



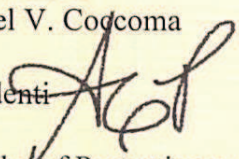
*New York State  
Unified Court System  
25 Beaver Street  
New York, New York 10004*

*A. Gail Prudenti  
Chief Administrative Judge*

212-428-2120

December 27, 2013

To: Hon. Fern A. Fisher  
Hon. Michael V. Coccoma

From: A. Gail Prudenti 

Subject: Uniform Order of Protection and Affidavit Forms for Use in Supreme, Family, District, City, New York City (Criminal), Town, and Village Courts; and Petition and Order of Fact-finding and Disposition for Use in Family Court

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The attached Administrative Order, effective immediately, promulgates 11 revised forms for use in Supreme, Family, District, City, New York City (Criminal), Town and Village Courts. The form revisions are as follows:

- Orders of protection, temporary orders of protection, affidavits in support of issuance and modification of orders of protection, the Family Court family offense petition, and the Family Court order of fact-finding and disposition have been revised to add identity theft, grand larceny and coercion as crimes for which there is concurrent jurisdiction in criminal and family courts (L. 2013, ch. 526).
- Orders of protection and temporary orders of protection have been revised to include provision for transfers of identification documents and an additional warning notice (L. 2013, chs. 480, 526).
- The criminal order of protection has been amended to add an optional proviso to the "no contact" provisions ("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"). This proviso is intended to be used (in lieu of the phrase "subject to Family Court") to clarify that contact may be allowed by further court order.

These uniform forms must be used as appropriate, in all courts issuing orders of protection throughout the State of New York. See Criminal Procedure Law §§530.12(12), 530.13(5); Domestic Relations Law §240(3)(d); Family Court Act §814-a. They will be posted on the Unified Court System CourtNet (Groupwise) intranet web-site, as well as the UCS internet web-site ([www.nycourts.gov](http://www.nycourts.gov)) Please replace the existing forms with the newly promulgated forms.

Please distribute this memorandum to Justices and Judges of the Supreme Court, the Family Court, and other courts of criminal jurisdiction (including Town and Village courts).

Questions about the forms may be directed to Janet Fink, Deputy Counsel, at (212) 428-2150.

cc.: Hon. Lawrence Marks  
Ronald Younkins, Esq.  
Administrative Judges  
Eugene Myers  
Maria Logus  
Maria Barrington  
District Executives  
New York City Chief Clerks  
County Clerks  
Nancy Sunukjian  
Janet Fink

## **EXHIBIT A**

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

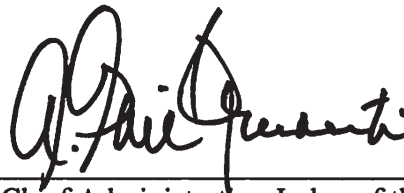
Pursuant to the authority vested in me, I hereby rescind the following 11 forms for use in  
Supreme Court, Family Court and criminal proceedings in the courts of the State of New York:

Criminal Form 1	Order of Protection (Family Offense)
Supreme Court Form SC-1	Temporary Order of Protection
Supreme Court Form SC-2	Order of Protection
Family Court General Form 5	Temporary Order of Protection
Family Court General Form 5-a	Order of Protection
Family Court General Form GF-5b/ Criminal Form 3	Affidavit in Support of Issuance of Family Court Temporary Order of Protection
Family Court General Form GF-5c/ Criminal Form 4	Affidavit in Support of Modification Of Family Court Temporary Order of Protection or Order of Protection
Family Court General Form 6	Temporary Order of Protection (Person in Need of Supervision or Juvenile Delinquency)
Family Court General Form 6-a	Order of Protection (Person in Need of Supervision or or Juvenile Delinquency)
Family Court Form 8-2	Family Offense Petition
Family Court Form 8-5	Family Offense Order of Fact-finding and Disposition

I hereby prescribe the following 11 forms for use in Supreme Court, Family Court and  
criminal proceedings in the courts of the State of New York:

Criminal Form 1	Order of Protection (Family Offense)
Supreme Court Form SC-1	Temporary Order of Protection
Supreme Court Form SC-2	Order of Protection
Family Court General Form 5	Temporary Order of Protection
Family Court General Form 5-a	Order of Protection
Family Court General Form Gf-5b/ Criminal Form 3	Affidavit in Support of Issuance of Family Court Temporary Order of Protection (Individual Complainant/Petitioner)

