

No: _____

At a Term of the _____ Court

Order No: _____

County of _____, State of New York

NYSID No: _____

(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: _____

v.

Docket No. _____

Family Unit No. _____

' **Ex Parte**

' **Both Parties Present in Court**

(check one)

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 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,

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 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 victim(s) or members of victim'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], _____ 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 firearms owned or possessed, including, but not limited to, the following:
_____. Such surrender shall take place on or before [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); and

[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, 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 in some situations may require, 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 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 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).

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.

ENTER

Dated: _____ , _____ .

JUDGE/JUSTICE
COURT (COURT SEAL)

Check applicable box:

9 Personal service executed [specify date]: _____

9 Order mailed on [specify date(s) and to whom mailed]: _____

9 Order received in court on [specify date(s) and to whom given]: _____