



## Michigan Supreme Court

State Court Administrative Office

**Field Services Division**

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Ryan P. Gamby  
Field Services Director

### MEMORANDUM

DATE: February 7, 2024  
FROM: SCAO Forms Team  
RE: Extreme Risk Protection Act Forms

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Below is a list of recently created SCAO-approved court forms. A copy of each form is also provided.

**Because these are new forms and updates are likely, courts should be mindful of this in printing forms.**

If a form is used by the court through a JIS case management system, you will receive a separate notice from JIS regarding the release of the form. Until then, please use the current version posted to the One Court of Justice website.

For suggestions about these court forms, please contact [CourtFormsInfo@courts.mi.gov](mailto:CourtFormsInfo@courts.mi.gov).

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**[\\*NEW FORM\\* CC 450, Confidential Information, Extreme Risk Protection Order Proceeding](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

➤ Click here to see the form.

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 452, Complaint for Extreme Risk Protection Order, Adult Respondent](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

➤ Click here to see the form.

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 452M, Complaint for Extreme Risk Protection Order, Minor Respondent](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 453, Extreme Risk Protection Order, Adult Respondent](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 453M, Extreme Risk Protection Order, Minor Respondent](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 454, Immediate Emergency Ex Parte Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 455, Sworn Written Petition After Immediate Emergency Ex Parte Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 456, Order Denying Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 457, Proof of Personal Service/Oral Notice \(Extreme Risk Protection Order\)](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 458, Anticipatory Search Warrant, Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 458a, Affidavit for Anticipatory Search Warrant, Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 459, Verification of Compliance with Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 460, Motion to Modify, Terminate, or Extend Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* INST CC 460, Instructions for Motion to Modify, Terminate, or Extend Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

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These are instructions for use with *CC 460, Motion to Modify, Terminate, or Extend Extreme Risk Protection Order*.

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**[\\*NEW FORM\\* CC 461, Order on Motion to Modify, Terminate, or Extend Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 462, Motion to Show Cause for Violating Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 463, Order Regarding Motion to Show Cause for Violating Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 464, Order After Hearing on Show Cause for Violating Extreme Risk Protection Order](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

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**[\\*NEW FORM\\* CC 465, Request for Next Friend and Order, Extreme Risk Protection Order Proceeding](#)**

**Most recent update:** (2/24) version

**Use of existing paper stock:** NEW FORM – For use beginning February 13, 2024.

- [Click here to see the form.](#)

This form is for use in proceedings under the Extreme Risk Protection Order Act (2023 PA 38).

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>CONFIDENTIAL INFORMATION</b> Extreme Risk Protection Order Proceeding <input type="checkbox"/> AMENDED	<b>CASE NO. and JUDGE</b>
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Court address Court telephone no.

Petitioner's name

v

Respondent's name

**This form is confidential and not to be served on other parties in this case. Any contact information below that has already been provided or is provided in the future in a public court filing or through the MiFILE system will not be made confidential by this document.**

### Respondent Information

Date of birth or age	Driver's license no. (if known)
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### Petitioner Name

Full name of petitioner

### Petitioner Address

Include an address where the court may send notices and court documents.

I am a law enforcement officer. The address below is my work address.

Street Address			
City	State	Zip	

### Petitioner's Information

Date of birth

Date

Petitioner's signature

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>COMPLAINT FOR EXTREME RISK PROTECTION ORDER, ADULT RESPONDENT</b> <input type="checkbox"/> EX PARTE	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

Court address Court telephone no.

Petitioner's name, telephone no., and email address			v	Respondent's name, address, and telephone no.		Age
Age	Race	Sex				
Petitioner must complete and file form CC 450, <i>Confidential Information</i> , with this petition.						

**Background Information - Petitioner and Respondent**

In this section, provide the following information about the petitioner and respondent. The person filing the complaint is the petitioner and the respondent is the person that the petitioner is asking be subject to an extreme risk protection order.

1. The petitioner: (mark all that apply)

- is the  current spouse  former spouse of the respondent.
- has a child in common with the respondent.
- has  had a dating relationship with the respondent.
- lives  previously lived in the same household with the respondent.
- is a family member of the respondent. (Note: "family member" means parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin.)
- is a guardian of the respondent under MCL 700.1104.
- is a law enforcement officer (as defined in MCL 691.1803).
- is a health care provider (as defined in MCL 691.1803).

2. I am the next friend and am filing on behalf of the petitioner.

3. I know the respondent is one of the following:

- a. an individual who is required to carry a pistol as a condition of their employment and is issued a license to carry a concealed pistol.
- b. a police officer licensed or certified under the Michigan commission on law enforcement standards act, 1964 PA 203, MCL 28.601 to 28.615.
- c. a sheriff or deputy sheriff.
- d. a member of the department of state police.
- e. a local corrections officer.
- f. an employee of the department of corrections.
- g. a federal law enforcement officer who carries a pistol during the normal course of the officer's employment.
- h. an officer of the Federal Bureau of Prisons.

The respondent's employer is: \_\_\_\_\_  
Provide name of employer or specific law enforcement department or agency

4. Provide as much information about the respondent as possible below:

Full name of respondent (type or print)						
Height	Weight	Race	Sex	Hair color	Eye color	
Other identifying information						

**Pending Court Actions**

In this section, provide information regarding any pending or resolved court actions involving you and the respondent, and whether an extreme risk protection order action involving the respondent has been started in another jurisdiction.

5.  I do not know whether an extreme risk protection action involving the respondent has been commenced in another jurisdiction.

An extreme risk protection action involving the respondent has been commenced in \_\_\_\_\_ .  
Name of county

6. a. There  are  are not other pending actions in this or any other court affecting the parties.

Case number	Name of court, county, and state or province	Name of judge

b. There  are  are not orders/judgments entered by this or any other court affecting the parties.

Case number	Name of court, county, and state or province	Name of judge

**Request for an Extreme Risk Protection Order**

In this section, you will be providing information to the court to support the request for an extreme risk protection order. The information provided will help the court in deciding whether or not to grant your request.

7. **I request the court issue an extreme risk protection order against the respondent** to prohibit the respondent from purchasing or possessing a firearm and to require the respondent to surrender any concealed weapons license or any valid unused license to purchase a firearm. An extreme risk protection order is necessary because the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation. The detailed facts that support this statement are: (use additional sheets if necessary)

**Ex Parte Order**

In addition to requesting an order, you can ask the court to issue the order immediately, before the respondent gets notice about the petition or before any hearing. This is called an “ex parte” order. If an ex parte order is not requested, the court will not enter an order until after a hearing is held on the petition.

8.  I am not requesting an ex parte order.

**OR**

- I am requesting that the court issue an ex parte extreme risk protection order against the respondent. An ex parte order is necessary because: (check all that apply)
- immediate and irreparable injury, loss, or damage will result from the delay required to give notice.
  - notice itself will precipitate adverse action before an extreme risk protection order can be issued.

The detailed facts that support this statement are: (use additional sheets if necessary)

**Firearms**

In this subsection, state whether you know or believe the respondent possesses firearms. Identify any firearms you know or believe the respondent owns or possesses, including any information that would assist a law enforcement officer in locating the firearms. Examples of firearms include, but are not limited to rifles, shotguns, pistols, and handguns. Use additional sheets if necessary. If you don't know a particular piece of information, leave the space blank.

9.  The respondent does not own or possess firearms.
- I am unsure whether the respondent owns or possesses firearms.
- I know or believe that the respondent owns or possesses firearms. Information regarding the firearms is as follows:

Type of firearm	Manufacturer	Model	Caliber/gauge	Location (if known)

Provide any other information that would help a law enforcement officer to find the firearm(s).



10. **Additional information: If you have** any information about any of the following items, please provide it below. You may use additional pages if necessary. If the answer to any question is “yes,” **please provide a detailed explanation.**

- a. Does the respondent have any history of use, attempted use, or threatened use of physical force against another individual, or against themselves? Include information about any violence or threat of violence, regardless of whether a firearm was involved.
  
  
  
  
  
  
  
  
  
  
- b. Is there any evidence of the respondent having a serious mental illness or a serious emotional disturbance, as defined in MCL 330.1100d, that makes the respondent dangerous to other individuals or to themselves?
  
  
  
  
  
  
  
  
  
  
- c. Have any of the following orders ever been entered against the respondent: extreme risk protection order, personal protection order, restraining order, pretrial release order, probation or parole order, any other type of order intended to prevent the respondent from certain activity?
  
  
  
  
  
  
  
  
  
  
- d. Has the respondent ever violated an extreme risk protection order or personal protection order?
  
  
  
  
  
  
  
  
  
  
- e. Does the respondent have any prior criminal convictions or adjudications as either an adult or juvenile?
  