Family Court General Form Gf-5c/ Criminal Form 4	Affidavit in Support of Issuance of Family Court Temporary Order of Protection (Peace or Police Officer, Agency or Designated Person)
Family Court General Form 6	Temporary Order of Protection (Person in Need of Supervision or Juvenile Delinquency)
Family Court General Form 6-a	Order of Protection (Person in Need of Supervision or or Juvenile Delinquency)
Family Court Form 8-2 Family Court Form 8-5	Family Offense Petition Family Offense Order of Fact-finding and Disposition



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Chief Administrative Judge of the Courts

Dated: December 26, 2013

AO/367/2013



ORI No: \_\_\_\_\_  
Order No: \_\_\_\_\_

At a term of the \_\_\_\_\_ Court, County of \_\_\_\_\_,  
at the Courthouse at \_\_\_\_\_, State of New York

NYSID No: \_\_\_\_\_  
CJTN No. \_\_\_\_\_

**ORDER OF PROTECTION**  
**Family Offenses - C.P.L. 530.12**

PRESENT: Hon. \_\_\_\_\_,  
PEOPLE OF THE STATE OF NEW YORK

☐ Youthful Offender (check if applicable)  
Part: \_\_\_\_\_ Index/Docket No: \_\_\_\_\_  
Indictment No., if any: \_\_\_\_\_  
Charges: \_\_\_\_\_

\_\_\_\_\_ against

[Check box]: ☐ Ex Parte ☐ Defendant Present In Court

\_\_\_\_\_, Defendant Date of Birth: \_\_\_\_\_

**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.

[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), 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]: \_\_\_\_\_ 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]: \_\_\_\_\_;

[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 in no event later than [specify date/time]: \_\_\_\_\_ at: \_\_\_\_\_.

[ ] ☐ 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).

**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 on this date, the order may be extended and continue in effect until a new date set by the Court.

DATED: \_\_\_\_\_

\_\_\_\_\_  
 JUDGE / JUSTICE  
 Court (Court Seal)

- ☐ Defendant advised in Court of issuance and contents of Order.  
☐ Order personally served on Defendant in Court

\_\_\_\_\_  
 (Defendant's signature)

- ☐ Order to be served 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 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 USC §§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).

ORI No: \_\_\_\_\_  
 Order No: \_\_\_\_\_  
 NYSID No: \_\_\_\_\_

At a \_\_\_\_\_ Term (IAS Part) \_\_\_\_\_ of the Supreme Court, State of  
 New York, County of \_\_\_\_\_, at the Courthouse at  
 \_\_\_\_\_

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

**In the Matter of a Proceeding under  
 Section (240) (252) of the Domestic Relations Law**

**TEMPORARY  
 ORDER OF PROTECTION  
 D.R.L. §§ 240, 252**

Plaintiff/Petitioner  
 Date of Birth: \_\_\_\_\_

v.

Index No. \_\_\_\_\_

(Check one)

- ☐ Ex parte  
☐ Both Parties Present In Court

Defendant/Respondent  
 Date of Birth: \_\_\_\_\_

**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 SUPREME COURT PROSECUTION AND PENALTIES 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.**

Whereas a determination has been made in accordance with section ☐ 240 ☐ 252 of the Domestic Relations Law, 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, and good cause having been shown,

Now, therefore, it is hereby ordered that [specify first name, middle initial and last name]: \_\_\_\_\_  
 \_\_\_\_\_ observe the following conditions of behavior:

(Check Applicable Paragraphs and Subparagraphs)

- [01] ☐ Stay away from [A] ☐ [name(s) of protected persons] \_\_\_\_\_,  
 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 by mail or by 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 during [specify date/time] \_\_\_\_\_ with [specify law enforcement agency, if any]: \_\_\_\_\_ in order 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 members]: \_\_\_\_\_;

[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] ☐ Temporary 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 not later than [specify date/time]: \_\_\_\_\_ at [specify]: \_\_\_\_\_;

☐ Pay counsel fees and/or any costs associated with the order to [specify person and terms]: \_\_\_\_\_;

[99] ☐ Observe such other conditions as are necessary to further the purposes of protection [specify conditions]: \_\_\_\_\_

**It is further ordered** that the license of the person against whom this order is issued to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby (Check **all** applicable boxes): [13A] ☐ suspended [13B] ☐ revoked, and/ or [13C] ☐ the person against whom this order is issued shall remain ineligible to receive a firearm license during the period of this order..

**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 Domestic Relations Law** provides that the presentation of a copy of this order of protection to a police officer or peace officer acting pursuant to his or her special duties shall authorize, and sometimes requires, such officer to arrest a person who is alleged to have violated the terms of the order 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 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).

