

Michigan Family Law – Jurisdiction and Service of Process

By Morgan, Lewis & Bockius LLP – March 31, 2021

Disclaimer: This Toolkit was developed under grant number SJI-20-E-005 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute. While the Jurisdiction and Service of Process Chart is a useful resource, it does not remove the responsibility of each and every lawyer to engage in original analysis and research.

Custody Determination - Jurisdiction

Initial Custody Determination

Mich. Comp. Laws § 722.1201.

- (1) Except as otherwise provided in section 204, a court of this state has jurisdiction to make an initial child-custody determination only in the following situations:
 - (a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state.
 - (b) A court of another state does not have jurisdiction under subdivision (a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 207 or 208, and the court finds both of the following:
 - (i) The child and the child's parents, or the child and at least 1 parent or a person acting as a parent, have a significant connection with this state other than mere physical presence.
 - (ii) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships.
 - (c) All courts having jurisdiction under subdivision (a) or (b) have declined to exercise jurisdiction on the grounds that a court of this state is the more appropriate forum to determine the custody of the child under section 207 or 208.
 - (d) No court of another state would have jurisdiction under subdivision (a), (b), or (c).
- (2) Subsection (1) is the exclusive jurisdictional basis for making a child-custody determination by a court of this state.
- (3) Physical presence of, or personal jurisdiction over, a party or a child is neither necessary nor sufficient to make a child-custody determination.

[http://www.legislature.mi.gov/\(S\(kirimbpzchdbdvt3iae4cavy\)\)/mileg.aspx?page=getobject&objectname=mcl-722-1201](http://www.legislature.mi.gov/(S(kirimbpzchdbdvt3iae4cavy))/mileg.aspx?page=getobject&objectname=mcl-722-1201)

Temporary Emergency Jurisdiction

Mich. Comp. Laws § 722.1204.

- (1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.
- (2) If there is no previous child-custody determination that is entitled to be enforced under this act and if a child-custody proceeding has not been commenced in a court of a state having jurisdiction under sections 201 to 203, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 201 to 203. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 201

to 203, a child-custody determination made under this section becomes a final child-custody determination, if that is what the determination provides and this state becomes the home state of the child.

(3) If there is a previous child-custody determination that is entitled to be enforced under this act or if a child-custody proceeding has been commenced in a court of a state having jurisdiction under sections 201 to 203, an order issued by a court of this state under this section must specify in the order a period of time that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 201 to 203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(4) If a court of this state that has been asked to make a child-custody determination under this section is informed that a child-custody proceeding has been commenced in, or that a child-custody determination has been made by, a court of a state having jurisdiction under sections 201 to 203, the court of this state shall immediately communicate with the other court. If a court of this state that is exercising jurisdiction under sections 201 to 203 is informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section, the court of this state shall immediately communicate with the court of the other state. The purpose of a communication under this subsection is to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

[http://www.legislature.mi.gov/\(S\(kirimbpzchdbdvt3iae4cavy\)\)/mileg.aspx?page=getobject&objectname=mc 1-722-1204](http://www.legislature.mi.gov/(S(kirimbpzchdbdvt3iae4cavy))/mileg.aspx?page=getobject&objectname=mc 1-722-1204)

Custody Determination – Service/Notification Requirements

Mich. Comp. Laws § 722.1205.

(1) Before a child-custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of section 108 must be given to each person entitled to notice under the law of this state as in child-custody proceedings between residents of this state, a parent whose parental rights have not been previously terminated, and a person having physical custody of the child.

(2) This act does not govern the enforceability of a child-custody determination made without notice and an opportunity to be heard.

(3) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this act are governed by the law of this state as in child-custody proceedings between residents of this state.

[http://www.legislature.mi.gov/\(S\(kirimbpzchdbdvt3iae4cavy\)\)/mileg.aspx?page=getObject&objectName=mc 1-722-1205](http://www.legislature.mi.gov/(S(kirimbpzchdbdvt3iae4cavy))/mileg.aspx?page=getObject&objectName=mc 1-722-1205)

MCR 3.203. Service of Notice and Court Documents in Domestic Relations Cases.