  
  
  
  
  
  
  
  
  
- f. Does the respondent have any criminal cases or petitions currently pending against them?
  
  
  
  
  
  
  
  
  
  
- g. Is there any evidence of recent unlawful use of controlled substances by the respondent?
  
  
  
  
  
  
  
  
  
  
- h. Is there any evidence of recent abuse of alcohol by the respondent?
  
  
  
  
  
  
  
  
  
  
- i. Has the respondent previously unlawfully possessed, used, displayed, or brandished a deadly weapon?

j. Is there any evidence that the respondent has obtained, or attempted to obtain a deadly weapon or ammunition within the past 180 days?

k. Is there any other reliable information the court should consider?

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's/Next friend's signature

\_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Attorney signature (if applicable)

\_\_\_\_\_  
Attorney name (type or print) Bar no.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip Telephone no.

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>COMPLAINT FOR EXTREME RISK PROTECTION ORDER, MINOR RESPONDENT</b> <input type="checkbox"/> EX PARTE	<b>CASE NO. and JUDGE</b>
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Court address Court telephone no.

Petitioner's name, telephone no., and email address  	<b>v</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 85%;">Respondent's name, address, and telephone no.</td> <td style="width: 15%;">Age</td> </tr> <tr> <td colspan="2" style="height: 100px;"></td> </tr> </table>	Respondent's name, address, and telephone no.	Age		
Respondent's name, address, and telephone no.	Age					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Age</td> <td style="width: 33%;">Race</td> <td style="width: 33%;">Sex</td> </tr> </table>	Age	Race	Sex			
Age	Race	Sex				
<b>Petitioner must complete and file form CC 450, <i>Confidential Information</i>, with this petition.</b>						

### Background Information - Petitioner and Respondent

In this section, provide the following information about the petitioner and respondent. The person filing the complaint is the petitioner and the respondent is the person that the petitioner is asking be subject to an extreme risk protection order.

1. The petitioner: (mark all that apply)

- is the  current spouse  former spouse of the respondent.
- has a child in common with the respondent.
- has  had a dating relationship with the respondent.
- lives  previously lived in the same household with the respondent.
- is a family member of the respondent. (Note: "family member" means parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin.)
- is a guardian of the respondent under MCL 700.1104.
- is a law enforcement officer (as defined in MCL 691.1803).
- is a health care provider (as defined in MCL 691.1803).

2. I am the next friend and am filing on behalf of the petitioner.

3. Respondent is a minor. Contact information for the  parent(s)  guardian(s)  custodian(s) is:

Full name of respondent's parent, guardian, custodian	Full name of respondent's parent, guardian, custodian
Address and telephone no. if different than respondent	Address and telephone no. if different than respondent

4. The respondent is a minor and is not required to carry a pistol as part of their employment, does not have a license to carry a concealed pistol, and is not employed as a police officer, sheriff, deputy sheriff, or by the state police, local or state department of corrections, as a federal law enforcement officer, or an officer of the Federal Bureau of Prisons.

5. Provide as much information about the respondent as possible below:

Full name of respondent (type or print)						
Height	Weight	Race	Sex	Hair color	Eye color	
Other identifying information						

**Pending Court Actions**

In this section, provide information regarding any pending or resolved court actions involving you and the respondent, and whether an extreme risk protection order action involving the respondent has been started in another jurisdiction.

6.  I do not know whether an extreme risk protection action involving the respondent has been commenced in another jurisdiction.

An extreme risk protection action involving the respondent has been commenced in \_\_\_\_\_ .  
Name of county

7. a. There  are  are not other pending actions in this or any other court affecting the parties.

Case number	Name of court, county, and state or province	Name of judge

b. There  are  are not orders/judgments entered by this or any other court affecting the parties.

Case number	Name of court, county, and state or province	Name of judge

**Request for an Extreme Risk Protection Order**

In this section, you will be providing information to the court to support the request for an extreme risk protection order. The information provided will help the court in deciding whether or not to grant your request.

8. **I request the court issue an extreme risk protection order against the respondent** to prohibit the respondent from purchasing or possessing a firearm and to require the respondent to surrender any concealed weapons license or any valid unused license to purchase a firearm. An extreme risk protection order is necessary because the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation. The detailed facts that support this statement are: (use additional sheets if necessary)

**Ex Parte Order**

In addition to requesting an order, you can ask the court to issue the order immediately, before the respondent gets notice about the petition or before any hearing. This is called an “ex parte” order. If an ex parte order is not requested, the court will not enter an order until after a hearing is held on the petition.

9.  I am not requesting an ex parte order.

**OR**

- I am requesting that the court issue an ex parte extreme risk protection order against the respondent. An ex parte order is necessary because: (check all that apply)
- immediate and irreparable injury, loss, or damage will result from the delay required to give notice.
  - notice itself will precipitate adverse action before an extreme risk protection order can be issued.

The detailed facts that support this statement are: (use additional sheets if necessary)

**Firearms**

In this subsection, state whether you know or believe the respondent possesses firearms. Identify any firearms you know or believe the respondent owns or possesses, including any information that would assist a law enforcement officer in locating the firearms. Examples of firearms include, but are not limited to rifles, shotguns, pistols, and handguns. Use additional sheets if necessary. If you don't know a particular piece of information, leave the space blank.

10.  The respondent does not own or possess firearms.
- I am unsure whether the respondent owns or possesses firearms.
- I know or believe that the respondent owns or possesses firearms. Information regarding the firearms is as follows:

Type of firearm	Manufacturer	Model	Caliber/gauge	Location (if known)

Provide any other information that would help a law enforcement officer to find the firearm(s).

11. **Additional information: If you have** any information about any of the following items, please provide it below. You may use additional pages if necessary. If the answer to any question is “yes,” **please provide a detailed explanation.**

- a. Does the respondent have any history of use, attempted use, or threatened use of physical force against another individual, or against themselves? Include information about any violence or threat of violence, regardless of whether a firearm was involved.
  
- b. Is there any evidence of the respondent having a serious mental illness or a serious emotional disturbance, as defined in MCL 330.1100d, that makes the respondent dangerous to other individuals or to themselves?
  
- c. Have any of the following orders ever been entered against the respondent: extreme risk protection order, personal protection order, restraining order, pretrial release order, probation or parole order, any other type of order intended to prevent the respondent from certain activity?
  
- d. Has the respondent ever violated an extreme risk protection order or personal protection order?
  
- e. Does the respondent have any prior criminal convictions or adjudications as either an adult or juvenile?
  
- f. Does the respondent have any criminal cases or petitions currently pending against them?
  
- g. Is there any evidence of recent unlawful use of controlled substances by the respondent?
  
- h. Is there any evidence of recent abuse of alcohol by the respondent?
  
- i. Has the respondent previously unlawfully possessed, used, displayed, or brandished a deadly weapon?

j. Is there any evidence that the respondent has obtained, or attempted to obtain a deadly weapon or ammunition within the past 180 days?

k. Is there any other reliable information the court should consider?

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's/Next friend's signature

\_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Attorney signature (if applicable)

\_\_\_\_\_  
Attorney name (type or print) Bar no.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip Telephone no.

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>EXTREME RISK PROTECTION ORDER, ADULT RESPONDENT</b> <input type="checkbox"/> EX PARTE	<b>CASE NO. and JUDGE</b>
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ORI MI- Court address Court telephone no.

Petitioner's name and telephone no.	v	Respondent's name
		Address and telephone no. where court can reach respondent

Full name of respondent (type or print)*							Driver's license number (if known)
Height	Weight	Race*	Sex*	Date of birth or age*	Hair color	Eye color	Other identifying information

\*These items **must** be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful.

This order is entered  without a hearing.  after hearing.

Date order issued: \_\_\_\_\_

**This order is effective when signed, enforceable immediately, and remains in effect until \_\_\_\_\_.**  
This order may be enforced anywhere in this state by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the CJIS policy council act or on an information network maintained by the Federal Bureau of Investigation.

IT IS ORDERED:

## TO THE RESPONDENT

This is a court order that has been entered against you. **Read it carefully** and follow each of the specific orders listed below.

### Firearm Surrender

1. You must surrender any firearms in your possession or control  immediately after  within 24 hours of being served with this order or receiving actual notice of the existence of this order.

You must surrender them to the \_\_\_\_\_  
Name of law enforcement agency

- If this box is checked, firearms may be surrendered to one of the licensed firearm dealers on the list maintained by this court instead of the law enforcement agency designated above.

### Restrictions on Firearms and Licenses

2. You cannot purchase or possess a firearm. If you have been issued a license to purchase, carry, possess, or transport pistols under MCL 28.422 that you have not used yet and it is not void yet, you must not use it and must surrender it to the law enforcement agency identified in item 1.
3. You must surrender any license to carry a concealed pistol to the county clerk as required by MCL 28.428. You cannot apply for a concealed pistol license. If you have been issued a license to carry a concealed pistol, the license will be suspended or revoked under MCL 28.248 once this order is entered into the law enforcement information network.



