

HOUSE BILL No. 6364

September 24, 2002, Introduced by Reps. Neumann, Adamini, Rich Brown, Lipsey and Sheltroun and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 601, 841, 1517, 2665, 2950, and 2950a (MCL
600.601, 600.841, 600.1517, 600.2665, 600.2950, and 600.2950a),
sections 601 and 2665 as amended by 1996 PA 388, sections 841 and
1517 as amended by 2000 PA 56, section 2950 as amended by 2001 PA
200, and section 2950a as amended by 2001 PA 201; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 601. (1) The circuit court has the power and
2 jurisdiction:

3 (a) Possessed by courts of record at the common law, as
4 altered by the state constitution of 1963, the laws of this
5 state, and the rules of the supreme court.

(b) Possessed by courts and judges in chancery in England on March 1, 1847, as altered by the state constitution of 1963, the laws of this state, and the rules of the supreme court.

(c) Prescribed by the rules of the supreme court.

(2) The circuit court has exclusive jurisdiction over condemnation cases commenced under the drain code of 1956, ~~Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws~~ 1956 PA 40, MCL 280.1 TO 280.630.

~~(3) The family division of circuit court has jurisdiction as provided in chapter 10.~~

Sec. 841. (1) The probate court has jurisdiction and power as follows:

(a) As conferred upon it under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102.

(b) As conferred upon it under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(c) As conferred upon it under this act.

(d) As conferred upon it under another law or compact.

(2) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE PROBATE COURT HAS SOLE AND EXCLUSIVE JURISDICTION OVER THE FOLLOWING CASES COMMENCED ON OR AFTER JANUARY 1, 2003:

(A) CASES OF DIVORCE AND ANCILLARY MATTERS AS SET FORTH IN THE FOLLOWING STATUTES:

(i) 1846 RS 84, MCL 552.1 TO 552.45.

(ii) 1909 PA 259, MCL 552.101 TO 552.104.

(iii) 1911 PA 52, MCL 552.121 TO 552.123.

(iv) 1913 PA 379, MCL 552.151 TO 552.156.

(v) THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL 552.501 TO 552.535.

(vi) 1905 PA 299, MCL 552.391.

(vii) 1949 PA 42, MCL 552.401 TO 552.402.

(viii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO 552.459.

(ix) THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.601 TO 552.650.

(x) THE INTERSTATE INCOME WITHHOLDING ACT, 1985 PA 216, MCL 552.671 TO 552.685.

(B) CASES OF ADOPTION AS PROVIDED IN CHAPTER X OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21 TO 710.70.

(C) CASES INVOLVING CERTAIN CHILDREN INCAPABLE OF ADOPTION UNDER 1925 PA 271, MCL 722.531 TO 722.534.

(D) CASES INVOLVING A CHANGE OF NAME AS PROVIDED IN CHAPTER XI OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 711.1 TO 711.3.

(E) CASES INVOLVING JUVENILES AS PROVIDED IN CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.1 TO 712A.32.

(F) CASES INVOLVING THE STATUS OF MINORS AND THE EMANCIPATION OF MINORS UNDER 1968 PA 293, MCL 722.1 TO 722.6.

(G) CASES OF CHILD CUSTODY UNDER THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO 722.31, AND CHILD CUSTODY JURISDICTION AS PROVIDED IN SECTIONS 651 TO 673.

(H) CASES INVOLVING PATERNITY AND CHILD SUPPORT UNDER THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

1 (I) CASES INVOLVING PARENTAL CONSENT FOR ABORTIONS PERFORMED
2 ON UNEMANCIPATED MINORS UNDER THE PARENTAL RIGHTS RESTORATION
3 ACT, 1990 PA 211, MCL 722.901 TO 722.908.

4 (J) CASES INVOLVING CHILD SUPPORT UNDER THE REVISED UNIFORM
5 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, 1952 PA 8, MCL 780.151 TO
6 780.183.

7 (K) CASES INVOLVING PERSONAL PROTECTION ORDERS UNDER SEC-
8 TIONS 2950 AND 2950A.

9 (L) CASES INVOLVING GUARDIANS AND CONSERVATORS AS PROVIDED
10 IN ARTICLE 5 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998
11 PA 386, MCL 700.5101 TO 700.5513.

12 (M) CASES INVOLVING TREATMENT OF, OR GUARDIANSHIP OF, MEN-
13 TALLY ILL OR DEVELOPMENTALLY DISABLED PERSONS UNDER THE MENTAL
14 HEALTH CODE, 1974 PA 258, MCL 330.1001 TO 330.2106.

