

# SENATE BILL NO. 922

June 13, 2024, Introduced by Senators KLINEFELT, IRWIN, GEISS and SHINK and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 2950p.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 2950p. (1) An individual who is 60 years of age or older,  
2 is a vulnerable adult, or has a developmental disability as that  
3 term is defined in section 100a of the mental health code, 1974 PA  
4 258, MCL 330.1100a, may, by commencing an independent action to  
5 obtain relief under this section, by joining a claim to an action,

1 or by filing a motion in an action in which the petitioner and the  
2 respondent are parties, petition the circuit court to enter an  
3 elder and vulnerable adult personal protection order.

4 (2) An elder and vulnerable adult personal protection order  
5 may restrain or enjoin an individual from doing 1 or more of the  
6 following:

7 (a) Entering onto or refusing to leave premises.

8 (b) Assaulting, attacking, beating, molesting, or wounding the  
9 petitioner.

10 (c) Threatening to kill, physically injure, or sexually  
11 assault the petitioner.

12 (d) Purchasing or possessing a firearm.

13 (e) Engaging in conduct that is prohibited under section 411h  
14 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
15 750.411i, unless the individual to be restrained has decision-  
16 making authority under an order of another court that requires  
17 contact with the petitioner.

18 (f) Any of the following with the intent to cause the  
19 petitioner mental distress or to exert control over the petitioner  
20 with respect to an animal in which the petitioner has an ownership  
21 interest:

22 (i) Injuring, killing, torturing, neglecting, or threatening to  
23 injure, kill, torture, or neglect the animal. A restraining order  
24 that enjoins conduct under this subparagraph does not prohibit the  
25 lawful killing or other use of the animal as described in section  
26 50(12) of the Michigan penal code, 1931 PA 328, MCL 750.50.

27 (ii) Removing the animal from the petitioner's possession.

28 (iii) Retaining or obtaining possession of the animal.

29 (g) Threatening to destroy or destroying the petitioner's

1 owned or leased property, both real and personal.

2 (h) Exercising decision-making authority over the petitioner,  
3 unless the decision-making authority was granted under an order of  
4 another court.

5 (i) Any other specific act or conduct that imposes on or  
6 interferes with the petitioner's personal liberty, safety, or  
7 health, or that causes a reasonable apprehension of violence.

8 (3) In addition to the relief available in subsection (2), an  
9 elder and vulnerable adult personal protection order may include  
10 any relief the court considers necessary to prevent or remedy the  
11 financial exploitation of the petitioner, including, but not  
12 limited to, any of the following:

13 (a) Prohibiting the respondent from accessing, exercising, or  
14 transferring control over the funds, benefits, property, resources,  
15 belongings, or assets of the petitioner.

16 (b) Requiring the respondent to submit the paperwork necessary  
17 to remove the respondent as the petitioner's representative payee  
18 within a time period set by the court.

19 (c) After an evidentiary hearing, requiring the respondent to  
20 return custody or control of personal property to the petitioner.

21 (d) Awarding any of the following after an evidentiary  
22 hearing:

23 (i) Actual damages to the petitioner not exceeding the amount  
24 in section 8401.

25 (ii) Actual attorney fees for the petitioner.

26 (e) Requiring the respondent to furnish a bond for a  
27 reasonable period of time, set by the court, in the amount  
28 necessary to safeguard money, benefits, property, resources,  
29 belongings, or assets that are in dispute.

1 (f) Allowing the petitioner to file a notice lis pendens for a  
2 reasonable period of time, set by the court, regarding any property  
3 that is in dispute. Except as provided in this subdivision, the  
4 notice must comply with chapter 27.

5 (4) All of the following apply to an elder and vulnerable  
6 adult personal protection order issued under this section:

7 (a) If the petitioner is a ward or protected individual in a  
8 guardianship or conservatorship proceeding, the issuing court,  
9 after issuing the protection order, shall immediately transfer the  
10 action to the probate court with continuing jurisdiction over the  
11 guardianship or conservatorship proceeding. The transferring court  
12 shall inform the receiving court of the transfer.

