

ORI No:  
Order No:

Supreme Court, State of New York, County of  
at the \_\_\_\_\_

PRESENT: Hon. \_\_\_\_\_

**TEMPORARY  
EXTREME RISK PROTECTION ORDER  
CPLR § 6342**

Petitioner,

vs.

Case #/Index No.

Date of Birth:

Respondent.

(Check one)

**Ex parte**

**Respondent Present in Court**

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, respondent’s age at the time of the occurrence, and 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 probable cause to believe that 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 **GRANTS** petitioner’s application for a temporary extreme risk protection order, and it is hereby;

**ORDERED** that respondent is prohibited from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun and shall immediately surrender any and all firearms, rifles and shotguns owned or possessed pursuant to section 530.14(5) of the criminal procedure law, and it is further;

**ORDERED** that, upon service of the order, respondent is hereby required pursuant to CPLR §6342(4)(e) to list all firearms, rifles and shotguns in respondent’s possession and the particular location of each firearm, rifle or shotgun in the attached Listing of Firearms, Rifles and Shotguns form [UCS-6342/L]. For the purposes of this listing, the term “possession” means to have physical possession or otherwise to exercise dominion or control over tangible property as defined in PL §10.00(8), and it is further;

**ORDERED** that, upon service of the order, the designated law enforcement agency shall request that respondent immediately surrender all firearms, rifles and shotguns in respondent’s possession and shall conduct any search permitted by law for such firearms and shall take possession of all firearms, rifles and shotguns that are in plain sight or that are discovered pursuant to a lawful search and shall immediately notify the Court of such surrender, and it is further;

**SEARCH ORDER (Optional: check only if applicable)**

**ORDERED** that, pursuant to CPLR Article 63-A and consistent with the procedures set forth in Article 690 of the criminal procedure law, and upon the sworn application of the petitioner and a finding of probable cause to believe respondent possesses weapons, \_\_\_\_\_ shall search for firearms, rifles and shotguns in respondent’s

(Law Enforcement Agency)

possession, and upon the seizure of any property pursuant to this search order, the executing officer must:

- i. Write and subscribe a receipt itemizing the property taken and containing the name of the court by which the search order was issued. The receipt shall be provided to respondent or, where respondent is not the owner, tenant or other person in possession, to the owner, tenant or other person in possession of the property.
- ii. Without unnecessary delay, return to the court the order and file with the court a written inventory of such property, subscribed and sworn by such officer.

\_\_\_\_\_ shall search as follows (*check all that apply and provide with particularity a description of the place, premises or person to be searched*):

(Law Enforcement Agency)

Person: \_\_\_\_\_

Premises: \_\_\_\_\_

Vehicle(s): \_\_\_\_\_

The search must be made between the hours of 6:00 a.m. and 9:00 p.m.

The court, satisfied of the existence of grounds described in CPL 690.35(4) as supported by the above described allegations of fact, authorizes that the search may be made at any time of the day or night.

The court, satisfied of the existence of grounds described in CPL 690.35(4)(b) as supported by the above described allegations of fact and that prior notice may endanger the life or safety of the executing officer or another person, authorizes the executing officer to enter the premises to be searched without notice of his or her authority or purpose.

**CONFIDENTIALITY AND ANONYMITY (Optional: check only if applicable)**

Petitioner’s address and other contact information is confidential and shall be redacted from any papers served upon or provided to respondent pursuant to CPLR §6342(6)(a).

