

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>EXTREME RISK PROTECTION ORDER, ADULT RESPONDENT EX PARTE</b>	<b>CASE NO. and JUDGE</b>
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ORI \_\_\_\_\_ Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_  
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Petitioner's name and telephone no.	<b>v</b>	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).

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\_\_\_\_\_  
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)