13 (b) After transfer under subdivision (a), any responsive  
14 proceeding must be commenced in the receiving court. If a  
15 responsive proceeding is commenced erroneously in the issuing  
16 court, that court, on learning of the error, shall transfer the  
17 responsive proceeding to the receiving court. The transferring  
18 court must inform the receiving court of the transfer.

19 (c) A court that orders a transfer under subdivision (a) shall  
20 send all pertinent records to the receiving court. The clerk of the  
21 transferring court shall prepare the court records for transfer in  
22 accordance with the transfer order and the Michigan trial court  
23 records management standards. The records must be sent to the  
24 receiving court by a secure method within 1 business day after the  
25 date of the transfer order.

26 (d) If a respondent in an action under this section is  
27 currently serving as a court-appointed fiduciary for the petitioner  
28 under a prior valid guardianship or conservatorship order, the  
29 respondent shall notify the court that has jurisdiction over the

1 guardianship or conservatorship proceeding within 7 days after  
2 being served with a protection order issued under this section.

3 (5) The court shall issue an elder and vulnerable adult  
4 personal protection order under this section if the court  
5 determines that there is reasonable cause to believe that the  
6 individual to be restrained or enjoined may commit 1 or more of the  
7 following acts:

8 (a) Entering onto or refusing to leave the premises.

9 (b) Assaulting, attacking, beating, molesting, or wounding the  
10 petitioner.

11 (c) Threatening to kill, physically injure, or sexually  
12 assault the petitioner.

13 (d) Purchasing or possessing a firearm.

14 (e) Engaging in conduct that is prohibited under section 411h  
15 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
16 750.411i.

17 (f) Any of the following with the intent to cause the  
18 petitioner mental distress or to exert control over the petitioner  
19 with respect to an animal in which the petitioner has an ownership  
20 interest:

21 (i) Injuring, killing, torturing, neglecting, or threatening to  
22 injure, kill, torture, or neglect the animal.

23 (ii) Removing the animal from the petitioner's possession.

24 (iii) Retaining or obtaining possession of the animal.

25 (g) The actual or threatened withholding or prevention of the  
26 petitioner's access to goods, services, or basic amenities required  
27 to avoid physical harm or mental suffering, including, but not  
28 limited to, safe and sanitary household goods, food, medical or  
29 mental health care or treatment, medication, transportation, law

1 enforcement, communication technologies, and individuals who  
2 provide formal or informal supports to the petitioner.

3 (h) Destroying or threatening to destroy the petitioner's  
4 owned or leased property, including either real or personal  
5 property.

6 (i) Using a pattern of derogatory or inappropriate names,  
7 phrases or profanity, threats of forced change of residence or  
8 institutionalization, ridicule, harassment, coercion, threats,  
9 cursing, intimidation, or inappropriate sexual comments or conduct  
10 of such a nature as to cause emotional distress to the petitioner  
11 with whom the respondent resides.

12 (j) Engaging in financial exploitation of the petitioner.

13 (k) Any other specific act or conduct that imposes on or  
14 interferes with the petitioner's personal liberty, safety, or  
15 health, or that causes a reasonable apprehension of violence.

16 (6) In determining under subsection (5) whether reasonable  
17 cause exists, the court shall consider all of the following:

18 (a) Testimony, documents, or other evidence offered in support  
19 of the request for an elder and vulnerable adult personal  
20 protection order.

21 (b) Whether the individual to be restrained or enjoined has  
22 previously committed or threatened to commit 1 or more of the acts  
23 listed in subsection (5).

24 (c) Evidence of the respondent's commission of other acts of  
25 domestic violence, sexual assault, or financial exploitation.  
26 Evidence described in this subdivision is admissible for any  
27 purpose to which it is relevant.

