CASS COUNTY COURTS

Immediate Emergency Ex Parte ERPO (Extreme Risk Protection Order) Court Plan

43rd Circuit Court, LAO #2024-1

IT IS ORDERED:

This administrative order is issued per MCR 3.718(B) and MCL 691.1807(4), and upon approval of the State Court Administrative Office (SCAO), to establish Cass County Courts' Immediate Emergency Ex Parte ERPO (Extreme Risk Protection Order) Court Plan which makes a Judicial Officer available to rule on a verbal requests from law enforcement to issue an immediate emergency ex parte ERPO for situations in which the law enforcement officer is responding to a complaint involving a respondent and the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure the respondent or another individual by possessing a firearm:

1. In order to allow time to gather data on the frequency of ERPO requests in Cass County and to create consistent processing of such ERPO requests, initially the Chief Judge shall make herself available to law enforcement officers for verbal requests to issue an immediate emergency ERPO as well as processing regular ERPO requests during normal business hours in the required time frames—this plan may be eventually updated to include a rotation of judges.

2. During normal business hours, when the Courts are open, to make a verbal request for issuance of an immediate emergency ex parte ERPO,

    a. Law Enforcement may call the Chief Judge's judicial assistant by phone at 269-445-4452, option 1.

    b. Law Enforcement may also email information associated with the verbal request for issuance of an immediate emergency ex parte ERPO to erpo@cassco.org and should put in the subject line of the email "verbal ERPO request by law enforcement."

3. For after hours, when the Courts are closed, to make a verbal request for issuance of an immediate emergency ex parte ERPO,

    a. Law Enforcement may contact Cass County Central Dispatch at 269-445-1560 to obtain the Chief Judge's cell phone number, which the Chief Judge shall make available to Cass County Central Dispatch, and Law Enforcement may then call the Chief Judge on her cell phone.

b. Law Enforcement may email information associated with the verbal request for issuance of an immediate emergency ex parte ERPO to erpo@cassco.org and should put in the subject line of the email "verbal ERPO request by law enforcement."

4. Once a verbal request is made for an immediate emergency ex parte ERPO, the Chief Judge must immediately rule on that request.

5. If the request for an immediate emergency ex parte ERPO is denied, the Chief Judge will issue an Order Denying Extreme Risk Protection Order using SCAO Form CC 456 and shall make all required findings.

6. If the request for an immediate emergency ex parte ERPO is granted,

   a. The Chief Judge will issue a written order using SCAO Form CC 454 and shall make all required findings.

   b. Law enforcement must immediately notify the Respondent of the order and advise where they can obtain a copy of the order and Provide Proof of Oral Notice to the Court by completing SCAO Form CC 457 and sending it by email to erpo@cassco.org or filing it in person at the Circuit Court File Room, Law & Courts Building, 60296 M-62, Cassopolis, Michigan, 49031.

   c. An ERPO is effective and enforceable immediately after it is issued by the court. The order may be enforced anywhere in Michigan by a law enforcement agency that receives a true copy of the order, is shown a copy of it, or has verified its existence in LEIN as provided by the C.J.I.S. Policy Council Act or on an information network maintained by the FBI per MCL 691.1809(2).

7. Within one (1) business day of making a verbal request for an ERPO, law enforcement must file a sworn written petition detailing the facts and circumstances presented verbally to the judge and law enforcement may submit this sworn written petition, SCAO Form CC 455, by email to erpo@cassco.org or filing it in person at the Circuit Court File Room, Law & Courts Building, 60296 M-62, Cassopolis, Michigan, 49031. If an officer does not file a sworn written petition as required, the court must, unless good cause is shown:

   a. Terminate the immediate emergency ex parte order;

   b. Order that the Respondent, subject to the restrictions in MCL 691.1815, may reclaim any seized firearm(s); and

   c. Dismiss the case.

8. All other aspects of ERPO review and processing shall be done in accordance with applicable law and court rules.

Effective Date: 2/13/2024

Carol Montavon Bealor

Honorable Carol Montavon Bealor, Chief Judge