### Mandatory Filing Requirements

4. You must verify to the court that you have complied with these surrender requirements. A failure to comply with the filing requirements below will result in the issuance of either a warrant or an order to show cause why you should not be held in contempt of court.

**Not later** than 24 hours after you receive a copy of or have actual notice of this order, you **must** do one of the following:

- a. **If you had firearms or a concealed pistol license** in your possession or control, file with the court that issued the order one or more documents or other evidence verifying that all of the following statements are true:
  - i. All firearms previously in your possession or control were surrendered to or seized by the local law enforcement agency identified in item 1 or, if allowed by the court, to one of the licensed firearm dealers on the list maintained by this court.
  - ii. Any concealed pistol license was surrendered or seized by the local law enforcement agency identified in item 1, or surrendered to the county clerk as required by the order and MCL 28.428.
  - iii. At the time of the verification, you do not have any firearms or a concealed pistol license in your possession or control.

**OR**

- b. **If you did not have firearms or a concealed pistol license** in your possession or control, file with the court that issued the order one or more documents or other evidence verifying that both of the following statements are true:
  - i. At the time the order was issued, you did not have a firearm or concealed pistol license in your possession or control.
  - ii. At the time of the verification, you do not have a firearm or concealed pistol license in your possession or control.

To complete this required verification, you may fill out and sign SCAO form CC 459 and file it with the court that issued the order. It is available on the SCAO website at [www.courts.michigan.gov/SCAO-forms](http://www.courts.michigan.gov/SCAO-forms). If the court is closed when the 24-hour period expires, you must complete this required filing with the court not later than the next business day.

### Order Violations

5. Violating any part of this order subjects you to immediate arrest, contempt of court, an automatic extension of the order, and criminal penalties, including imprisonment for up to one year for an initial violation and up to five years for a subsequent violation.

### Your Rights

6. You have the right to seek the advice of, and be represented by, an **attorney**.
7. If this order has been issued without written or oral notice to you (ex parte), you may **request and attend a hearing** to modify or terminate this order. The hearing will be held within 14 days after the order is served or you receive actual notice of the order, but you must request this hearing within 7 days after the order is served or after you receive actual notice of the order.

If you are an individual described in MCL 691.1805(5), the hearing will be held within 5 days after the order is served or you receive actual notice of the order, excluding weekends and holidays if the court is closed to the public. You must request this hearing within 3 days after the order is served or after you receive actual notice of the order. If the court is closed to the public upon the expiration of the 3-day period, the request must be made not later than the next business day.

8. In addition to the hearing described in item 7, you may **file a motion to modify or terminate** this order at any time. You may file one motion to modify or terminate the order during the first six months the order is in effect, and one motion during the second six months the order is in effect. A motion form and filing instructions are available from the clerk of the court that issued the order or you may use **SCAO form CC 460** that is available on the SCAO website at [www.courts.michigan.gov/SCAO-forms/](http://www.courts.michigan.gov/SCAO-forms/) to accomplish this purpose. At the hearing, you must prove, by a preponderance of the evidence, that you no longer pose a risk to seriously physically injure another individual or yourself by possessing a firearm. If you file more than one motion during these times, the court may summarily dismiss your motion without a response from the petitioner and without a hearing.

**TO LAW ENFORCEMENT**

9. The following firearms were identified in the complaint as firearms that the petitioner believes the respondent owns or controls.

Type of firearm	Manufacturer	Model	Caliber/gauge	Location (if known)

The petitioner provided the following information to assist in locating the firearms(s):

10. The court has ordered the respondent to immediately surrender the individual's firearms, including those listed in item 9, if any. The \_\_\_\_\_ must proceed to seize the respondent's  
Name of law enforcement agency  
firearm(s) after the respondent is served with or receives actual notice of this order, after first giving the respondent an opportunity to surrender the respondent's firearm(s).

11. This order may be enforced anywhere in this state by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the CJIS policy council act or on an information network maintained by the Federal Bureau of Investigation.

12. The  Michigan State Police  \_\_\_\_\_ shall  
Name of law enforcement agency  
immediately and without requiring proof of service report the entry of this order to the Federal Bureau of Investigation as required by MCL 691.1815(1).\*

13. \_\_\_\_\_ is directed to enter this order into the law enforcement  
Name of law enforcement agency or local entering authority  
information network pursuant to MCL 691.1809(1)(h).

\*The law enforcement agency designated for forwarding the order to the Federal Bureau of Investigation under MCL 691.1815(1) must be an agency within whose jurisdiction the respondent resides. MCL 691.1809(g).

14. The respondent may reclaim any firearm(s) after the expiration date of this order or it is terminated, subject to the restrictions in MCL 691.1815, or the firearm(s) shall be transferred to a licensed firearm dealer if the restrained individual sells or transfers ownership of the firearm to the dealer.

**THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:**

15. A complaint requesting an extreme risk protection order under MCL 691.1801 *et. seq.* was filed by the petitioner. After considering the factors identified in MCL 691.1807(1), the court finds by a preponderance of evidence that the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that substantially support the expectation that the respondent will intentionally or unintentionally seriously physically injure himself or another individual by possessing a firearm.
16. Petitioner requested an ex parte order. Based on clear and convincing evidence, an ex parte order should be entered without notice because:
- immediate and irreparable injury, loss, or damage will result from the delay required to give notice.
  - notice itself will precipitate adverse action before an extreme risk protection order can be issued.
17. The factors identified by the court in issuing this order include the following: (Use note: Include specific information regarding each finding in space provided on next page.)
- A history of use, attempted use, or threatened use of physical force by the respondent against another individual, or against the respondent, regardless of whether the violence or threat of violence involved a firearm
  - Evidence of the respondent having a serious mental illness or a serious emotional disturbance, as defined in MCL 330.1100d, that makes the respondent dangerous to other individuals or to the respondent
  - The following current and/or past orders entered against the respondent:
    - Extreme risk protection order
    - Personal protection order under MCL 600.2950 or MCL 600.2950a
    - Pretrial release order     Probation order     Parole order     Any other injunctive order
  - Violation of a previous or existing extreme risk protection order
  - Violation of a previous or existing personal protection order under MCL 600.2950 or MCL 600.2950a
  - Previous criminal conviction of, pending criminal charges against, or previous or pending juvenile delinquency petitions against the responding for the commission or attempted commission of any of the following offenses:
    - a misdemeanor violation of MCL 750.81
    - a violation of MCL 750.411h, MCL 750.411i, or a similar offense in another jurisdiction
    - an offense that has assault as an element
    - an offense that has an element including a threat to person or property
    - an offense that is a crime committed against the person or property of a spouse or intimate partner as that term is defined in MCL 600.2950k
    - an offense involving cruelty or abuse of animals
    - a serious misdemeanor, as that term is defined in MCL 780.811
  - Evidence of recent unlawful use of controlled substances by the respondent
  - Recent abuse of alcohol
  - Previous unlawful possession, use, display, or brandishing of a deadly weapon by the respondent
  - Evidence of an acquisition or attempted acquisition within the previous 180 days by the respondent of a deadly weapon or ammunition

Additional information the court found to be reliable, such as a statement by the respondent, or relevant information from family and household members concerning the respondent, specifically:

The following other facts the court found to be relevant:

Specific information regarding findings in item 17 :

18.  The respondent  is  is not an individual described in MCL 691.1805(5).

**OR**

It is unknown whether the respondent is an individual described in MCL 691.1805(5).

┌

\_\_\_\_\_  
Judge signature and date

**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the extreme risk protection order and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

**Important:** If the extreme risk protection order requires the immediate surrender of the respondent's firearms, the order must be served personally by a law enforcement officer pursuant to MCL 691.1813. **SCAO form CC 457** may be used for proof of service in that instance.

**CERTIFICATE OF SERVICE / NONSERVICE**

I served  personally  by registered or certified mail, return receipt requested, and delivery restricted to the respondent (copy of return receipt attached) a copy of the extreme risk protection order, together with the attachments listed below, on:

I have attempted to serve a copy of the extreme risk protection order, together with the attachments listed below, and have been unable to complete service on:

Respondent's name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	<b>TOTAL FEE</b> \$

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (type or print)

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of a copy of the extreme risk protection order, together with

\_\_\_\_\_  
Attachments (if any)

\_\_\_\_\_  
Date and time

\_\_\_\_\_  
Respondent's signature

\_\_\_\_\_  
Name (type or print)

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>EXTREME RISK PROTECTION ORDER MINOR RESPONDENT</b> <input type="checkbox"/> EX PARTE	<b>CASE NO. and JUDGE</b>
--	--	---------------------------

ORI MI- \_\_\_\_\_ Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Petitioner's name and telephone no.	v	Respondent's name
		Address and telephone no. where court can reach respondent

Full name of respondent (type or print)*							Driver's license number (if known)
Height	Weight	Race*	Sex*	Date of birth or age*	Hair color	Eye color	Other identifying information

\*These items **must** be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful.

