

JUDGE ALLEN CALL KATHY (989)731-0225
JUDGE MERTZ CALL KAY (989)731-0224
JUDGE COOPER CALL BETTY (989)731-0205

Form CC 379

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.

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

Please print neatly. Press firmly because you are printing on five 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 the order was issued without a hearing (ex parte), you may file a motion and request a hearing within 14 days after being served with, or receiving actual notice of, the order. If the order was issued ex parte and more than 14 days have passed, you must show good cause for the motion. If the order was issued after a full hearing, you must show good cause for the motion. See MCR 3.707(A)(1)(b).

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. Check item 2.c. if you want the court to extend the expiration date of the order or terminate the entire order. Then explain why you want the order 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 two 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."

Approved, SCAO

STATE OF MICHIGAN
46th JUDICIAL CIRCUIT
OTSEGO COUNTY

**MOTION TO
MODIFY, EXTEND OR TERMINATE
PERSONAL PROTECTION ORDER**

A

CASE NO.

Court address

225 WEST MAIN STREET, GAYLORD, MI 49735

Court telephone no.

989-731-7500

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

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.
 b. I am the petitioner. I ask the court to conduct a hearing to modify the order.
 c. I am the petitioner. I ask the court to extend terminate the order.

Explain why you want the order modified, extended, or terminated. If box a. is checked, the respondent must show good cause if the order was issued after a full hearing of if more than 14 days have passed since the order was issued ex parte (without a hearing).

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.

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 disability or if you require a foreign language interpreter to help you fully participate in court proceedings, 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