**Dated:**

\_\_\_\_\_  
JUSTICE  
COURT (COURT SEAL)

**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]: \_\_\_\_\_
- ☐ [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]: \_\_\_\_\_

ORI No: \_\_\_\_\_  
 Order No: \_\_\_\_\_  
 NYSID No: \_\_\_\_\_

At a \_\_\_\_\_ Term (IAS Part) \_\_\_\_\_ of the Supreme Court, State of  
 New York, County of \_\_\_\_\_, at the Courthouse at  
 \_\_\_\_\_

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

**In the Matter of a Proceeding under  
 Section (240) (252) of the Domestic Relations Law**

**ORDER OF PROTECTION  
 D.R.L. §§ 240, 252**

Plaintiff/Petitioner  
 Date of Birth: \_\_\_\_\_

v.

Defendant/Respondent  
 Date of Birth: \_\_\_\_\_

Index No. \_\_\_\_\_  
 (Check one)  
☐ Upon Default  
☐ 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 SUPREME COURT PROSECUTION AND PENALTIES FOR CONTEMPT OF 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.**

Whereas a determination has been made in accordance with section ☐ 240 ☐ 252 of the Domestic Relations Law, 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, and good cause having been shown,

Now, therefore, it is hereby ordered that [specify first name, middle initial and last name]: \_\_\_\_\_  
 \_\_\_\_\_ observe the following conditions of behavior:

**(Check Applicable Paragraphs and Subparagraphs)**

[01] ☐ Stay away from [A] ☐ [name(s) of protected persons] \_\_\_\_\_,  
 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 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 during [specify date/time]: \_\_\_\_\_ with [specify law enforcement agency, if any]: \_\_\_\_\_ in order 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 members]: \_\_\_\_\_ ;
- [05] ☐ Permit [specify individual]: \_\_\_\_\_, entitled by a court order, 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 [specify]: \_\_\_\_\_ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but no later than [specify date/time]: \_\_\_\_\_ at [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]: \_\_\_\_\_ ;
- ☐ Pay counsel fees and/or any costs associated with the order to [specify person and terms] \_\_\_\_\_ ;
- ☐ Participate in an educational program, (and pay the costs thereof)[(specify program)] \_\_\_\_\_ ;
- ☐ Participate in a batterer's education program designed to help end violent behavior (and pay the costs thereof) [specify program]: \_\_\_\_\_ ;
- ☐ Pay to the petitioner/victim(s) restitution, as follows [specify terms and amount up to \$10,000]: \_\_\_\_\_ ;

**It is further ordered** that the license of the person against whom this order is issued to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby (Check all applicable boxes): [13A] ☐ suspended or [13B] ☐ revoked, (note: final order only) and/or [13C] ☐ the person

against whom this order is issued shall remain ineligible to receive a firearm license during the period of this order; and

[99] ☐ Observe such other conditions as are necessary to further the purposes of protection [specify conditions]: \_\_\_\_\_

\_\_\_\_\_

It is further ordered that this order of protection shall remain in force until and including [specify date]: \_\_\_\_\_

**The Domestic Relations Law** provides that the presentation of a copy of this Order of Protection to a police officer or peace officer acting pursuant to his or her special duties shall authorize, and sometimes requires, such officer to arrest a person who is alleged to have violated the terms of the order 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 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).

**Dated:**

\_\_\_\_\_

JUSTICE  
COURT (COURT SEAL)

**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]: \_\_\_\_\_
- ☐ [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]: \_\_\_\_\_



12/2013

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]: \_\_\_\_\_

ORI No: \_\_\_\_\_  
 Order No: \_\_\_\_\_  
 NYSID No:- \_\_\_\_\_

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

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

In the Matter of a Proceeding under  
 Article \_\_\_\_\_ Of the Family Court Act

Petitioner  
 Date of Birth: \_\_\_\_\_

v. \_\_\_\_\_

Respondent  
 Date of Birth: \_\_\_\_\_

# **ORDER OF PROTECTION**

[Articles 4, 5, 6, 8 and 10]

Docket No. \_\_\_\_\_

Family Unit No. \_\_\_\_\_

(check one)

☐ Upon Default

☐ Both Parties Present In Court

**NOTICE: YOUR WILLFUL 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.**

**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 the Respondent having been [check applicable box]: ☐ present in Court and advised of the issuance and contents of this Order ☐ not present in Court, and this Court [check applicable box]: ☐ after hearing ☐ on consent, having determined that good cause has been shown for the issuance of this Order,