Sets forth requirements for service of the summons and complaint in domestic relations cases. Service must be pursuant to MCR 2.105 (see below), and notice must be provided as set forth in the statute

requiring said notice. Service of the notice and of court documents otherwise must be served as provided in MRC 2.107, except that service by mail shall be to a party's last known mailing address.
<https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/Documents/Michigan%20Court%20Rules.pdf>

Paternity and Child Support Proceeding – Jurisdiction

Mich. Comp. Laws § 552.2201.

(1) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if 1 or more of the following apply:

- (a) The individual is personally served with notice within this state.
 - (b) The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.
 - (c) The individual resided with the child in this state.
 - (d) The individual resided in this state and provided prenatal expenses or support for the child.
 - (e) The child resides in this state as a result of the acts or directives of the individual.
 - (f) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
 - (g) The individual asserted parentage of a child in the central paternity registry maintained in this state by the department of health and human services.
 - (h) There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.
- (2) The bases of personal jurisdiction set forth in subsection (1) or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 611 are met, or in the case of a foreign support order, unless the requirements of section 615 are met.

[http://www.legislature.mi.gov/\(S\(huw5r15p15imat24ohg1i2mu\)\)/mileg.aspx?page=getObject&objectName=mc l-552-2201](http://www.legislature.mi.gov/(S(huw5r15p15imat24ohg1i2mu))/mileg.aspx?page=getObject&objectName=mc l-552-2201)

Mich. Comp. Laws § 552.2202

Personal jurisdiction acquired by a tribunal of this state in a proceeding under this act or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 205, 206, and 211.

[http://www.legislature.mi.gov/\(S\(huw5r15p15imat24ohg1i2mu\)\)/mileg.aspx?page=getobject&objectname=m cl-552-2202](http://www.legislature.mi.gov/(S(huw5r15p15imat24ohg1i2mu))/mileg.aspx?page=getobject&objectname=m cl-552-2202)

Mich. Comp. Laws § 552.2204

(1) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

- (a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.
- (b) The contesting party timely challenges the exercise of jurisdiction in the other state or foreign country.
- (c) If relevant, this state is the home state of the child.

(2) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

- (a) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.
- (b) The contesting party timely challenges the exercise of jurisdiction in this state.
- (c) If relevant, the other state or foreign country is the home state of the child.

[http://www.legislature.mi.gov/\(S\(huw5rl5p15imat24ohg1i2mu\)\)/mileg.aspx?page=getobject&objectname=mcl-552-2204](http://www.legislature.mi.gov/(S(huw5rl5p15imat24ohg1i2mu))/mileg.aspx?page=getobject&objectname=mcl-552-2204)

Paternity and Child Support Proceeding – Service/Notification Requirements

MCR 3.203. Service of Notice and Court Documents in Domestic Relations Cases.

Sets forth requirements for service of the summons and complaint in domestic relations cases. Service must be pursuant to MCR 2.105 (see below), and notice must be provided as set forth in the statute requiring said notice. Service of the notice and of court documents otherwise must be served as provided in MRC 2.107, except that service by mail shall be to a party's last known mailing address.

<https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/Documents/Michigan%20Court%20Rules.pdf>

Child Abuse/Neglect Proceeding – Jurisdiction

Subject Matter Jurisdiction

The Family Division of the Circuit Court has exclusive jurisdiction over protective proceedings.

Mich. Comp. Laws § 600.1021(1)(e); Mich. Comp. Laws § 712A.2(b).

The Family Division also has jurisdiction over “proceedings concerning a juvenile under 18 years of age” if the “juvenile is dependent and is in danger of substantial physical or psychological harm[]” under certain circumstances.

Mich. Comp. Laws § 712A.2(b)(3).

A juvenile is “dependent” when any of the following occurs:

- (A) The juvenile is homeless or not domiciled with a parent or other legally responsible person.
- (B) The juvenile has repeatedly run away from home and is beyond the control of a parent or other legally responsible person.
- (C) The juvenile is alleged to have committed a commercial sexual activity as that term is defined in . . . MCL 750.462a[,] or a delinquent act that is the result of force, fraud, coercion, or manipulation exercised by a parent or other adult.
- (D) The juvenile’s custodial parent or legally responsible person has died or has become permanently incapacitated and no appropriate parent or legally responsible person is willing and able to provide care for the juvenile.”

