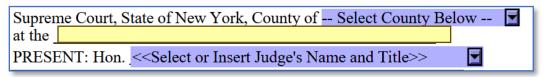
## **HOW TO USE THESE FORMS**

The forms below allow a judge to complete an after-hours TERPO application. There are two separate forms, one for granting the TERPO and the other for denying the TERPO. Both include a hearing notice and investigation order. These are the official forms modified to include more functionality. There are some issues with the official forms that require each page to be reviewed before finalizing (e.g. the service language is different on the TERPO and Notice).

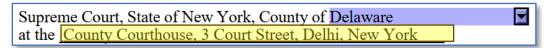
NOTE: This form has limited functionality when viewed or filled in with your internet browser. You will not be able to digitally sign and some fields may not update correctly. You should download a copy to your desktop or other location.

Any field not based on the county should be fully editable. The forms will autocomplete many fields once the county is selected from the dropdown:

### **BEFORE SELECTION**



### **AFTER SELECTION**



Once you enter or change the county, the forms will also display preferred scheduling days and times (This information will not print on the final order):



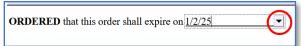
Note that the am/pm radio button will automatically set based on the time.

#### **DATES**

The order date should default to the current date when you open the file. There is now only one date field for all orders/notices.

# Using the built-in calendar

Take advantage of the built-in calendar for scheduling by clicking on the down arrow when selecting a date field.





#### **DIGITALLY SIGNING THE ORDERS**

signatures click on this button:

Because the official forms have separate orders for the TERPO and the Investigation, the judge will need to digitally sign twice. This means having to save once after each signature. For help on digital

#### **EMAILING THE CLERK**

After you have saved the second signed copy of the final forms, you can email them to the appropriate Court Clerk by clicking on this button:

**OTHER BUTTONS** (These buttons will not be visible on a printed copy).



Save your form. Not necessary if you are digitally signing since you will be saving after each signature.



Print the document to a printer or as a PDF.



Delete ALL fields. If you need to start over with a new case click on this button to clear any prior information.

THIS CANNOT BE UNDONE.

Report any issues, comments, or suggestions to 6JDREFEREE@nycourts.gov

CPLR § 6342 Form ERO-1 rev.1/2/25 ORI No: Order No: Supreme Court, State of New York, County of at the PRESENT: Hon. **TEMPORARY** EXTREME RISK PROTECTION ORDER Petitioner. **CPLR § 6342** VS. Case #/Index No.: (Check one) Date of Birth: Respondent. Ex parte **Respondent Present in Court** The petitioner having filed a sworn application for the issuance of a temporary extreme risk protection order against the respondent; and having considered the application, supporting documentation of the petitioner, if any, the time that has elapsed since the occurrence of such act or acts, respondent's age at the time of the occurrence, and the sworn testimony of the petitioner and witnesses produced by the petitioner, if any; and pursuant to the following findings of fact and conclusions of law: The court finds probable cause to believe that respondent is likely to engage in conduct that would result in serious harm to self or others as defined in MHL §9.39(a) and hereby GRANTS petitioner's application for a temporary extreme risk protection order, and it is hereby; **ORDERED** that respondent is prohibited from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun and shall immediately surrender any and all firearms, rifles and shotguns owned or possessed pursuant to section 530.14(5) of the criminal procedure law, and it is further; **ORDERED** that, upon service of the order, respondent is hereby required pursuant to CPLR §6342(4)(e) to list all firearms, rifles and shotguns in respondent's possession and the particular location of each firearm, rifle or shotgun in the attached Listing of Firearms, Rifles and Shotguns form [UCS-6342/L]. For the purposes of this listing, the term "possession" means to have physical possession or otherwise to exercise dominion or control over tangible property as defined in PL §10.00(8), and it is further; **ORDERED** that, upon service of the order, the designated law enforcement agency shall request that respondent immediately surrender all firearms, rifles and shotguns in respondent's possession and shall conduct any search permitted by law for such firearms and shall take possession of all firearms, rifles and shotguns that are in plain sight or that are discovered pursuant to a lawful search and shall immediately notify the Court of such surrender, and it is further; **SEARCH ORDER** (Optional: check only if applicable) **ORDERED** that, pursuant to CPLR Article 63-A and consistent with the procedures set forth in Article 690 of the criminal procedure law, and upon the sworn application of the petitioner and a finding of probable cause to believe respondent possesses shall search for firearms, rifles and shotguns in respondent's weapons, (Law Enforcement Agency) possession, and upon the seizure of any property pursuant to this search order, the executing officer must: Write and subscribe a receipt itemizing the property taken and containing the name of the court by which the search order was issued. The receipt shall be provided to respondent or, where respondent is not the owner, tenant or other person in possession, to the owner, tenant or other person in possession of the property. Without unnecessary delay, return to the court the order and file with the court a written inventory of such property, ii. subscribed and sworn by such officer. \_shall search as follows (check all that apply and provide with particularity a (Law Enforcement Agency) description of the place, premises or person to be searched): Person:

Vehicle(s): \_\_\_\_\_\_\_ The search must be made between the hours of 6:00 a.m. and 9:00 p.m.

Premises:

The court, satisfied of the existence of grounds described in CPL 690.35(4) as supported by the above described allegations of fact, authorizes that the search may be made at any time of the day or night.

The court, satisfied of the existence of grounds described in CPL 690.35(4)(b) as supported by the above described allegations of fact and that prior notice may endanger the life or safety of the executing officer or another person, authorizes the executing officer to enter the premises to be searched without notice of his or her authority or purpose.

CPLR § 6342 Form ERO-1

### CONFIDENTIALITY AND ANONYMITY (Optional: check only if applicable)

Petitioner's address and other contact information is confidential and shall be redacted from any papers served upon or provided to respondent pursuant to CPLR §6342(6)(a).

Additionally, the case caption shall be amended to reflect that petitioner's name is anonymous, and petitioner's name shall be redacted from any papers served upon or provided to respondent.

Observe the following additional conditions necessary to further the purposes of protection [specify conditions]:

<b>ORDERED</b> that this order shall expire on	
Dated:	
	(COURT SEAL)

#### TAKE NOTICE:

- The Court must hold a hearing to determine if a final extreme risk protection order will be issued. (See attached appearance notice for hearing date, time, and location.) At the hearing, the parties shall have an opportunity to be heard, give testimony, call witnesses and offer evidence to assist the Court in determining if a final extreme risk protection order will be issued. Respondent may request a later hearing date to prepare for the hearing. To request a later date, respondent must contact the court **BEFORE** the scheduled hearing date above. Respondent may also seek the advice of an attorney, and the attorney should be consulted promptly.
- Upon expiration of this temporary extreme risk protection order:
  - O All records of these proceedings shall be sealed pursuant to CPLR § 6346(1) and made unavailable to any person or public or private entity, except that the records shall be made available to (a) respondent or respondent's designated agent, (b) courts in the unified court system, (c) police agencies responsible for enforcing general criminal laws of the state, (d) any state or local officer responsible for issuing licenses to possess firearms, rifles or shotguns when respondent makes an application for such license, or (e) any prospective employer of a police or peace officer in relation to an application by respondent for employment as a police or peace officer.
  - Any prohibitors to purchasing or possessing firearms, rifles or shotguns imposed by this order shall be lifted unless the temporary order is extended, or a final extreme risk protection order is granted pursuant to CPLR § 6343 or renewed pursuant to CPLR § 6345.

# Check Applicable Box(es):

neck 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]:	
Additional service information [specify]:	

The Court, having notice of the fact that the respondent is a patient in a certified Office of Mental Health (OMH) facility on the date of this order, hereby authorizes service upon the respondent at such facility pursuant to 14 NYCRR 22.2.

