

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.

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/.

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.