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STATE OF MICHIGAN

COURT OF APPEALS

AMD, Petitioner-Appellee, v RPD, Respondent-Appellant.	UNPUBLISHED September 28, 2026 11:46 AM No. 374057 Livingston Circuit Court LC No. 2024-059405-PP

Before: MARIANI, P.J., and FEENEY and TREBILCOCK, JJ.

PER CURIAM.

Respondent-husband, RPD, challenges the trial court's grant of petitioner-wife, AMD's, request for a personal protection order against respondent after he entered the parties' marital home during the course of their divorce action. We affirm.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Petitioner and respondent are a married couple in the midst of a years-long divorce. They share two teenage children. At all times relevant to this appeal, petitioner and respondent jointly owned their marital home.

While living with respondent in the marital home in October 2022, petitioner sought and obtained an ex parte personal protection order (PPO) against him. That PPO lasted for one year, and it, as relevant here, prohibited respondent from entering the marital home or contacting her by telephone. As part of the divorce proceedings petitioner instituted days later, however, the court permitted the parties to communicate through a court-monitored communication platform called AppClose.

Petitioner successfully sought a year-long extension of the PPO after eight or nine alleged break-ins at the marital home (that petitioner suspected respondent of committing, over his denials) and messages respondent sent petitioner in AppClose that she found threatening. Though the extension again prohibited respondent from entering onto the property or contacting petitioner by telephone, the court entered an order in the ongoing divorce case allowing the parties to continue using AppClose to communicate, solely to discuss their minor children.

Throughout the two years that PPO remained in place, respondent came to the marital home (staying at all times in his vehicle, on the edge of the property) on numerous occasions to pick up his children or take them to gather their belongings. As far as he knew, petitioner agreed to or was otherwise aware of his doing so each time. On a few occasions, respondent also arranged, either through the parties' children or attorneys, for petitioner to gather and provide respondent some of his remaining personal belongings in the marital home.

That PPO expired in October 2024. A day later, respondent called petitioner and left a voicemail inviting her to one of their children's events. Responding through AppClose, petitioner requested that respondent not call her and instead continue communicating there. Respondent nonetheless called her again later the same month, on October 26.[1] This time, he left a voicemail explaining that he "wanted to come over and pick up some of [his] personal things at the house." Petitioner responded in AppClose minutes later, reiterating her desire to keep all communication on the court-monitored platform. Additionally, she requested a list of the property respondent believed he was "entitled to pick up" and instructed him to arrange for law enforcement to provide "civil standby at an agreed-upon time in order to get any personal belongings."

Little more than two hours after leaving his voicemail—and without responding to petitioner—respondent went to the marital home with one of their children (who allegedly wanted to retrieve items of her own); pulled into the driveway; entered the home (allegedly with their child's unprompted help); and removed certain property from the garage that he claimed belonged to him. When petitioner arrived home a short time later, she blocked his car in the driveway and called the police. After respondent was eventually able to leave, petitioner walked through the house and discovered damage to at least one door jam in the home and turned-down cameras that she attributed to respondent's doing.

This incident spurred petitioner to seek a new PPO against respondent. After holding a hearing on the petition at which both parties testified (and taking judicial notice of testimony from the ongoing divorce trial), the trial court determined reasonable cause existed to believe respondent entered the marital home on October 26, and might "again seek entry to the premises" over respondent's objection in the future. Of significance to the court, respondent entered the home—where petitioner had resided for the two preceding years—without petitioner's consent. Though the court acknowledged the absence of any order prohibiting respondent from entering the marital home that day, it expressed concern regarding his decision to engage in self-help by entering the home without seeking permission from the court or his counsel, over petitioner's express objection, and while knowing "that property disbursement or distribution was an issue to be decided" during the contemporaneous divorce trial. It further found troubling respondent's testimony indicating that he entered interior areas of the house beyond those necessary to obtain the property taken, and his apparent leveraging of his children (on that and other occasions) to access the home and obtain property from it. Finally, the court generally credited petitioner's testimony and disbelieved aspects of respondent's, particularly regarding damage to a doorframe leading into the marital

[1] At the time, a previous court order entered in the divorce case prohibited the parties from using AppClose "to communicate items other than matters relating to the children." Respondent cites this as the reason he continued reaching out to petitioner via telephone, instead of AppClose.

home that petitioner claimed happened after she left that day (and for which respondent disclaimed knowledge or involvement).

The court thus entered the PPO as requested (the "2024 PPO").[2] Like the earlier PPO, the 2024 PPO prohibited respondent from entering the marital home or communicating with petitioner outside of AppClose. Respondent now appeals.

II. ANALYSIS

Respondent claims the trial court reversibly erred by issuing the 2024 PPO against him on the basis of lawful conduct—i.e., entering property (the marital home) to which he had joint legal ownership, and which no court order prohibited him from entering. We disagree.

MCL 600.2950 governs the issuance of PPOs within the context of domestic relationships. *JLS v HRS*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368375); slip op at 3. Under that statute, the trial court "shall issue" a PPO upon determining that reasonable cause exists "to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in [MCL 600.2950(1)]." MCL 600.2950(4). Such acts include, as at issue here, "[e]ntering onto premises." MCL 600.2950(1)(a).

