

# HOUSE BILL NO. 6237

December 04, 2024, Introduced by Reps. Filler, Wilson and Dievendorf and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a),  
as amended by 2018 PA 146.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2950. (1) Except as otherwise provided in subsections  
2       (26) and (27), by commencing an independent action to obtain relief  
3       under this section, by joining a claim to an action, or by filing a  
4       motion in an action in which the petitioner and the individual to

1 be restrained or enjoined are parties, an individual may petition  
2 the family division of circuit court to enter a personal protection  
3 order to restrain or enjoin a spouse **or another family member**, a  
4 former spouse, an individual with whom ~~he or she~~ **the petitioner** has  
5 had a child in common, an individual with whom ~~he or she~~ **the**  
6 **petitioner** has or has had a dating relationship, or an individual  
7 residing or having resided in the same household as the petitioner  
8 from doing 1 or more of the following:

9 (a) Entering onto premises.

10 (b) Assaulting, attacking, beating, molesting, or wounding a  
11 named individual.

12 (c) Threatening to kill or physically injure a named  
13 individual.

14 (d) Removing minor children from the individual having legal  
15 custody of the children, except as otherwise authorized by a  
16 custody or parenting time order issued by a court of competent  
17 jurisdiction.

18 (e) Purchasing or possessing a firearm.

19 (f) Interfering with petitioner's efforts to remove  
20 petitioner's children or personal property from premises that are  
21 solely owned or leased by the individual to be restrained or  
22 enjoined.

23 (g) Interfering with petitioner at petitioner's place of  
24 employment or education or engaging in conduct that impairs  
25 petitioner's employment or educational relationship or environment.

26 (h) If the petitioner is a minor who has been the victim of  
27 sexual assault, as that term is defined in section 2950a, by the  
28 respondent and if the petitioner is enrolled in a public or  
29 nonpublic school that operates any of grades K to 12, attending

1 school in the same building as the petitioner.

2 (i) Having access to information in records concerning a minor  
3 child of both petitioner and respondent that will inform respondent  
4 about the address or telephone number of petitioner and  
5 petitioner's minor child or about petitioner's employment address.

6 (j) Engaging in conduct that is prohibited under section 411h  
7 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
8 750.411i.

9 (k) Any of the following with the intent to cause the  
10 petitioner mental distress or to exert control over the petitioner  
11 with respect to an animal in which the petitioner has an ownership  
12 interest:

13 (i) Injuring, killing, torturing, neglecting, or threatening to  
14 injure, kill, torture, or neglect the animal. A restraining order  
15 that enjoins conduct under this subparagraph does not prohibit the  
16 lawful killing or other use of the animal as described in section  
17 ~~50(11)~~ **50(12)** of the Michigan penal code, 1931 PA 328, MCL 750.50.

18 (ii) Removing the animal from the petitioner's possession.

19 (iii) Retaining or obtaining possession of the animal.

20 (l) Any other specific act or conduct that imposes upon or  
21 interferes with personal liberty or that causes a reasonable  
22 apprehension of violence.

23 (2) If the respondent is a person who is issued a license to  
24 carry a concealed weapon and is required to carry a weapon as a  
25 condition of ~~his or her~~ **the respondent's** employment, a police  
26 officer licensed or certified by the Michigan commission on law  
27 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a  
28 sheriff, a deputy sheriff or a member of the Michigan department of  
29 state police, a local corrections officer, department of

1 corrections employee, or a federal law enforcement officer who  
2 carries a firearm during the normal course of ~~his or her~~  
3 employment, the petitioner shall notify the court of the  
4 respondent's occupation before issuance of the personal protection  
5 order. This subsection does not apply to a petitioner who does not  
6 know the respondent's occupation.

7 (3) A petitioner may omit ~~his or her~~ **the petitioner's** address  
8 of residence from documents filed with the court under this  
9 section. If a petitioner omits ~~his or her~~ **the petitioner's** address  
10 of residence, the petitioner shall provide the court with a mailing  
11 address.

12 (4) The court shall issue a personal protection order under  
13 this section if the court determines that there is reasonable cause  
14 to believe that the individual to be restrained or enjoined may  
15 commit 1 or more of the acts listed in subsection (1). In  
16 determining whether reasonable cause exists, the court shall  
17 consider all of the following:

18 (a) Testimony, documents, or other evidence offered in support  
19 of the request for a personal protection order.

