



# Application for a Temporary Extreme Risk Protection Order

UCS-6341 (09/2022)

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Supreme Court

\_\_\_\_\_ County

\_\_\_\_\_

*Petitioner (applying party)*

*-against-*

\_\_\_\_\_

*Respondent (against party)*

Index Number:

\_\_\_\_\_

The petitioner, being a:

Police Officer, as defined in CPL § 1.20; or

District Attorney with jurisdiction in the county or city where the respondent resides; or

Family or household member of the respondent, as defined in Social Services Law § 459-a(2)<sup>1</sup>; or

Principal or other chief school officer or their designee named in writing of any school in which the respondent is currently enrolled or has been enrolled in the past six months; or

Licensed physician, licensed psychiatrist, licensed psychologist, registered nurse, licensed clinical social worker, certified clinical nurse specialist, certified nurse practitioner, licensed clinical marriage and family therapist, registered professional nurse, licensed master social worker **or** licensed mental health counselor **and** having treated the respondent within the previous six months.

Residing or doing business at:

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

<sup>1</sup> Social Services Law 459-a(2): "Family or household members" mean the following individuals: (a) persons related by consanguinity or affinity; (b) persons legally married to one another; (c) persons formerly married to one another regardless of whether they still reside in the same household; (d) persons who have a child in common regardless of whether such persons are married or have lived together at any time; (e) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; (f) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time . . . ; or (g) any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation.

Petitioner alleges that the above-named respondent **is likely to engage in conduct that would result in serious harm to self or others** as defined in MHL § 9.39(a)<sup>2</sup> and petitions the Court to issue a temporary extreme risk protection order against the respondent pursuant to CPLR § 6342 based upon the facts and circumstances set forth in the following sworn application justifying the issuance of the order, to wit: Petitioner believes that the respondent is likely to engage in conduct that would result in serious harm to self or others because the respondent has engaged in, exhibited, or committed the following behavior(s) or act(s) [*check **all** that apply*]:

A threat or act of violence or use of physical force directed toward self, the petitioner, or another person;

A violation or alleged violation of an Order of Protection;

A pending charge or conviction for an offense involving the use of a weapon;

The reckless use, display or brandishing of a firearm, rifle or shotgun;

A history of a violation of an Extreme Risk Protection Order;

Evidence of recent or ongoing abuse of controlled substances or alcohol;

Evidence of recent acquisition of a firearm, rifle, shotgun or other deadly weapon or dangerous instrument, or any ammunition therefor;

Other [*specify **any** other relevant factors the Court should consider*]:

### **Facts and Circumstances**

Please provide specific facts and circumstances justifying the issuance of an extreme risk protection order:

<sup>2</sup> MHL 9.39(a): "Likelihood to result in serious harm" as used in this article shall mean: 1. substantial risk of physical harm to himself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the respondent is dangerous to him/herself, or 2. a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

**Respondent's Age**

The respondent's date of birth is \_\_\_\_\_ and age at the time the above act(s) allegedly occurred was: \_\_\_\_\_; or if exact age is not known, the respondent's approximate age at the time the above act(s) allegedly occurred was: \_\_\_\_\_.

**Time Elapsed**

The above act(s) allegedly occurred:

Less than six months ago; or

More than six months ago.

**Respondent's Location**

The respondent currently is located, resides, or may be contacted at:

Current Location: \_\_\_\_\_

Home Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

**[Optional: check and complete this section only if applicable]**

The petitioner offers the following attached documents in support of this application for an extreme risk protection order.

**NOTE:** List each attached document with a brief description. Attach additional sheets if necessary:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The petitioner requests that attachment(s) numbered \_\_\_\_\_ be filed under seal as they contain medical, mental health, or other sensitive records and information.

The petitioner requests that attachment(s) numbered \_\_\_\_\_ be filed under seal or, in the alternative, with all personally identifiable information redacted to prevent an unreasonable risk to the physical safety of those affiants, witnesses, and other non-parties named therein.

**[Optional: check and complete this section only if applicable]**

The petitioner knows or has reason to believe that the respondent owns, possesses or has access to a firearm, rifle or shotgun, and the following is a complete listing and description of **ALL** firearms, rifles and shotguns known or believed to be owned, possessed or accessible to the respondent and the respective location of each firearm, rifle or shotgun.<sup>3</sup>

<sup>3</sup> For the purposes of this listing, the term "possession," as defined in PL § 10.00(8), means to have "physical possession or otherwise to exercise dominion or control."

**NOTE:** Be as specific as possible regarding the description and location of the weapons and attach additional sheets if necessary:

TYPE	MAKE	MODEL	CALIBER	SERIAL NUMBER	PHYSICAL LOCATION (be specific)
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					
firearm rifle shotgun					

**[Optional: check and complete this section only if applicable]**

Pursuant to CPLR § 6342(8), the petitioner requests that the court direct a search of the respondent's:

person

premises: \_\_\_\_\_

vehicle: \_\_\_\_\_

for firearms, rifles and shotguns and the seizure any such weapons found pursuant to said search in a manner consistent with the procedures set forth in article 690 of the criminal procedure law.

Statement of Reasonable Cause:

The petitioner further requests that the court authorize the search to be executed:

at any time of the day or night

without notice of the officer's authority or purpose

Statement of Reasonable Cause:

**[Optional: check only if applicable]**

Disclosure of petitioner's address or contact information would pose an unreasonable risk to petitioner's health or safety, and petitioner hereby requests that the Court order the confidentiality and redaction of petitioner's address and contact information from any papers served upon or provided to the respondent pursuant to CPLR §6342(6)(a).

Disclosure of petitioner's name would pose an unreasonable risk to petitioner's health or safety, and petitioner hereby requests that the Court order the case caption to reflect that petitioner's name is anonymous and to redact petitioner's name from any papers served upon or provided to the respondent.

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Signature of Petitioner

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

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Justice of the Supreme Court or Notary Public