

FCA §154-d; CPL §§530.12 (3),(3-a),(3-b)

Family Court General Form 5d
Criminal Form 5
1/2024

(Local Criminal Court):
County of

Petitioner

AFFIRMATION IN SUPPORT OF
MODIFICATION OF FAMILY COURT
 ORDER OF PROTECTION
 TEMPORARY ORDER OF PROTECTION

Index/Docket #

Respondent

I, (Petitioner's name): _____, depose and state the following under the penalties of perjury:

1. The Family Court, _____ County, is not in session at the present time.

2. I filed a petition under [specify article]: _____ of the Family Court Act in Family Court, _____ County, on [specify date]: _____. The Family Court issued an order of protection a temporary order of protection that expires on [specify date]: _____.

3. The following criminal, matrimonial or Family Court cases have been filed involving the respondent and me: [Specify type of case, who filed it, the court in which it was filed, the approximate date filed and the present status, if known]:

4. The following additional orders of protection or temporary orders of protection have been issued against the Respondent or against me: [Specify type of case in which the order was issued, persons protected by the order, the court that issued it, the approximate date issued and expiration date, if known]:

5. I understand that any modification of the Family Court order issued by this Court shall expire on the date indicated, which shall be not more than four calendar days after its issuance, unless sooner vacated or modified by the Family Court. I understand that the matter will be transferred to the Family Court and that I must appear in Family Court on or before the date indicated. I further understand that I have a right to seek a criminal prosecution of respondent in addition to, or instead of, proceeding in Family Court.

6. The following constitutes good cause for modifying the temporary order of protection or order of protection: [Specify facts and reasons why the existing order is insufficient for the protection of the petitioner, the petitioner's child or children or other members of the petitioner's family or household]:

For the reasons stated above, I am requesting that my application for modification of the Family Court temporary order of protection order of protection be granted and that the matter be transferred to the Family Court, _____ County.

False statements in this affidavit are punishable as a class A misdemeanor, pursuant to Penal Law §210.45.

I affirm this ___ day of _____, ____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the above statements are true, and I understand that this document may be filed in an action or proceeding in a court of law.

Petitioner

TO CLERK OF COURT:

This affidavit, together with any modified order of protection or temporary order of protection so issued, shall be transmitted forthwith to the Family Court; if the affidavit and order are transmitted by facsimile or other electronic means, the original shall be forwarded immediately thereafter.