

# Thirty-Fifth Judicial Circuit Of Michigan

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## CHANGES IN PPO PROCEDURES EFFECTIVE JULY 1, 2000

Effective July 1, several amendments to the statutes governing personal protection orders affect the duties of court support personnel who handle the cases, as well as how violations of PPO's are handled. These changes are being implemented in Shiawassee County as follows:

1. There are no longer any motion fees in PPO actions. *MCL 600.2959(1)(e)*
2. Those circuit and family court staff members who review petitions for PPO's will use a checklist to inform the circuit and family court clerks/juvenile registers of the necessary agencies to be notified of the existence of a PPO.
3. The deputy circuit court clerks and family court clerks/juvenile registers will make the following notifications by providing the respective agencies with copies of the personal protection orders:
  - a. If the respondent is identified in pleadings as a law enforcement officer, they will provide a copy of the PPO to his/her employer, if known.
  - b. If a PPO prohibits the purchase or possession of a firearm, they will provide a copy of the PPO to the concealed weapons board in respondent's county of residence.
  - c. If the respondent is identified as a Department of Corrections employee, they will provide a copy of the PPO to the Department of Corrections.
  - d. If the respondent is identified as a person with access to information about the petitioner or a child of the petitioner or respondent, and this information is contained in Friend of the Court records, they will provide a copy of the PPO to the Friend of the Court in the county where the information is located.
    - a. A copy of the PPO will be placed in every case that is listed on the Petition for PPO that involves the same parties. *MCL 600.2950(15)(c)-(f); 600.2950a(12)(c)-(f)*

4. A court clerk or a law enforcement officer is now authorized to serve the respondent **AT ANY TIME**, (for law enforcement officers, **YES – this means that you now have an opportunity to provide a valid oral notification on a routine traffic stop!**) by:
  - b. giving the respondent a true copy of the PPO, **OR**
  - c. advising the respondent of the existence of the PPO, the conduct enjoined, the penalties for violation, and where a copy may be obtained. *MCL 600.2950(18); 600.2950a(15)*

Once this service has been completed, a proof of service must be filed in the case file by the law enforcement officer or court clerk who has effected the service. A true copy must be given to the Shiawassee County Sheriff's Department for entry onto the LEIN system. If the service is oral, the officer or court clerk must complete a proof of oral notification, file it with the clerk's office and provide a true copy to the Shiawassee County Sheriff's Department for entry onto the LEIN system.

5. If there is an alleged violation of a PPO and the respondent is taken into custody, he/she should be taken to the Shiawassee County Sheriff's Department for processing. Do not bring him/her directly to the Court.
6. Once he/she has been processed into the Sheriff's Department, they will notify the court that they have someone to be arraigned on a PPO violation. Arraignment must be held within 24 hours.
7. At the arraignment, the respondent will be given a hearing date which must take place within 72 hours. The Court will notify the petitioner and the Prosecutor's Office of the hearing date and time. The designated prosecuting attorney will determine whether or not they will proceed with criminal contempt charges. If they decide not to proceed with criminal contempt charges, the petitioner must still appear at the hearing for possible civil contempt charges to apply.
8. If a respondent has not been arrested for violation of a PPO but a police report has been completed, the responding officer should provide the court with a courtesy copy of the police report. (Kim Shipman for Circuit Court, Karen Van Epps for Juvenile PPO's)
9. The responding officer, if not making an arrest for a violation of a PPO, must tell the petitioner that he/she should come to the court to petition for an Order to Show Cause. They should also be told to first get a copy of the police report from the responding agency.

10. Once the Show Cause paperwork is completed, the petitioner will be sent to the Prosecutor's Office for an interview. The prosecuting attorney shall prosecute criminal contempt proceedings unless the petitioner retains his/her own attorney for the criminal contempt proceedings, or the prosecuting attorney determines that the PPO was not violated or that it would not be in the interest of justice to prosecute the criminal contempt violation. *MCL 764.15b(7)*
11. If the prosecuting attorney decides not to proceed on criminal contempt charges, the petitioner will be sent back to the court to proceed on civil contempt charges. A hearing date will be scheduled and the Order to Show Cause will be filed.

We do plan on having another PPO training program in the near future and all agencies will be notified of the times/dates/places. If you have any questions on PPO's, Orders to Show Cause, enforcement of PPO's, or anything else, PLEASE feel free to call or stop into my office (Dawn Childress 743-2248). You may also contact Karen Van Epps at 743-2350 regarding Juvenile PPO's, Kim Shipman at 743-2239 regarding stalking PPO's, or Dan Loomis at 743-2461 regarding domestic PPO's.

Thank You,

Dawn M. Childress  
Circuit Court Administrator