

ORI No: _____ At a _____ Term (IAS Part) _____ of the Supreme Court,
State of _____
Order No: _____ New York, County of _____, at the
Courthouse at _____
NYSID No: _____

PRESENT: Hon. _____

In the Matter of a Proceeding under
Section (240) (252) of the Domestic Relations Law

**TEMPORARY
ORDER OF
PROTECTION
D.R.L. §§ 240, 252**

Index No. _____

Plaintiff/Petitioner
Date of Birth: _____

(Check one)
 Ex parte
 Both Parties Present

v. _____

In Court

Defendant/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 SUPREME COURT PROSECUTION AND PENALTIES FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

Whereas a determination has been made in accordance with section 240 252 of the Domestic Relations Law, and the Respondent having been [check applicable box]: present in Court and advised of the issuance and contents of this Order not present in Court, 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 or any other contact by mail or by telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)]:

[02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, 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 during [specify date/time] with [specify law enforcement agency, if any]: _____ in order 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 members]: _____;

[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 not later than [specify date/time]: _____ at [specify]: _____;

Pay counsel fees and/or any costs associated with the order to [specify person and terms]: _____;

[99] Observe such other conditions as are necessary to further the purposes of protection [specify conditions]: _____;

It is further ordered that the license of the person against whom this order is issued 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 [13B] revoked, and/or [13C] the person against whom this order is issued 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 force until and including [specify date]: _____.

The Domestic Relations Law provides that the presentation of a copy of this order of protection to a 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 the terms of the order 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 crime to:

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;

• buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect

(Note: there is a limited exception for military or law enforcement officers but only while they are on duty) ; and

• buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired.. (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

Dated:

JUSTICE
COURT (COURT SEAL)

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]:
 - Additional service information [specify]:
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LAW OFFICES OF BRIAN D. PERSKIN