

**LITTLE RIVER BAND OF OTTAWA
INDIANS TRIBAL COURT**



**PERSONAL PROTECTION
ORDER
(DOMESTIC RELATIONSHIP)**

Use this form if you filled out the Petition for Personal Protection Order.

INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER"

Please print neatly.

Items A through D must be completed before you give this form to the court clerk. Please read the instructions for each item. Then fill in the correct information for that item on the form.

- Ⓐ If you checked box Ⓔ on form on the petition, check the box "Ex Parte."
- Ⓑ Fill in the "Case No." that was on the petition.
- Ⓒ Fill in the "petitioner" information the same way you did on the Petition. **If you want your address and telephone number to be kept from the respondent, do not write your address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- Ⓓ Write in the respondent's information and as much of the other information 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 are responsible for having the Personal Protection Order served upon the Respondent. Please complete the Proof of Service after service has been completed & submit to the Court.

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 judge who signed 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 the *Motion and Order to Show Cause for Violating Valid Personal/Foreign Protection Order* form. This form is available from the court clerk.

| | | |
|---|--|---------------------|
| LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COURT | (A) PERSONAL PROTECTION ORDER <input type="checkbox"/> EX PARTE (DOMESTIC RELATIONSHIP) | (B) CASE NO. |
|---|--|---------------------|

Court address _____ Court telephone no. _____

| | | |
|--|----------|--|
| (C) Petitioner's name <hr/> Address and telephone no. where court can reach petitioner | v | (D) Respondent's name, address, telephone no., and driver's license no. |
|--|----------|--|

| | | | | | | | |
|-------------------|--------|-------|------|-----------------------|------------|-----------|-------------------------------|
| (D) Height | Weight | Race* | Sex* | Date of birth or age* | Hair color | Eye color | Other identifying information |
|-------------------|--------|-------|------|-----------------------|------------|-----------|-------------------------------|

*These items **must** be in for the police/sheriff to enter on LEIN; the other items are not required but are helpful. **Needed for NCIC entry

Date: _____ Judge: _____ Bar no. _____

1. This order is entered without a hearing. **after hearing.

THE COURT FINDS:

- 2. A petition requested respondent be prohibited from entry onto the premises, and either the parties are married, petitioner has a property interest in the premises, or respondent does not have a property interest in the premises.
- 3. 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 notice itself will precipitate adverse action before the order can be issued.
- ** 4. Respondent poses a credible threat to the physical safety of petitioner and/or a child of petitioner.
- 5. Respondent **is the spouse or former spouse of petitioner, had a child in common with petitioner, or is residing or had resided in the same household as petitioner. has or had a dating relationship with petitioner.

IT IS ORDERED:

6. _____ is prohibited from:
- Name _____
- a. entering onto property where petitioner lives.
 - b. entering onto property at _____.
 - ** c. assaulting, attacking, beating, molesting, or wounding _____.
Name _____
 - d. removing minor children from petitioner who has **legal** custody, except as allowed by custody or parenting-time order provided removal of the children does not violate other conditions of this order. An existing custody order is dated _____ . An existing parenting-time order is dated _____ .
 - ** e. stalking as defined under LRB 11-400-03, MCL 750.411h and MCL 750.411i that includes but is not limited to:
 - following petitioner or appearing within his/her sight. appearing at petitioner's workplace or residence.
 - sending mail or other communications to petitioner. contacting petitioner by telephone.
 - approaching or confronting petitioner in a public place or on private property.
 - entering onto or remaining on property owned, leased, or occupied by petitioner.
 - placing an object on or delivering an object to property owned, leased, or occupied by petitioner.

(SEE OTHER PAGE)

IT IS ORDERED:

6. (continued)

f. interfering with petitioner's efforts to remove his/her children/personal property from premises solely owned/leased by respondent.

** g. threatening to kill or physically injure _____
Name

h. interfering with petitioner at his/her place of employment or education or engaging in conduct that impairs his/her employment or educational relationship or environment.

i. having access to information in records concerning a minor child of petitioner and respondent that will reveal petitioner's address, telephone number, or employment address or that will reveal the child's address or telephone number.

j. intentionally causing petitioner mental distress or exerting control over petitioner by:
 injuring, killing, torturing, or neglecting, or threatening to injure, kill, torture, or neglect any animal in which petitioner has an ownership interest.
 removing any animal from his/her possession in which petitioner has an ownership interest.
 retaining or obtaining possession of any animal in which petitioner has an ownership interest.

** k. purchasing or possessing a firearm.

l. other: _____

7. As a result of this order, federal and/or state law may prohibit you from possessing or purchasing ammunition or a firearm.

8. Violation of this order subjects respondent to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty, respondent shall be imprisoned for not more than 90 days and may be fined not more than \$5,000.

9. **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, another Indian tribe, or a territory of the United States. If respondent violates this order in a jurisdiction other than this state, respondent is subject to enforcement and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.

10. The court clerk shall file this order with _____ who will enter it into the LEIN.
Name of law enforcement agency

11. Respondent may file a motion to modify or terminate this order. For ex parte orders, the motion must be filed within 14 days after being served with or receiving actual notice of the order. Forms and instructions are available from the clerk of court.

12. A motion to extend the order must be filed 3 days before the expiration date in item 9 or a new petition must be filed.

Date and time issued

Judge

Personal Protection Order

PROOF OF SERVICE

Case No. _____

TO PROCESS SERVER: You must serve the 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, 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 personal protection order by:
 personal service registered mail, delivery restricted to the respondent (return receipt attached)

| | | |
|------------------------|-----------------------------|-----------------|
| Name of respondent | Complete address of service | Day, date, time |
| | | |
| Law enforcement agency | Complete address of service | Day, date, time |
| | | |

I have personally attempted to serve a copy of the personal protection order on the following respondent and have been unable to complete service.

| | |
|--------------------|-----------------------------|
| Name of respondent | Complete address of service |
| | |

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

| | | | |
|-----------------------------|----------------|-----------|------------------------|
| Service fee \$ | Miles traveled | Fee \$ | TOTAL FEE \$ |
| Incorrect address fee \$ | Miles traveled | Fee \$ | |

Signature

Name (type or print)

Title

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

My commission expires: _____ Signature _____
Date Court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received a copy of the personal protection order on _____
Day, date, time

Signature of respondent