28 (7) A court shall not issue a personal protection order that  
29 restrains or enjoins conduct described in subsection (2)(a) if both

1 of the following apply:

2 (a) The individual to be restrained or enjoined has a property  
3 interest in the premises.

4 (b) The petitioner has no property interest in the premises.

5 (8) A court shall not refuse to issue an elder and vulnerable  
6 adult personal protection order solely because of the absence of  
7 any of the following:

8 (a) A police report.

9 (b) A medical report.

10 (c) A report or finding of an administrative agency.

11 (d) Physical signs of abuse or violence.

12 (e) Physical access to the petitioner or the petitioner's  
13 residence.

14 (9) If the court refuses to grant an elder and vulnerable  
15 adult personal protection order, it shall state immediately in  
16 writing the specific reasons it refused to issue an order. If a  
17 hearing is held, the court shall also immediately state on the  
18 record the specific reasons it refuses to issue an elder and  
19 vulnerable adult personal protection order.

20 (10) If the respondent is an individual who is issued a  
21 license to carry a concealed weapon and is required to carry a  
22 weapon as a condition of his or her employment, a police officer  
23 licensed or certified under the Michigan commission on law  
24 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a  
25 sheriff, a deputy sheriff, a member of the state police, a local  
26 corrections officer, a department of corrections employee, or a  
27 federal law enforcement officer who carries a firearm during the  
28 normal course of the officer's employment, the petitioner shall  
29 notify the court of the respondent's occupation before issuance of

1 the elder and vulnerable adult personal protection order. This  
2 subsection does not apply to a petitioner who does not know the  
3 respondent's occupation.

4 (11) A petitioner may omit the petitioner's address of  
5 residence from documents filed with the court under this section.  
6 If a petitioner omits the petitioner's address of residence, the  
7 petitioner shall provide the court with a mailing address.

8 (12) A court shall not issue a mutual elder and vulnerable  
9 adult personal protection order. A court shall not issue  
10 correlative separate elder and vulnerable adult personal protection  
11 orders unless both parties have properly petitioned the court under  
12 subsection (1).

13 (13) An elder and vulnerable adult personal protection order  
14 is effective and immediately enforceable anywhere in this state  
15 after being signed by a judge. On service, an elder and vulnerable  
16 adult personal protection order may also be enforced by another  
17 state, an Indian tribe, or a territory of the United States.

18 (14) The issuing court shall designate a law enforcement  
19 agency that is responsible for entering an elder and vulnerable  
20 adult personal protection order into the law enforcement  
21 information network as provided by the C.J.I.S. policy council act.

22 (15) An elder and vulnerable adult personal protection order  
23 must include all of the following, to the extent practicable in a  
24 single form:

25 (a) A statement that the order has been entered to restrain,  
26 enjoin, or compel conduct listed in the order and that violation of  
27 the elder and vulnerable adult personal protection order will  
28 subject the respondent to 1 or more of the following:

29 (i) If the respondent is 18 years of age or older, immediate



1 arrest and the civil and criminal contempt powers of the court and,  
2 if the respondent is found guilty of criminal contempt,  
3 imprisonment for not more than 93 days and a fine of not more than  
4 \$500.00.

5 (ii) If the respondent is less than 18 years of age, immediate  
6 apprehension or being taken into custody and the dispositional  
7 alternatives listed in section 18 of chapter XIIA of the probate  
8 code of 1939, 1939 PA 288, MCL 712A.18.

9 (iii) If the respondent violates the elder and vulnerable adult  
10 personal protection order in a jurisdiction other than this state,  
11 the enforcement procedures and penalties of the state, Indian  
12 tribe, or United States territory under whose jurisdiction the  
13 violation occurred.

14 (b) A statement that the elder and vulnerable adult personal  
15 protection order is effective and immediately enforceable anywhere  
16 in this state after being signed by a judge and that, on service, a  
17 personal protection order also may be enforced by another state, an  
18 Indian tribe, or a territory of the United States.

