

COUNTY OF _____

Present: _____

**Order Denying Application for a
Temporary Extreme Risk Protection Order [CPLR § 6342]**

Petitioner

vs.

Respondent

Index Number: _____

Order Issued (check one): Ex Parte Respondent Present in Court and Advised of Contents on the Record

Check if applicable: ***Petitioner's name is anonymous*** ***Petitioner's address and contact information is confidential***

The petitioner having filed a sworn application for the issuance of a temporary extreme risk protection order against the respondent; and having considered the application, supporting documentation of the petitioner, if any, the time that has elapsed since the occurrence of such act or acts, the respondent's age at the time of the occurrence, the sworn testimony of the petitioner and witnesses produced by the petitioner, if any; and pursuant to the following findings of fact and conclusions of law:

The Court finds no probable cause to believe that the respondent is likely to engage in conduct that would result in serious harm to self or others as defined in MHL §9.39(a) and hereby **DENIES** petitioner's application for a temporary extreme risk protection order.

TAKE NOTICE that the Court must hold a hearing to determine if a final extreme risk protection order will be issued as follows:

Court: _____
Address: _____
Room/Part: _____
Date: _____
Time: _____ AM PM
Phone: _____;

At the hearing, the parties shall have an opportunity to be heard, give testimony, call witnesses and offer evidence to assist the Court in determining if a final extreme risk protection order will be issued. The respondent may request a later hearing date to prepare for the hearing. To request a later date, the respondent must contact the court **BEFORE** the scheduled hearing date above. The respondent may also seek the advice of an attorney, and the attorney should be consulted promptly, and it is hereby;

ORDERED that _____ shall conduct a background investigation and report to the court and each
Local Law Enforcement Agency

party, subject to any appropriate redactions to protect any person, whether the respondent:

- a. Has any prior criminal conviction for an offense involving domestic violence, use of a weapon, or other violence; or
- b. Has any criminal charge or violation currently pending against them; or
- c. Is currently on parole or probation; or
- d. Possesses any registered firearms, rifles or shotguns; or
- e. Is or has been subject to or has violated or allegedly violated any Order of Protection,

AND, said report shall be provided to the court and each party at least 24 hours before the hearing date above, and it is further;

(Optional: check only if applicable)

ORDERED that petitioner’s address and other contact information is confidential and shall be redacted from any papers served upon or provided to the respondent; or

ORDERED that the case caption is amended to reflect that petitioner’s name is anonymous, and petitioner’s name shall be redacted from any papers served upon or provided to the respondent, and it is further;

(Optional: check only if applicable)

ORDERED that, having agreed to arrange for service through a third party, the petitioner shall serve a copy of this order and any associated papers upon the respondent on or before _____, or

ORDERED that the _____ shall serve a copy of this order and any associated papers upon the
Local Law Enforcement Agency
respondent on or before _____, and it is further;

ORDERED that, the Court, having notice of the fact that the respondent is a patient in a certified Office of Mental Health (OMH) facility on the date of this order, hereby authorizes service upon the respondent at such facility pursuant to 14 NYCRR 22.2, and it is further;

ORDERED that this order shall expire on _____.

SO ORDERED:

Dated: _____

Justice of the Supreme Court

Cc: Local Law Enforcement Agency:

Acknowledgement of Service	
<i>NOTE: This section is for use by court officials and law enforcement officers only. Third-party process servers must attach a sworn Affidavit of Service.</i>	
The above-named respondent hereby acknowledges service of this order and any supporting documents and/or reports:	
Signature of Respondent	Dated: _____
Name of Witness	Title/Shield No. _____
Signature of Witness	Dated: _____