

# **PETITION FOR PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)**

**Use this form if the person you want restrained is 18 years of age or older and:**

1) if you are married to the person you want restrained;

**or**

2) if you are not married to the person you want restrained but you live with or have lived with him or her and he or she is not your unemancipated minor child;

**or**

3) if you and the person you want restrained have a child in common even if you were never married to one another or never lived together;

**or**

4) if you and the person you want restrained have or had a dating relationship.

## INSTRUCTIONS FOR COMPLETING "PETITION FOR PERSONAL PROTECTION ORDER"

**Please print neatly.**

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 can be issued without waiting for a hearing.

Items A through I must be completed before your petition can be filed with the court. Please read the instructions 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, telephone number, and date of birth or age of the person you want restrained in the "Respondent" box. **If you want your address and telephone number to be kept from the other party, 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.**
- B** Check the boxes that best describe your relationship with the respondent.
- C** Check the box if the respondent is required to carry a firearm while at work. If you aren't sure, check the box "unknown."
- D** Check whether there is a pending case between you and the respondent. Examples of a case are: divorce, separate maintenance, support, paternity, child support, other personal protection actions, etc. If there is a pending case, 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 whether there are any court orders or judgments between you and the respondent. Examples of orders are divorce judgments, parenting time (visitation) orders, custody orders, other personal protection orders, etc. If there are other court orders or judgments, 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.

- E** **Explain in as much detail** as possible why you are asking for a personal protection order. Describe what has happened or what has been threatened 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.
- F** **Check only those boxes** you need because you must be able to convince the judge you need all the protection you are requesting. On the lines after each item you check, fill in the requested information such as names, addresses, or specific types of activity you do not want allowed. Check item "5.b" only if you want to keep the other party from entering onto property other than your home (for example, school, work, etc.). Check item "5.e" only if there have been two or more acts of harassment. If you want the court to order that any records that exist which contain information about yourself or your minor children be kept confidential, state that in box "5.i." Examples of such records are school reports that the respondent would normally have access to.
- G** An "ex parte order" means you do not have to let the respondent 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 a personal protection order.

If you do not need to check the "ex parte" box, you must have a court hearing.

- H** 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.
- I** Write in today's date and sign the form. Hand the form to the court clerk. The clerk will fill in the rest of the information and will give you your copies.

<b>LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COURT</b>	<b>PETITION FOR PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)</b>	<b>CASE NO.</b>
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

<b>A</b> Petitioner's name _____ Age _____	v	Respondent's name, address, and telephone no. _____	DOB or age _____
Address and telephone no. where court can reach petitioner _____			

**B** 1. The petitioner and respondent  are married to each other.  were married to each other.  have a child in common.  
 have or had a dating relationship.  reside or resided in the same household.

**C** 2.  The respondent is required to carry a firearm in the course of his/her employment.  Unknown.

**D** 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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**E** 4. I need a personal protection order because: Explain what has happened. Attach separate sheet(s).

**F** 5. I ask the court to grant a personal protection order prohibiting the respondent from:

a. entering onto the property where I live. I state that either I have a property interest in the premises, I am married to the respondent, or the respondent has no property interest in the premises.

b. entering onto the property at \_\_\_\_\_  
Address

c. assaulting, attacking, beating, molesting, or wounding \_\_\_\_\_  
Name(s)

d. removing the minor children from the petitioner who has **legal** custody, except as allowed by a custody or parenting time order as long as removal of the children does not violate other conditions of the personal protection order.

e. stalking as defined under Ordinance # 11-400-03 which includes but is not limited to:

- following me or appearing within my sight.  appearing at my workplace or residence.
- sending mail or other communications to me.  contacting me by telephone.
- approaching or confronting me in a public place or on private property.
- entering onto or remaining on property owned, leased, or occupied by me.
- placing an object on or delivering an object to property owned, leased, or occupied by me.

f. interfering with efforts to remove my children/personal property from premises solely owned/leased by the respondent.

g. threatening to kill or physically injure \_\_\_\_\_

h. interfering with me at my place of employment or education or engaging in conduct that impairs my employment or educational relationship or environment.

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

j. intentionally causing me mental distress or exerting control over me by:

- injuring, killing, torturing, or neglecting, or threatening to injure, kill, torture, or neglect any animal in which I have an ownership interest.
- removing any animal from my possession in which I have an ownership interest.
- retaining or obtaining possession of any animal in which I have an ownership interest.

k. purchasing or possessing a firearm.

l. other: \_\_\_\_\_

**G** 6. I make this petition under the authority of DV Ord. 04-400-05 and ask the court to grant a personal protection order.

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.

**H**  7. I have a next friend petitioning for me. I certify that the next friend is not disqualified by statute and is an adult.

**I** \_\_\_\_\_  
Date

\_\_\_\_\_  
/s/  
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 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:

Name of respondent	Complete address of service	Day, date, time

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.

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	
\$		\$	
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: \_\_\_\_\_  
Date

Notary public, State of Michigan, County of \_\_\_\_\_ Signature \_\_\_\_\_

Court clerk/Notary public

**ACKNOWLEDGMENT OF SERVICE**

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

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