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

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

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

28 (b) The individual to be restrained or enjoined or the parent,  
29 guardian, or custodian of the minor to be restrained or enjoined

1 has a property interest in the premises.

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

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

6 (a) A police report.

7 (b) A medical report.

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

9 (d) Physical signs of abuse or violence.

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

15 (8) A court shall not issue a mutual personal protection  
16 order. Correlative separate personal protection orders are  
17 prohibited unless both parties have properly petitioned the court  
18 under subsection (1).

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

24 (10) The issuing court shall designate a law enforcement  
25 agency that is responsible for entering a personal protection order  
26 into the law enforcement information network as provided by the  
27 C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

28 (11) A personal protection order must include all of the  
29 following, to the extent practicable in a single form:

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

5 (i) If the respondent is 17 years of age or older, immediate  
6 arrest and the civil and criminal contempt powers of the court and,  
7 if ~~he or she~~ **the respondent** is found guilty of criminal contempt,  
8 imprisonment for not more than 93 days and a fine of not more than  
9 \$500.00.

10 (ii) If the respondent is less than 17 years of age, immediate  
11 apprehension or being taken into custody and the dispositional  
12 alternatives listed in section 18 of chapter XIIIA of the probate  
13 code of 1939, 1939 PA 288, MCL 712A.18.

14 (iii) If the respondent violates the personal protection order  
15 in a jurisdiction other than this state, the enforcement procedures  
16 and penalties of the state, Indian tribe, or United States  
17 territory under whose jurisdiction the violation occurred.

18 (b) A statement that the personal protection order is  
19 effective and immediately enforceable anywhere in this state after  
20 being signed by a judge and that, upon service, a personal  
21 protection order also may be enforced by another state, an Indian  
22 tribe, or a territory of the United States.

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

24 (d) An expiration date stated clearly on the face of the  
25 order.

26 (e) A statement that the personal protection order is  
27 enforceable anywhere in this state by any law enforcement agency.

28 (f) The name of the law enforcement agency designated by the  
29 court to enter the personal protection order into the law

1 enforcement information network.

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

8 (12) A court shall issue an ex parte personal protection order  
9 without written or oral notice to the individual restrained or  
10 enjoined or ~~his or her~~ **the individual's** attorney if it clearly  
11 appears from specific facts shown by a verified complaint, written  
12 motion, or affidavit that immediate and irreparable injury, loss,  
13 or damage will result from the delay required to effectuate notice  
14 or that the notice will itself precipitate adverse action before a  
15 personal protection order can be issued.

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

25 (14) Except as otherwise provided in this subsection, the  
26 court shall schedule a hearing on a motion to modify or rescind the  
27 ex parte personal protection order within 14 days after the motion  
28 is filed. If the respondent is a person described in subsection (2)  
29 and the personal protection order prohibits ~~him or her~~ **the**

1 **respondent** from purchasing or possessing a firearm, the court shall  
2 schedule a hearing on the motion to modify or rescind the ex parte  
3 personal protection order within 5 days after the motion is filed.

4 (15) The clerk of the court that issues a personal protection  
5 order shall do all of the following immediately upon issuance and  
6 without requiring a proof of service on the individual restrained  
7 or enjoined:

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

11 (b) Provide the petitioner with 2 or more true copies of the  
12 personal protection order.

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

17 (d) If the personal protection order prohibits the respondent  
18 from purchasing or possessing a firearm, notify the county clerk of  
19 the respondent's county of residence about the existence and  
20 contents of the personal protection order.

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

24 (f) If the respondent is identified in the pleadings as being  
25 a person who may have access to information concerning the  
26 petitioner or a child of the petitioner or respondent and that  
27 information is contained in friend of the court records, notify the  
28 friend of the court for the county in which the information is  
29 located about the existence of the personal protection order.



1           (16) The clerk of the court shall inform the petitioner that  
2 ~~he or she~~**the petitioner** may take a true copy of the personal  
3 protection order to the law enforcement agency designated by the  
4 court under subsection (10) to be immediately entered into the law  
5 enforcement information network.

6           (17) The law enforcement agency that receives a true copy of a  
7 personal protection order under subsection (15) or (16) shall  
8 immediately and without requiring proof of service enter the  
9 personal protection order into the law enforcement information  
10 network as provided by the C.J.I.S. policy council act, 1974 PA  
11 163, MCL 28.211 to 28.215.