19 (c) A statement listing the type or types of conduct enjoined  
20 or compelled.

21 (d) An expiration date stated clearly on the face of the  
22 order.

23 (e) A statement that the elder and vulnerable adult personal  
24 protection order is enforceable anywhere in this state by any law  
25 enforcement agency.

26 (f) The name of the law enforcement agency designated by the  
27 court to enter the elder and vulnerable adult personal protection  
28 order into the law enforcement information network.

29 (g) For ex parte orders, a statement that the individual

1 restrained or enjoined may file a motion to modify or rescind the  
2 elder and vulnerable adult personal protection order and request a  
3 hearing within 14 days after the individual restrained or enjoined  
4 has been served or has received actual notice of the order and that  
5 motion forms and filing instructions are available from the clerk  
6 of the court.

7 (h) A statement providing the respondent a designated period  
8 of time to collect personal belongings from the petitioner's  
9 premises only when accompanied by law enforcement and with  
10 reasonable prior notice to the petitioner.

11 (i) Notice of any monetary award to the petitioner that  
12 provides an exact amount for actual damages, costs, and reasonable  
13 attorney fees, a date on which payment is due, the manner in which  
14 payment may be made, and notice that failure to pay may result in a  
15 money judgment against the respondent.

16 (16) A court shall issue an ex parte elder and vulnerable  
17 adult personal protection order without written or oral notice to  
18 the individual restrained or enjoined or the individual's attorney  
19 if it clearly appears from specific facts shown by a verified  
20 complaint, written motion, or affidavit that immediate and  
21 irreparable injury, loss, or damage will result from the delay  
22 required to effectuate notice or that the notice will itself  
23 precipitate adverse action before a personal protection order can  
24 be issued.

25 (17) An elder and vulnerable adult personal protection order  
26 issued under subsection (16) is valid for not less than 182 days.  
27 The individual restrained or enjoined may file a motion to modify  
28 or rescind the order and request a hearing under the Michigan court  
29 rules. A motion to modify or rescind the order must be filed not

1 later than 14 days after the order is served or after the  
2 individual restrained or enjoined has received actual notice of the  
3 personal protection order unless good cause is shown for filing the  
4 motion after the 14 days have elapsed.

5 (18) Except as otherwise provided in this subsection, the  
6 court shall schedule a hearing on a motion to modify or rescind the  
7 ex parte elder and vulnerable adult personal protection order not  
8 later than 14 days after the motion is filed. If the respondent is  
9 a person described in subsection (10) and the order prohibits the  
10 respondent from purchasing or possessing a firearm, the court shall  
11 schedule a hearing on the motion to modify or rescind the ex parte  
12 order not later than 5 days after the motion is filed.

13 (19) The clerk of the court that issues an elder and  
14 vulnerable adult personal protection order shall do all of the  
15 following immediately on issuance and without requiring a proof of  
16 service on the individual restrained or enjoined:

17 (a) File a true copy of the elder and vulnerable adult  
18 personal protection order with the law enforcement agency  
19 designated by the court in the order.

20 (b) Provide the petitioner with 2 or more true copies of the  
21 elder and vulnerable adult personal protection order.

22 (c) If the respondent is identified in the pleadings as a law  
23 enforcement officer, notify the officer's employing law enforcement  
24 agency, if known, about the existence of the elder and vulnerable  
25 adult personal protection order.

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

1 (e) If the respondent is identified in the pleadings as a  
2 department of corrections employee, notify the department of  
3 corrections about the existence of the elder and vulnerable adult  
4 personal protection order.

5 (20) The clerk of the court shall inform the petitioner that  
6 the petitioner may take a true copy of the elder and vulnerable  
7 adult personal protection order to the law enforcement agency  
8 designated by the court under subsection (14) to be immediately  
9 entered into the law enforcement information network.

