

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

Integrated Domestic Violence Part of the Supreme 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 SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU APPEAR IN COURT.

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, 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] _____ 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 means with [specify protected persons(s)]: _____;

[02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats 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] 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 in no event later than [specify date/time]: _____ at [specify location]: _____;

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] _____ ; and
- Art. 8 only** Pay to the petitioner/victim(s) restitution, as follows [specify terms] _____ (amount up to \$10,000);

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

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 hereby [13A] suspended, or [13B] revoked, (note: final order only) and/or [13C] the Respondent shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes)

It is further ordered that this temporary order of protection shall remain in effect until [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 shall authorize, and sometimes requires, such 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 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 offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence against an intimate partner or family member; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (except for military or law enforcement officers while on duty) possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition while an order of protection, issued after notice and an opportunity to be heard, that protects an intimate partner against assault, harassment, threatening and/or stalking, remains in effect (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

Dated:

 JUSTICE
 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 LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

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]: _____