This order is entered  without a hearing.  after hearing.

Date order issued: \_\_\_\_\_

**This order is effective when signed, enforceable immediately, and remains in effect until \_\_\_\_\_ .**  
This order may be enforced anywhere in this state by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the CJIS policy council act or on an information network maintained by the Federal Bureau of Investigation.

Respondent is a minor. Contact information for the  parent(s)  guardian(s)  custodian(s) is:

Full name of respondent's parent, guardian, custodian	Full name of respondent's parent, guardian, custodian
Address and telephone no. if different than respondent	Address and telephone no. if different than respondent

IT IS ORDERED:

## TO THE RESPONDENT

This is a court order that has been entered against you. **Read it carefully** and follow each of the specific orders listed below.

### Firearm Surrender

1. You must surrender any firearms in your possession or control  immediately after  within 24 hours of being served with this order or receiving actual notice of the existence of this order.

You must surrender them to the \_\_\_\_\_ .  
Name of law enforcement agency

- If this box is checked, firearms may be surrendered to one of the licensed firearm dealers on the list maintained by this court instead of the law enforcement agency designated above.

### Restrictions on Firearms and Licenses

2. You cannot purchase or possess a firearm. If you have been issued a license to purchase, carry, possess, or transport pistols under MCL 28.422 that you have not used yet and it is not void yet, you must not use it and must surrender it to the law enforcement agency identified in item 1.
3. You must surrender any license to carry a concealed pistol to the county clerk as required by MCL 28.428. You cannot apply for a concealed pistol license. If you have been issued a license to carry a concealed pistol, the license will be suspended or revoked under MCL 28.248 once this order is entered into the law enforcement information network.

### Mandatory Filing Requirements

4. You must verify to the court that you have complied with these surrender requirements. A failure to comply with the filing requirements below will result in the issuance of either a warrant or an order to show cause why you should not be held in contempt of court.

**Not later** than 24 hours after you receive a copy of or have actual notice of this order, you **must** do one of the following:

- a. **If you had firearms or a concealed pistol license** in your possession or control file, with the court that issued the order one or more documents or other evidence verifying that all of the following statements are true:
  - i. All firearms previously in your possession or control were surrendered to or seized by the local law enforcement agency identified in item 1 or, if allowed by the court, to one of the licensed firearm dealers on the list maintained by this court.
  - ii. Any concealed pistol license was surrendered to or seized by the local law enforcement agency identified in item 1, or surrendered to the county clerk as required by the order and MCL 28.428.
  - iii. At the time of the verification, you do not have any firearms or a concealed pistol license in your possession or control.

**OR**

- b. **If you did not have firearms or a concealed pistol license** in your possession or control, file with the court that issued the order one or more documents or other evidence verifying that both of the following statements are true:
  - i. At the time the order was issued, you did not have a firearm or concealed pistol license in your possession or control.
  - ii. At the time of the verification, you do not have a firearm or concealed pistol license in your possession or control.

To complete this required verification, you may fill out and sign SCAO form CC 459 and file it with the court that issued the order. It is available on the SCAO website at [www.courts.michigan.gov/SCAO-forms](http://www.courts.michigan.gov/SCAO-forms). If the court is closed when the 24-hour period expires, you must complete this required filing with the court not later than the next business day.

### Order Violations

5. Violating any part of this order subjects you to immediate arrest, contempt of court, an automatic extension of the order, and criminal penalties, including imprisonment for up to one year for an initial violation and up to five years for a subsequent violation.

### Your Rights

6. You have the right to seek the advice of, and be represented by, an **attorney**.

7. If this order has been issued without written or oral notice to you (ex parte), you may **request and attend a hearing** to modify or terminate this order. The hearing will be held within 14 days after the order is served or you receive actual notice of the order, but you must request this hearing within 7 days after the order is served or after you receive actual notice of the order.

If you are an individual described in MCL 691.1805(5), the hearing will be held within 5 days after the order is served or you receive actual notice of the order, excluding weekends and holidays if the court is closed to the public. You must request this hearing within 3 days after the order is served or after you receive actual notice of the order. If the court is closed to the public upon the expiration of the 3-day period, the request must be made not later than the next business day.

8. In addition to the hearing described in item 7, you may **file a motion to modify or terminate** this order at any time. You may file one motion to modify or terminate the order during the first six months the order is in effect, and one motion during the second six months the order is in effect. A motion form and filing instructions are available from the clerk of the court that issued the order or you may use **SCAO form CC 460** that is available on the SCAO website at [www.courts.michigan.gov/SCAO-forms/](http://www.courts.michigan.gov/SCAO-forms/) to accomplish this purpose. At the hearing, you must prove, by a preponderance of the evidence, that you no longer pose a risk to seriously physically injure another individual or yourself by possessing a firearm.

If you file more than one motion during these times, the court may summarily dismiss your motion without a response from the petitioner and without a hearing.

**TO LAW ENFORCEMENT**

9. The following firearms were identified in the complaint as firearms that the petitioners believes the respondent owns or controls.

Type of firearm	Manufacturer	Model	Caliber/gauge	Location (if known)

The petitioner provided the following information to assist in locating the firearm(s):

10. The court has ordered the respondent to immediately surrender the individual's firearms, including those listed in item 9, if any. The \_\_\_\_\_ must proceed to seize the respondent's  
Name of law enforcement agency  
firearm(s) after the respondent is served with or receives actual notice of this order, after first giving the respondent an opportunity to surrender the respondent's firearm(s).

11. This order may be enforced anywhere in this state by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the CJIS policy council act or on an information network maintained by the Federal Bureau of Investigation.



12. The  Michigan State Police  \_\_\_\_\_ shall immediately  
Name of law enforcement agency  
and without requiring proof of service report the entry of this order to the Federal Bureau of Investigation as required by MCL 691.1815(1).\*
13. \_\_\_\_\_ is directed to enter this order into the law enforcement  
Name of law enforcement agency or local entering authority  
information network pursuant to MCL 691.1809(1)(h).
14. The respondent may reclaim any firearm(s) after the expiration date of this order or it is terminated, subject to the restrictions in MCL 691.1815, or the firearm(s) shall be transferred to a licensed firearm dealer if the restrained individual sells or transfers ownership of the firearm to the dealer.

\*The law enforcement agency designated for forwarding the order to the Federal Bureau of Investigation under MCL 691.1815(1) must be an agency within whose jurisdiction the respondent resides. MCL 691.1809(g).

**THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:**

15. A complaint requesting an extreme risk protection order under MCL 691.1801 *et. seq.* was filed by the petitioner. After considering the factors identified in MCL 691.1807(1), the court finds by a preponderance of evidence that the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure themselves or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that substantially support the expectation that the respondent will intentionally or unintentionally seriously physically injure themselves or another individual by possessing a firearm.
16. Petitioner requested an ex parte order. Based on clear and convincing evidence, an ex parte order should be entered without notice because:
- immediate and irreparable injury, loss, or damage will result from the delay required to give notice.
  - notice itself will precipitate adverse action before an extreme risk protection order can be issued.
17. The factors identified by the court in issuing this order include the following: (Use note: Include specific information regarding each finding in space provided on next page.)
- A history of use, attempted use, or threatened use of physical force by the respondent against another individual, or against the respondent, regardless of whether the violence or threat of violence involved a firearm
  - Evidence of the respondent having a serious mental illness or a serious emotional disturbance, as defined in MCL 330.1100d, that makes the respondent dangerous to other individuals or to the respondent
  - The following current and/or past orders entered against the respondent:
    - Extreme risk protection order
    - Personal protection order under MCL 600.2950 or MCL 600.2950a
    - Pretrial release order     Probation order     Parole order     Any other injunctive order
  - Violation of a previous or existing extreme risk protection order
  - Violation of a previous or existing personal protection order under MCL 600.2950 or MCL 600.2950a

- Previous criminal conviction of, pending criminal charges against, or previous or pending juvenile delinquency petitions against the responding for the commission or attempted commission of any of the following offenses:
  - a misdemeanor violation of MCL 750.81
  - a violation of MCL 750.411h, MCL 750.411i, or a similar offense in another jurisdiction
  - an offense that has assault as an element
  - an offense that has an element including a threat to person or property
  - an offense that is a crime committed against the person or property of a spouse or intimate partner as that term is defined in MCL 600.2950k
  - an offense involving cruelty or abuse of animals
  - a serious misdemeanor, as that term is defined in MCL 780.811
  
- Evidence of recent unlawful use of controlled substances by the respondent
  
- Recent abuse of alcohol
  
- Previous unlawful possession, use, display, or brandishing of a deadly weapon by the respondent
  
- Evidence of an acquisition or attempted acquisition within the previous 180 days by the respondent of a deadly weapon or ammunition
- Additional information the court found to be reliable, such as a statement by the respondent, or relevant information from family and household members concerning the respondent, specifically:
  
  
- The following other facts the court found to be relevant:

Specific information regarding findings in item 17 :

18.  The respondent  is  is not an individual described in MCL 691.1805(5).

**OR**

It is unknown whether the respondent is an individual described in MCL 691.1805(5).