12           (18) A personal protection order issued under this section  
13 must 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 or  
16 enjoined or by any other manner allowed by 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 the  
20 individual restrained or enjoined with a true copy of the order or  
21 advise the individual restrained or enjoined of the existence of  
22 the personal protection order, the specific conduct enjoined, the  
23 penalties for violating the order, and where the individual  
24 restrained or enjoined may obtain a copy of the order. If the  
25 respondent is less than 18 years of age, the parent, guardian, or  
26 custodian of the individual must also be served personally or by  
27 registered or certified mail, return receipt requested, delivery  
28 restricted to the addressee at the last known address or addresses  
29 of the parent, guardian, or custodian. A proof of service or proof

1 of oral notice must be filed with the clerk of the court issuing  
2 the personal protection order. This subsection does not prohibit  
3 the immediate effectiveness of a personal protection order or its  
4 immediate enforcement under subsections (21) and (22).

5 (19) The clerk of the court that issued the personal  
6 protection order shall immediately notify the law enforcement  
7 agency that received the personal protection order under subsection  
8 (15) or (16) if either of the following occurs:

9 (a) The clerk of the court receives proof that the individual  
10 restrained or enjoined has been served.

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

13 (20) The law enforcement agency that receives information  
14 under subsection (19) shall enter the information or cause the  
15 information to be entered into the law enforcement information  
16 network as provided by the C.J.I.S. policy council act, 1974 PA  
17 163, MCL 28.211 to 28.215.

18 (21) Subject to subsection (22), a personal protection order  
19 is immediately enforceable anywhere in this state by any law  
20 enforcement agency that has received a true copy of the order, is  
21 shown a copy of it, or has verified its existence on the law  
22 enforcement information network as provided by the C.J.I.S. policy  
23 council act, 1974 PA 163, MCL 28.211 to 28.215.

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

1 penalties for violating the order, and where the individual  
2 restrained or enjoined may obtain a copy of the order. The law  
3 enforcement officer shall enforce the personal protection order and  
4 immediately enter or cause to be entered into the law enforcement  
5 information network that the individual restrained or enjoined has  
6 actual notice of the personal protection order. The law enforcement  
7 officer also shall file a proof of service or proof of oral notice  
8 with the clerk of the court issuing the personal protection order.  
9 If the individual restrained or enjoined has not received notice of  
10 the personal protection order, the individual restrained or  
11 enjoined must be given an opportunity to comply with the personal  
12 protection order before the law enforcement officer makes a  
13 custodial arrest for violation of the personal protection order.  
14 The failure to immediately comply with the personal protection  
15 order is grounds for an immediate custodial arrest. This subsection  
16 does not preclude an arrest under section 15 or 15a of chapter IV  
17 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and  
18 764.15a, or a proceeding under section 14 of chapter XIIIA of the  
19 probate code of 1939, 1939 PA 288, MCL 712A.14.

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

1 penalty that may be imposed for another criminal offense arising  
2 from the same conduct.

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

7 (25) A personal protection order issued under this section is  
8 also enforceable under section 15b of chapter IV of the code of  
9 criminal procedure, 1927 PA 175, MCL 764.15b, and chapter 17.

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

13 (a) The respondent is the unemancipated minor child of the  
14 petitioner.

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

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

18 (27) If the respondent is less than 18 years of age, issuance  
19 of a personal protection order under this section is subject to  
20 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1  
21 to 712A.32.

22 (28) A personal protection order that is issued before March  
23 1, 1999 is not invalid on the ground that it does not comply with 1  
24 or more of the requirements added by 1998 PA 477.

25 (29) For purposes of subsection (1)(k), a petitioner has an  
26 ownership interest in an animal if 1 or more of the following are  
27 applicable:

28 (a) The petitioner has a right of property in the animal.

29 (b) The petitioner keeps or harbors the animal.

1 (c) The animal is in the petitioner's care.

2 (d) The petitioner permits the animal to remain on or about  
3 premises occupied by the petitioner.

4 (30) As used in this section:

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

10 (b) **"Family member" means an individual who is related to the**  
11 **petitioner as any of the following:**

12 (i) **A parent.**

13 (ii) **A son or daughter.**

14 (iii) **A sibling.**

15 (iv) **A grandparent.**

16 (v) **A grandchild.**

17 (vi) **An uncle or aunt.**

18 (vii) **A first cousin.**

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

23 (d) ~~(c)~~ "Neglect" means that term as defined in section 50 of  
24 the Michigan penal code, 1931 PA 328, MCL 750.50.