**Mich. Comp. Laws § 712A.2(b)(3)(A)-(D).
Personal Jurisdiction.**

Personal jurisdiction over the child may be established only after parties have received proper notice and the finder of fact determines that the child comes within the court’s jurisdiction under MCL 712A.2(b).

Mich. Comp. Laws § 712A.18(1).

Mich. Comp. Laws § 712A.2(b).

Section 712A.2(b) provides the Family Division with personal jurisdiction over a child under 18 years of age if the child is found within the court’s county and one of the following apply:

- (1) A child’s parent or other person legally responsible for the child’s care and maintenance (when able to do so) neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for the child’s health or morals; a child who is subject to a substantial risk of harm to his or her mental wellbeing; a child who is abandoned by his or her parents, guardian, or other custodian; or a child who is without proper custody or guardianship;
- (2) A child whose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian, is an unfit place for the juvenile to live in. As used in this sub-subdivision, "neglect" means that term as defined in section 2 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.
- (3) A child who is “dependent and in danger of substantial physical or psychological harm.” A child may be found to be dependent when any of the following occurs:
 - (A) The juvenile is homeless or not domiciled with a parent or other legally responsible person.
 - (B) The juvenile has repeatedly run away from home and is beyond the control of a parent or other legally responsible person.

(C) The juvenile is alleged to have committed a commercial sexual activity as that term is defined in section 462a of the Michigan penal code, 1931 PA 328, MCL 750.462a or a delinquent act that is the result of force, fraud, coercion, or manipulation exercised by a parent or other adult.

(D) The juvenile's custodial parent or legally responsible person has died or has become permanently incapacitated and no appropriate parent or legally responsible person is willing and able to provide care for the juvenile.

(4) A child whose parent has substantially failed, without good cause, to comply with a limited guardianship placement plan described in section 5205 of the estates and protected individuals code, 1998 PA 386, MCL 700.5205, regarding the juvenile.

(5) A child whose parent has substantially failed, without good cause, to comply with a court-structured plan described in section 5207 or 5209 of the estates and protected individuals code, 1998 PA 386, MCL 700.5207 and 700.5209, regarding the juvenile.

(6) If the juvenile has a guardian under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, and the juvenile's parent meets both of the following criteria:

(A) The parent, having the ability to support or assist in supporting the juvenile, has failed or neglected, without good cause, to provide regular and substantial support for the juvenile for 2 years or more before the filing of the petition or, if a support order has been entered, has failed to substantially comply with the order for 2 years or more before the filing of the petition. As used in this sub-subdivision, "neglect" means that term as defined in section 2 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

(B) The parent, having the ability to visit, contact, or communicate with the juvenile, has regularly and substantially failed or neglected, without good cause, to do so for 2 years or more before the filing of the petition. As used in this sub-subdivision, "neglect" means that term as defined in section 2 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

If a petition is filed in the court alleging that a juvenile is within the provisions of subdivision (b)(1), (2), (3), (4), (5), or (6) and the custody of that juvenile is subject to the prior or continuing order of another court of record of this state, the manner of notice to the other court of record and the authority of the court to proceed is governed by rule of the supreme court.

[http://www.legislature.mi.gov/\(S\(pmxx2aip153tqdsbmnplgbt3\)\)/mileg.aspx?page=getObject&objectName=mc 1-712A-2](http://www.legislature.mi.gov/(S(pmxx2aip153tqdsbmnplgbt3))/mileg.aspx?page=getObject&objectName=mc 1-712A-2)

Child Abuse/Neglect Proceeding – Service/Notification Requirements

MCR 3.920.

(B)(2)(b). Service of a summons in a child protective proceeding must be on any respondent and any nonrespondent parent. A summons may be served on a person having physical custody of the child directing such person to appear with the child for hearing. A guardian or legal custodian who is not a respondent must be served with notice of hearing in the manner provided by subrule (D).

(B)(3) Content. The summons must direct the person to whom it is addressed to appear at a time and place specified by the court and must: (a) identify the nature of hearing; (b) explain the right to an attorney and

the right to trial by judge or jury, including, where appropriate, that there is no right to a jury at a termination hearing; (c) if the summons is for a child protective proceeding, include a notice that the hearings could result in termination of parental rights; and (d) have a copy of the petition attached.