┌

\_\_\_\_\_  
Judge signature and date

**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the extreme risk protection order and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

**Important:** If the extreme risk protection order requires the immediate surrender of the respondent's firearms, the order must be served personally by a law enforcement officer pursuant to MCL 691.1813. **SCAO form CC 457** may be used for proof of service in that instance.

**CERTIFICATE OF SERVICE / NONSERVICE**

I served  personally  by registered or certified mail, return receipt requested, and delivery restricted to the respondent (copy of return receipt attached) a copy of the extreme risk protection order, minor respondent together with the attachments listed below, on:

I have attempted to serve a copy of the extreme risk protection order, minor respondent, together with the attachments listed below, and have been unable to complete service on:

Respondent's name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	<b>TOTAL FEE</b> \$

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (type or print)

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of a copy of the extreme risk protection order, together with

\_\_\_\_\_  
Attachments (if any)

\_\_\_\_\_  
Date and time

\_\_\_\_\_  
Respondent's signature

\_\_\_\_\_  
Name (type or print)

**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the extreme risk protection order and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

**Important:** If the extreme risk protection order requires the immediate surrender of the respondent's firearms, the order must be served personally by a law enforcement officer pursuant to MCL 691.1813. **SCAO form CC 457** may be used for proof of service in that instance.

**CERTIFICATE OF SERVICE / NONSERVICE**

I served  personally  by registered or certified mail, return receipt requested, and delivery restricted to the respondent's parent/guardian/custodian (copy of return receipt attached) a copy of the extreme risk protection order, minor respondent, together with the attachments listed below, on:

I have attempted to serve a copy of the extreme risk protection order, minor respondent, together with the attachments listed below, and have been unable to complete service on:

Respondent's parent/guardian/custodian name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	<b>TOTAL FEE</b> \$

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (type or print)

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of a copy of the extreme risk protection order, minor respondent, together with

\_\_\_\_\_  
Attachments (if any)

\_\_\_\_\_  
Date and time

\_\_\_\_\_  
Respondent's signature

\_\_\_\_\_  
Name (type or print)

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>IMMEDIATE EMERGENCY EX PARTE EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

ORI \_\_\_\_\_ Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_  
MI- \_\_\_\_\_

Petitioner law enforcement officer name, agency and telephone no.	<b>v</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Respondent's name</td> <td style="width: 20%;">Age</td> </tr> <tr> <td colspan="2">Address and telephone no. where court can reach respondent</td> </tr> </table>	Respondent's name	Age	Address and telephone no. where court can reach respondent	
Respondent's name	Age					
Address and telephone no. where court can reach respondent						

Full name of respondent (type or print)*							Driver's license number (if known)
Height	Weight	Race*	Sex*	Date of birth or age*	Hair color	Eye color	Other identifying information

\*These items **must** be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful.

This order is entered after hearing.

Date order issued: \_\_\_\_\_

**This order is effective when signed, enforceable immediately, and remains in effect until \_\_\_\_\_.**  
 This order may be enforced anywhere in this state by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the CJIS policy council act or on an information network maintained by the Federal Bureau of Investigation.

Respondent is a minor. Contact information for the  parent(s)  guardian(s)  custodian(s) is:

Full name of respondent's parent, guardian, custodian	Full name of respondent's parent, guardian, custodian
Address and telephone no. if different than respondent	Address and telephone no. if different than respondent

IT IS ORDERED:

**TO THE RESPONDENT**

This is a court order that has been entered against you. **Read it carefully** and follow each of the specific orders listed below.

Firearm Surrender

1. You must surrender any firearms in your possession or control  immediately after  within 24 hours of being served with this order or receiving actual notice of the existence of this order.

You must surrender them to the \_\_\_\_\_  
Name of law enforcement agency

If this box is checked, firearms may be surrendered to one of the licensed firearm dealers on the list maintained by this court instead of the law enforcement agency designated above.

### Restrictions on Firearms and Licenses

2. You cannot purchase or possess a firearm. If you have been issued a license to purchase, carry, possess, or transport pistols under MCL 28.422 that you have not used yet and it is not void yet, you must not use it and must surrender it to the law enforcement agency identified in item 1.
3. You must surrender any license to carry a concealed pistol to the county clerk as required by MCL 28.428. You cannot apply for a concealed pistol license. If you have been issued a license to carry a concealed pistol, the license will be suspended or revoked under MCL 28.248 once this order is entered into the law enforcement information network.

### Mandatory Filing Requirements

4. You must verify to the court that you have complied with these surrender requirements. A failure to comply with the filing requirements below will result in the issuance of either a warrant or an order to show cause why you should not be held in contempt of court.

**Not later** than 24 hours after you receive a copy of or have actual notice of this order, you **must** do one of the following:

- a. **If you had firearms or a concealed pistol license** in your possession or control, file with the court that issued the order one or more documents or other evidence verifying that all of the following statements are true:
  - i. All firearms previously in your possession or control were surrendered to or seized by the local law enforcement agency identified in item 1 or, if allowed by the court, to one of the licensed firearm dealers on the list maintained by this court.
  - ii. Any concealed pistol license was surrendered to or seized by the local law enforcement agency identified in item 1, or surrendered to the county clerk as required by the order and MCL 28.428.
  - iii. At the time of the verification, you do not have any firearms or a concealed pistol license in your possession or control.

**OR**

- b. **If you did not have firearms or a concealed pistol license** in your possession or control, file with the court that issued the order one or more documents or other evidence verifying that both of the following statements are true:
  - i. At the time the order was issued, you did not have a firearm or concealed pistol license in your possession or control.
  - ii. At the time of the verification, you do not have a firearm or concealed pistol license in your possession or control.

To complete this required verification, you may fill out and sign **SCAO form CC 459** and file it with the court. It is available on the SCAO website at [www.courts.michigan.gov/SCAO-forms](http://www.courts.michigan.gov/SCAO-forms). If the court is closed when the 24-hour period expires, you must complete this required filing with the court not later than the next business day.

### Order Violations

5. Violating any part of this order subjects you to immediate arrest, contempt of court, an automatic extension of the order, and criminal penalties, including imprisonment for up to one year for an initial violation and up to five years for a subsequent violation.

### Your Rights

6. You have the right to seek the advice of, and be represented by, an **attorney**.

7. If this order has been issued without written or oral notice to you (ex parte), you may **request and attend a hearing** to modify or terminate this order. The hearing will be held within 14 days after the order is served or you receive actual notice of the order, but you must request this hearing within 7 days after the order is served or after you receive actual notice of the order.

If you are an individual described in MCL 691.1805(5), the hearing will be held within 5 days after the order is served or you receive actual notice of the order, excluding weekends and holidays if the court is closed to the public. You must request this hearing within 3 days after the order is served or after you receive actual notice of the order. If the court is closed to the public upon the expiration of the 3-day period, the request must be made not later than the next business day.

8. In addition to the hearing described in item 7, you may **file a motion to modify or terminate** this order at any time. You may file one motion to modify or terminate the order during the first six months the order is in effect, and one motion during the second six months the order is in effect. A motion form and filing instructions are available from the clerk of the court that issued the order or you may use SCAO form CC 460 that is available at [www.courts.michigan.gov/SCAO-forms/](http://www.courts.michigan.gov/SCAO-forms/) to accomplish this purpose. At the hearing, you must prove, by a preponderance of the evidence, that you no longer pose a risk to seriously physically injure another individual or yourself by possessing a firearm.

If you file more than one motion during these times, the court may summarily dismiss your motion without a response from the petitioner and without a hearing.

**TO LAW ENFORCEMENT**

9. The following firearms were identified in the complaint as firearms that the petitioner believes the respondent owns or controls.

Type of firearm	Manufacturer	Model	Caliber/gauge	Location (if known)

The petitioner provided the following information to assist in locating the firearm(s):

10. The court has ordered the respondent to immediately surrender the individual's firearms, including those listed in item 9, if any. The \_\_\_\_\_ must proceed to seize the respondent's  
Name of law enforcement agency  
firearm(s) after the respondent is served with or receives actual notice of this order, after first giving the respondent an opportunity to surrender the respondent's firearm(s).

