

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
Petitioner
-against-

Docket No.
PETITION

Respondent
.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that [Delete inapplicable provisions]:

1. (Petitioner resides at _____, County of _____, State of New York, and is the (spouse)(former spouse)(parent)(child)(member of the family)(member of the household) of Respondent.)

(Petitioner is a representative of _____ a duly authorized agency, association, society or institution which maintains its offices at _____.)

(Petitioner is a peace officer of the (County)(City)(Town) of _____, to wit, _____.)

2. Respondent resides at _____, County of _____, (State of New York).
(Other [specify]: _____)

3. (Upon information and belief), (O)on or about the _____ day of _____, at _____, the Respondent committed an act or acts which constitute [specify crime(s); delete inapplicable provisions]: (disorderly conduct)(aggravated harassment in the second degree) (harassment in the first degree)(harassment in the second degree)(menacing in the second degree)(menacing in the third degree) (reckless endangerment) (assault in the second degree) (assault in the third degree) (attempted assault) (stalking in the first degree)(stalking in the second degree)(stalking in the third degree)(stalking in the fourth degree) toward _____, who is a (spouse)(former spouse)(parent)(child)(member of the family)(member of the household) of said Respondent in that the Respondent [describe circumstances of crimes(s)]:¹

¹ Where more than one incident occurred, add additional paragraphs. Use additional sheets where necessary.

4(a). The following are the names, ages and relationships to the Petitioner and/or Respondent of each and every child in the family household:

Name of child	Relationship to (Petitioner)(Respondent)
Age	

5. (Upon information and belief) The following aggravating circumstances, if any, are present in this case ["Aggravating circumstances" shall mean physical injury or serious physical injury to the petitioner caused by the respondent, the use of a dangerous instrument against petitioner by the respondent, a history of repeated violations of orders of protection by the respondent, prior convictions for crimes against the petitioner by the respondent or the exposure of any family or household member to physical injury by the respondent and like incidents, behavior and occurrences which constitute an immediate and ongoing danger to the petitioner or any member of the petitioner's family or household]:

6. (Upon information and belief) The following criminal, matrimonial or Family Court proceeding(s) involving the respondent (has) (have) been filed [indicate the court, date and status]:

7. Indicate whether a previous application has been made to any court or judge for the relief requested herein and, if so, the relief, if any, granted and the date of such relief.

8. (Upon information and belief) Respondent is licensed or has a license application pending to carry, possess, repair, sell or otherwise dispose of the following firearms [if known, specify type of firearms, type of license(s), date of issuance of license(s) and expiration date(s), whether license has been suspended or revoked and, if so, the date of such action and, if not currently licensed, whether license application is pending]:

9. (Upon information and belief) Respondent is in possession of the following licensed and unlicensed firearms [specify number and type of firearms and whether licensed or unlicensed, if known]:

10. (Upon information and belief) There is a substantial risk that the Respondent may use or threaten to use a firearm unlawfully against Petitioner (and members of the Petitioner's family or household) for the following reasons:

a) (Upon information and belief), Respondent has been convicted of the following violent felony offenses [specify conviction charge and year of conviction]:²

²"Violent felony offenses" include: murder; kidnaping in the first and second degrees; arson in the first and second degrees; manslaughter in the first degree; rape in the first degree; course of sexual conduct against a child in the first and second degrees; sodomy in the first degree; aggravated sexual abuse in the first and second degrees; sexual abuse in the first degree; burglary in the first and second degrees; robbery in the first and second degrees; criminal possession of a dangerous weapon in the first, second and third degrees; criminal use of a firearm in the first and second degrees; criminal sale of a firearm in the first and second degrees; criminal sale of a firearm with the aid of a minor; aggravated assault upon a police officer, intimidating a victim or witness in the first and second degrees; assault in the first and second degrees; stalking in the first degree; and attempts of any of the above offenses, except assault in the second degree, stalking in the first degree, sexual abuse in the first degree, criminal sale of a firearm in the second degree, criminal sale of a firearm with the aid of a minor, intimidating a

b) (Upon information and belief), Respondent has previously been found to have willfully failed to obey an order of protection and such willful failure involved (infliction of serious physical injury)³ (use or threatened use of a deadly weapon or dangerous instrument)⁴ (and)(behavior constituting a violent felony offense),⁵ as follows [specify finding or conviction and year, if known; delete inapplicable provision(s)]:

c) (Upon information and belief) The following facts and circumstances create a substantial risk that Respondent may use or threaten to use a firearm unlawfully against Petitioner or members of Petitioner's family or household:

WHEREFORE, Petitioner prays

(a) that the Respondent be adjudged to have committed the family offense(s) alleged;

(b) that the Court 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:

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

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

witness in the second degree and criminal possession of a weapon in the third degree (unless pled guilty as a lesser included offense of the substantive crime). See Penal Law §70.02(1).

³"Serious physical injury" means injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. See Penal Law §10.00(10).

⁴"Deadly weapon" means any loaded weapon which may be shot, readily capable of producing death or other serious physical injury, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles. "Dangerous instrument" means any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury. See Penal Law §§10.00(12), (13)

⁵See footnote 1, above

