

F.C.A. §§ 841; 842; 842-a  
[Note: If petition is dismissed, use Form 8-7]

Form 8-5  
(Family Offense -  
Order of Fact-finding  
and Disposition)  
(9/2009)

At a term of the Family Court of the  
State of New York, held in and for  
the County of  
at \_\_\_\_\_, New York,  
on \_\_\_\_\_, \_\_\_\_\_.

P R E S E N T :

Hon.  
Judge

.....

Petitioner,

Docket No.

-against-

**ORDER OF FACT-FINDING  
AND DISPOSITION**

Respondent.

.....

**NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY,  
AFTER COURT HEARING, RESULT IN YOUR COMMITMENT  
TO JAIL FOR CONTEMPT OF COURT FOR A TERM NOT TO  
EXCEED SIX MONTHS FOR EACH VIOLATION. VIOLATIONS  
OF AN ORDER OF PROTECTION MAY RESULT IN CRIMINAL  
PROSECUTION AND INCARCERATION FOR UP TO SEVEN  
YEARS FOR CRIMINAL CONTEMPT.**

A petition under Article 8 of the Family Court Act having been filed in this Court;  
and the Petitioner [specify]: \_\_\_\_\_ having [check applicable  
box(es)]:

- appeared  with counsel  without counsel  not appeared ;
- not appeared but counsel appeared;

and the Respondent [specify]: \_\_\_\_\_ having [check applicable  
box(es)]:

- appeared  with counsel  without counsel  waived counsel  not appeared ;
- not appeared after service  not appeared but service could not be made after every  
reasonable effort had been made to effect service  not appeared but counsel appeared;

and the Respondent [specify]: \_\_\_\_\_ having:

- voluntarily, intelligently and knowingly admitted in open court that (s)he committed  
the following act(s) [specify]:

- denied the allegations of the petition and the matter having duly come on for a fact-finding hearing before this Court ;
- failed to appear and the matter having duly come on for a fact- finding hearing by inquest before this Court ;
- voluntarily, intelligently and knowingly consented to the entry of an order of fact-finding without admission;

**And the Court finds that after** [check applicable box(es)]:  hearing the proofs and testimony offered in relation to the case  accepting the admission by Respondent [specify]:

the following allegations in the petition are supported by a preponderance of the evidence [specify]:

and that Respondent committed acts constituting the following family offense(s) [specify]:

- |  |  |
|--|--|
| <input type="checkbox"/> Disorderly conduct                          | <input type="checkbox"/> Menacing in the second or third degree                  |
| <input type="checkbox"/> Harassment in the first or second degree    | <input type="checkbox"/> Reckless endangerment                                   |
| <input type="checkbox"/> Assault in the second or third degree       | <input type="checkbox"/> Aggravated harassment in the second degree              |
| <input type="checkbox"/> Attempted assault in second or third degree | <input type="checkbox"/> Stalking  |
| <input type="checkbox"/> Criminal mischief                           | <input type="checkbox"/> Sexual misconduct                                       |
| <input type="checkbox"/> Forcible touching                           | <input type="checkbox"/> Sexual abuse in the second <sup>1</sup> or third degree |

**[Delete if inapplicable]: And the Court further finds** the following aggravating circumstances [specify]:

**And the matter having duly come on for a dispositional hearing,** and the Court having made examination and inquiry into the facts and circumstances of the persons involved,

IT IS HEREBY [Check applicable box(es)]:

ORDERED that the petition is GRANTED; and it is further

ORDERED that the Respondent shall for a period not in excess of [check applicable box]:  
 two years  five years  other period [specify]: \_\_\_\_\_ observe the conditions of behavior specified in the Order of Protection entered and annexed to and made a part of this order; and it is further

ORDERED that the Respondent surrender any and all firearms owned or possessed, including, but not limited to, the following [specify]:  
Such surrender shall take place on or before [specify date/time]: \_\_\_\_\_  
at [specify location]: \_\_\_\_\_ ; and it is further

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<sup>1</sup> Where victim is incapable of consent for reason other than being under age 17 [Penal Law §130.60(1)].

ORDERED that the Respondent's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby [check applicable boxes]:  
 suspended;  revoked; and  the Respondent shall remain ineligible to receive a firearm license during the period of this order; and it is further

ORDERED that the Respondent pay restitution in the amount of \$\_ to [specify]:  
for the benefit of [specify name(s)]:  
to begin on [specify date]: at the rate of \$ per month and to be paid in full by  
[specify date]:  
; and it is further

ORDERED that the Respondent is placed on probation under the supervision of the Probation Department of County for a period of upon the following terms and conditions [check applicable provisions; See 22 NYCRR §§205.74(a),(b)]:

- \_\_\_ 1. Observe the specified conditions of conduct as set forth in the Order of Protection issued pursuant to Section 842 of the Family Court Act.
- \_\_\_ 2. Remain within the jurisdiction of the Court unless granted permission to leave by the Court or probation officer.
- \_\_\_ 3. Answer all reasonable inquiries by the probation officer and notify the probation officer prior to any change in address or employment.
- \_\_\_ 4. Report to a probation officer as directed by the Court or the probation officer and permit the probation officer to visit your place of residence.
- \_\_\_ 5. Do not have any contact with the following persons [specify]:  
You must not have any physical, visual, written, telephone, e-mail, fax or other electronic or other contact with such person(s). You must not directly or indirectly cause or encourage anyone else to have such contact with such person(s).
- \_\_\_ 6. Pay for medical or mental health treatment expenses for the following person(s) [specify]:
- \_\_\_ 7. Pay all court-ordered attorney's fees and disbursements incurred by the following person(s) [specify]: that arise from this Family Offense matter.
- \_\_\_ 8. Cooperate with Department of Social Services and/or child protective workers associated with this Family Offense matter.
- \_\_\_ 9. Obey the order for [check applicable box]:  
 no visitation  supervised visitation  unsupervised visitation with your children.  
Court-ordered visitation with your children is permitted as follows:
- \_\_\_ 10. Surrender any and all firearms owned or possessed by you to the law enforcement agency designated above by the date and time ordered above.
- \_\_\_ 11. Attend, pay for, and satisfactorily participate in a batterer's education program designed to help end violent behavior. You will not be discharged from probation without satisfactory completion as determined by your counselor and probation officer.
- \_\_\_ 12. Participate in available [check applicable box(es)]:  medical  substance abuse  psychiatric evaluation and treatment and remain in a specified program as follows:\_\_\_\_\_
- \_\_\_ 13. Submit to drug/alcohol (alcosensor/urinalysis) testing as requested by your probation officer. You must cooperate with drug/alcohol counseling and random testing as deemed

necessary by your probation officer.

- \_\_\_ 14. Obey the directions given by the probation officer to insure compliance with the Conditions of Probation.
- \_\_\_ 15. Pay restitution or reparation in the amount of \$ \_\_\_\_\_ to [specify]: \_\_\_\_\_ for the benefit of the following person(s)[specify]: \_\_\_\_\_ to begin on [specify date] : \_\_\_\_\_ at the rate of \$ \_\_\_\_\_ per month and to be paid in full by [specify date] \_\_\_\_\_
- \_\_\_ 16. Sign Release of Information.
- \_\_\_ 17. Other:

ORDERED that the Judgment against the Respondent be and the same is suspended for a period of [specify]: \_\_\_\_\_ months upon the following terms and conditions [check applicable provisions; see 22 NYCRR §205.74(a)]:

- \_\_\_ 1. Stay away from the residence of the following person(s) [specify]: \_\_\_\_\_
- \_\_\_ 2. Stay away from the place of employment or place of education attended by the following person(s) [specify]: \_\_\_\_\_
- \_\_\_ 3. Do not have any physical, visual, written, telephone, e-mail, fax or other electronic or other contact with the following person(s) [specify]: \_\_\_\_\_ ; and do not directly or indirectly cause or encourage anyone else to have such contact with such person(s).
- \_\_\_ 4. Do not repeat the conduct that was adjudicated a family offense at the fact-finding hearing.
- \_\_\_ 5. Cooperate in seeking to obtain and in participating in [check applicable boxes]:
  - evaluation and treatment [specify]:  medical  psychiatric  alcoholism  drug abuse  other [specify]: \_\_\_\_\_
  - employment counseling  family counseling  child guidance services
  - batterer's educational program designated to help end violent behavior
- \_\_\_ 6. Permit information to be obtained by the Court from any person or agency providing evaluation, treatment or services specified in ¶5, above.
- \_\_\_ 7. Allow medical or psychiatric treatment to be furnished to the following person(s) [specify]: \_\_\_\_\_
- \_\_\_ 8. Cooperate with the person against whom the family offense was committed, the head of the household, or parent, in maintaining the home or household.
- \_\_\_ 9. Pay restitution or reparation in the amount of \$ \_\_\_\_\_ to [specify]: \_\_\_\_\_ for the benefit of the following person(s) [specify]: \_\_\_\_\_ to begin on [specify date]: \_\_\_\_\_ at the rate of \$ \_\_\_\_\_ per month and to be paid in full by [specify date] \_\_\_\_\_ .
- \_\_\_ 10. Other [specify]: \_\_\_\_\_

And it is further ORDERED that [specify]: \_\_\_\_\_

Dated: \_\_\_\_\_ , \_\_\_\_\_ .  
ENTER

\_\_\_\_\_  
Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed ]: \_\_\_\_\_
- Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_
- Order served by police on [specify date]: \_\_\_\_\_