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

Observe the following additional conditions necessary to further the purposes of protection [specify conditions]:

\_\_\_\_\_

**ORDERED** that this order shall expire on \_\_\_\_\_.

**Dated:** \_\_\_\_\_

(COURT SEAL)

**TAKE NOTICE:**

- **The Court must hold a hearing to determine if a final extreme risk protection order will be issued. (See attached appearance notice for hearing date, time, and location.)** 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. Respondent may request a later hearing date to prepare for the hearing. To request a later date, respondent must contact the court **BEFORE** the scheduled hearing date above. Respondent may also seek the advice of an attorney, and the attorney should be consulted promptly.
- **Upon expiration of this temporary extreme risk protection order:**
  - All records of these proceedings shall be sealed pursuant to CPLR § 6346(1) and made unavailable to any person or public or private entity, except that the records shall be made available to (a) respondent or respondent’s designated agent, (b) courts in the unified court system, (c) police agencies responsible for enforcing general criminal laws of the state, (d) any state or local officer responsible for issuing licenses to possess firearms, rifles or shotguns when respondent makes an application for such license, or (e) any prospective employer of a police or peace officer in relation to an application by respondent for employment as a police or peace officer.
  - Any prohibitors to purchasing or possessing firearms, rifles or shotguns imposed by this order shall be lifted unless the temporary order is extended, or a final extreme risk protection order is granted pursuant to CPLR § 6343 or renewed pursuant to CPLR § 6345.

**Check Applicable Box(es):**

Party against whom order was issued was 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]: \_\_\_\_\_

Additional service information [specify]: \_\_\_\_\_

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.

CC: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COUNTY OF \_\_\_\_\_

Present: Hon. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Petitioner,

**Order for Background Investigation in  
Extreme Risk Protection Order Proceeding  
[CPLR § 6342(9)]**

vs.

\_\_\_\_\_  
\_\_\_\_\_

Respondent.

Index Number: \_\_\_\_\_

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

A hearing has been scheduled to determine if an extreme risk protection order will be issued against the respondent, and the Court hereby directs \_\_\_\_\_ to conduct a background investigation and submit a written report to the Court and each party, subject to any redactions as indicated above, regarding whether the respondent:

Law Enforcement Agency

- Has any prior criminal conviction for an offense involving domestic violence, use of a weapon, or other violence;
- Has any currently pending criminal charge or violation;
- Is currently on parole or probation;
- Possesses any registered firearms, rifles or shotguns;
- Has been subject to any order of protection; or
- Has violated or allegedly violated any order of protection.

The extreme risk protection order hearing is scheduled as follows:

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

The law enforcement agency's written report shall be provided to the Court and the parties on or before \_\_\_\_\_.

**SO ORDERED:**

Dated: \_\_\_\_\_

COUNTY OF \_\_\_\_\_

**Notification of Hearing for  
Final Extreme Risk Protection Order  
[CPLR § 6342(4)(d)(ii) or CPLR § 6342(5)]**

\_\_\_\_\_  
Petitioner,

vs.

\_\_\_\_\_  
Respondent.

Index Number: \_\_\_\_\_

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

**TAKE NOTICE** that the petitioner has filed an application for a temporary extreme risk protection order, and the Court (*select one*):  
Having granted the petitioner's application for a temporary extreme risk protection order, must hold a hearing within six (6) days after the temporary extreme risk protection order is served upon the respondent to determine if a final extreme risk protection order will be issued [see CPLR § 6342(4)(d)(ii)].  
Having denied the petitioner's application for a temporary extreme risk protection order, must hold a hearing within ten (10) days after the order denying the temporary extreme risk protection order is served upon the respondent to determine if a final extreme risk protection order will be issued [see CPLR § 6342(5)].

The hearing is scheduled 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.

SERVICE (check one):

- The respondent was present in court and provided with a copy of this notice, or
- The petitioner shall serve a copy of this notice and any associated papers upon the respondent through a third party on or before \_\_\_\_\_, or
- The \_\_\_\_\_ shall serve a copy of this notice and any associated papers upon the respondent on or before \_\_\_\_\_.  
Local Law Enforcement Agency

ADDITIONAL SERVICE PROVISION (check if applicable):

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 notice, the Court has authorized service upon the respondent at such facility pursuant to 14 NYCRR 22.2.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Court Official

Cc:

<b>Acknowledgement of Service</b>	
<i><b>NOTE:</b> 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 notice and any supporting documents and/or reports:	
_____ Signature of Respondent	Date: _____
_____ Name of Witness	Title/Shield No. _____
_____ Signature of Witness	Date: _____