<https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/Documents/Michigan%20Court%20Rules.pdf> MCR 3.921.

Persons Entitled to Notice.

Sets forth those persons entitled to notice of juvenile proceedings, including protective proceedings, dispositional review hearings and permanency planning hearings, juvenile guardianships, and putative fathers. MRC 3.921(e) also authorizes notice by publication and provides that if a person whose whereabouts are unknown fails to appear in response thereto, the court need not provide further notice of subsequent hearings, except a hearing on the termination of parental rights.

<https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/Documents/Michigan%20Court%20Rules.pdf>

The petition to initiate a child protective proceeding must contain “[a] citation to the section of the Juvenile Code relied on for jurisdiction.” MCR 3.961(B)(4).

Divorce and Legal Separation – Jurisdiction

Mich. Comp. Laws § 552.6.

(1) A complaint for divorce may be filed in the circuit court upon the allegation that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. In the complaint the plaintiff shall make no other explanation of the grounds for divorce than by the use of the statutory language. . . .

[http://www.legislature.mi.gov/\(S\(pmxs2aip153tqdsbmnp1g3\)\)/mileg.aspx?page=getObject&objectName=m-cl-552-6](http://www.legislature.mi.gov/(S(pmxs2aip153tqdsbmnp1g3))/mileg.aspx?page=getObject&objectName=m-cl-552-6)

Mich. Comp. Laws § 552.9.

(1) A judgment of divorce shall not be granted by a court in this state in an action for divorce unless the complainant or defendant has resided in this state for 180 days immediately preceding the filing of the complaint and, except as otherwise provided in subsection (2), the complainant or defendant has resided in the county in which the complaint is filed for 10 days immediately preceding the filing of the complaint.

(2) A person may file a complaint for divorce in any county in the state without meeting the 10-day requirement set forth in subsection (1) if all of the following apply and are set forth in the complaint:

(a) The defendant was born in, or is a citizen of, a country other than the United States of America.

- (b) The parties to the divorce action have a minor child or children.
- (c) There is information that would allow the court to reasonably conclude that the minor child or children are at risk of being taken out of the United States of America and retained in another country by the defendant.

[http://www.legislature.mi.gov/\(S\(pmxxs2aip153tqdsbmnplgbt3\)\)/mileg.aspx?page=getobject&objectname=mc 1-552-9](http://www.legislature.mi.gov/(S(pmxxs2aip153tqdsbmnplgbt3))/mileg.aspx?page=getobject&objectname=mc 1-552-9)

Mich. Comp. Laws § 552.9a.

No decree of divorce shall be granted in any case except when 1 of the following facts exists:

- (a) The defendant is domiciled in this state at the time the bill of complaint for divorce is filed.
- (b) The defendant shall have been domiciled in this state when the cause for divorce alleged in the bill or petition arose.
- (c) The defendant shall have been brought in by publication or shall have been personally served with process in this state, or shall have been personally served with a copy of the order for appearance and publication within this state, or elsewhere, or has voluntarily appeared in the action or proceeding. Whenever any such order shall be served outside this state, proof of such service shall be made by the affidavit of the person who shall serve the same, made before a notary public, and when such affidavit shall be made outside this state it shall have attached the certificate of the clerk of a court of record, certifying to the official character of the notary and the genuineness of his or her signature to the jurat of the affidavit.

[http://www.legislature.mi.gov/\(S\(pmxxs2aip153tqdsbmnplgbt3\)\)/mileg.aspx?page=getObject&objectName=m cl-552-9a](http://www.legislature.mi.gov/(S(pmxxs2aip153tqdsbmnplgbt3))/mileg.aspx?page=getObject&objectName=m cl-552-9a)

Mich. Comp. Laws § 552.9e.

Whenever the cause for divorce charged in the bill or petition has occurred out of this state, no decree of divorce shall be granted unless the complainant or defendant shall have resided in this state 1 year immediately preceding the filing of the bill of complaint for the divorce. Absence from this state for not to exceed 90 days shall not be construed as to interfere with the fulfillment of the 1-year residence requirement provided in the case of causes for divorce occurring without this state.

