

ORI No: _____
Order No: _____
NYSID No: _____

At a Term of the _____ Court
County of _____, State of New York
(address) _____

PRESENT: Hon. _____

**TEMPORARY
ORDER OF PROTECTION
[Articles 4, 5, 6, 8 and 10]**

**In the Matter of a Proceeding under
Article ____ of the Family Court Act**

Petitioner

Date of Birth: _____

Respondent

Date of Birth: _____

Docket No. _____
Family Unit No. _____
(check one)
 Ex Parte
 Both Parties Present in Court

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 CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF 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 THIS ORDER.

A petition under Article ____ of the Family Court Act, sworn to on _____, having been filed in this Court in the above entitled proceeding, and good cause having been shown and the Respondent having been [check applicable box]: present in Court and advised of the issuance and contents of this Order not present in Court,

NOW, THEREFORE, IT IS HEREBY ORDERED that [specify first name, middle initial and last name]: _____ must observe the following conditions of behavior:

(Check Applicable Paragraphs and Subparagraphs):

- [01] Stay away from [A] [name(s) of protected person(s)]: _____ and/or from the [B] home of _____, [C] school of _____, [D] business of _____, [E] place of employment of _____, [F] other [specify location] _____;

[14] Refrain from communication or any other contact or by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)]: _____;

[02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against [specify protected person(s) and/or members of protected person's family or household, and/or person(s) with custody of child(ren)]: _____;

[15] Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and, if available, name(s)]: _____ ;

[11] Permit [specify individual]: _____ to enter the residence at [specify]: _____ during [specify date/time]: _____ with [specify law enforcement agency, if any]: _____ to remove personal belongings not in issue in litigation [specify items]: _____ ;

[04] Refrain from [indicate acts]: _____ that create an unreasonable risk to the health, safety or welfare of [specify child(ren), family or household member(s)]: _____ ;

[05] Permit [specify individual]: _____, entitled by a court order or separation or other written agreement to visit with [specify child(ren)]: _____ during the following periods of time [specify]: _____ under the following terms and conditions [specify]: _____ ;

[07] Custody of [specify child(ren)]: _____ shall be awarded to [specify individual]: _____ under the following terms and conditions [specify]: _____ ;

[12] Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: _____ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but in no event later than [specify date/time]: _____ at [specify location]: _____ ;

[] Promptly return or transfer the following identification documents specify: _____ to the party protected by this Order NOT LATER THAN [specify date]: _____ in the following manner [specify manner or mode of return or transfer]: _____

[Check box(es) if applicable]: Such documents shall be made available for use as evidence in this judicial proceeding.

[Jointly owned documents or documents in both parties' names only]: The following document(s) may be used as necessary for legitimate use by the Respondent [specify]: _____ .

Pay or provide access to health or medical insurance for necessary medical care and treatment arising from the incident or incidents forming the basis of the order [specify beneficiary of treatment and coverage] _____ ;

Arts. 5,6&8 only Pay counsel fees (and/or) any costs associated with the order to [specify person and terms] _____ ;

Arts. 4,5&6 only Participate in an educational program, (and pay the costs thereof)[(specify program) _____ ;

Art. 8 only Participate in a batterer's education program designed to help end violent behavior (and pay the costs thereof)[specify program] _____ ;

Art. 8 only Pay to the petitioner/victim(s) restitution, as follows [specify terms and amount up to \$1 0,000]: _____ ; and

[99] Observe such other condition(s) as are necessary to further the purposes of protection [specify conditions]: _____
_____;

Art. 8 only [check if applicable]: Respondent is on probation [FCA§842 requires order to state if Respondent is on probation].

AGGRAVATING CIRCUMSTANCES FINDING [check box and fill in if applicable]:

The court has made a finding on the record of the existence of the following **AGGRAVATING CIRCUMSTANCES:** _____
_____.

It is further ordered that the above-named 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 [check applicable box(es)]: [13A] suspended, or [13B] revoked, (note: final order only) and/or [13C] the Respondent shall remain ineligible to receive a firearm license while this Order is in effect.

It is further ordered that this order of protection shall remain in force until and including [specify date]: _____, _____ but if you fail to appear in court when you are required to do so, the order may be extended and continue in effect until a new date set by the Court.

The Family Court Act provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties authorizes, and sometimes requires, the officer to arrest a person who is alleged to have violated its terms and to bring him or her before the Court to face penalties authorized by law.

Federal law requires that this order is effective outside, as well as inside, New York State. It must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person restrained by the order is an intimate partner of the protected party and has or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect due process rights (18 U.S.C. §§ 2265, 2266).

It is a federal crime to:

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty) ; and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired.. (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

Dated:

JUDGE OF THE FAMILY COURT

COURT (COURT SEAL)

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 ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check Applicable Box(es):

Party against whom order was issued was present in Court and advised in Court of issuance and contents of Order
Order personally served in Court upon party against whom order was issued

Service directed by other means [specify]: _____
[Modifications or extensions only]: Order mailed on [specify date and to whom mailed]: _____
Warrant issued for party against whom order was issued [specify date]: _____
Additional service information [specify]: _____