11. This order may be enforced anywhere in this state by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the CJIS policy council act or on an information network maintained by the Federal Bureau of Investigation.

12. The  Michigan State Police  \_\_\_\_\_ shall  
Name of law enforcement agency  
immediately and without requiring proof of service report the entry of this order to the Federal Bureau of Investigation as required by MCL 691.1815(1).\*
13. \_\_\_\_\_ is directed to enter this order into the law enforcement  
Name of law enforcement agency or local entering authority  
information network pursuant to MCL 691.1809(1)(h).
14. The respondent may reclaim any firearm(s) after the expiration date of this order or it is terminated, subject to the restrictions in MCL 691.1815, or the firearm(s) shall be transferred to a licensed firearm dealer if the restrained individual sells or transfers ownership of the firearm to the dealer.

\*The law enforcement agency designated for forwarding the order to the Federal Bureau of Investigation under MCL 691.1815(1) must be an agency within whose jurisdiction the respondent resides. MCL 691.1809(g).

**THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:**

15. A law enforcement officer responding to a complaint involving the respondent requested an immediate emergency ex parte extreme risk protection order under MCL 691.1801 *et. seq.* Pursuant to MCL 691.1807(4), and after considering the factors identified in MCL 691.1807(1), the court finds by a preponderance of evidence that the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that substantially support the expectation that the respondent will intentionally or unintentionally seriously physically injure himself or another individual by possessing a firearm.
16. Petitioner requested an ex parte order. Based on clear and convincing evidence, an ex parte order should be entered without notice because:
- immediate and irreparable injury, loss, or damage will result from the delay required to give notice.
- notice itself will precipitate adverse action before an extreme risk protection order can be issued.
17. The factors identified by the court in issuing this order include the following: (Use note: Include specific information regarding each finding in space provided on next page.)
- A history of use, attempted use, or threatened use of physical force by the respondent against another individual, or against the respondent, regardless of whether the violence or threat of violence involved a firearm
- Evidence of the respondent having a serious mental illness or a serious emotional disturbance, as defined in MCL 330.1100d, that makes the respondent dangerous to other individuals or to the respondent
- The following current and/or past orders entered against the respondent:
- Extreme risk protection order
- Personal protection order under MCL 600.2950 or MCL 600.2950a
- Pretrial release order  Probation order  Parole order  Any other injunctive order
- Violation of a previous or existing extreme risk protection order
- Violation of a previous or existing personal protection order under MCL 600.2950 or MCL 600.2950a



- Previous criminal conviction of, pending criminal charges against, or previous or pending juvenile delinquency petitions against the responding for the commission or attempted commission of any of the following offenses:
  - a misdemeanor violation of MCL 750.81
  - a violation of MCL 750.411h, MCL 750.411i, or a similar offense in another jurisdiction
  - an offense that has assault as an element
  - an offense that has an element including a threat to person or property
  - an offense that is a crime committed against the person or property of a spouse or intimate partner as that term is defined in MCL 600.2950k
  - an offense involving cruelty or abuse of animals
  - a serious misdemeanor, as that term is defined in MCL 780.811
  
- Evidence of recent unlawful use of controlled substances by the respondent
  
- Recent abuse of alcohol
  
- Previous unlawful possession, use, display, or brandishing of a deadly weapon by the respondent
  
- Evidence of an acquisition or attempted acquisition within the previous 180 days by the respondent of a deadly weapon or ammunition
  
- Additional information the court found to be reliable, such as a statement by the respondent, or relevant information from family and household members concerning the respondent, specifically:
  
  
- The following other facts the court found to be relevant:

Specific information regarding findings in item 17 :

18.  The respondent  is  is not an individual described in MCL 691.1805(5).

**OR**

It is unknown whether the respondent is an individual described in MCL 691.1805(5).

┌

\_\_\_\_\_  
Judge signature and date

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>SWORN WRITTEN PETITION AFTER IMMEDIATE EMERGENCY EX PARTE EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	--	---------------------------

Court address

Court telephone no.

Law enforcement officer name, agency, telephone no., and email address		
Race	Sex	
<b>Petitioner must complete and file form CC 450, Confidential Information, with this petition.</b>		

v

Respondent's name, address, and telephone no.	Age
---	-----

**Note:** Pursuant to MCL 691.1807 and MCR 3.718(B), this form must be filed within one business day of the verbal request for an immediate emergency ex parte protection order. Failure to timely file this form may result in the termination of the immediate emergency ex parte order, the return of any seized firearms to the defendant, and the dismissal of the case.

I am a law enforcement officer as defined by MCL 28.602.

On \_\_\_\_\_, I responded to a complaint regarding the respondent. I contacted the  
Date

\_\_\_\_\_ court and spoke with \_\_\_\_\_  
Court name Judge

to request an immediate emergency ex parte extreme risk protection order based on a reasonable expectation that respondent, within the near future, will intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and because immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before an order can be issued.

On the date above, I verbally provided the following facts and circumstances in support of that request:

1. I provided the following information about the complaint regarding the respondent and details of the response: (use additional sheets if necessary.)

2. I advised the court the respondent is:
- a. an individual who is required to carry a pistol as a condition of their employment and is issued a license to carry a concealed pistol.
  - b. a police officer licensed or certified under the Michigan commission on law enforcement standards act, 1964 PA 203, MCL 28.601 to 28.615.
  - c. a sheriff or deputy sheriff.
  - d. a member of the department of state police.
  - e. a local corrections officer.
  - f. an employee of the department of corrections.
  - g. a federal law enforcement officer who carries a pistol during the normal course of the officer's employment.
  - h. an officer of the Federal Bureau of Prisons.

I advised the court that the respondent's employer is: \_\_\_\_\_  
Name of employer or specific law enforcement department or agency

3. I advised the court that
- I do not know whether an extreme risk protection action involving the respondent has been commenced in another jurisdiction.
  - an extreme risk protection action involving the respondent has been commenced in \_\_\_\_\_  
Name of county

4. I advised the court that I was requesting an immediate emergency ex parte extreme risk protection order against the respondent for the following reasons: (use additional sheets if necessary)

5. I advised the court of the following:
- The respondent does not own or possess firearms.
  - I am unsure whether the respondent owns or possesses firearms.
  - I know or believe that the respondent owns or possesses firearms. Information regarding the firearms is as follows:

Type of firearm	Manufacturer	Model	Caliber/gauge	Location (if known)

I provided the additional following information to the court to assist other law enforcement officers in locating any firearms:

6. I advised the court of the following information regarding the respondent: (**Only include** information you previously provided to the court. If you did not provide any information, write "N/A" or "I did not provide the court with information regarding this factor.")
- a. Any history of use, attempted use, or threatened use of physical force by the respondent against another individual, or against the respondent, regardless of whether the violence or threat of violence involved a firearm.
  
  - b. Any evidence of the respondent having a serious mental illness or a serious emotional disturbance, as defined in MCL 330.1100d, that makes the respondent dangerous to other individuals or to themself.
  
  - c. Any information on whether any of the following orders have been entered previously against the respondent: extreme risk protection order, personal protection order, restraining order, pretrial release order, probation or parole order, any other type of order intended to prevent the respondent from certain activity.
  
  - d. Any violations of an extreme risk protection order or personal protection order by the respondent.
  
  - e. Any prior criminal convictions or adjudications of respondent as either an adult or juvenile.
  
  - f. Any criminal cases or petitions currently pending against the respondent.
  
  - g. Any evidence of recent unlawful use of controlled substances by the respondent.
  
  - h. Any evidence of recent abuse of alcohol by the respondent.

- i. Any unlawful possession, use, display, or brandishing of a deadly weapon by respondent.
  
- j. Any evidence that the respondent has obtained, or attempted to obtain a deadly weapon or ammunition within the past 180 days.
  
- k. Any other reliable information needed for the court's consideration.

The respondent's identifying information is as follows:

Full name of respondent (type or print)						
Height	Weight	Race	Sex	Hair color	Eye color	
Other identifying information						

Respondent is a minor. Contact information for the  parent(s)  guardian(s)  custodian(s) is:

Full name of respondent's parent, guardian, custodian	Full name of respondent's parent, guardian, custodian
Address and telephone no. if different than respondent	Address and telephone no. if different than respondent

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Law enforcement officer signature

\_\_\_\_\_  
Name (type or print)

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER DENYING EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	--	---------------------------

Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

1. This order is entered  without a hearing.  after hearing.

**THE COURT FINDS:**

2.  a. A complaint was filed for an extreme risk protection order.  
 The petitioner requested an ex parte order.  
 b. A request was made by law enforcement for immediate emergency ex parte extreme risk protection order.
3.  a. Clear and convincing evidence does not support the issuance of an ex parte order. Petitioner is advised of their right to request a hearing on the complaint for extreme risk protection order within 21 days of entry of this order. If the petitioner fails to request a hearing within 21 days, the order denying the petition will be final.  
 b. Clear and convincing evidence does not support the issuance of an immediate emergency ex parte order.
4. The petitioner has not proven by a preponderance of the evidence that grounds exist for issuance of an extreme risk protection order.