**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]: \_\_\_\_\_

**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]: \_\_\_\_\_

(Local Criminal Court):  
County of \_\_\_\_\_

\_\_\_\_\_  
Petitioner

-against-

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

AFFIDAVIT IN SUPPORT OF  
ISSUANCE OF FAMILY COURT  
TEMPORARY ORDER OF  
PROTECTION  
(By Individual Complainant/Petitioner)  
Index/Docket # \_\_\_\_\_

State of New York )  
): ss:  
County of )

I, (petitioner's name)<sup>1</sup> \_\_\_\_\_, having been duly sworn,  
depone and state the following under the penalties of perjury:

1. The Family Court, \_\_\_\_\_ County, is not in session at the present time.

2. The following family offense was committed on (specify date): \_\_\_\_\_ by the above-named Respondent [Check box or boxes]:

- |  |   |
|--|---|
| <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>2</sup> or third degree  |
| <input type="checkbox"/> Strangulation   | <input type="checkbox"/> Criminal obstruction of breathing or circulation   |
| <input type="checkbox"/> Identity theft in 1 <sup>st</sup> , 2 <sup>nd</sup> or 3 <sup>rd</sup> degree | <input type="checkbox"/> Grand larceny in 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> or 4 <sup>th</sup> degree |
| <input type="checkbox"/> Coercion in 2 <sup>nd</sup> degree [Penal Law §135.60 (1),(2),or (3)]         |   |

3. The Respondent and I are related as follows:

- |   |  |
|---|--|
| <input type="checkbox"/> we are married   | <input type="checkbox"/> we were married       |
| <input type="checkbox"/> we have a child in common  | <input type="checkbox"/> we are parent & child |
| <input type="checkbox"/> we are related by blood or marriage [specify how]:                               |  |
| <input type="checkbox"/> we are in an intimate relationship (NOT casual social or business acquaintances) |  |

<sup>1</sup> NOTE: If the Petitioner is a peace or police officer, representative of a duly authorized agency or other person designated by the Court to file a petition pursuant to Family Court Act §822, Family Court General Form 5c/ Criminal Form 4 should be used instead of this form.

<sup>2</sup> Where victim is incapable of consent for reason other than being under age 17 [Penal Law §130.60(1)].

[describe]:

☐ we were in an intimate relationship (NOT casual social or business acquaintances)[describe]:

4. [Check one]: ☐ I filed a petition under Article 8 of the Family Court Act in Family Court, \_\_\_\_\_ County, on [specify date]: \_\_\_\_\_.
- ☐ I intend to file a petition in Family Court, County, on the next day the Court is in session.

5. The following constitutes good cause for issuing a temporary order of protection:[Briefly describe family offense and any other facts and reasons supporting the need to protect me, my child(ren) or other members of my family or household]:

6.a. The following criminal, matrimonial or Family Court cases have been filed involving the respondent and me: [Specify type of case, who filed it, the court in which it was filed, the approximate date filed and the present status, if known]:

b. The following orders of protection or temporary orders of protection have been issued against the respondent or against me: [Specify type of case in which the order was issued, persons protected by the order, the court that issued it, the approximate date issued and expiration date, if known]:

7. I understand that the Family Court order issued by this Court shall expire on the date indicated on the order, which shall be not more than four calendar days after its issuance, unless sooner vacated or modified by the Family Court. I understand that the matter will be transferred to the Family Court and that I must appear in Family Court on or before the date indicated. I further understand that I have a right to seek a criminal prosecution of respondent in addition to, or instead of, proceeding in Family Court.

WHEREFORE, for the reasons stated above, I am requesting that my application for a Family Court temporary order of protection be granted and that the matter be transferred to the Family Court, \_\_\_\_\_ County.

False statements in this affidavit are punishable as a class A misdemeanor, pursuant to Penal Law §210.45.

Sworn to before me  
this    day of

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
(JUDGE):  
(SUPERIOR OR DESK OFFICER, POLICE DEPARTMENT):  
(NOTARY PUBLIC):

**TO THE CLERK OF COURT:** This affidavit, together with any temporary order of protection so issued, shall be transmitted forthwith to the Family Court; if the affidavit and order are transmitted by facsimile or other electronic means, the original shall be forwarded immediately thereafter.

on behalf of [specify]: Petitioner

**-against--**

Respondent

AFFIDAVIT IN SUPPORT OF  
ISSUANCE OF FAMILY COURT  
TEMPORARY ORDER OF  
PROTECTION

(By Peace or Police Officer, Agency or Designated Person)  
Index/Docket #

State of New York )  
 ) ss:  
County of )

I, (petitioner's name) \_\_\_\_\_, having been duly sworn, depose and state the following upon information and belief under the penalties of perjury:

1. a. I am a [check applicable box]:

- ☐ peace or police officer  
☐ representative of the following duly authorized agency, association, society or institution  
[specify]:  
☐ person designated by the Court to file a family offense petition pursuant to FCA §822(d).

b. I am submitting this affidavit in support of the issuance of a temporary order of protection to protect [specify names of protected persons]:

2. The Family Court, County, is not in session at the present time.

3. The following family offense(s) was/were committed on (specify date): \_\_\_\_\_ by the above-named Respondent [Check box or boxes]:

- ☐ Disorderly conduct
  - ☐ Harassment in the 1<sup>st</sup> or 2<sup>nd</sup> degree
  - ☐ Assault in the 2<sup>nd</sup> or 3<sup>rd</sup> degree
  - ☐ Attempted assault in 2<sup>nd</sup> or 3<sup>rd</sup> degree
  - ☐ Criminal mischief
  - ☐ Forcible touching
  - ☐ Strangulation
  - ☐ Identity theft in 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree
  - ☐ Coercion in 2<sup>nd</sup> degree [Penal Law §135.60 (1),(2),or (3)]
  - ☐ Menacing in the 2<sup>nd</sup> or 3<sup>rd</sup> degree
  - ☐ Reckless endangerment
  - ☐ Aggravated harassment in the 2<sup>nd</sup> degree
  - ☐ Stalking
  - ☐ Sexual misconduct
  - ☐ Sexual abuse in the 2<sup>nd</sup> or 3<sup>rd</sup> degree
  - ☐ Criminal obstruction of breathing or circulation
  - ☐ Grand larceny in 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> degree

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

4. a. The above family offense(s) were committed against [specify]:

b. The relationship of Respondent to the victim of the above family offense is [check box]:

- ☐ They are married
- ☐ They were married
- ☐ They have a child in common
- ☐ They are parent and child
- ☐ They are related by blood or marriage [specify how]:
- ☐ They have an intimate relationship (NOT casual social or business acquaintances)  
[describe]:
- ☐ They had an intimate relationship (NOT casual social or business acquaintances)[describe]:

5. [Check box]:

- ☐ I filed a petition under Article 8 of the Family Court Act in Family Court, \_\_\_\_\_ County, on [specify date]: \_\_\_\_\_.
- ☐ I intend to file a petition in Family Court, \_\_\_\_\_ County, on the next day the Court is in session.
- ☐ The above-named victim filed a petition under Article 8 of the Family Court Act in Family Court, \_\_\_\_\_ County, on [specify date]: \_\_\_\_\_.
- ☐ The above-named victim informed me that (s)he intends to file a petition in Family Court, \_\_\_\_\_ County, on the next day the Court is in session.

6. The following constitutes good cause for issuing a temporary order of protection:[Briefly describe family offense and any other facts and reasons supporting the need for protection of the above-named victim(s) and members of his/her/their households or families]:

7. a. The following criminal, matrimonial or Family Court cases have been filed involving the respondent and the proposed protected party or parties: [Specify type of case, who filed it, the court in which it was filed, the approximate date filed and the present status, if known]:

b. The following orders of protection or temporary orders of protection have been issued against the respondent or against the proposed protected party or parties: [Specify type of case in which the order was issued, persons protected by the order, the court that issued it, the approximate date issued and expiration date, if known]:

8. I understand and have informed the proposed protected party or parties that the Family Court order issued by this Court will expire on the date indicated on the order, which will be not more than four calendar days after its issuance, unless sooner vacated or modified by the Family Court. I understand and have informed the proposed protected party or parties that the matter will be transferred to the Family Court and that they must appear in Family Court on or before the date indicated and that, if I am or will be the Petitioner in Family Court, I must appear as well. I further understand and have informed the proposed protected party or parties that they and/or I have a right to seek a criminal prosecution of respondent in addition to, or instead of, proceeding in Family Court.

WHEREFORE, for the reasons stated above, I am requesting that my application for a Family



Court temporary order of protection be granted and that the matter be transferred to the Family Court,  
\_\_\_\_\_ County.

False statements in this affidavit are punishable as a class A misdemeanor, pursuant to Penal Law §210.45.

Sworn to before me  
this    day of

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
(JUDGE):  
(SUPERIOR OR DESK OFFICER, POLICE DEPARTMENT):  
(NOTARY PUBLIC):

TO THE CLERK OF COURT:

This affidavit, together with any temporary order of protection so issued, shall be transmitted forthwith to the Family Court; if the affidavit and order are transmitted by facsimile or other electronic means, the original shall be forwarded immediately thereafter.

