

MICHIGAN CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Michigan, there are 3 types of civil protection orders:

- ☐ **Domestic Relationship Personal Protection Orders** are available for individuals seeking protection from a domestic partner including a spouse, dating relationship partner, or parent of their child (MCL § 600.2950).
- ☐ **Non-Domestic Stalking Personal Protective Orders** are available for individuals experiencing stalking (MCL § 600.2950a).
- ☐ **Non-Domestic Sexual Assault Personal Protective Orders** are available for individuals seeking protection from someone who has sexually assaulted or threatened to sexually assault them (MCL § 600.2950a).

DOMESTIC RELATIONSHIP PERSONAL PROTECTION ORDER

Who can apply?	An individual in a domestic relationship who reasonably fears that the respondent may commit one or more of the following acts: • Entering a premises; • Assaulting or injuring a named individual; • Threatening to kill or injure a named individual; • Removing minor children from a person with legal custody of them; • Purchasing or possessing a firearm; • Interfering with petitioner's efforts to access children or personal property that are solely owned/leased by petitioner; • Interfering with petitioner at their place of employment or education; • Exerting control over, killing, injuring, or threatening an animal owned by petitioner (including removing or obtaining possession of that animal); • Any other acts that impose upon or interfere with petitioner's personal liberty or cause reasonable fear of violence. <i>MCL § 600.2950(1); MCL § 600.2950(4).</i> See "Who can be Restrained?" for the definition of a domestic relationship.
Can minors apply?	Yes. However, the minor will need to have a next friend file the PPO. A next friend is: A person who voluntarily helps a minor or person lacking competency in legal matters by filing a lawsuit. The court chooses the next friend for minors under 14, while minors 14 and older can choose their next friend. <i>MCR 3.703(F).</i>

DOMESTIC RELATIONSHIP PERSONAL PROTECTION ORDER

Who can be restrained?	Any person 10 years or older in a domestic relationship with the petitioner. Notwithstanding, parents cannot get a PPO to protect them from their unemancipated children under 18, and unemancipated children under 18 cannot get a PPO to protect them from a parent. <i>MCL § 600.2950(26).</i> A domestic relationship is a relationship with: • Your current or ex-spouse; • Your child's other parent; • Someone you live with now or used to live with; or • Someone you have dated. <i>MCL § 600.2950(1).</i>
What types of relief may a court order?	The court can issue an order restraining respondent from any of the following: • Entering a premises; • Assaulting or injuring a named individual; • Threatening to kill or injure a named individual; • Removing minor children from a person with legal custody of them; • Purchasing or possessing a firearm; • Interfering with petitioner's efforts to access children or personal property that are solely owned/leased by petitioner; • Interfering with petitioner at their place of employment or education; • Exerting control over, killing, injuring, or threatening an animal owned by petitioner (including removing or obtaining possession of that animal); • Any other acts that impose upon or interfere with petitioner's personal liberty or cause reasonable fear of violence. <i>MCL § 600.2950(1)(a)-(l).</i>

DOMESTIC RELATIONSHIP PERSONAL PROTECTION ORDER

How long does the order last?	A temporary ex parte PPO is valid for 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. A motion to modify or rescind the personal protection order must be filed within 14 days after the order is served or after the individual restrained or enjoined has received actual notice of the personal protection order unless good cause is shown for filing the motion after the 14 days have elapsed. <i>MCL § 600.2950(13)</i>.
Can the order be renewed?	Yes, a request for extension must be requested at least 3 days before the order expires. Petitioner can seek an extension on an ex parte basis and by filing a motion to modify, extend, or terminate a personal protection order. <i>MCR 3.707</i>.
Is a hearing with the respondent required?	Only if respondent files a motion to modify or rescind the temporary ex parte PPO within 14 days of being served. The court thereafter sets a hearing on the motion within 14 days of filing. <i>MCL § 600.2950(13) and (14)</i>. If respondent carries a firearm as a condition of employment, and the PPO restricts firearms, the court must set a hearing on respondent's motion to modify or rescind within 5 days of filing the motion. <i>MCL § 600.2950(14)</i>.

NON-DOMESTIC STALKING PERSONAL PROTECTIVE ORDER

Who can apply?

An individual who has been subjected to **stalking**, **aggravated stalking**, and/or **cyberstalking** by respondent.

Stalking means:

A willful course of conduct involving repeated harassment of another that would cause a reasonable person to feel fear and that causes that individual to feel fear.

MCL § 750.411h(1)(e).

Stalking becomes **aggravated stalking** if:

- The conduct is in violation of a restraining order;
- The conduct violates terms of probation or parole;
- The conduct includes making credible threats; or
- The respondent has previously been convicted of stalking.

MCL § 750.411i(2)(a-d).

Cyberstalking is posting a message through any electronic medium of communication that:

- The person knows would cause 2 or more separate noncontinuous acts of unconsented contact;
- Posting the message is intended to make the petitioner feel fear;
- Conduct would cause a reasonable person to suffer emotional distress; and
- Conduct causes the petitioner to suffer emotional distress.

MCL § 750.411s(1).

Course of conduct means:

2 or more separate acts.

MCL § 750.411h(1)(a).

