

LEGAL OBLIGATIONS WHEN YOU APPLY FOR A PPO

You assume certain obligations when you apply for a PPO. Meeting these obligations is essential for the success of your order and your safety.

Be Truthful in all Statements to the Court

An individual who knowingly and intentionally makes a false statement to the court in support of his or her petition is subject to contempt sanctions. Remember, the respondent gets a copy of the statement that you provide to the court and may request a hearing to terminate or modify the PPO.

Avoid ALL Contact with the Respondent

The order prohibits you from allowing or giving your permission to the respondent to engage in behaviors that the judge has prohibited. Contact may result in an arrest of the respondent and the judge may terminate the PPO. Only the judge can terminate a PPO. You or the respondent may petition the court to terminate the PPO, however it is still the judge's decision.

SERVE the Respondent

YOU CANNOT serve the respondent yourself. Service can be done by:

1. **Personal service** – the paperwork is handed to the respondent by:
 - a. An adult, over 18, who would not be a witness if a hearing were held.
The server must sign the Proof of Service in front of a Notary.
 - b. A process server or the Sheriff (you will have to pay a fee).

2. **Certified Mail** – this must be done Restricted Delivery, Return Receipt Requested. The problems with mailing are that it can take 3 – 12 days and the respondent can refuse the letter.

Once the order is served, you must FILE the Proof of Service with the court. The server can do this or you can bring the receipt from the post office. The respondent can now be arrested for a PPO violation. **NOTE:** The respondent cannot be charged for a violation until the PPO is served and Service of Process has been filed with the court.

Carry a CERTIFIED COPY of the Order with you at all times.

If you call the police, but the respondent has not been served, the police can use your copy to serve the respondent at the scene.

Complete a “Motion to Show Cause”

If the respondent violates the order, but is not arrested, you should file a “motion to show cause” with the court. A hearing date will be set and a prosecutor will assist you at the hearing.

NOTE: By law, the Michigan State Police will send a letter to the respondent regarding the PPO within 24 hours of service.

To download forms and receive more information, go to:

<http://www.eatoncounty.org/prosecutor/ppo.htm>