At a Term of the Family Court  
County of \_\_\_\_\_, State of New York  
(address) \_\_\_\_\_

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

In the Matter of a Proceeding under  
Article \_\_\_\_\_ of the Family Court Act

TEMPORARY  
ORDER OF PROTECTION  
[Articles 3 and 7]

Docket No. \_\_\_\_\_

Family Unit No. \_\_\_\_\_

(check one)

☐ Ex Parte

☐ Respondent present in court

Respondent \_\_\_\_\_

**NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND DETENTION. 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.**

Whereas the Family Court has made a determination in accordance with [check applicable box]:

☐ Article 3 (juvenile delinquency) ☐ Article 7 (Person in Need of Supervision) of the Family Court Act, 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, and good cause having been shown,

Now, therefore, it is hereby ordered that [specify first name, middle initial and last name] \_\_\_\_\_, the above-named Respondent, observe the following conditions of behavior: Check Applicable Box(es):

☐ Stay away from ☐ [name(s) of protected person(s)] \_\_\_\_\_  
and/or from the ☐ home of \_\_\_\_\_ ☐ school of \_\_\_\_\_  
☐ business of \_\_\_\_\_ ☐ place of employment of \_\_\_\_\_  
☐ other [specify]: \_\_\_\_\_;

☐ Refrain from harassing, intimidating, threatening or otherwise interfering with [specify victim(s) or members of victim's family or household] \_\_\_\_\_;

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

[The following paragraphs apply only to Article 7 orders of protection; check applicable box(es)]:

☐ 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)]: \_\_\_\_\_;

☐ Refrain from (indicate acts of omission or commission): \_\_\_\_\_ that create an unreasonable risk to the health, safety or welfare of the Respondent;

☐ Permit [specify individual]: \_\_\_\_\_, entitled by court order or separation agreement, to visit with the Respondent child during the following periods of time [specify] \_\_\_\_\_; under the following terms and conditions [specify]: \_\_\_\_\_;

☐ Participate in family counseling or other professional counseling activities, or other services, including alternative dispute resolution services, deemed necessary for the rehabilitation of the Respondent and not contrary to Respondent's religious beliefs, conducted by an authorized person or agency to which the Respondent has been referred [specify program or services]: \_\_\_\_\_;

☐ Permit [specify individual] \_\_\_\_\_ to enter the residence during [specify date/time] \_\_\_\_\_ to remove personal belongings not in issue in this or any other litigation;

☐ 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] \_\_\_\_\_;

☐ Custody of respondent during the term of this order is awarded to [specify individual] \_\_\_\_\_ under the following terms and conditions [specify]: \_\_\_\_\_;

**[The following paragraphs apply to ALL orders]:**

☐ Observe other condition(s) as are necessary to further the purposes of protection [specify conditions]: \_\_\_\_\_

**It is further ordered that this order of protection shall remain in force until and including [specify]: \_\_\_\_\_, 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.**

**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.**

ENTER

Date: \_\_\_\_\_

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

**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]: \_\_\_\_\_
- ☐ [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]: \_\_\_\_\_

At a Term of the Family Court  
County of \_\_\_\_\_, State of New York  
(address) \_\_\_\_\_  
\_\_\_\_\_

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

In the Matter of a Proceeding under  
Article ☐3 ☐7 of the Family Court Act

ORDER OF PROTECTION  
[Articles 3 and 7]

Docket No. \_\_\_\_\_  
Family Unit No. \_\_\_\_\_  
(check one):  
☐ Upon default  
☐ Respondent present in court

Respondent \_\_\_\_\_

**NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND DETENTION. 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.**

Whereas the Family Court has made a determination in accordance with [check applicable box]:  
☐ Article 3 (juvenile delinquency) ☐ Article 7 (Person in Need of Supervision) of the Family Court Act, 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, and good cause having been shown,

[Applicable to Article 3 only]: ☐ and good cause having been shown,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT [specify first name, middle initial and last name] \_\_\_\_\_, the above-named Respondent, observe the following conditions of behavior:  
Check Applicable box(es):

☐ Stay away from ☐ [name(s) of protected person(s)]: \_\_\_\_\_  
and/or from the ☐ home of \_\_\_\_\_ ☐ school of \_\_\_\_\_  
☐ business of \_\_\_\_\_ ☐ place of employment of \_\_\_\_\_  
☐ other [specify]: \_\_\_\_\_;

☐ Refrain from harassing, intimidating, threatening or otherwise interfering with [specify victim(s) or members of victim's family or household] \_\_\_\_\_;

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

[The following paragraphs apply only to Article 7 orders of protection; check applicable box(es)]:

☐ 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 other parent or any person to whom

custody of the Respondent child is awarded]: \_\_\_\_\_;

- ☐ Refrain from (indicate acts) \_\_\_\_\_  
\_\_\_\_\_ that create an unreasonable risk to the health, safety or welfare of the Respondent;
- ☐ Permit [specify individual]: \_\_\_\_\_, entitled by court order or separation agreement, to visit with the Respondent child during the following periods of time [specify] \_\_\_\_\_; under the following terms and conditions [specify]: \_\_\_\_\_;

☐ Participate in family counseling or other professional counseling activities, or other services, including alternative dispute resolution services, deemed necessary for the rehabilitation of the Respondent and not contrary to Respondent's religious beliefs, conducted by an authorized person or agency to which the Respondent has been referred [specify program or services]: \_\_\_\_\_;

☐ Permit [specify individual] \_\_\_\_\_ to enter the residence during [specify date/time] \_\_\_\_\_ to remove personal belongings not in issue in this or any other litigation;

☐ 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] \_\_\_\_\_;

☐ Custody of Respondent during the term of this order is awarded to [specify individual] \_\_\_\_\_ under the following terms and conditions [specify]: \_\_\_\_\_;

**[The following paragraphs apply to ALL orders]:**

☐ Observe other condition(s) as are necessary to further the purposes of protection [specify conditions]: \_\_\_\_\_;

**It is further ordered that this order of protection shall remain in force until and including [specify]: \_\_\_\_\_.**

**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).**

**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.**

ENTER

Date: \_\_\_\_\_

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

**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]: \_\_\_\_\_
- ☐ [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]: \_\_\_\_\_



FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF .....

Petitioner

Docket No.

-against-

FAMILY OFFENSE  
PETITION

Respondent  
.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully states that:

1. a. I reside at [specify address unless confidential]:<sup>1</sup>

b. The Respondent resides at [specify address unless confidential]:

2. a. ☐ The Respondent and I are related as follows [check all applicable box(es)]:

☐ we are married

☐ we were married

☐ we have a child in common

☐ we are parent and child

☐ we are related by blood or marriage [specify how]:

☐ we are in an intimate relationship (NOT casual social or business acquaintances)  
[describe]:

☐ we were in an intimate relationship (NOT casual social or business  
acquaintances) [describe]:

☐ we live together ☐ we lived together in the past ☐ we never lived together

b. ☐ Petitioner is a duly authorized agency, association, society or institution and  
is filing this petition pursuant to F.C.A. §822(b).

c. ☐ I am a peace officer and am filing this petition pursuant to F.C.A. §822(c).

3. The Respondent committed the following family offense(s) against me and/or my  
children, which constitute(s):

☐ Disorderly conduct

☐ Menacing in the second or third degree

☐ Harassment in the first or second degree

☐ Reckless endangerment

☐ Aggravated harassment in the second degree

☐ Stalking

☐ Assault in the second or third degree

☐ Attempted assault

☐ Criminal mischief

☐ Sexual misconduct

☐ Sexual abuse in the second<sup>2</sup> or third degree

☐ Forcible touching

☐ Strangulation

☐ Criminal obstruction of breathing or

<sup>1</sup> If your health or safety or that of your child or children would be put at risk by disclosure of your address or other identifying information, you may apply to the Court for an address confidentiality order by submitting General Form GF-21, which is available on-line at [www.nycourts.gov](http://www.nycourts.gov). See Family Court Act §154-b.

<sup>2</sup> Where victim is incapable of consent for reason other than being under age 17 [Penal Law §130.60(1)].

- ☐ Identity theft in 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree      circulation  
☐ Grand larceny in 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> degree  
☐ Coercion in 2<sup>nd</sup> degree [Penal Law §135.60 (1),(2),or (3)]

[Describe each incident; starting with the most recent incident; state date, time and location of each incident; specify all injuries and if any weapons were used. Use additional sheets where necessary]:

4. I ☐ have ☐ have not filed a criminal complaint concerning these incident(s)  
 [If so, please indicate court, county, date, charge(s) and status, if known]:

5. [Check applicable box(es)]:

☐ a. I have no children and there are no other children living in my home.

☐ b. The following children live with me [include children who are not yours]:

<u>Name</u>	<u>Date of Birth</u>	<u>Relationship to Me</u>	<u>Relationship to Respondent</u>
-------------	----------------------	---------------------------	-----------------------------------

☐ c. The following children are mine but do not live with me.