[http://www.legislature.mi.gov/\(S\(pmxxs2aip153tqdsbmnplgbt3\)\)/mileg.aspx?page=getobject&objectname=mc 1-552-9e](http://www.legislature.mi.gov/(S(pmxxs2aip153tqdsbmnplgbt3))/mileg.aspx?page=getobject&objectname=mc 1-552-9e)

Divorce and Legal Separation – Service/Notification Requirements

Mich. Comp. Laws § 552.9a.

No decree of divorce shall be granted in any case except when 1 of the following facts exists:

- (a) The defendant is domiciled in this state at the time the bill of complaint for divorce is filed.

(b) The defendant shall have been domiciled in this state when the cause for divorce alleged in the bill or petition arose.

(c) The defendant shall have been brought in by publication or shall have been personally served with process in this state, or shall have been personally served with a copy of the order for appearance and publication within this state, or elsewhere, or has voluntarily appeared in the action or proceeding. Whenever any such order shall be served outside this state, proof of such service shall be made by the affidavit of the person who shall serve the same, made before a notary public, and when such affidavit shall be made outside this state it shall have attached the certificate of the clerk of a court of record, certifying to the official character of the notary and the genuineness of his or her signature to the jurat of the affidavit.

[http://www.legislature.mi.gov/\(S\(pmxs2aip153tqdsbmnplglt3\)\)/mileg.aspx?page=getObject&objectName=mc 1-552-9a](http://www.legislature.mi.gov/(S(pmxs2aip153tqdsbmnplglt3))/mileg.aspx?page=getObject&objectName=mc 1-552-9a)

MCR 3.203. Service of Notice and Court Documents in Domestic Relations Cases.

Sets forth requirements for service of the summons and complaint in domestic relations cases. Service must be pursuant to MCR 2.105 (see below), and notice must be provided as set forth in the statute requiring said notice. Service of the notice and of court documents otherwise must be served as provided in MCR 2.107, except that service by mail shall be to a party's last known mailing address.

<https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/Documents/Michigan%20Court%20Rules.pdf>

Adoption Proceeding – Jurisdiction

Mich. Comp. Laws § 710.22.

The family division of the circuit court or, if the context requires, the court having

jurisdiction over adoption in another state or county, has jurisdiction over adoption proceedings.

[http://www.legislature.mi.gov/\(S\(kirimbpzchdbdvt3iae4cavy\)\)/mileg.aspx?page=getObject&objectName=m cl-710-22](http://www.legislature.mi.gov/(S(kirimbpzchdbdvt3iae4cavy))/mileg.aspx?page=getObject&objectName=m cl-710-22)

Mich. Comp. Laws § 710.24.

An adoption petition shall be filed with the court of the county in which the petitioner resides, where the adoptee is found, or where the parent's parental rights were terminated or are pending termination. If both parents' parental rights were terminated at different times and in different courts, the petition shall be filed in the court of the county where parental rights were first terminated. If there has been a temporary placement of the child, the petition for adoption shall be filed with the court that received the report described in § 710.23d(2).

[http://www.legislature.mi.gov/\(S\(kirimbpzchdbdvt3iae4cavy\)\)/mileg.aspx?page=getObject&objectName=m-cl-710-24](http://www.legislature.mi.gov/(S(kirimbpzchdbdvt3iae4cavy))/mileg.aspx?page=getObject&objectName=m-cl-710-24)

Adoption Proceeding – Service/Notification Requirements

Mich. Comp. Laws § 710.26.

(1) Subsequent to or concurrent with the filing of the adoption petition but before the hearing on the petition by the court, the petitioner, the department, an employee or agent of the court, or a child placing agency, as appropriate, shall file all of the following documentation:

(a) Except in instances of parental consent to adoption, a copy of each release or order terminating parental rights over the child having a bearing upon the authority of a person to execute the consent to adoption.

(b) A copy of the order of commitment, if a commitment was made to a child placing agency or to the department.

(c) Proof of a guardian's appointment and authorization to execute the release or consent to the child's adoption.

(d) A copy of the consent to adoption as required in this chapter. If the consent is required pursuant to section 43(1)(b), (c), or (d) of this chapter, the consent shall be filed concurrently with the filing of the adoption petition unless a motion is filed pursuant to section 45 of this chapter.

