

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:	If Checked, This Means:
Stay away from [A] <input type="checkbox"/> [name(s) of protected person(s) or witness(es)] _____ [B] <input type="checkbox"/> home of _____ [C] <input type="checkbox"/> school of _____ [D] <input type="checkbox"/> business of _____ [E] <input type="checkbox"/> place of employment of _____ [F] <input type="checkbox"/> other _____	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.
Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)]: _____	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.
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)]: _____	Defendant can't commit any crime against the people listed, including: <ul style="list-style-type: none"> • 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. • Menacing: Threatening to harm with or without a weapon.

The Order of Protection Says:	If Checked, This Means:
	<ul style="list-style-type: none"> • <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 unwanted sexual conduct. • <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.
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.

The Order of Protection Says:	If Checked, This Means:
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.
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]: _____. [Check box(es) if applicable]: <input type="checkbox"/> Such documents shall be made available for use as evidence in this judicial proceeding. <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]: _____.	Defendant must give up hand over the documents listed as directed.
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).	This suspends defendant's gun licenses and prevents defendant from getting a gun license while the order is in effect.