<u>Name</u>	<u>Date of Birth</u>	<u>Lives With</u>	<u>Child's Relationship to Respondent, if any</u>
-------------	----------------------	-------------------	---

☐ d. The Respondent committed family offenses against the above child or children as follows [describe including name(s) of child or children, nature of offense(s) and date(s)]:<sup>3</sup>

**[Check boxes and complete any of the following paragraphs 6-13 that apply to you. Skip any that do not apply to you.]**

☐ 6. The Respondent has acted in a way I consider dangerous or threatening to me, my children, a member of my family or household or person with whom I have or had an intimate relationship, in addition to the incident(s) described in question 3, as follows [describe]:

☐ 7. The Respondent was found to have violated an Order of Protection issued on behalf of me, my children, a member of my family or household or person with whom I have or had an intimate relationship as follows [describe]:

---

<sup>3</sup> Family offenses, when committed against a member of the same family or household or intimate partner, include the crimes of: assault or attempted assault, aggravated harassment or harassment, disorderly conduct, menacing, reckless endangerment, stalking, sexual abuse, sexual misconduct, forcible touching, strangulation, criminal obstruction of breathing or blood circulation, criminal mischief, grand larceny, identity theft and coercion.

☐ 8. The Respondent owns or has access to guns as follows [describe]:

9. ☐ a. The Respondent has a gun license or pistol permit for the following gun(s) as follows [describe]:

☐ b. The Respondent has a gun license or permit application pending as follows [describe]:

☐ c. The Respondent carries a gun on his or her job as follows [describe]:

10. ☐ a. The Respondent threatened [check applicable box(es)]:

☐ me ☐ my child or children [specify]:

☐ a member or members of my household [specify]:

☐ someone with whom I have or had an intimate relationship [specify]:  
with a gun or dangerous instrument or object as follows [specify]:

☐ b. There is a substantial risk that Respondent would use or threaten to use a firearm or dangerous instrument or object against me, my child(ren), a member of my household or person with whom I have or had an intimate relationship on the basis of the following facts and for the following reasons [describe]:

☐ 11. The following court cases are pending between me and the Respondent [specify court, county, docket or index number, nature of action and status, if known]:

☐ 12. The Respondent has the following criminal convictions [specify, including date, crime, sentence and court, if known]:

☐ 13. [Applicable where protection is sought for pet(s)]:

a. The following pets live in my house [specify name(s) and type(s)]:

b. The Respondent injured or tried or threatened to injure pets in my household as follows [describe]:

14. I have not made any previous application to any court or judge for the relief requested in this petition, (except [specify the relief, if any, granted and the date of such relief; delete if inapplicable]: ).

WHEREFORE, Petitioner respectfully requests this Court to:

a. adjudge the Respondent to have committed the family offense(s) alleged;

b. enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;

c. enter a finding of aggravated circumstances [delete if inapplicable];

d. enter a temporary order of child support in accordance with Family Court Act §828(4) [delete if inapplicable];

e. order such other and further relief as to the Court seems just and proper.

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

\_\_\_\_\_  
Petitioner: (print or type name) / Signature

\_\_\_\_\_  
Petitioner's Attorney, if any (print or type name) / Signature

\_\_\_\_\_  
Address and telephone number of Attorney, if any

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)  
(12/2013)

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 2 <sup>nd</sup> or 3 <sup>rd</sup> degree                                      |
| <input type="checkbox"/> Harassment in the 1 <sup>st</sup> or 2 <sup>nd</sup> degree                   | <input type="checkbox"/> Reckless endangerment  |
| <input type="checkbox"/> Assault in the 2 <sup>nd</sup> or 3 <sup>rd</sup> degree                      | <input type="checkbox"/> Aggravated harassment in the 2 <sup>nd</sup> degree  |
| <input type="checkbox"/> Attempted assault in 2 <sup>nd</sup> or 3 <sup>rd</sup> 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 2 <sup>nd</sup> <sup>1</sup> or 3 <sup>rd</sup> degree                     |
| <input type="checkbox"/> Strangulation   | <input type="checkbox"/> Criminal obstruction of breathing or circulation   |
| <input type="checkbox"/> Identity theft in 1 <sup>st</sup> , 2 <sup>nd</sup> or 3 <sup>rd</sup> degree | <input type="checkbox"/> Grand larceny in 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> or 4 <sup>th</sup> degree |
| <input type="checkbox"/> Coercion in 2 <sup>nd</sup> degree [Penal Law §135.60 (1),(2),or (3)]         |   |

**[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

☐ 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]: \_\_\_\_\_

---

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

☐ 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 ATTORNEY FOR THE CHILD 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]: \_\_\_\_\_