"The petitioner bears the burden of establishing reasonable cause for issuance of a PPO[.]" *Hayford v Hayford*, 279 Mich App 324, 326; 760 NW2d 503 (2008). When making its reasonable-cause determination, the court "is not limited to the four corners of the petition[.]" *Lamkin v Engram*, 295 Mich App 701, 711; 815 NW2d 793 (2012). Rather, it "must consider the testimony, documents, and other evidence proffered and whether the respondent had previously engaged in the listed acts." *Hayford*, 279 Mich App at 326, citing MCL 600.2950(4). The court should do so with a view to the totality of the circumstances, including the parties' history. *PF v JF*, 336 Mich App 118, 130-131; 969 NW2d 805 (2021).

We leave the issuance of PPOs to the trial court's discretion, reversing only if the decision "falls outside the range of reasonable and principled outcomes." *TT v KL*, 334 Mich App 413, 438; 965 NW2d 101 (2020). "A trial court's findings of fact underlying a PPO ruling are reviewed for clear error," *SP v BEK*, 339 Mich App 171, 176; 981 NW2d 500 (2021), which "requires us to give deference to the lower court and find clear error only if we are nevertheless left with the definite and firm conviction that a mistake has been made," *id*. (quotation marks and citation omitted). Finally, we review any issues of statutory interpretation de novo. *Id*.

On review of the record, we are not definitely and firmly convinced the trial court mistakenly found reasonable cause to believe respondent may again attempt to enter the marital home without consent or court approval. Indeed, record evidence establishes that respondent did so over petitioner's express objection on October 26th. She asked him not to come to the house that day without a police officer providing civil stand-by but, in his own words, he "didn't consider that a deterrent." Nor did he seek court or attorney intervention to retrieve his belongings or wait until the pending divorce-related property settlement was finalized; instead, respondent gained

[2] The trial court did not enter the 2024 PPO ex parte but, rather, only after holding the hearing.

entry to the home through his child (and apparently damaged an interior garage door in the process). Though he insisted he only went to the house to obtain his own personal property, he admitted to entering interior areas of the home despite only taking items from the garage. And to the extent the court rejected his explanations or denials, that is a credibility determination to which we must defer. *Id*. Considering the record evidence, the trial court did not clearly err by finding reasonable cause to believe respondent would enter the marital home again, nor did the court abuse its discretion by granting the 2024 PPO on that basis. See MCL 600.2950(1)(a) and (4).

Disagreeing, respondent emphasizes that he had legal ownership of the property and no court order prohibited him from entering it. He ignores, however, that the present circumstances do not fall within the existing statutory limitation on issuing PPOs barring entry onto premises where there is an existing property interest. See MCL 600.2950(5) (prohibiting issuance of a PPO under MCL 600.2950(1)(a) where the respondent is not the petitioner's spouse, the respondent has a property interest in the premises, and the petitioner has no such property interest). We cannot extend that prohibition to circumstances that our Legislature did not itself see fit to include—i.e., spouses with joint property interests in the premises at issue. See, e.g., *SP*, 339 Mich App at 184 ("[N]othing may be read into a statute that is not within the manifest intent of the Legislature as derived from the act itself.") (quotation marks and citation omitted).

What is more, respondent's briefing is equivocal regarding whether any previous order in the divorce proceedings granted petitioner exclusive use of the marital home during the relevant timeframe (and he has not provided us any divorce-proceeding filings, despite repeatedly referencing that proceeding in his briefing). It is thus unclear whether respondent had any legal right to enter the marital home in the first place. And even if he did, he provides no legal support for the apparent proposition that his ownership interest in the property, alone, permitted him to enter it over petitioner's objection under these circumstances. See *Seifeddine v Jaber*, 327 Mich App 514, 519; 934 NW2d 64 (2019) ("A party may not simply announce a position and leave it to this Court to make the party's arguments and search for authority to support the party's position.").

We similarly find unavailing respondent's attempts to avoid the 2024 PPO's proscriptions via MCL 750.411h(1)(c) and MCL 750.411i(1)(d), under the theory that his actions served a legitimate purpose (i.e., gathering personal belongings to which he had not had access for two years). Those provisions respectively pertain only to stalking and aggravated stalking, neither of which formed the basis of petitioner's request for the 2024 PPO or the court's decision to issue it.

That leaves us with respondent's reliance on *Pickering v Pickering*, 253 Mich App 694; 659 NW2d 2022, which involved the issuance of a PPO under a different subsection of MCL 600.2950(1) than that at issue here. *Id*. at. 701-702. See also MCL 600.2950(1)(*l*) ("Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.").[3] That case is plainly distinguishable and not, as respondent claims, "illustrative of what is required for a PPO to issue" under the present

[3] At the time the Court decided *Pickering*, this ground for a PPO was found in Subsection (1)(j). See MCL 600.2950(1)(j), as enacted by 2001 PA 200. The language, however, remains identical.

circumstances. Respondent's reliance on it, therefore, is misplaced and does not alter our conclusion that the trial court's order should not be disturbed.

III. CONCLUSION

For these reasons, we affirm the trial court's judgement.

/s/ Philip P. Mariani
/s/ Kathleen A. Feeney
/s/ Christopher M. Trebilcock