CC:

SUPREME COURT OF THE STATE OF NEW YORK	UCS-6342/I 1/2/25
Present: Hon.	
Tresent. Hon.	Order for Packground Investigation in
Petitioner,	Order for Background Investigation in Extreme Risk Protection Order Proceeding
VS.	[CPLR § 6342(9)]
Respondent.	Index Number:
Check if applicable: Petitioner's name is anonymous Pe	etitioner's address and contact information is confidential
A hearing has been scheduled to determine if an extreme risk protection	order will be issued against the respondent, and the Court
hereby directsto conduct a backgrou	und investigation and submit a written report to the Court
and each party, subject to any redactions as indicated above, regarding wh	nether the respondent:
Has any prior criminal conviction for an offense involving domest	ic violence, use of a weapon, or other violence;
Has any currently pending criminal charge or violation;	
<ul> <li>Is currently on parole or probation;</li> </ul>	
<ul> <li>Possesses any registered firearms, rifles or shotguns;</li> </ul>	
Has been subject to any order of protection; or	
Has violated or allegedly violated any order of protection.	
The extreme risk protection order hearing is scheduled as follows:	
Court:	
Address:	
Room/Part:	
Date:	
Time: AM PM	
Phone:	
The law enforcement agency's written report shall be provided to the Cou	rt and the parties on or before

Dated:

COUNTY OF				rev. 1/2/25
			<ul><li>Notification of Hearing for</li></ul>	
VS.		Petitioner	Final Extreme Risk Protect [CPLR § 6342(4)(d)(ii) or CPLR § 6	
			Index Number:	
		Respondent	:. <del></del> -	
Check if applicable:	Petitioner's name is an	onymous	Petitioner's address and conta	act information is confidential
Having granted days after the to protection orde Having denied t (10) days after t	the petitioner's applicatio emporary extreme risk pro er will be issued [see CPLR § 6 he petitioner's application	n for a temporary extotection order is servents (342(4)(d)(ii)].  for a temporary extroporary extropor	ry extreme risk protection order, must ed upon the respondent to deter eme risk protection order, must rotection order is served upon 6342(5)].	ust hold a hearing within six (6) ermine if a final extreme risk thold a hearing within ten
The hearing is scheduled	as follows:			
Court:				
Address:				
Room/Part	:			
Date:				
Time:	AM PN	Л		
Phone:			estimony, call witnesses and of	
•	, or	and any associated p	nis notice, or apers upon the respondent thr notice and any associated paper	
Local Law En	forcement Agency	serve a copy or this r	iotice and any associated paper	rs upon the respondent on or
before	•			
	CE PROVISION (check if ap	<u>.</u>		
			cient in a certified Office of Mer the respondent at such facility I	
Dated:		_		
			Court Off	icial
Cc:			Acknowledgement of Ser for use by court officials and law e ocess servers must attach a sworn	nforcement officers only.
			espondent hereby acknowledge documents and/or reports:	es service of this notice
		Sign	ature of Respondent	Date:
		1	Name of Witness	Title/Shield No.
				Date:
		Sig	nature of Witness	

### SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF		
VS.	Petitioner,	Respondent Listing of Firearms, Rifles and Shotguns [CPLR § 6342(4)(e)]
		Index Number:
	Respondent.	

Upon the issuance and service of an Extreme Risk Protection Order, the respondent is required to immediately list <u>ALL</u> firearms, rifles and shotguns in the respondent's possession and the particular location of each firearm, rifle or shotgun. 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 over tangible property.

All firearms, rifles and shotguns in the respondent's possession and the particular location of each firearm, rifle or shotgun is as follows (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	PERMIT NUMBER (if applicable)	PHYSICAL LOCATION (be specific)
firearm					( -  -	
rifle						
shotgun						
firearm						
rifle						
shotgun						
firearm						
rifle						
shotgun						
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rifle						
shotgun	Ì	I	ı		I	

**NOTE:** If completed in court, the form must be provided to the court clerk. If completed outside of court, the form must be provided to the law enforcement officer or third-party process server who served the Extreme Risk Protection Order.