25 (e) ~~(d)~~ "Personal protection order" means an injunctive order  
26 issued by the family division of circuit court restraining or  
27 enjoining activity and individuals listed in subsection (1).

28 Sec. 2950a. (1) Except as provided in subsections (27), (28),  
29 and (30), by commencing an independent action to obtain relief

1 under this section, by joining a claim to an action, or by filing a  
2 motion in an action in which the petitioner and the individual to  
3 be restrained or enjoined are parties, an individual may petition  
4 the family division of circuit court to enter a personal protection  
5 order to restrain or enjoin an individual from engaging in conduct  
6 that is prohibited under section 411h, 411i, or 411s of the  
7 Michigan penal code, 1931 PA 328, MCL 750.411h, 750.411i, and  
8 750.411s. ~~A-subject to subdivision (b), a~~ court shall not grant  
9 relief under this subsection unless the petition alleges facts that  
10 constitute stalking as defined in section 411h or 411i, or conduct  
11 that is prohibited under section 411s, of the Michigan penal code,  
12 1931 PA 328, MCL 750.411h, 750.411i, and 750.411s. Relief may be  
13 sought and granted under this subsection ~~whether or not~~ **as follows:**

14 **(a) Whether or not** the individual to be restrained or enjoined  
15 has been charged or convicted under section 411h, 411i, or 411s of  
16 the Michigan penal code, 1931 PA 328, MCL 750.411h, 750.411i, and  
17 750.411s, for the alleged violation.

18 **(b) Whether or not the individual to be restrained or enjoined**  
19 **has engaged in a course of conduct, as that term is defined in**  
20 **section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL**  
21 **750.411h and 750.411i, as applicable. For purposes of this section,**  
22 **the individual to be restrained or enjoined need only to have**  
23 **engaged in a single act that would otherwise constitute stalking**  
24 **under section 411h or 411i of the Michigan penal code, 1931 PA 328,**  
25 **MCL 750.411h and 750.411i, as applicable.**

26 (2) Except as provided in subsections (27), (28), and (30), by  
27 commencing an independent action to obtain relief under this  
28 section, by joining a claim to an action, or by filing a motion in  
29 an action in which the petitioner and the individual to be

1 restrained or enjoined are parties, an individual may petition the  
2 family division of circuit court to enter a personal protection  
3 order to restrain or enjoin an individual from engaging in any of  
4 the following:

5 (a) One or more of the acts listed in subsection (3), if the  
6 respondent has been convicted of a sexual assault of the  
7 petitioner, or the respondent has been convicted of furnishing  
8 obscene material to the petitioner under section 142 of the  
9 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially  
10 similar law of the United States, another state, or a foreign  
11 country or tribal or military law. A court shall grant relief under  
12 this subdivision if the court determines that the respondent has  
13 been convicted of a sexual assault of the petitioner or that the  
14 respondent was convicted of furnishing obscene material to the  
15 petitioner under section 142 of the Michigan penal code, 1931 PA  
16 328, MCL 750.142, or a substantially similar law of the United  
17 States, another state, or a foreign country or tribal or military  
18 law.

19 (b) One or more of the acts listed in subsection (3), if the  
20 petitioner has been subjected to, threatened with, or placed in  
21 reasonable apprehension of sexual assault by the individual to be  
22 enjoined. A court shall not grant relief under this subdivision  
23 unless the petition alleges facts that demonstrate that the  
24 respondent has perpetrated or threatened sexual assault against the  
25 petitioner. Evidence that a respondent has furnished obscene  
26 material to a minor petitioner is evidence that the respondent has  
27 threatened sexual assault against the petitioner. Relief may be  
28 sought and granted under this subdivision regardless of whether the  
29 individual to be restrained or enjoined has been charged with or

1 convicted of sexual assault or an offense under section 142 of the  
2 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially  
3 similar law of the United States, another state, or a foreign  
4 country or tribal or military law.

5 (3) The court may restrain or enjoin an individual against  
6 whom a protection order is sought under subsection (2) from 1 or  
7 more of the following:

8 (a) Entering onto premises.

9 (b) Threatening to sexually assault, kill, or physically  
10 injure petitioner or a named individual.