15 Sec. 1517. (1) Subject to the approvals required under
16 subsections (2) and (3), the chief judge of a circuit may desig-
17 nate 1 or more places in the county or counties in that circuit,
18 in addition to the county seat and places otherwise designated by
19 law, where regular terms of circuit court may be held. The des-
20 ignation shall be in writing and shall be delivered to the state
21 court administrator and to the county clerk of each county in the
22 circuit.

23 (2) A designation made under subsection (1) shall not take
24 effect unless the designation is approved by the state court
25 administrator and by the county board of commissioners of each
26 county in the circuit. The approval by a county board of
27 commissioners and the state court administrator may be for a

1 specific period of time and may require that the designation be
2 subject to reapproval by that county board of commissioners and
3 the state court administrator at intervals determined by that
4 county board of commissioners and the state court administrator.

5 ~~(3) The family division of circuit court may hold sessions~~
6 ~~of court at an alternative primary location designated under sec-~~
7 ~~tion 816.~~

8 ~~(4) If the family division has ancillary jurisdiction in the~~
9 ~~case, a judge of the family division may hold sessions of the~~
10 ~~court at the regional diagnostic and treatment center assigned to~~
11 ~~his or her court if sessions are approved by the state court~~
12 ~~administrator. The center shall provide an area for court ses-~~
13 ~~sions to which the public has access.~~

14 ~~(5) Nothing in this section prohibits a judge from holding a~~
15 ~~hearing regarding an allegedly incapacitated individual or an~~
16 ~~allegedly mentally ill person at a site considered appropriate by~~
17 ~~the court as provided by section 5304 of the estates and pro-~~
18 ~~ected individuals code, 1998 PA 386, MCL 700.5304, or section~~
19 ~~456 of the mental health code, 1974 PA 258, MCL 330.1456.~~

20 ~~Nothing in this section prohibits a judge from holding a hearing~~
21 ~~regarding an individual alleged to need protection at a site the~~
22 ~~court considers appropriate as provided by section 5406 of the~~
23 ~~estates and protected individuals code, 1998 PA 386, MCL~~
24 ~~700.5406.~~

25 Sec. 2665. ~~No~~ A practicing attorney or counselor shall
26 NOT become a surety or post bond for any client in criminal or
27 civil matters. This section ~~shall~~ DOES not apply to any bond

1 of \$100.00 or less required to be filed by a fiduciary in the
2 probate court. ~~or the family division of circuit court.~~

3 Sec. 2950. (1) Except as provided in subsections (27) and
4 (28), by commencing an independent action to obtain relief under
5 this section, by joining a claim to an action, or by filing a
6 motion in an action in which the petitioner and the individual to
7 be restrained or enjoined are parties, an individual may petition
8 the ~~family division of circuit~~ PROBATE court to enter a per-
9 sonal protection order to restrain or enjoin a spouse, a former
10 spouse, an individual with whom he or she has had a child in
11 common, an individual with whom he or she has or has had a dating
12 relationship, or an individual residing or having resided in the
13 same household as the petitioner from doing 1 or more of the
14 following:

15 (a) Entering onto premises.

16 (b) Assaulting, attacking, beating, molesting, or wounding a
17 named individual.

18 (c) Threatening to kill or physically injure a named
19 individual.

20 (d) Removing minor children from the individual having legal
21 custody of the children, except as otherwise authorized by a cus-
22 tody or parenting time order issued by a court of competent
23 jurisdiction.

24 (e) Purchasing or possessing a firearm.

25 (f) Interfering with petitioner's efforts to remove
26 petitioner's children or personal property from premises that are

1 solely owned or leased by the individual to be restrained or
2 enjoined.

3 (g) Interfering with petitioner at petitioner's place of
4 employment or education or engaging in conduct that impairs
5 petitioner's employment or educational relationship or
6 environment.

7 (h) Having access to information in records concerning a
8 minor child of both petitioner and respondent that will inform
9 respondent about the address or telephone number of petitioner
10 and petitioner's minor child or about petitioner's employment
11 address.

12 (i) Engaging in conduct that is prohibited under section
13 411h or 411i of the Michigan penal code, 1931 PA 328,
14 MCL 750.411h and 750.411i.

15 (j) Any other specific act or conduct that imposes upon or
16 interferes with personal liberty or that causes a reasonable
17 apprehension of violence.