**IT IS ORDERED:**

5.  a. The complaint for an extreme risk protection order is denied for the following reasons: (Specify below.)
- b. The complaint for an ex parte extreme risk protection order is denied for the following reasons: (Specify below.)
- c. The request by law enforcement for an immediate emergency extreme risk protection order is denied for the following reasons: (Specify below.)

\_\_\_\_\_

Judge signature and date

**CERTIFICATE OF SERVICE**

I certify that on this date I personally served a copy of this order on the petitioner at \_\_\_\_\_  
Location  
\_\_\_\_\_ at \_\_\_\_\_  
Time

I certify that on this date I mailed a copy of this order to the petitioner by first-class mail addressed to his/her last-known address.

I certify that I  personally served a copy of this order on the respondent at \_\_\_\_\_  
Location  
\_\_\_\_\_ at \_\_\_\_\_  
Time

served a copy of this order on the respondent by first-class mail addressed to his/her last-known address

because the respondent was served with a copy of the complaint for extreme risk protection order.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court clerk

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>PROOF OF PERSONAL SERVICE/ORAL NOTICE (EXTREME RISK PROTECTION ORDER)</b>	<b>CASE NO. and JUDGE</b>
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Court address

Court telephone no.

Petitioner's name and telephone no.

v

Respondent's name, address, and telephone no.

**TO LAW ENFORCEMENT OFFICER:** You must file this completed proof of service with the clerk of the court that issued the extreme risk protection order within one business day after service or notification.

## PROOF OF PERSONAL SERVICE

I certify that on \_\_\_\_\_ at \_\_\_\_\_ I personally served

Date

Time

\_\_\_\_\_ at \_\_\_\_\_

Respondent's name

Address or location of service

with a copy of the extreme risk protection order issued on \_\_\_\_\_ by the \_\_\_\_\_

Date

Court.

I also served a copy of the summons and complaint for this proceeding.

\_\_\_\_\_

Date

\_\_\_\_\_

Law enforcement officer's signature

\_\_\_\_\_

Law enforcement agency

\_\_\_\_\_

Name (type or print)

ID no.

\_\_\_\_\_

Address

\_\_\_\_\_

City, state, zip

Telephone no.

## PROOF OF ORAL NOTICE

I certify that on \_\_\_\_\_ at \_\_\_\_\_ I orally notified

Date

Time

\_\_\_\_\_ of the existence of an extreme risk protection order

Respondent's name

issued on \_\_\_\_\_ by the \_\_\_\_\_ Court. I also certify that I advised the respondent

Date

of:

- the specific conduct enjoined.
- the penalties for violating the order.
- where they may obtain a copy of the extreme risk protection order.

\_\_\_\_\_

Date

\_\_\_\_\_

Law enforcement officer's signature

\_\_\_\_\_

Law enforcement agency

\_\_\_\_\_

Name (type or print)

ID no.

\_\_\_\_\_

Address

\_\_\_\_\_

City, state, zip

Telephone no.



# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ANTICIPATORY SEARCH WARRANT EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
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Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

## TO THE SHERIFF OR ANY PEACE OFFICER:

**This search warrant is subject to and contingent on the failure or refusal of the respondent, following service of an extreme risk protection order that requires the immediate surrender of firearms, to immediately comply with the order and immediately surrender to a law enforcement officer any firearm or concealed pistol license in the individual's possession or control.**

1. The **person, place, or thing** to be searched is described as and is located at:

2. The **property** to be searched for and seized, if found, is specifically described as:

**IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:** I have found that probable cause exists to believe that if the respondent fails or refuses to immediately comply with the order to surrender to a law enforcement officer any firearm(s) or concealed pistol license in their possession or control, there is a fair probability that the above property will be found in the location to be searched. If you conduct a search pursuant to this anticipatory search warrant, leave a copy of this warrant and a tabulation (a written inventory) of all property taken with the person from whom property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

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\_\_\_\_\_  
Judge signature and date

**RETURN AND TABULATION**

Search was made \_\_\_\_\_ and the following property was seized:  
Date

Continued. Page \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Law enforcement officer's signature

\_\_\_\_\_  
Name (type or print)

Copy of warrant and tabulation served on: \_\_\_\_\_  
Name

Tabulation filed: \_\_\_\_\_  
Date

# New Form

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	AFFIDAVIT FOR ANTICIPATORY SEARCH WARRANT EXTREME RISK PROTECTION ORDER	CASE NO. and JUDGE
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

I, \_\_\_\_\_, affiant, state that:  
Name

1. I am a law enforcement officer serving an extreme risk protection order issued by this court. The court ordered the immediate surrender of firearms in respondent's possession or control.
2. I am seeking an anticipatory search warrant to search the location or locations where the firearm(s) or concealed pistol license are believed to be.
3. The person, place, and/or thing to be searched is specifically described as and is located at:
4. The concealed pistol license or firearm(s) to be seized, if found, is specifically described as:
5. The facts establishing probable cause to believe there is a fair probability that the respondent's firearm(s) or concealed pistol license will be found in the location(s) to be searched if the respondent refuses to immediately comply with the order are:
6. I acknowledge that the ability to execute this anticipatory search is **subject to and contingent on** the failure or refusal of the respondent following service of the extreme risk protection order to immediately comply with the order and immediately surrender to a law enforcement officer any firearm or concealed pistol license in the individual's possession or control.

This affidavit consists of \_\_\_\_\_ pages.

Review on _____ Date
by _____ Prosecuting official

Affiant signature and date
Subscribed and sworn to before me _____ Date
_____ Court
Judge signature and date

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>VERIFICATION OF COMPLIANCE WITH EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	--	---------------------------

Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

**Instructions:** You must file 1 or more documents or other evidence verifying that you have complied with an extreme risk protection order entered against you. The verification must be filed with the court that issued the order **not later than 24 hours** after you get a copy of the extreme risk protection order or actual notice that an extreme risk protection order was issued against you. You may use this form to verify your compliance and attach other documents or evidence as needed. If the court is closed when the 24-hour period expires, you must complete the required filing not later than the next business day.

## Verification

Mark the checkbox next to either item 1 or item 2 that applies to your situation. **You will be verifying that each statement in the item is true.** Mark the check box next to item 3 and complete the information if it applies to you.

1. I verify that I **had** firearms or a concealed pistol license in my possession and that:
- a. all firearms previously in my possession or control were surrendered to or seized by the local law enforcement agency identified in the extreme risk protection order or, if permitted by the court, to a licensed firearm dealer.
  - b. any concealed pistol license was surrendered to or seized by the local law enforcement agency identified in the extreme risk protection order, or the county clerk as required by the order and MCL 28.428.
  - c. I do not have any firearms or a concealed pistol license in my possession or control.

**OR**

2. I verify that I did **not** have firearms or a concealed pistol license in my possession or control when the order was issued **and** that at the time of this verification, I do not have a firearm or concealed pistol license in my possession or control.
3. I am:
- a. an individual who is required to carry a pistol as a condition of their employment and is issued a license to carry a concealed pistol.
  - b. a police officer licensed or certified under the Michigan commission on law enforcement standards act, 1964 PA 203, MCL 28.601 to 28.615.
  - c. a sheriff or deputy sheriff.

Continued on next page

- d. a member of the department of state police.
- e. a local corrections officer.
- f. an employee of the department of corrections.
- g. a federal law enforcement officer who carries a pistol during the normal course of the officer's employment.
- h. an officer of the Federal Bureau of Prisons.

My employer is: \_\_\_\_\_  
Provide name of employer or specific department or agency

I declare under the penalties of perjury that this verification of compliance with the extreme risk protection order has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's signature

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>MOTION TO MODIFY, TERMINATE, OR EXTEND EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

## MOTION

1. An extreme risk protection order was entered on \_\_\_\_\_ .  
Date
2.  a. I am the respondent. I ask the court to conduct a hearing to  modify  terminate the order.  
 b. I am the petitioner. I ask the court to conduct a hearing to  modify  terminate  extend the order.
3. I am making this motion based on the following: (Explain why you want the order to be modified, rescinded, or extended and, if applicable, how you want the order to be modified.)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of moving party

**NEW FORM**

**HOW TO FILE MOTION TO MODIFY,  
TERMINATE, OR EXTEND EXTREME  
RISK PROTECTION ORDER**

**Form CC 460**

**Use this form** only if you want to file a motion to modify, terminate, or extend an extreme risk protection order.

## INSTRUCTIONS FOR USING FORM CC 460

### 1. Attorney

You may hire an attorney to represent you in this action. If you do not have an attorney, but have money to hire one, you can find an attorney through the State Bar of Michigan Lawyer Referral Service at 1-800-968-0738 or [lrs.michbar.org](http://lrs.michbar.org).

