

What Does the Criminal Temporary Order of Protection Mean?

Look at the order of protection and see which boxes are checked. The defendant must follow the rules that are checked. **Note:** If a box is not checked on the order, it does not apply in your case.

Who's Who?

Defendant: The person arrested and charged with domestic violence who must obey the order.
Protected Persons: People listed in the order that defendant must stay away from.

The Order of Protection Says:

Stay away from

[A] [name(s) of protected person(s) or witness(es)]

[B] home of _____

[C] school of _____

[D] business of _____

[E] place of employment of _____

[F] other _____

Refrain from communication or any other contact by mail, telephone, e-mail, voicemail or other electronic or any other means with [specify protected person(s)]: _____

Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion, or any criminal offense against [specify protected person(s), members of such person=s family or household, or person(s) with custody of child(ren)]: _____

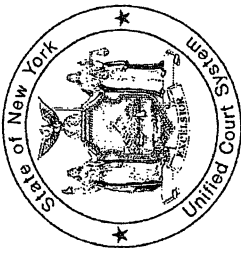
If Checked, This Means:

Defendant must stay away from the people and places listed. If the judge included defendant's home, defendant can't go back to live or visit. Defendant must stay away even if the defendant owns the home, is named on the lease, or is invited to visit. Defendant must stay away from the places listed even when the protected people are not there.

Defendant can't speak to the people listed or use another person to send a message. This includes speaking on the phone, leaving voicemail, posting messages on social media, text messages, emails, gifts, or notes. Defendant should not respond if the protected person calls, or attempts contact.

Defendant can't commit any crime against the people listed, including:

- **Assault:** Hit, punch, kick, throw things at, or use a weapon against.
- **Stalking:** Follow, monitor, or track.
- **Harassment:** Repeatedly do something that causes alarm or distress and serves no useful purpose.
- **Aggravated Harassment:** Repeatedly do something that causes alarm or distress and serves no useful purpose by using electronic means, like a phone or computer.



<p>The Order of Protection Says:</p> <p>Refrain from assault, stalking, harassing, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion, or any criminal offense against [specify protected person(s), members of such person's family or household, or person(s) with custody of child(ren)]: _____.</p>	<p>If Checked, This Means:</p> <ul style="list-style-type: none"> • <u>Menacing</u>: Threatening to harm with or without a weapon. • <u>Reckless Endangerment</u>: Putting the person in a dangerous position that might cause physical injury. • <u>Strangulation/Criminal Obstruction of Breathing or Circulation</u>: Strangle or choke, putting hand on the neck and squeezing even slightly; blocking nose or mouth. • <u>Disorderly Conduct</u>: behavior that disturbs others, like drunken yelling or fighting. • <u>Criminal Mischief</u>: Destroy or take property without permission, even if it is property that you own together. Examples: breaking a cell phone or scratching a car. • <u>Sexual Abuse/Sexual Misconduct/Forcible Touching</u>: Any unlawful sexual conduct which means nonconsensual for any reason, including age or inability to consent. • <u>Intimidation</u>: Actions or words that make someone afraid or force them to do something or stop them from doing something. • <u>Threats</u>: Words said to make someone afraid. • <u>Identity Theft</u>: Using someone's personal information or credit without their permission. • <u>Grand Larceny</u>: Taking someone's property worth more than \$1,000.00, without their permission and with no intent to return it. • <u>Coercion</u>: Trying to prevent someone from doing something that they have the legal right to do. • <u>Any Other Criminal Offense</u>: This is <i>any</i> other crime. Examples: reading someone's password protected emails or text messages is a crime of unauthorized use of a computer; using drugs around a child is a crime of endangering the welfare of a child.
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The Order of Protection Says:	If Checked, This Means:
Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and, if available, name(s)]: _____	Defendant can't hurt, kill, or mistreat the animals listed.
Permit [specify individual]: _____ to enter the residence at [specify]: _____ during [specify date/time]: _____ with [specify law enforcement agency, if any]: _____ to remove personal belongings not in issue in litigation [specify items]: _____	The person listed can go into the house at the day and time listed, usually with the police, to get personal items, like clothes, toothbrush, medication, backpack, or items needed for work.
Refrain from [indicate acts]: _____ that create an unreasonable risk to the health, safety, or welfare of [specify child(ren), family or household member]: _____	The Judge adds other directions to the order here. This is behavior the Judge thinks could harm the people listed.
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]: _____	Because of an order that already exists, the judge is allowing the people listed to see the children listed. The order will say any limits or conditions.
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 in no event later than [specify date/time]: _____ at: _____	Defendant must give up all licensed and unlicensed guns as directed and not get any other guns.

The Order of Protection Says:	If Checked, This Means:
<p>Promptly return or transfer the following identification documents [specify]: _____ to the party protected by this Order NOT LATER THAN [specify date]: _____ in the following manner [specify manner or mode of return or transfer]: _____.</p> <p>[Check box(es) if applicable]:</p> <p><input type="checkbox"/> Such documents shall be made available for use as evidence in this judicial proceeding.</p> <p><input type="checkbox"/> [Jointly owned documents or documents in both parties' names only]: the following document(s) _____ may be used as necessary for legitimate use by the defendant [specify]: _____.</p>	<p>Defendant must give up hand over the documents listed as directed.</p>
<p>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] <input type="checkbox"/> suspended or [13B] <input type="checkbox"/> revoked (note: final order only), and/or [13C] <input type="checkbox"/> the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes).</p>	<p>This suspends defendant's gun licenses and prevents defendant from getting a gun license while the order is in effect.</p>