

## **Form CC 379**

# **MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER**

**Use this form** if you want the court to modify, extend, or terminate the personal protection order.

## INSTRUCTIONS FOR COMPLETING "MOTION TO MODIFY, EXTEND, OR TERMINATE PERSONAL PROTECTION ORDER"

**Please print neatly. Press firmly because you are printing on five copies.**

By filling in this form, you are asking the court to modify, extend, or terminate a personal protection order.

Items A through E must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Fill in the "Case No." the same way it appears on form CC 376 or CC 380.
- B** Fill in the "petitioner" and "respondent" and addresses the same way they appear on form CC 376 or CC 380, including the ages of the "petitioner" and "respondent" if either is under the age of 18.
- C** Write in the same date that form CC 376 or CC 380 was signed by the judge. That date is in the lower right hand corner of form CC 376 or CC 380.
- D** If you are the person the protection order is against, check item 2a. Also check either the box "modify" if you want the court to change something in the order or check the box "terminate" if you want the court to terminate the entire order. Then explain why you want the order changed or terminated. If the order was issued without a hearing (ex parte), you may file a motion and request a hearing within 14 days after being served with, or receiving actual notice of, the order. If the order was issued ex parte and more than 14 days have passed, you must show good cause for the motion. If the order was issued after a full hearing, you must show good cause for the motion. See MCR 3.707(A)(1)(b).

If you are the person who is protected by the order, you can check either item 2b or item 2c. Check item 2b if you want the court to change something in the order. Check item 2c if you want the court to extend the expiration date of the order or terminate the entire order. Then explain why you want the order extended or terminated. To extend the expiration date of the order, you must file this motion no later than 3 days before the order expires.

- E** If you are under 18 years old, you may need an adult (called a "next friend") to petition for you. Check this box if you have a next friend helping you file this form.
- F** Write in today's date and sign the form.
- G** If you checked box 2a or box 2b in **D** you must get a hearing date. Ask the clerk to schedule a hearing. The clerk will give you the information you need to fill out this part of the form. If you checked box 2c and the judge terminates the order without a hearing, skip the instructions below in **H**. If you checked box 2c and the judge will not terminate the order without a hearing, follow the instructions below in **H**.
- H** Write in today's date and sign the form. Hand the form to the county clerk. The clerk will keep two copies and return the remaining copies to you.

**You must serve the other party with a copy of this form. If there is a hearing scheduled, you must serve this form at least 7 days before the hearing date unless the respondent is a law enforcement officer or a person required to carry a firearm as a condition of employment.** In that situation, you must serve this form at least 5 days before the hearing date.

If a hearing was scheduled, make sure you attend the hearing. Take a blank copy of form CC 376 or CC 380 with you to the hearing. If a hearing was not scheduled, the court will notify the law enforcement agency to make changes to LEIN as stated in the order.

If you asked for a modified order and it is granted by the judge, you will need to fill out form CC 376 or CC 380, get it signed, and serve it on the other party.

**For more information about personal protection orders, visit [www.michiganlegalhelp.org](http://www.michiganlegalhelp.org).**