18 (2) If the respondent is a person who is issued a license to
19 carry a concealed weapon and is required to carry a weapon as a
20 condition of his or her employment, a police officer certified by
21 the commission on law enforcement standards act, 1965 PA 203,
22 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of
23 the Michigan department of state police, a local corrections
24 officer, department of corrections employee, or a federal law
25 enforcement officer who carries a firearm during the normal
26 course of his or her employment, the petitioner shall notify the
27 court of the respondent's occupation prior to the issuance of the

1 personal protection order. This subsection does not apply to a
2 petitioner who does not know the respondent's occupation.

3 (3) A petitioner may omit his or her address of residence
4 from documents filed with the court under this section. If a
5 petitioner omits his or her address of residence, the petitioner
6 shall provide the court with a mailing address.

7 (4) The court shall issue a personal protection order under
8 this section if the court determines that there is reasonable
9 cause to believe that the individual to be restrained or enjoined
10 may commit 1 or more of the acts listed in subsection (1). In
11 determining whether reasonable cause exists, the court shall con-
12 sider all of the following:

13 (a) Testimony, documents, or other evidence offered in sup-
14 port of the request for a personal protection order.

15 (b) Whether the individual to be restrained or enjoined has
16 previously committed or threatened to commit 1 or more of the
17 acts listed in subsection (1).

18 (5) A court shall not issue a personal protection order that
19 restrains or enjoins conduct described in subsection (1)(a) if
20 all of the following apply:

21 (a) The individual to be restrained or enjoined is not the
22 spouse of the moving party.

23 (b) The individual to be restrained or enjoined or the
24 parent, guardian, or custodian of the minor to be restrained or
25 enjoined has a property interest in the premises.

26 (c) The moving party or the parent, guardian, or custodian
27 of a minor petitioner has no property interest in the premises.

(6) A court shall not refuse to issue a personal protection order solely due to the absence of any of the following:

(a) A police report.

(b) A medical report.

(c) A report or finding of an administrative agency.

(d) Physical signs of abuse or violence.

(7) If the court refuses to grant a personal protection order, it shall state immediately in writing the specific reasons it refused to issue a personal protection order. If a hearing is held, the court shall also immediately state on the record the specific reasons it refuses to issue a personal protection order.

(8) A personal protection order shall not be made mutual. Correlative separate personal protection orders are prohibited unless both parties have properly petitioned the court pursuant to subsection (1).

(9) A personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge. Upon service, a personal protection order may also be enforced by another state, an Indian tribe, or a territory of the United States.

(10) The court shall designate the law enforcement agency that is responsible for entering the personal protection order into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

1 (11) A personal protection order shall include all of the
2 following, and to the extent practicable the following shall be
3 contained in a single form:

4 (a) A statement that the personal protection order has been
5 entered to restrain or enjoin conduct listed in the order and
6 that violation of the personal protection order will subject the
7 individual restrained or enjoined to 1 or more of the following:

8 (i) If the respondent is 17 years of age or more, immediate
9 arrest and the civil and criminal contempt powers of the court,
10 and that if he or she is found guilty of criminal contempt, he or
11 she shall be imprisoned for not more than 93 days and may be
12 fined not more than \$500.00.

13 (ii) If the respondent is less than 17 years of age, immedi-
14 ate apprehension or being taken into custody, and subject to the
15 dispositional alternatives listed in section 18 of chapter XIIA
16 of the probate code of 1939, 1939 PA 288, MCL 712A.18.

17 (iii) If the respondent violates the personal protection
18 order in a jurisdiction other than this state, the respondent is
19 subject to the enforcement procedures and penalties of the state,
20 Indian tribe, or United States territory under whose jurisdiction
21 the violation occurred.

22 (b) A statement that the personal protection order is effec-
23 tive and immediately enforceable anywhere in this state when
24 signed by a judge, and that, upon service, a personal protection
25 order also may be enforced by another state, an Indian tribe, or
26 a territory of the United States.

1 (c) A statement listing the type or types of conduct
2 enjoined.

3 (d) An expiration date stated clearly on the face of the
4 order.

5 (e) A statement that the personal protection order is
6 enforceable anywhere in Michigan by any law enforcement agency.

7 (f) The law enforcement agency designated by the court to
8 enter the personal protection order into the law enforcement
9 information network.

10 (g) For ex parte orders, a statement that the individual
11 restrained or enjoined may file a motion to modify or rescind the
12 personal protection order and request a hearing within 14 days
13 after the individual restrained or enjoined has been served or
14 has received actual notice of the order and that motion forms and
15 filing instructions are available from the clerk of the court.

16 (12) An ex parte personal protection order shall be issued
17 and effective without written or oral notice to the individual
18 restrained or enjoined or his or her attorney if it clearly
19 appears from specific facts shown by verified complaint, written
20 motion, or affidavit that immediate and irreparable injury, loss,
21 or damage will result from the delay required to effectuate
22 notice or that the notice will itself precipitate adverse action
23 before a personal protection order can be issued.