11 (c) Purchasing or possessing a firearm.

12 (d) Interfering with the petitioner's efforts to remove the  
13 petitioner's children or personal property from premises that are  
14 solely owned or leased by the individual to be restrained or  
15 enjoined.

16 (e) Interfering with the petitioner at the petitioner's place  
17 of employment or education or engaging in conduct that impairs the  
18 petitioner's employment or educational relationship or environment.

19 (f) Following or appearing within the sight of the petitioner.

20 (g) Approaching or confronting the petitioner in a public  
21 place or on private property.

22 (h) Appearing at the petitioner's workplace or residence.

23 (i) Entering onto or remaining on property owned, leased, or  
24 occupied by the petitioner.

25 (j) Contacting the petitioner by telephone.

26 (k) If the petitioner is a minor who is enrolled in a public  
27 or nonpublic school that operates any of grades K to 12, attending  
28 school in the same building as the petitioner.

29 (l) Sending mail or electronic communications to the



1 petitioner.

2 (m) Placing an object on, or delivering an object to, property  
3 owned, leased, or occupied by the petitioner.

4 (n) Engaging in conduct that is prohibited under section 411s  
5 of the Michigan penal code, 1931 PA 328, MCL 750.411s.

6 (o) Any other specific act or conduct that imposes upon or  
7 interferes with personal liberty or that causes a reasonable  
8 apprehension of violence or sexual assault.

9 (4) Section 520j of the Michigan penal code, 1931 PA 328, MCL  
10 750.520j, applies in any hearing on a petition for, a motion to  
11 modify or terminate, or an alleged violation of a personal  
12 protection order requested or issued under subsection (2), except  
13 as follows:

14 (a) The written motion and offer of proof must be filed at  
15 least 24 hours before a hearing on a petition to issue a personal  
16 protection order or on an alleged violation of a personal  
17 protection order.

18 (b) The written motion and offer of proof must be filed at the  
19 same time that a motion to modify or terminate a personal  
20 protection order is filed.

21 (5) If the respondent to a petition under this section is an  
22 individual who is issued a license to carry a concealed weapon and  
23 is required to carry a weapon as a condition of ~~his or her~~ **the**  
24 **individual's** employment, a police officer licensed or certified by  
25 the Michigan commission on law enforcement standards act, 1965 PA  
26 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member  
27 of the Michigan department of state police, a local corrections  
28 officer, a department of corrections employee, or a federal law  
29 enforcement officer who carries a firearm during the normal course

1 of ~~his or her~~ employment, the petitioner shall notify the court of  
2 the respondent's occupation before the personal protection order is  
3 issued. This subsection does not apply to a petitioner who does not  
4 know the respondent's occupation.

5 (6) A petitioner may omit ~~his or her~~ **the petitioner's** address  
6 of residence from documents filed with the court under this  
7 section. If a petitioner omits ~~his or her~~ **the petitioner's** address  
8 of residence, the petitioner shall provide the court a mailing  
9 address.

10 (7) If a court issues or refuses to issue a personal  
11 protection order, the court shall immediately state in writing the  
12 specific reasons for issuing or refusing to issue the personal  
13 protection order. If a hearing is held, the court shall also  
14 immediately state on the record the specific reasons for issuing or  
15 refusing to issue a personal protection order.

16 (8) A court shall not issue a mutual personal protection  
17 order. Correlative separate personal protection orders are  
18 prohibited unless both parties have properly petitioned the court  
19 under subsection (1) or (2).

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

25 (10) The court that issues a personal protection order shall  
26 designate a law enforcement agency that is responsible for entering  
27 the personal protection order into the L.E.I.N.

28 (11) A personal protection order issued under this section  
29 must include all of the following, to the extent practicable in a

1 single form:

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

6 (i) If the respondent is 17 years of age or older, immediate  
7 arrest and the civil and criminal contempt powers of the court. If  
8 the respondent is found guilty of criminal contempt, ~~he or she~~ **the**  
9 **respondent** must be imprisoned for not more than 93 days and may be  
10 fined not more than \$500.00.

11 (ii) If the respondent is less than 17 years of age, immediate  
12 apprehension or being taken into custody and the dispositional  
13 alternatives listed in section 18 of chapter XIIIA of the probate  
14 code of 1939, 1939 PA 288, MCL 712A.18.

