

HOW TO FILE MOTION TO VOLUNTARILY DISMISS A COMPLAINT FOR EXTREME RISK PROTECTION ORDER

Use this form only if you want to file a motion to voluntarily dismiss a complaint for an extreme risk protection order.

Note a voluntarily dismissal of a complaint for an extreme risk protection order can only be done by the Petitioner before the Court enters the extreme risk protection order.

INSTRUCTIONS FOR USING FORM

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 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 circuit court clerk in the county you filed your complaint for an extreme risk protection order and request a hearing date. A respondent may not file this motion.

You are responsible for providing written notice of the date, time, judge and location of the hearing to the respondent (if already served the complaint) and providing the respondent 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 date 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 with the circuit court clerk. A proof of service is your verification of who you served, when, and how. You should 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

If you are late or fail to appear for the hearing, 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.