24 (13) A personal protection order issued under subsection
25 (12) is valid for not less than 182 days. The individual
26 restrained or enjoined may file a motion to modify or rescind the
27 personal protection order and request a hearing under the

1 Michigan court rules. The motion to modify or rescind the
2 personal protection order shall be filed within 14 days after the
3 order is served or after the individual restrained or enjoined
4 has received actual notice of the personal protection order
5 unless good cause is shown for filing the motion after the 14
6 days have elapsed.

7 (14) Except as otherwise provided in this subsection, the
8 court shall schedule a hearing on the motion to modify or rescind
9 the ex parte personal protection order within 14 days after the
10 filing of the motion to modify or rescind. If the respondent is
11 a person described in subsection (2) and the personal protection
12 order prohibits him or her from purchasing or possessing a fire-
13 arm, the court shall schedule a hearing on the motion to modify
14 or rescind the ex parte personal protection order within 5 days
15 after the filing of the motion to modify or rescind.

16 (15) The clerk of the court that issues a personal protec-
17 tion order shall do all of the following immediately upon issu-
18 ance and without requiring a proof of service on the individual
19 restrained or enjoined:

20 (a) File a true copy of the personal protection order with
21 the law enforcement agency designated by the court in the per-
22 sonal protection order.

23 (b) Provide the petitioner with not less than 2 true copies
24 of the personal protection order.

25 (c) If respondent is identified in the pleadings as a law
26 enforcement officer, notify the officer's employing law

1 enforcement agency, if known, about the existence of the personal
2 protection order.

3 (d) If the personal protection order prohibits respondent
4 from purchasing or possessing a firearm, notify the concealed
5 weapon licensing board in respondent's county of residence about
6 the existence and contents of the personal protection order.

7 (e) If the respondent is identified in the pleadings as a
8 department of corrections employee, notify the state department
9 of corrections about the existence of the personal protection
10 order.

11 (f) If the respondent is identified in the pleadings as
12 being a person who may have access to information concerning the
13 petitioner or a child of the petitioner or respondent and that
14 information is contained in friend of the court records, notify
15 the friend of the court for the county in which the information
16 is located about the existence of the personal protection order.

17 (16) The clerk of the court shall inform the petitioner that
18 he or she may take a true copy of the personal protection order
19 to the law enforcement agency designated by the court in subsec-
20 tion (10) to be immediately entered into the law enforcement
21 information network.

22 (17) The law enforcement agency that receives a true copy of
23 the personal protection order under subsection (15) or (16) shall
24 immediately and without requiring proof of service enter the per-
25 sonal protection order into the law enforcement information net-
26 work as provided by the L.E.I.N. policy council act of 1974, 1974
27 PA 163, MCL 28.211 to 28.216.

1 (18) A personal protection order issued under this section
2 shall be served personally or by registered or certified mail,
3 return receipt requested, delivery restricted to the addressee at
4 the last known address or addresses of the individual restrained
5 or enjoined or by any other manner provided in the Michigan court
6 rules. If the individual restrained or enjoined has not been
7 served, a law enforcement officer or clerk of the court who knows
8 that a personal protection order exists may, at any time, serve
9 the individual restrained or enjoined with a true copy of the
10 order or advise the individual restrained or enjoined about the
11 existence of the personal protection order, the specific conduct
12 enjoined, the penalties for violating the order, and where the
13 individual restrained or enjoined may obtain a copy of the
14 order. If the respondent is less than 18 years of age, the
15 parent, guardian, or custodian of that individual shall also be
16 served personally or by registered or certified mail, return
17 receipt requested, delivery restricted to the addressee at the
18 last known address or addresses of the parent, guardian, or cus-
19 todian of the individual restrained or enjoined. A proof of
20 service or proof of oral notice shall be filed with the clerk of
21 the court issuing the personal protection order. This subsection
22 does not prohibit the immediate effectiveness of a personal pro-
23 tection order or its immediate enforcement under subsections (21)
24 and (22).

25 (19) The clerk of the court shall immediately notify the law
26 enforcement agency that received the personal protection order
27 under subsection (15) or (16) if either of the following occurs:

1 (a) The clerk of the court has received proof that the
2 individual restrained or enjoined has been served.

3 (b) The personal protection order is rescinded, modified, or
4 extended by court order.

5 (20) The law enforcement agency that receives information
6 under subsection (19) shall enter the information or cause the
7 information to be entered into the law enforcement information
8 network as provided by the L.E.I.N. policy council act of 1974,
9 1974 PA 163, MCL 28.211 to 28.216.

