



**State of New York
Unified Court System
New York City Family Court**

If you are seeking a Family Court Order of Protection after Family Court business hours, you may go to Criminal Court.

The Criminal Court has the authority to issue a Family Court Order of Protection during the hours that Family Court is closed.

The Criminal Court will accept applications for Family Court orders of protection after 5:00 PM weekdays; and on the weekends starting at 9:00 AM. The number for general information is (646) 386-4500. If you live in Richmond County (Staten Island) you will need to file in Kings County.*

Attached is a blank/sample form to be completed and submitted to Criminal Court when you request a Family Court order of protection.

Please be aware that if the Criminal Court issues a temporary order of protection, you must return to Family Court and file a petition. The Order of Protection that is issued in the Criminal Court is only in effect for a very short period of time, and you should file your petition in the Family Court on the next day that the Family Court is open. The Criminal Court staff will provide you with additional information.

Criminal Court Locations

New York County
100 Centre Street
1st Fl. Arraignments -
Rm. 131
New York, N.Y.
(Across the street from
Family Court)

Kings County
120 Schermerhorn St.
Brooklyn, N.Y.
(On the corner of Smith St.
& Schermerhorn St.)

Queens County
125-01 Queens Blvd.
Queens, N.Y.
(Entrance is on Hoover Ave.
& Queens Blvd.)

Bronx County
215 East 161st St.
2nd Floor
Bronx, N.Y.
(Between Sherman Ave.
& Sheridan Ave.)

Richmond County*
120 Schermerhorn St.
Brooklyn, N.Y.
(On the corner of Smith St.
& Schermerhorn St.)

(Local Criminal Court):
County of

Petitioner

-against-

Respondent.

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

I, (petitioner's name)¹ _____, depose 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 ² or third degree |
| <input type="checkbox"/> Strangulation | <input type="checkbox"/> Criminal obstruction of breathing or circulation |
| <input type="checkbox"/> Identity theft in 1 st , 2 nd or 3 rd degree | <input type="checkbox"/> Grand larceny in 3 rd or 4 th degree |
| <input type="checkbox"/> Coercion in 2 nd degree [Penal Law §135.60 (1),(2),or (3)] | |
| <input type="checkbox"/> Unlawful dissemination or publication of intimate image(s) | |

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]: | |

¹ 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.

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

- 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]:

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, mychild(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.

I affirm on this ___ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the above statements are true, and I understand that this document may be filed in an action or proceeding in a court of law.

Petitioner