

ORI No: _____ At a term of the _____ Court, County of _____

Order No: _____ at the Courthouse at _____, State of New York

NYSID No: _____

ORDER OF PROTECTION
Family Offense - C.P.L. 530.12
" Youthful Offender (check if applicable)

PRESENT: Hon. _____,

PEOPLE OF THE STATE OF NEW YORK

Part: _____ Docket No: _____

Indictment No: _____

Charges: _____

against

- " Ex Parte
 - " Defendant Present In Court
- (check one)

_____, 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 CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

" **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 CPL 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 persons] _____ and/or from the [B] ' home of _____, [C] ' school of _____, [D] ' business of _____, [E] ' place of employment of _____, [F] ' other _____;
- [14] ' Refrain from communication by mail or by telephone, e-mail, voice-mail or other electronic means with [specify]: _____;
- [02] ' Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats, or any criminal offense against [specify party or members of party's family or household]: _____;
- [11] ' Permit [specify individual]: _____ to enter the residence during [specify date/time]: _____ to remove personal belongings not in issue in litigation;
- [04] ' Refrain from [indicate acts]: _____ that create an unreasonable risk to the health, safety, or welfare of [specify child(ren)] _____;
- [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 firearms owned or possessed, including, but not limited to, the following: _____ . Such surrender shall take place on or before _____ [specify date/time]: _____ at: _____.
- [99] ' Specify other conditions _____;

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 effect until _____ (specify date)

DATED: _____

JUDGE / JUSTICE
Court (Court Seal)

" Defendant advised in Court of issuance of Order.
Received by Defendant _____
Defendant's signature)

' Service Executed Date: _____ Time: _____

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 whatever penalties may be imposed therefor.

Federal law provides 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 it is established that the person against whom the order is sought 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).

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; purchase, transfer, possess or receive a firearm following a conviction of a domestic violence

misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (for persons other than military or law enforcement officers while on duty) purchase, transport, possess or receive a firearm while an order of protection, issued after notice and an opportunity to be heard, prohibiting assault, harassment, threatening and/or stalking, is in effect (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).