10 (21) The law enforcement agency that receives a true copy of  
11 an elder and vulnerable adult personal protection order under  
12 subsection (19) or (20) shall immediately and without requiring  
13 proof of service enter the order into the law enforcement  
14 information network as provided by the C.J.I.S. policy council act.

15 (22) An elder and vulnerable adult personal protection order  
16 issued under this section must be served personally or by  
17 registered or certified mail, return receipt requested, delivery  
18 restricted to the addressee at the last known address or addresses  
19 of the individual restrained or enjoined or by any other manner  
20 allowed by the Michigan court rules. If the individual restrained  
21 or enjoined has not been served, a law enforcement officer or clerk  
22 of the court who knows that a personal protection order exists may,  
23 at any time, serve the individual restrained or enjoined with a  
24 true copy of the order or advise the individual restrained or  
25 enjoined of the existence of the order, the specific conduct  
26 enjoined, the penalties for violating the order, and where the  
27 individual restrained or enjoined may obtain a copy of the order.  
28 If the respondent is less than 18 years of age, the parent,  
29 guardian, or custodian of the individual must also be served

1 personally or by registered or certified mail, return receipt  
2 requested, delivery restricted to the addressee at the last known  
3 address or addresses of the parent, guardian, or custodian. A proof  
4 of service or proof of oral notice must be filed with the clerk of  
5 the court issuing the order. This subsection does not prohibit the  
6 immediate effectiveness of an elder and vulnerable adult personal  
7 protection order or its immediate enforcement under subsection (25)  
8 or (26).

9 (23) The clerk of the court that issued the elder and  
10 vulnerable adult personal protection order shall immediately notify  
11 the law enforcement agency that received the protection order under  
12 subsection (19) or (20) if either of the following occurs:

13 (a) The clerk of the court receives proof that the individual  
14 restrained or enjoined has been served.

15 (b) The order is rescinded, modified, or extended by court  
16 order.

17 (24) The law enforcement agency that receives information  
18 under subsection (23) shall enter the information or cause the  
19 information to be entered into the law enforcement information  
20 network as provided by the C.J.I.S. policy council act.

21 (25) An elder and vulnerable adult personal protection order  
22 is immediately enforceable anywhere in this state by any law  
23 enforcement agency that has received a true copy of the order, is  
24 shown a copy of it, or has verified its existence on the law  
25 enforcement information network as provided by the C.J.I.S. policy  
26 council act.

27 (26) If the individual restrained or enjoined has not been  
28 served, a law enforcement agency or officer responding to a call  
29 alleging a violation of an elder and vulnerable adult personal

1 protection order shall serve the individual restrained or enjoined  
2 with a true copy of the order or advise the individual restrained  
3 or enjoined of the existence of the order, the specific conduct  
4 enjoined, the penalties for violating the order, and where the  
5 individual restrained or enjoined may obtain a copy of the order.  
6 The law enforcement officer shall enforce the order and immediately  
7 enter or cause to be entered into the law enforcement information  
8 network that the individual restrained or enjoined has actual  
9 notice of the order. The law enforcement officer also shall file a  
10 proof of service or proof of oral notice with the clerk of the  
11 court issuing the order. If the individual restrained or enjoined  
12 has not received notice of the order, the individual restrained or  
13 enjoined must be given an opportunity to comply with the order  
14 before the law enforcement officer makes a custodial arrest for  
15 violation of the order. The failure to immediately comply with the  
16 order is grounds for an immediate custodial arrest. This subsection  
17 does not preclude an arrest under section 15 or 15a of chapter IV  
18 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and  
19 764.15a, or a proceeding under section 14 of chapter XIIIA of the  
20 probate code of 1939, 1939 PA 288, MCL 712A.14.

