

Motion and Order to Show Cause for Violating Personal Protection Order

Use this form if the respondent has violated a personal protection order and has not been arrested and you want the court to order him/her into court to answer to a contempt charge.

(Form CC 382)

INSTRUCTIONS FOR COMPLETING "MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING PERSONAL PROTECTION ORDER"

Use this form if the respondent has violated your personal protection order and you want the court to order him/her into court to answer a contempt charge.

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

Items A through E 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 case number only if you are filing this form in the same court where you got your order. If you are filing this form in a court other than the one that gave you your personal protection order, the clerk will enter the name of the respondent in this space.
- B** Fill in the "petitioner" and "respondent" as it appears in your order (Form CC 376 or CC 380).
- C** Write in the date of your personal protection order, the name of the court that signed your order, and the name of the judge who signed the order. Get this information from your order (Form CC 376 or CC 380). You must attach a copy of your personal protection order and either proof of service on or notification to the respondent of this order. If you don't have a copy of your order, ask the clerk for a copy. There may be a copy fee.
- D** **Explain in** as much **detail** as possible what the respondent has done to violate the personal protection order. You must attach any supporting documents. Make 4 copies of all supporting documents.
- E** Sign your name in front of a notary public. Take the form and the supporting documents to the county clerk. The clerk will keep one white copy and a set of the supporting documents and return the white, green, blue, pink, and yellow copies and remaining supporting documents to you.

What to do next.

1. Ask the county clerk for instructions to the judge's office. Go the judge's office as soon as possible. Leave the green, blue, pink, and yellow copies of the form and 1 set of supporting documents with the judge's staff. Keep the white copy and the remaining 2 sets of supporting documents for yourself until you get the pink copy back. Ask when to come back for the signed order. If the judge's office sends the order to the clerk, you won't have to come back to pick it up.
2. If the judge's office does not send the order to the county clerk, go back to the judge's office on the day and time you were told to pick up the order. When you leave the judge's office, you should have the blue, pink, and yellow copies.
3. Mail the blue copy with 1 set of supporting documents to the respondent at least 7 days before the hearing. Enter the date you mailed the blue copy to the respondent and sign your name on the yellow and pink copies where it says **F**.
4. If the respondent is under 18 years of age, you must mail additional copies to the respondent's parent(s), guardian(s), or custodian(s) at the addresses found on the proof of service of your personal protection order.
5. Return to the county clerk's office with the yellow copy. Make sure you keep the pink copy and 1 set of supporting documents for yourself.
6. Attend the hearing.

Refer to the Instructions for Personal Protection Orders, page 8 for details on attending a hearing.

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**MOTION AND ORDER TO SHOW CAUSE
FOR VIOLATING
PERSONAL PROTECTION ORDER**

(A)

CASE NO.

In the matter of contempt of

Court address

Court telephone no.

(B)

Petitioner's name
Address and telephone no. where court can reach petitioner

v

Respondent's name, address, and telephone no.

AFFIDAVIT AND MOTION

(C)

1. I am the protected party in a personal protection order dated _____ and issued by the _____ Circuit Court of _____ County, Case number _____.

Attached is a copy of that order and either proof of service on or notification to the respondent of this order.

(D)

2. The respondent has violated this order by doing the following:
Explain what has happened and include dates, time and events (attach any supporting documents such as a complaint filed with the police)

3. I request the court to order the respondent to appear at a specified time to answer a contempt charge or to issue a bench warrant for the arrest of the respondent.

(E)

Signature

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

My commission expires: _____ Signature: _____

ORDER

IT IS ORDERED:

4. The respondent is ordered to appear before this court on _____ at _____ m.
 the court address above
at courtroom number _____

to show cause why the respondent should not be held in contempt for violating a personal protection order. Failure to appear for this contempt hearing may result in a bench warrant being issued for the respondent's arrest. The petitioner shall serve this motion and order on the respondent at least 7 days before the hearing date.

5. A bench warrant shall be issued for the respondent's arrest to answer a contempt charge for violating a personal protection order.

Date

Judge

Bar no.

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

Original - Court
1st copy - Judge/Assignment clerk (green)
2nd copy - Respondent (blue)
3rd copy - Petitioner (pink)
4th copy - Return (yellow)

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION AND ORDER TO SHOW CAUSE FOR VIOLATING PERSONAL PROTECTION ORDER	(A) CASE NO. In the matter of contempt of _____
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(B) Petitioner's name **v** Respondent's name, address, and telephone no.

(D) 2. Continued:
The respondent has violated this order by doing the following:

**Motion and Order to Show Cause
for Violating Personal Protection Order**
Case No. _____

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 / NON-SERVICE

<input type="checkbox"/> 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	<input type="checkbox"/> 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)
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I served a copy of the motion and order to show cause for violating personal protection order by personal service on:

Respondent's name	Complete address of service	Day, date, time
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After diligent search and inquiry, I have been unable to find and serve the respondent. I have made the following efforts in attempting to serve process: _____

I have personally attempted to serve a copy of the motion and order to show cause for violating 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 and order to show cause for violating personal protection order on

Day, date, time

Signature of respondent