

# Order

Michigan Supreme Court  
Lansing, Michigan

October 6, 2011

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2010-17

Michael F. Cavanagh  
Marilyn Kelly

Amendment of Rule 3.707  
of the Michigan Court Rules

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Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 3.707 of the Michigan Court Rules is adopted, effective January 1, 2012.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

## Rule 3.707 Modification, Termination, or Extension of Order

### (A) Modification or Termination.

#### (1) Time for Filing and Service.

- (a) The petitioner may file a motion to modify or terminate the personal protection order and request a hearing at any time after the personal protection order is issued.
- (b) The respondent may file a motion to modify or terminate ~~the~~ an ex parte personal protection order or an ex parte order extending a personal protection order and request a hearing within 14 days after being served with, or receiving actual notice of, the order ~~unless good cause is shown for filing the motion after the 14 days have elapsed.~~ Any motion otherwise to modify or terminate a personal protection order by the respondent requires a showing of good cause.
- (c) The moving party shall serve the motion to modify or terminate the order and the notice of hearing at least 7 days before the hearing date as provided in MCR 2.105(A)(2) at the mailing address or addresses provided to the court. On an appropriate showing, the court may allow service in another manner as provided in MCR 2.105(I). If the

moving party is a respondent who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of employment, a police officer certified by the Michigan law enforcement training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of employment, providing notice one day before the hearing is deemed as sufficient notice to the petitioner.

(2)-(3)[Unchanged.]

(B)-(D) [Unchanged.]

Staff Comment: The amendment of MCR 3.707 clarifies that the right to bring a motion to modify or terminate a personal protection order within 14 days after the order enters applies to ex parte PPOs only, not those orders that enter following a full hearing. In addition, for a respondent to file a motion to modify or terminate a PPO more than 14 days after its issuance, this amendment requires the respondent to show good cause.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 6, 2011

*Corbin R. Davis*

Clerk