

ORI No: _____
Order No: _____
NYSID No. _____
CJTN No. _____

At a term of the _____ Court, County of _____
at the courthouse at (address) _____, State of New York

ORDER OF PROTECTION
Family Offenses – C.P.L. 530.12

PRESENT: Hon. _____

People of the State of New York
-against-

Defendant
Date of Birth: _____

Youthful Offender (check if applicable)
Part _____ **Index/Docket No.** _____
Indictment No., if any: _____
Charges _____
(Check one): **Ex parte**
 Defendant 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 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 THIS ORDER.

TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of recognizance release on bail adjournment in contemplation of dismissal],
ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]:

- And the court having made a determination in accordance with section 530.12 of the Criminal Procedure Law,
IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior [check applicable paragraphs and subparagraphs]:
- [01]

Stay away from
[A] [name(s) of protected person(s) or witness(es)]: _____ and/or from the
[B] home of _____ [C] school of _____
[D] business of _____ [E] place of employment of _____
[F] other _____;
except for contact, communication or access permitted by a subsequent order issued by a family or supreme court in a custody, visitation or child abuse or neglect proceeding.
- [14]

Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail, or other electronic or any other means with [specify protected person(s)]: _____;
except for contact, communication or access permitted by a subsequent order issued by a family or supreme court in a custody, visitation or child abuse or neglect proceeding.
- [17]

Refrain from remotely controlling, monitoring, or otherwise interfering with any electronic device or other object affecting the home, vehicle, or property of the protected person(s) by connection through any means, including, but not limited to, the internet, Bluetooth, a wired or wireless network, or other wireless technology.
- [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, unlawful dissemination or publication of intimate image(s), or any criminal offense against [specify protected person(s), members of such person’s family or household, 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]: _____ at _____ AM PM 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(s)]: _____, 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]: _____;

- [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 no later than [specify date/time]: _____ at _____ AM PM at [specify location]: _____
- [16]

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 defendant [specify]: _____

[99]

Specify other conditions defendant must observe for the purposes of protection: _____
- IT IS FURTHER ORDERED** that the above-named defendant'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 [13A] suspended or [13B] revoked (note: final order only), and/or [13C] the defendant shall remain ineligible to receive a firearm license during the period of this order (check **all** applicable boxes). **NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252**
- 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 as required, the order may be extended and continue in effect until a new date is set by the court.
- Dated: _____

JUDGE/JUSTICE
(COURT SEAL)

Defendant advised in court of issuance and contents of order

Order personally served on defendant in court _____
(Defendant’s signature)

Service directed by other means [specify]: _____

Warrant issued for defendant

Additional service information [specify]: _____
- The Criminal Procedure Law 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 shall authorize, and in some situations may require, such officer to arrest a defendant 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 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 against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's 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).
- Page 2 of 2