NON-DOMESTIC STALKING PERSONAL PROTECTIVE ORDER

Can minors apply?	Yes. However, the minor will need to have a next friend file the PPO. A next friend is: A person who voluntarily helps a minor or person lacking competency in legal matters by filing a lawsuit. The court chooses the next friend for minors under 14, while minors 14 and older can choose their next friend. <i>MCR 3.703(F).</i>
Who can be restrained?	The respondent can be any individual age 10 or older. Notwithstanding, parents cannot get a PPO to protect them from their unemancipated children under 18, and unemancipated children under 18 cannot get a PPO to protect them from a parent. <i>MCL § 600.2950a(27).</i>
What types of relief may a court order?	The court can issue an order restraining respondent from any of the following: • Entering onto premises or remaining on a property; • Threatening to sexually assault, kill, or physically injure; • Purchasing or possessing a firearm; • Interfering with petitioner's efforts to access children or personal property that are solely owned/leased by petitioner; • Interfering with petitioner at their place of employment or education; • Following or appearing within the sight of petitioner; • Approaching or confronting petitioner; • Appearing at petitioner's workplace or residence; • Contacting by telephone, mail, or electronic means; or <i>continued on next page</i>

NON-DOMESTIC STALKING PERSONAL PROTECTIVE ORDER

What types of relief may a court order?	Any other conduct that interferes with personal liberty or causes reasonable apprehension of violence or sexual assault. <i>MCL § 600.2950a(3)(a)-(o).</i>
How long does the order last?	A temporary ex parte PPO is valid for 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. A motion to modify or rescind the personal protection order must be filed within 14 days after the order is served or after the individual restrained or enjoined receives actual notice of the personal protection order unless good cause is shown for filing the motion after 14 days have elapsed. <i>MCL § 600.2950a(13).</i>
Can the order be renewed?	Yes, a request for extension must be requested at least 3 days before the order expires. Petitioner can seek an extension on an ex parte basis and by filing a motion to modify, extend, or terminate a personal protection order. <i>MCR 3.707.</i>
Is a hearing with the respondent required?	Only if respondent files a motion to modify or rescind the temporary ex parte PPO within 14 days of being served. The court thereafter sets a hearing on the motion within 14 days of filing. <i>MCL § 600.2950(13) and (14).</i> If respondent carries a firearm as a condition of employment, and the PPO restricts firearms, the court must set a hearing on respondent's motion to modify or rescind within 5 days of filing the motion. <i>MCL § 600.2950(14).</i>

NON-DOMESTIC SEXUAL ASSAULT PERSONAL PROTECTIVE ORDER

Who can apply?	An individual who has been sexually assaulted or threatened with or placed in reasonable apprehension of sexual assault, including the sharing of obscene images. <i>MCL § 600.2950a(2).</i>
Can minors apply?	Yes. However, the minor will need to have a next friend file the PPO. A next friend is: A person who voluntarily helps a minor or person lacking competency in legal matters by filing a lawsuit. The court chooses the next friend for minors under 14, while minors 14 and older can choose their next friend. <i>MCR 3.703(F).</i>
Who can be restrained?	The respondent can be any individual age 10 or older. Notwithstanding, parents cannot get a PPO to protect them from their unemancipated children under 18, and unemancipated children under 18 cannot get a PPO to protect them from a parent. <i>MCL § 600.2950a(27).</i>
What types of relief may a court order?	The court can issue an order restraining respondent from any of the following: • Entering onto premises or remaining on a property; • Threatening to sexually assault, kill, or physically injure; • Purchasing or possessing a firearm; • Interfering with petitioner's efforts to access children or personal property that are solely owned/leased by petitioner; <i>continued on next page</i>

NON-DOMESTIC SEXUAL ASSAULT PERSONAL PROTECTIVE ORDER

What types of relief may a court order?	• Interfering with petitioner at their place of employment or education; • Following or appearing within the sight of petitioner; • Approaching or confronting petitioner; • Appearing at petitioner's workplace or residence; • Contacting by telephone, mail, or electronic means; or • Any other conduct that interferes with personal liberty or causes reasonable apprehension of violence or sexual assault. <i>MCL § 600.2950a(3)(a)-(o).</i>
How long does the order last?	A temporary ex parte PPO is valid for 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. A motion to modify or rescind the personal protection order must be filed within 14 days after the order is served or after the individual restrained or enjoined receives actual notice of the personal protection order unless good cause is shown for filing the motion after 14 days have elapsed. <i>MCL § 600.2950a(13).</i>
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NON-DOMESTIC SEXUAL ASSAULT PERSONAL PROTECTIVE ORDER

Is a hearing with the respondent required?

If respondent carries a firearm as a condition of employment, and the PPO restricts firearms, the court must set a hearing on respondent's motion to modify or rescind within 5 days of filing the motion.
MCL § 600.2950(14).

HOW TO APPLY

Forms are available at courthouse and online at [Personal Protection Proceedings Forms \(michigan.gov\)](https://michigan.gov/personal-protection-proceedings-forms)

Petitioner files petition in the family division of the circuit court for county where petitioner or respondent resides and attends a hearing with a judge but without the respondent (ex parte).

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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