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

19 (b) A statement that the personal protection order is  
20 effective and immediately enforceable anywhere in this state after  
21 being signed by a judge, and that on service, a personal protection  
22 order also may be enforced by another state, an Indian tribe, or a  
23 territory of the United States.

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

25 (d) An expiration date stated clearly on the face of the  
26 order.

27 (e) A statement that the personal protection order is  
28 enforceable anywhere in this state by any law enforcement agency.

29 (f) The name of the law enforcement agency designated by the

1 court to enter the personal protection order into the L.E.I.N.

2 (g) For an ex parte order, a statement that the individual  
3 restrained or enjoined may file a motion to modify or rescind the  
4 personal protection order and request a hearing within 14 days  
5 after the individual restrained or enjoined is served or receives  
6 actual notice of the personal protection order and that motion  
7 forms and filing instructions are available from the clerk of the  
8 court.

9 (12) A court shall not issue a personal protection order ex  
10 parte without written or oral notice to the individual enjoined or  
11 ~~his or her~~ **the individual's** attorney unless it clearly appears from  
12 specific facts shown by a verified complaint, written motion, or  
13 affidavit that immediate and irreparable injury, loss, or damage  
14 will result from the delay required to effectuate notice or that  
15 the notice will precipitate adverse action before a personal  
16 protection order can be issued.

17 (13) A personal protection order issued under subsection (12)  
18 is valid for not less than 182 days. The individual restrained or  
19 enjoined may file a motion to modify or rescind the personal  
20 protection order and request a hearing under the Michigan court  
21 rules. A motion to modify or rescind the personal protection order  
22 must be filed within 14 days after the order is served or after the  
23 individual restrained or enjoined receives actual notice of the  
24 personal protection order unless good cause is shown for filing the  
25 motion after 14 days have elapsed.

26 (14) Except as otherwise provided in this subsection, a court  
27 shall schedule a hearing on a motion to modify or rescind an ex  
28 parte personal protection order within 14 days after the motion to  
29 modify or rescind is filed. If the respondent is a person described

1 in subsection (5) and the personal protection order prohibits ~~him~~  
2 ~~or her~~ **the respondent** from purchasing or possessing a firearm, the  
3 court shall schedule a hearing on the motion to modify or rescind  
4 the ex parte personal protection order within 5 days after the  
5 motion to modify or rescind is filed.

6 (15) The clerk of the court that issues a personal protection  
7 order shall do all of the following immediately upon issuance  
8 without requiring proof of service on the individual restrained or  
9 enjoined:

10 (a) File a true copy of the personal protection order with the  
11 law enforcement agency designated by the court in the personal  
12 protection order.

13 (b) Provide the petitioner with 2 or more true copies of the  
14 personal protection order.

15 (c) If the individual restrained or enjoined is identified in  
16 the pleadings as a law enforcement officer, notify the officer's  
17 employing law enforcement agency of the existence of the personal  
18 protection order.

19 (d) If the personal protection order prohibits the individual  
20 restrained or enjoined from purchasing or possessing a firearm,  
21 notify the county clerk of the individual's county of residence of  
22 the existence and content of the personal protection order.

23 (e) If the individual restrained or enjoined is identified in  
24 the pleadings as a department of corrections employee, notify the  
25 department of corrections of the existence of the personal  
26 protection order.

27 (f) If the individual restrained or enjoined is identified in  
28 the pleadings as a person who may have access to information  
29 concerning the petitioner or a child of the petitioner or

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

5 (16) The clerk of a court that issues a personal protection  
6 order shall inform the petitioner that ~~he or she~~ **the petitioner** may  
7 take a true copy of the personal protection order to the law  
8 enforcement agency designated by the court under subsection (10) to  
9 be immediately entered into the L.E.I.N.

10 (17) The law enforcement agency that receives a true copy of a  
11 personal protection order under subsection (15) or (16) shall  
12 immediately, without requiring proof of service, enter the personal  
13 protection order into the L.E.I.N.

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

1 requested, delivery restricted to the addressee at the last known  
2 address or addresses of the parent, guardian, or custodian. A proof  
3 of service or proof of oral notice must be filed with the clerk of  
4 the court issuing the personal protection order. This subsection  
5 does not prohibit the immediate effectiveness of a personal  
6 protection order or immediate enforcement under subsection (21) or  
7 (22).