### 2. Your motion

If you handwrite your motion, please print neatly. Be specific about what you are asking the court to do and why you are requesting it. Attach additional page(s) if necessary.

### 3. Filing and getting a hearing date

File your motion with the clerk of the court that issued the extreme risk protection order and request a hearing date.

If you are the respondent, a court clerk will notify the petitioner of the hearing and provide them with a copy of the motion and notice of hearing. You are responsible for notifying other participants in the case, including any attorneys that have appeared, with written notice of the date, time, judge, and place of the hearing and providing them with a copy of your motion.

If you are the petitioner, you are responsible for notifying the respondent and all case participants with written notice of the date, time, judge and place of the hearing and providing them with a copy of your motion.

You may serve the other parties by first-class mail. You must serve all the documents at least 9 days before the time set for the hearing if you serve by first-class mail. If you serve by personal service or through an electronic-filing system, you must complete service at least 7 days before the hearing. (See number 4 below.)

### 4. Filing proof of service

At or before the date of your hearing, you must file a completed proof of service. A proof of service is your verification of who you served and when. You may use Approved, SCAO form MC 302 for this purpose. It is available on the SCAO website at [www.courts.michigan.gov/SCAO-forms/](http://www.courts.michigan.gov/SCAO-forms/).

The court may reschedule a hearing if it appears the opposing party did not have adequate notice of the hearing.

### 5. The hearing

Bring witnesses or other evidence to your court hearing to support your motion. If you are late or fail to appear, the court may deny your motion.

If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.



# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER ON MOTION TO MODIFY, TERMINATE, OR EXTEND EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	--	---------------------------

Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

1. This order is entered after hearing.

### THE COURT FINDS:

2. A motion was filed to:

- a. modify the extreme risk protection order dated \_\_\_\_\_.
- b. extend the expiration date of the extreme protection order dated \_\_\_\_\_.
- c. terminate the extreme risk protection order dated \_\_\_\_\_.

3.  a. The respondent no longer poses a risk to seriously physically injure themselves or another individual by possessing a firearm.

b. The respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure themselves or another individual by possessing a firearm and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.

4. Other:

### IT IS ORDERED:

5. The motion to modify the extreme risk protection order is granted in  full.  part. An amended extreme risk protection order shall be issued.

6. The extreme risk protection order is extended from \_\_\_\_\_ to \_\_\_\_\_.  
Current expiration date New expiration date

The court clerk shall file this order with \_\_\_\_\_  
Name of law enforcement agency

who shall enter the new expiration date in the LEIN system. The conditions of the existing extreme risk protection order are continued except as to the new expiration date.

- 7. The motion to terminate the extreme risk protection order is granted. The extreme risk protection order is terminated. The court clerk shall immediately notify the law enforcement agency named in the extreme risk protection order. The respondent may reclaim any firearm(s) subject to the restrictions in MCL 691.1815, or the firearm(s) shall be transferred to a licensed firearm dealer if the restrained individual sells or transfers ownership of the firearm(s) to the dealer.
  
- 8. For the reasons stated on the record, the extreme risk protection order is modified as follows:
  
  
  
  
  
  
  
  
  
  
- 9. The motion to modify, extend, or terminate the extreme risk protection order is denied and the existing extreme risk protection order will expire on the date of that order.
  
  
- 10. This order is effective when signed.

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\_\_\_\_\_  
Judge signature and date

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>MOTION TO SHOW CAUSE FOR VIOLATING EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

**Use note:** A moving party who is also the petitioner **must not** provide their address on this form.

## AFFIDAVIT AND MOTION

- I, \_\_\_\_\_, am a  prosecuting attorney.  law enforcement officer.  
Name of moving party
- The respondent has violated an extreme risk protection order dated \_\_\_\_\_.
- Facts establishing this motion are:  
 included in the attached affidavit of probable cause.  
 as follows: (use additional sheets if necessary)
- I request the court to order the respondent to appear at a specified time to answer a contempt charge or to issue a bench warrant for the arrest of the respondent to show cause why they should not be held in  civil  criminal contempt.
- This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

\_\_\_\_\_  
Signature of moving party

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip

\_\_\_\_\_  
Telephone no.

**Note:** Notarization is not needed if sworn affidavit is attached to motion.

Subscribed and sworn to before me on \_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy clerk/Notary public signature

My commission expires on \_\_\_\_\_  
Name (type or print)

Notary public, State of Michigan, County of \_\_\_\_\_  Acting in the County of \_\_\_\_\_

This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER REGARDING MOTION TO SHOW CAUSE FOR VIOLATING EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
--	---	---------------------------

Court address

Court telephone no.

Petitioner's name and telephone no.
Petitioner's attorney, bar no., address, and telephone no.

v

Respondent's name, address, and telephone no.
Respondent's attorney, bar no., address, and telephone no.

The court has reviewed the motion to show cause dated \_\_\_\_\_ and determined that probable cause  
Date  
for a finding of contempt  has  has not been established.

### IT IS ORDERED:

1. The respondent is ordered to appear before this court on \_\_\_\_\_ at  
Date and time
- the court address above
- courtroom number \_\_\_\_\_
- \_\_\_\_\_

to show cause why the respondent should not be held in contempt for violating an extreme risk protection order. Failure to appear for this contempt hearing may result in a bench warrant being issued for the respondent's arrest. The moving party must serve the motion to show cause on the respondent and petitioner as provided in MCR 2.107.

2. A bench warrant shall be issued for the respondent's arrest to answer a contempt charge for violating an extreme risk protection order.
3. The motion to show cause is denied.

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\_\_\_\_\_  
Judge signature and date

If you require accommodations to use the court because of disabilities, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER AFTER HEARING ON SHOW CAUSE FOR VIOLATING EXTREME RISK PROTECTION ORDER</b>	<b>CASE NO. and JUDGE</b>
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Police Report No. Court address Court telephone no.

Petitioner's name and telephone no.

Respondent's name, address, and telephone no.

CTN/TCN	SID	DOB
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1. An order was entered after a show-cause hearing pursuant to MCR 3.721.

**THE COURT FINDS:**

- 2. The respondent was present at the show-cause hearing on violation of an extreme risk protection order and was advised of their rights.
- 3. The respondent pled guilty to the violation(s) in the motion to show cause. The plea was knowingly, understandingly, and voluntarily made.
- 4. Specific findings of fact are stated on the record or in a written opinion made a part of the record.
- 5. The respondent failed to appear as ordered and a bench warrant should issue for their arrest.

**IT IS ORDERED:**

- 6. A bench warrant is issued for the respondent's arrest.
- 7. The hearing on the  bench warrant  show cause is adjourned to \_\_\_\_\_ .  
Date and time  
Reason: \_\_\_\_\_
- 8. The order to show cause is dismissed.
- 9. A hearing on the violation is scheduled for \_\_\_\_\_  
Date and time  
at \_\_\_\_\_ .  
Location
- 10. The respondent is found guilty of  civil  criminal contempt.
- 11. The respondent shall be committed to \_\_\_\_\_ days in the county jail.  
 Respondent may be released when: (civil contempt only)

12. The respondent shall pay a fine of \$ \_\_\_\_\_ to be paid as follows: \_\_\_\_\_

\_\_\_\_\_

13. Other: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
Judge signature and date

# New Form

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>REQUEST FOR NEXT FRIEND AND ORDER Extreme Risk Protection Order Proceeding</b>	<b>CASE NO. and JUDGE</b>
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Court address

Court telephone no

Petitioner's name and telephone number
Petitioner's attorney, bar no., address, and telephone no.

Respondent's name, address, and telephone no.
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### REQUEST FOR NEXT FRIEND

1. A next friend is necessary for \_\_\_\_\_ because they are a  
Name  
 minor.  incompetent/legally incapacitated individual.

2. The proposed next friend is \_\_\_\_\_, who is an adult and not disqualified by statute.  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Note:** If the person who needs a next friend is a minor under 14 years of age or incompetent/legally incapacitated, the person's next of kin, other relative, or friend must sign this request. If the person who needs a next friend is a minor 14 years of age or older, the minor must sign this request.

### CONSENT

3. I consent to being next friend for the person listed above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of proposed next friend

### ORDER

4. \_\_\_\_\_ is appointed next friend for the person listed in item 1.  
Name

5. The request is denied because the proposed next friend is unsuitable.

\_\_\_\_\_  
Judge signature and date