21 (27) An individual who is 18 years of age or older and who  
22 refuses or fails to comply with an elder and vulnerable adult  
23 personal protection order under this section is subject to the  
24 criminal contempt powers of the court and, if found guilty, must be  
25 imprisoned for not more than 93 days and may be fined not more than  
26 \$500.00. An individual who is less than 18 years of age and who  
27 refuses or fails to comply with an elder and vulnerable adult  
28 personal protection order issued under this section is subject to  
29 the dispositional alternatives listed in section 18 of chapter XIIIA

1 of the probate code of 1939, 1939 PA 288, MCL 712A.18. The criminal  
2 penalty provided under this section may be imposed in addition to a  
3 penalty that may be imposed for another criminal offense arising  
4 from the same conduct.

5 (28) An individual who knowingly and intentionally makes a  
6 false statement to the court in support of the individual's  
7 petition for an elder and vulnerable adult personal protection  
8 order is subject to the contempt powers of the court.

9 (29) An elder and vulnerable adult personal protection order  
10 issued under this section is also enforceable under section 15b of  
11 chapter IV of the code of criminal procedure, 1927 PA 175, MCL  
12 764.15b, and chapter 17.

13 (30) A court shall not issue an elder and vulnerable adult  
14 personal protection order if the respondent is the unemancipated  
15 minor child of the petitioner.

16 (31) If the respondent is less than 18 years of age, issuance  
17 of an elder and vulnerable adult personal protection order under  
18 this section is subject to chapter XIIA of the probate code of  
19 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

20 (32) For purposes of this section, a petitioner has an  
21 ownership interest in an animal if 1 or more of the following are  
22 applicable:

23 (a) The petitioner has a right of property in the animal.

24 (b) The petitioner keeps or harbors the animal.

25 (c) The animal is in the petitioner's care.

26 (d) The petitioner permits the animal to remain on or about  
27 premises occupied by the petitioner.

28 (33) A finding that a petitioner is a vulnerable adult for  
29 purposes of obtaining a personal protection order under this

1 section does not give rise to an inference that the petitioner  
2 requires a guardianship or conservatorship when considering a  
3 petition for a guardianship or conservatorship under article V of  
4 the estates and protected individuals code, 1998 PA 386, MCL  
5 700.5101 to 700.5520, or for a guardianship under the mental health  
6 code, 1974 PA 258, MCL 330.1001 to 330.2106.

7 (34) As used in this section:

8 (a) "Elder and vulnerable adult personal protection order"  
9 means an injunctive order issued by the family division of the  
10 circuit court or a probate court restraining or enjoining activity  
11 and individuals listed in subsections (2) and (3).

12 (b) "Federal law enforcement officer" means an officer or  
13 agent employed by a law enforcement agency of the United States  
14 government whose primary responsibility is the enforcement of laws  
15 of the United States.

16 (c) "Financial exploitation" means the use of fraud, deceit,  
17 misrepresentation, coercion, or unjust enrichment to obtain or use,  
18 or attempt to obtain or use, money or property to directly or  
19 indirectly benefit the respondent, or the respondent's improper  
20 leveraging of a caregiver relationship for financial gain.

21 (d) "Institutionalization" means being removed from a  
22 community residence and placed or kept in a residential  
23 institution, such as a licensed long-term care facility or nursing  
24 home, adult foster care, a home for the aged, a mental health or  
25 drug treatment facility, or a hospital or unlicensed care facility.

26 (e) "Neglect" means that term as defined in section 50 of the  
27 Michigan penal code, 1931 PA 328, MCL 750.50.

28 (f) "The C.J.I.S. policy council act" means the C.J.I.S.  
29 policy council act, 1974 PA 163, MCL 28.211 to 28.215.



1           (g) "Vulnerable adult" means an individual who is a vulnerable  
2 adult as that term is defined in section 145m of the Michigan penal  
3 code, 1931 PA 328, MCL 750.145m, or who is an adult who is  
4 vulnerable as that term is defined in section 11 of the social  
5 welfare act, 1939 PA 280, MCL 400.11.