8 (19) The clerk of the court that issued a personal protection  
9 order shall immediately notify the law enforcement agency that  
10 received the personal protection order under subsection (15) or  
11 (16) if either or both of the following occur:

12 (a) The clerk of the court receives proof that the individual  
13 restrained or enjoined has been served.

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

16 (20) The law enforcement agency that receives information  
17 under subsection (19) shall enter the information or cause the  
18 information to be entered into the L.E.I.N.

19 (21) Subject to subsection (22), 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 L.E.I.N.

23 (22) If the individual restrained or enjoined by a personal  
24 protection order has not been served, a law enforcement agency or  
25 officer responding to a call alleging a violation of the personal  
26 protection order shall serve the individual restrained or enjoined  
27 with a true copy of the order or advise the individual restrained  
28 or enjoined of the existence of the personal protection order, the  
29 specific conduct enjoined, the penalties for violating the order,

1 and where the individual restrained or enjoined may obtain a copy  
2 of the order. The law enforcement officer shall enforce the  
3 personal protection order and immediately enter or cause to be  
4 entered into the L.E.I.N. that the individual restrained or  
5 enjoined has actual notice of the personal protection order. The  
6 law enforcement officer also shall file a proof of service or proof  
7 of oral notice with the clerk of the court that issued the personal  
8 protection order. If the individual restrained or enjoined has not  
9 received notice of the personal protection order, the individual  
10 restrained or enjoined must be given an opportunity to comply with  
11 the personal protection order before the law enforcement officer  
12 makes a custodial arrest for violation of the personal protection  
13 order. Failure to immediately comply with the personal protection  
14 order is grounds for an immediate custodial arrest. This subsection  
15 does not preclude an arrest under section 15 or 15a of chapter IV  
16 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and  
17 764.15a, or a proceeding under section 14 of chapter XIIIA of the  
18 probate code of 1939, 1939 PA 288, MCL 712A.14.

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



1 arising from the same conduct.

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

6 (25) A personal protection order issued under this section is  
7 also enforceable under section 15b of chapter IV of the code of  
8 criminal procedure, 1927 PA 175, MCL 764.15b, and chapter 17.

9 (26) A personal protection order issued under this section may  
10 enjoin or restrain an individual from purchasing or possessing a  
11 firearm.

12 (27) A court shall not issue a personal protection order that  
13 restrains or enjoins conduct described in subsection (1) or (3) 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 age.

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

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

27 (30) A court shall not issue a personal protection order under  
28 this section if the petitioner is a prisoner. If a personal  
29 protection order is issued in violation of this subsection, a court

1 shall rescind the personal protection order upon notification and  
2 verification that the petitioner is a prisoner.

3 (31) As used in this section:

4 (a) "Convicted" means 1 of the following:

5 (i) The subject of a judgment of conviction or a probation  
6 order entered in a court that has jurisdiction over criminal  
7 offenses, including a tribal court or a military court.

8 (ii) Assigned to youthful trainee status under sections 11 to  
9 15 of chapter II of the code of criminal procedure, 1927 PA 175,  
10 MCL 762.11 to 762.15, if the individual's status of youthful  
11 trainee is revoked and an adjudication of guilt is entered.

12 (iii) The subject of an order of disposition entered under  
13 section 18 of chapter XIIA of the probate code of 1939, 1939 PA  
14 288, MCL 712A.18, that is open to the general public under section  
15 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
16 712A.28.

17 (iv) The subject of an order of disposition or other  
18 adjudication in a juvenile matter in another state or country.

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

23 (c) "L.E.I.N." means the law enforcement information network  
24 administered under the C.J.I.S. policy council act, 1974 PA 163,  
25 MCL 28.211 to 28.215.

26 (d) "Personal protection order" means an injunctive order  
27 issued by the family division of circuit court restraining or  
28 enjoining conduct prohibited under subsection (1) or (3).

29 (e) "Prisoner" means a person subject to incarceration,

1 detention, or admission to a prison who is accused of, convicted  
2 of, sentenced for, or adjudicated delinquent for violations of  
3 federal, state, or local law or the terms and conditions of parole,  
4 probation, pretrial release, or a diversionary program.

5 (f) "Sexual assault" means an act, attempted act, or  
6 conspiracy to engage in an act of criminal conduct as defined in  
7 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,  
8 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and  
9 750.520g, or an offense under a law of the United States, another  
10 state, or a foreign country or tribal or military law that is  
11 substantially similar to an offense listed in this subdivision.