10 (21) Subject to subsection (22), a personal protection order
11 is immediately enforceable anywhere in this state by any law
12 enforcement agency that has received a true copy of the order, is
13 shown a copy of it, or has verified its existence on the law
14 enforcement information network as provided by the
15 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
16 28.216.

17 (22) If the individual restrained or enjoined has not been
18 served, the law enforcement agency or officer responding to a
19 call alleging a violation of a personal protection order shall
20 serve the individual restrained or enjoined with a true copy of
21 the order or advise the individual restrained or enjoined about
22 the existence of the personal protection order, the specific con-
23 duct enjoined, the penalties for violating the order, and where
24 the individual restrained or enjoined may obtain a copy of the
25 order. The law enforcement officer shall enforce the personal
26 protection order and immediately enter or cause to be entered
27 into the law enforcement information network that the individual

1 restrained or enjoined has actual notice of the personal
2 protection order. The law enforcement officer also shall file a
3 proof of service or proof of oral notice with the clerk of the
4 court issuing the personal protection order. If the individual
5 restrained or enjoined has not received notice of the personal
6 protection order, the individual restrained or enjoined shall be
7 given an opportunity to comply with the personal protection order
8 before the law enforcement officer makes a custodial arrest for
9 violation of the personal protection order. The failure to imme-
10 diately comply with the personal protection order shall be
11 grounds for an immediate custodial arrest. This subsection does
12 not preclude an arrest under section 15 or 15a of chapter IV of
13 the code of criminal procedure, 1927 PA 175, MCL 764.15 and
14 764.15a, or a proceeding under section 14 of chapter XIIIA of the
15 probate code of 1939, 1939 PA 288, MCL 712A.14.

16 (23) An individual who is 17 years of age or more and who
17 refuses or fails to comply with a personal protection order under
18 this section is subject to the criminal contempt powers of the
19 court and, if found guilty, shall be imprisoned for not more than
20 93 days and may be fined not more than \$500.00. An individual
21 who is less than 17 years of age and who refuses or fails to
22 comply with a personal protection order issued under this section
23 is subject to the dispositional alternatives listed in section 18
24 of chapter XIIIA of the probate code of 1939, 1939 PA 288,
25 MCL 712A.18. The criminal penalty provided for under this sec-
26 tion may be imposed in addition to a penalty that may be imposed
27 for another criminal offense arising from the same conduct.

1 (24) An individual who knowingly and intentionally makes a
2 false statement to the court in support of his or her petition
3 for a personal protection order is subject to the contempt powers
4 of the court.

5 (25) A personal protection order issued under this section
6 is also enforceable under chapter XIIIA of the probate code of
7 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of
8 chapter IV of the code of criminal procedure, 1927 PA 175,
9 MCL 764.15b.

10 (26) A personal protection order issued under this section
11 is also enforceable under chapter 17.

12 (27) A court shall not issue a personal protection order
13 that restrains or enjoins conduct described in subsection (1) if
14 any of the following apply:

15 (a) The respondent is the unemancipated minor child of the
16 petitioner.

17 (b) The petitioner is the unemancipated minor child of the
18 respondent.

19 (c) The respondent is a minor child less than 10 years of
20 age.

21 (28) If the respondent is less than 18 years of age, issu-
22 ance of a personal protection order under this section is subject
23 to chapter XIIIA of the probate code of 1939, 1939 PA 288,
24 MCL 712A.1 to 712A.32.

25 (29) A personal protection order that is issued prior to the
26 effective date of the amendatory act that added this subsection

1 is not invalid on the ground that it does not comply with 1 or
2 more of the requirements added by this amendatory act.

3 (30) As used in this section:

4 (a) "Dating relationship" means frequent, intimate associa-
5 tions primarily characterized by the expectation of affectional
6 involvement. This term does not include a casual relationship or
7 an ordinary fraternization between 2 individuals in a business or
8 social context.

9 (b) "Federal law enforcement officer" means an officer or
10 agent employed by a law enforcement agency of the United States
11 government whose primary responsibility is the enforcement of
12 laws of the United States.

13 (c) "Personal protection order" means an injunctive order
14 issued by the ~~circuit court or the family division of circuit~~
15 PROBATE court restraining or enjoining activity and individuals
16 listed in subsection (1).

