

There's a Temporary Order of Protection from criminal court against me.

What does this mean?

What is the document I have been given?

You have been given a Temporary Order of Protection, also called a *TOP*. A TOP is an order that sets the rules you must follow while it is in effect. This TOP was issued by a judge because you were arrested for a crime related to domestic violence. The order protects the person you are suspected of harming, their property and in some cases, their children or other relatives.

		Criminal Form 1 12/2013
ORI No: _____	At a term of the _____ Court, County of _____	
Order No: _____	at the Courthouse at _____, State of New York	
NYSID No: _____	ORDER OF PROTECTION Family Offenses - C.P.L. 530.12	
CJIN No: _____	<input type="checkbox"/> Youthful Offender (check if applicable)	
PRESENT: Hon. _____	Part: _____ Index/Docket No: _____	
PEOPLE OF THE STATE OF NEW YORK	Indictment No., if any: _____	
_____	Charges: _____	
_____	[Check box]: <input type="checkbox"/> Ex Parte <input type="checkbox"/> Defendant Present In Court	
_____ against _____	Defendant Date of Birth: _____	
NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.		
THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING <u>THIS ORDER</u> .		
<input type="checkbox"/> TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of		

What does a “temporary” order mean?

A temporary order means that you must follow the rules in the TOP during all or part of the time your case is in court. The TOP starts immediately and lasts until the end date written in the order. This date is often your next court date. The Judge can extend the date of the order as the case continues. If the charges against you are dismissed, the TOP will end. If you are found guilty, the Judge may issue another Order of Protection.

Does the TOP mean that I have been found guilty of anything?

No! The Court may issue a TOP before all the facts have been heard. You will have a chance to tell your side of the story at your next court date.

Can I go to jail if I don't follow the rules in the TOP?

Yes! Failing to obey an order of protection is a crime called *criminal contempt*. If convicted, depending on the facts, you can go to jail for up to 7 years.

Can I be arrested for violating a New York TOP in another state?

Yes! All orders of protection are registered so every state knows about them.

Defendant: You, the person arrested and charged with domestic violence. You must obey the TOP.

Complaining Witness/Victim: Person you are accused of harming.

Prosecutor/ADA: Person who brings the case against you for the State of New York.

Protected Persons: People listed in the order that you must stay away from.

**Who's
Who?**

What does the TOP mean if it says, “stay away from”?

This means that you must stay a certain distance away from the people and places listed. No physical contact with the protected person, no touching. You must stay away from the places listed even when the protected people are not there.

- If the Judge includes your home, then you can't go back to live or visit.
- If you see a protected person walking toward you on the street, cross and go in a different direction.
- If you see a protected person in a restaurant, at a party, in a store or anywhere else, leave, even if you were there first.

What does the TOP mean if it says, “refrain from any communication or any other contact”?

This means:

- No talking to the protected person, no phone calls or video chatting.
- No writing to the protected person, no texts, instant messages, emails letters, cards, or faxes. No commenting or “liking” the protected person's posts or messages on social media.
- No sending flowers, candy, or other gifts.
- No sending messages through friends, relatives, neighbors or anyone else.

What if a protected person contacts me?

Even if the protected person reaches out and contacts you, you can be held in violation of the Order and arrested. The protected person can't be arrested for violating the order.

Don't speak to the protected person:

- If a protected person calls you, hang up.
- If a protected person messages, emails, texts or writes you a letter, don't respond.
- If a protected person comes to your home, do not let them in.

Can I see my kids?

Maybe. It depends on what the TOP says. The TOP may say that you must stay away from your children. The TOP may say no contact with the other parent, so you can't arrange a visit. Or, the TOP may list when and where you can see the children. If you can't see the kids, you can go to Family Court to ask for a visitation order.

Can I get my stuff if the TOP forbids me from going to my home?

You can only do this if the TOP says you can. The TOP says when you can get your stuff and what you can get, like clothes, toothbrush, medication, backpack or items needed for work. You usually will have to go with the police. Make a list before you go so that you can pack quickly. You can't send a friend to get your things unless they are named in the TOP.

Do I have to keep paying the rent, mortgage and utilities if I've been ordered to leave my home?

Yes. You must continue to make any payments that you were responsible for before the TOP even if you cannot stay in the home and must pay to live somewhere else.

Can I keep my gun?

Probably not. The TOP most likely suspends your gun license, orders you to surrender all your weapons and prevents you from buying a gun or getting a license for a gun.

What if the protected person and I make up, is the TOP still in effect then?

Yes. Even if the protected person doesn't mind if you are together or wants to be together, you can be arrested for violating the TOP. You must always obey the order when it is in effect. Only the judge can change the rules in a TOP.

Can the protected person ask the court to drop the charges?

No. Only the prosecutor can do that. The protected person can ask the prosecutor to drop the charges, but the prosecutor can still go forward with the case anyway.

Can there be orders of protection against me from both Criminal Court and Family Court?

Yes. Sometimes people get orders of protection from both Family and Criminal Court. If one has stricter rules than the other, you must follow the stricter rules. For example, if one order allows some contact and the other order says no contact, you must follow the order that says no contact.