(e) A copy of the adoptee's birth certificate, verification of birth, hospital birth registration, or other satisfactory proof of date and place of birth, if obtainable, unless this filing is waived by written order of the judge.

(f) The report of the investigation prepared pursuant to section 46 of this chapter.

Domestic Violence – Jurisdiction

Mich. Comp. Laws § 600.2950.

(1) Except as otherwise provided in subsections (26) and (27), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following: [list of various conduct court may enjoin or prohibit].

(9) A personal protection order is effective and immediately enforceable anywhere in this state after being signed by a judge. Upon service, a personal protection order may also be enforced by another state, an Indian tribe, or a territory of the United States.

[http://www.legislature.mi.gov/\(S\(jcratl2deftjq2cm32h2bbut\)\)/mileg.aspx?page=getObject&objectName=mcl-600-2950](http://www.legislature.mi.gov/(S(jcratl2deftjq2cm32h2bbut))/mileg.aspx?page=getObject&objectName=mcl-600-2950)

Mich. Comp. Laws § 600.2950i (Foreign protection order; validity; affirmative defenses)

(1) A foreign protection order is valid if all of the following conditions are met:

(a) The issuing court had jurisdiction over the parties and subject matter under the laws of the issuing state, tribe, or territory.

(b) Reasonable notice and opportunity to be heard is given to the respondent sufficient to protect the respondent's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided to the respondent within the time required by state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(2) All of the following may be affirmative defenses to any charge or process filed seeking enforcement of a foreign protection order:

(a) Lack of jurisdiction by the issuing court over the parties or subject matter.

(b) Failure to provide notice and opportunity to be heard.

(c) Lack of filing of a complaint, petition, or motion by or on behalf of a person seeking protection in a civil foreign protection order.

[http://www.legislature.mi.gov/\(S\(jcratl2deftjq2cm32h2bbut\)\)/mileg.aspx?page=getObject&objectName=mcl-600-2950i](http://www.legislature.mi.gov/(S(jcratl2deftjq2cm32h2bbut))/mileg.aspx?page=getObject&objectName=mcl-600-2950i)

Domestic Violence– Service/Notification Requirements

Mich. Comp. Laws § 600.2950.

If a personal protective order is ex parte, the order must include a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court. (§ 600.2950(11)(g)).

(12) A court shall issue an ex parte personal protection order without written or oral notice to the individual restrained or enjoined or his or her attorney if it clearly appears from specific facts shown by a verified complaint, written motion, or affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a personal protection order can be issued.

(13) A personal protection order issued under subsection (12) is valid for not less than 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. A motion to modify or rescind the personal protection order must be filed within 14 days after the order is served or after the individual restrained or enjoined has received actual notice of the personal protection order unless good cause is shown for filing the motion after the 14 days have elapsed.

(14) Except as otherwise provided in this subsection, the court shall schedule a hearing on a motion to modify or rescind the ex parte personal protection order within 14 days after the motion is filed. If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her

from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the motion is filed.

(15) The clerk of the court that issues a personal protection order shall do all of the following immediately upon issuance and without requiring a proof of service on the individual restrained or enjoined:

(a) File a true copy of the personal protection order with the law enforcement agency designated by the court in the personal protection order.

(b) Provide the petitioner with 2 or more true copies of the personal protection order.

(c) If the respondent is identified in the pleadings as a law enforcement officer, notify the officer's employing law enforcement agency, if known, about the existence of the personal protection order.

(d) If the personal protection order prohibits the respondent from purchasing or possessing a firearm, notify the county clerk of the respondent's county of residence about the existence and contents of the personal protection order.

(e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of corrections about the existence of the personal protection order.

(f) If the respondent is identified in the pleadings as being a person who may have access to information concerning the petitioner or a child of the petitioner or respondent and that information is contained in friend of the court records, notify the friend of the court for the county in which the information is located about the existence of the personal protection order.

[http://www.legislature.mi.gov/\(S\(jcratl2deftjq2cm32h2bbut\)\)/mileg.aspx?page=getObject&objectName=mcl-600-2950](http://www.legislature.mi.gov/(S(jcratl2deftjq2cm32h2bbut))/mileg.aspx?page=getObject&objectName=mcl-600-2950)

© 2021 - Morgan, Lewis and Bockius LLP