17 Sec. 2950a. (1) Except as provided in subsections (25) and
18 (26), by commencing an independent action to obtain relief under
19 this section, by joining a claim to an action, or by filing a
20 motion in an action in which the petitioner and the individual to
21 be restrained or enjoined are parties, an individual may petition
22 the ~~family division of circuit~~ PROBATE court to enter a per-
23 sonal protection order to restrain or enjoin an individual from
24 engaging in conduct that is prohibited under section 411h or 411i
25 of the Michigan penal code, 1931 PA 328, MCL 750.411h and
26 750.411i. Relief shall not be granted unless the petition
27 alleges facts that constitute stalking as defined in section 411h

1 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
2 750.411i. Relief may be sought and granted under this section
3 whether or not the individual to be restrained or enjoined has
4 been charged or convicted under section 411h or 411i of the
5 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i, for
6 the alleged violation.

7 (2) If the respondent is a person who is issued a license to
8 carry a concealed weapon and is required to carry a weapon as a
9 condition of his or her employment, a police officer certified by
10 the commission on law enforcement standards act, 1965 PA 203,
11 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of
12 the Michigan department of state police, a local corrections
13 officer, a department of corrections employee, or a federal law
14 enforcement officer who carries a firearm during the normal
15 course of his or her employment, the petitioner shall notify the
16 court of the respondent's occupation prior to the issuance of the
17 personal protection order. This subsection does not apply to a
18 petitioner who does not know the respondent's occupation.

19 (3) A petitioner may omit his or her address of residence
20 from documents filed with the court under this section. If a
21 petitioner omits his or her address of residence, the petitioner
22 shall provide the court a mailing address.

23 (4) If a court refuses to grant a personal protection order,
24 the court shall immediately state in writing the specific reasons
25 for issuing or refusing to issue a personal protection order. If
26 a hearing is held, the court shall also immediately state on the

1 record the specific reasons for issuing or refusing to issue a
2 personal protection order.

3 (5) A personal protection order shall not be made mutual.
4 Correlative separate personal protection orders are prohibited
5 unless both parties have properly petitioned the court according
6 to subsection (1).

7 (6) A personal protection order is effective and immediately
8 enforceable anywhere in this state when signed by a judge. Upon
9 service, a personal protection order also may be enforced by
10 another state, an Indian tribe, or a territory of the United
11 States.

12 (7) The court shall designate the law enforcement agency
13 that is responsible for entering the personal protection order
14 into the L.E.I.N.

15 (8) A personal protection order issued under this section
16 shall include all of the following, and to the extent practicable
17 contained in a single form:

18 (a) A statement that the personal protection order has been
19 entered to enjoin or restrain conduct listed in the order and
20 that violation of the personal protection order will subject the
21 individual restrained or enjoined to 1 or more of the following:

22 (i) If the respondent is 17 years of age or more, immediate
23 arrest and the civil and criminal contempt powers of the court,
24 and that if he or she is found guilty of criminal contempt, he or
25 she shall be imprisoned for not more than 93 days and may be
26 fined not more than \$500.00.

1 (ii) If the respondent is less than 17 years of age, to
2 immediate apprehension or being taken into custody, and subject
3 to the dispositional alternatives listed in section 18 of chapter
4 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

5 (iii) If the respondent violates the personal protection
6 order in a jurisdiction other than this state, the respondent is
7 subject to the enforcement procedures and penalties of the state,
8 Indian tribe, or United States territory under whose jurisdiction
9 the violation occurred.

10 (b) A statement that the personal protection order is effec-
11 tive and immediately enforceable anywhere in this state when
12 signed by a judge, and that upon service, a personal protection
13 order also may be enforced by another state, an Indian tribe, or
14 a territory of the United States.

15 (c) A statement listing each type of conduct enjoined.

16 (d) An expiration date stated clearly on the face of the
17 order.

18 (e) A statement that the personal protection order is
19 enforceable anywhere in Michigan by any law enforcement agency.

20 (f) The law enforcement agency designated by the court to
21 enter the personal protection order into the L.E.I.N.

22 (g) For an ex parte order, a statement that the individual
23 restrained or enjoined may file a motion to modify or rescind the
24 personal protection order and request a hearing within 14 days
25 after the individual restrained or enjoined has been served or
26 has received actual notice of the personal protection order and

1 that motion forms and filing instructions are available from the
2 clerk of the court.

3 (9) An ex parte personal protection order shall not be
4 issued and effective without written or oral notice to the indi-
5 vidual enjoined or his or her attorney unless it clearly appears
6 from specific facts shown by verified complaint, written motion,
7 or affidavit that immediate and irreparable injury, loss, or
8 damage will result from the delay required to effectuate notice
9 or that the notice will precipitate adverse action before a per-
10 sonal protection order can be issued.

