I am the petitioner. I ask the court to conduct a hearing to modify extend the order because:
 c. I am the petitioner. I ask the court to terminate the order because:
 Explain why you want the order modified, extended, or terminated.

(E) 3. I have a next friend motioning for me. I certify that the next friend is not disqualified by statute and is an adult.

I declare that the statements above are true to the best of my information, knowledge, and belief.

(F) _____
Date Signature of moving party

Complete this Notice of Hearing only
if you checked box 2.a. or 2.b. above.

NOTICE OF HEARING

(G) You are notified that a hearing has been scheduled to modify, extend or terminate the personal protection order issued in this case.

Judge: _____
Date: _____
Time: _____
Location: _____

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

The court can modify, extend, or terminate the order even if you do not attend the hearing. It is important for you to attend.

(H) _____
Date Signature of moving party

FOR COURT USE ONLY

The motion to terminate by the petitioner is granted without hearing. _____ Date
A Removal of Entry from LEIN (Form MC 239) shall be issued. _____ Judge

PROOF OF SERVICE

**Motion to Modify/Extend/Terminate
Personal Protection Order**
Case No. _____

TO PROCESS SERVER: You must serve the copies of the motion to modify, extend or terminate 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 / NON-SERVICE

OFFICER CERTIFICATE

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: (notary not required)

OR

AFFIDAVIT OF PROCESS SERVER

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: (notary required)

I served a copy of the motion to modify, extend or terminate personal protection order by registered mail, delivery restricted to the non-moving party (return receipt attached)

on:

| | | |
|-------------------------|-----------------------------|-----------------|
| Non moving party's name | Complete address of service | Day, date, time |
| | | |

After diligent search and inquiry, I have been unable to find and serve the non-moving party. I have made the following efforts in attempting to serve process: _____

I have personally attempted to serve a copy of the motion to modify, extend or terminate personal protection order on

Name _____

at _____
Address

and have been unable to complete service because the address was incorrect at the time of filing.

| | | | |
|-------------|----------------|-------------|-----------|
| Service fee | Miles traveled | Mileage fee | Total fee |
| \$ | | \$ | \$ |

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received a copy of the motion to modify, extend or terminate personal protection order on

Day, date, time

Signature of non-moving party