11 (10) A personal protection order issued under subsection (9)
12 is valid for not less than 182 days. The individual restrained
13 or enjoined may file a motion to modify or rescind the personal
14 protection order and request a hearing under the Michigan court
15 rules. The motion to modify or rescind the personal protection
16 order shall be filed within 14 days after the order is served or
17 after the individual restrained or enjoined has received actual
18 notice of the personal protection order unless good cause is
19 shown for filing the motion after 14 days have elapsed.

20 (11) Except as otherwise provided in this subsection, the
21 court shall schedule a hearing on the motion to modify or rescind
22 the ex parte personal protection order within 14 days after the
23 filing of the motion to modify or rescind. If the respondent is
24 a person described in subsection (2) and the personal protection
25 order prohibits him or her from purchasing or possessing a fire-
26 arm, the court shall schedule a hearing on the motion to modify

1 or rescind the ex parte personal protection order within 5 days
2 after the filing of the motion to modify or rescind.

3 (12) The clerk of the court that issues a personal protec-
4 tion order shall do all of the following immediately upon issu-
5 ance without requiring proof of service on the individual
6 restrained or enjoined:

7 (a) File a true copy of the personal protection order with
8 the law enforcement agency designated by the court in the per-
9 sonal protection order.

10 (b) Provide petitioner with not less than 2 true copies of
11 the personal protection order.

12 (c) If respondent is identified in the pleadings as a law
13 enforcement officer, notify the officer's employing law enforce-
14 ment agency about the existence of the personal protection
15 order.

16 (d) If the personal protection order prohibits the respon-
17 dent from purchasing or possessing a firearm, notify the con-
18 cealed weapon licensing board in respondent's county of residence
19 about the existence and content of the personal protection
20 order.

21 (e) If the respondent is identified in the pleadings as a
22 department of corrections employee, notify the state department
23 of corrections about the existence of the personal protection
24 order.

25 (f) If the respondent is identified in the pleadings as
26 being a person who may have access to information concerning the
27 petitioner or a child of the petitioner or respondent and that

1 information is contained in friend of the court records, notify
2 the friend of the court for the county in which the information
3 is located about the existence of the personal protection order.

4 (13) The clerk of the court shall inform the petitioner that
5 he or she may take a true copy of the personal protection order
6 to the law enforcement agency designated by the court in subsec-
7 tion (7) to be immediately entered into the L.E.I.N.

8 (14) The law enforcement agency that receives a true copy of
9 the personal protection order under subsection (12) or (13) shall
10 immediately, without requiring proof of service, enter the per-
11 sonal protection order into the L.E.I.N.

12 (15) A personal protection order issued under this section
13 shall be served personally or by registered or certified mail,
14 return receipt requested, delivery restricted to the addressee at
15 the last known address or addresses of the individual restrained
16 or enjoined or by any other manner provided in the Michigan court
17 rules. If the individual restrained or enjoined has not been
18 served, a law enforcement officer or clerk of the court who knows
19 that a personal protection order exists may, at any time, serve
20 the individual restrained or enjoined with a true copy of the
21 order or advise the individual restrained or enjoined about the
22 existence of the personal protection order, the specific conduct
23 enjoined, the penalties for violating the order, and where the
24 individual restrained or enjoined may obtain a copy of the
25 order. If the respondent is less than 18 years of age, the
26 parent, guardian, or custodian of that individual shall also be
27 served personally or by registered or certified mail, return

1 receipt requested, delivery restricted to the addressee at the
2 last known address or addresses of the parent, guardian, or cus-
3 todian of the individual restrained or enjoined. A proof of
4 service or proof of oral notice shall be filed with the clerk of
5 the court issuing the personal protection order. This subsection
6 does not prohibit the immediate effectiveness of a personal pro-
7 tection order or immediate enforcement under subsection (18) or
8 (19).

9 (16) The clerk of the court shall immediately notify the law
10 enforcement agency that received the personal protection order
11 under subsection (12) or (13) if either of the following occurs:

12 (a) The clerk of the court has received proof that the indi-
13 vidual restrained or enjoined has been served.

14 (b) The personal protection order is rescinded, modified, or
15 extended by court order.

16 (17) The law enforcement agency that receives information
17 under subsection (16) shall enter the information or cause the
18 information to be entered into the L.E.I.N.

19 (18) Subject to subsection (19), a personal protection order
20 is immediately enforceable anywhere in this state by any law
21 enforcement agency that has received a true copy of the order, is
22 shown a copy of it, or has verified its existence on the
23 L.E.I.N.

24 (19) If the individual restrained or enjoined has not been
25 served, the law enforcement agency or officer responding to a
26 call alleging a violation of a personal protection order shall
27 serve the individual restrained or enjoined with a true copy of

1 the order or advise the individual restrained or enjoined about
2 the existence of the personal protection order, the specific con-
3 duct enjoined, the penalties for violating the order, and where
4 the individual restrained or enjoined may obtain a copy of the
5 order. The law enforcement officer shall enforce the personal
6 protection order and immediately enter or cause to be entered
7 into the L.E.I.N. that the individual restrained or enjoined has
8 actual notice of the personal protection order. The law enforce-
9 ment officer also shall file a proof of service or proof of oral
10 notice with the clerk of the court issuing the personal protec-
11 tion order. If the individual restrained or enjoined has not
12 received notice of the personal protection order, the individual
13 restrained or enjoined shall be given an opportunity to comply
14 with the personal protection order before the law enforcement
15 officer makes a custodial arrest for violation of the personal
16 protection order. Failure to immediately comply with the per-
17 sonal protection order is grounds for an immediate custodial
18 arrest. This subsection does not preclude an arrest under
19 section 15 or 15a of chapter IV of the code of criminal proce-
20 dure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under
21 section 14 of chapter XIIA of the probate code of 1939, 1939
22 PA 288, MCL 712A.14.

23 (20) An individual 17 years of age or more who refuses or
24 fails to comply with a personal protection order issued under
25 this section is subject to the criminal contempt powers of the
26 court and, if found guilty of criminal contempt, shall be
27 imprisoned for not more than 93 days and may be fined not more

1 than \$500.00. An individual less than 17 years of age who
2 refuses or fails to comply with a personal protection order
3 issued under this section is subject to the dispositional alter-
4 natives listed in section 18 of chapter XIIIA of the probate code
5 of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty provided
6 for under this section may be imposed in addition to any penalty
7 that may be imposed for any other criminal offense arising from
8 the same conduct.

9 (21) An individual who knowingly and intentionally makes a
10 false statement to the court in support of his or her petition
11 for a personal protection order is subject to the contempt powers
12 of the court.

13 (22) A personal protection order issued under this section
14 is also enforceable under chapter XIIIA of the probate code of
15 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of
16 chapter IV of the code of criminal procedure, 1927 PA 175,
17 MCL 764.15b.

18 (23) A personal protection order issued under this section
19 may enjoin or restrain an individual from purchasing or possess-
20 ing a firearm.

21 (24) A personal protection order issued under this section
22 is also enforceable under chapter 17.

23 (25) A court shall not issue a personal protection order
24 that restrains or enjoins conduct described in subsection (1) if
25 any of the following apply:

26 (a) The respondent is the unemancipated minor child of the
27 petitioner.

1 (b) The petitioner is the unemancipated minor child of the
2 respondent.

3 (c) The respondent is a minor child less than 10 years of
4 age.

5 (26) If the respondent is less than 18 years of age, issu-
6 ance of a personal protection order under this section is subject
7 to chapter XIIIA of the probate code of 1939, 1939 PA 288,
8 MCL 712A.1 to 712A.32.

9 (27) A personal protection order that is issued before March
10 1, 1999 is not invalid on the ground that it does not comply with
11 1 or more of the requirements added by 1998 PA 476.

12 (28) A court shall not issue a personal protection order
13 under this section if the petitioner is a prisoner. If a per-
14 sonal protection order is issued in violation of this subsection,
15 a court shall rescind the personal protection order upon notifi-
16 cation and verification that the petitioner is a prisoner.

17 (29) As used in this section:

18 (a) "Federal law enforcement officer" means an officer or
19 agent employed by a law enforcement agency of the United States
20 government whose primary responsibility is the enforcement of
21 laws of the United States.

22 (b) "L.E.I.N." means the law enforcement information net-
23 work administered under the L.E.I.N. policy council act of 1974,
24 1974 PA 163, MCL 28.211 to 28.216.

25 (c) "Personal protection order" means an injunctive order
26 issued by ~~circuit court or the family division of circuit~~
27 PROBATE court restraining or enjoining conduct prohibited under

1 section 411h or 411i of the Michigan penal code, 1931 PA 328,
2 MCL 750.411h and 750.411i.

3 (d) "Prisoner" means a person subject to incarceration,
4 detention, or admission to a prison who is accused of, convicted
5 of, sentenced for, or adjudicated delinquent for violations of
6 federal, state, or local law or the terms and conditions of
7 parole, probation, pretrial release, or a diversionary program.

8 Enacting section 1. Chapter 10 of the revised judicature
9 act, 1961 PA 236, MCL 600.1001 to 600.1043, is repealed.