



## Understanding and Applying Extreme Risk Protection Orders in Cases Involving Intimate Partner Violence

### **Scenario 1 – TERPO Petition**

Taylor has been living with her partner, Cameron, for about 3 years. Over the past year, Cameron has become increasingly controlling and has worked to isolate Taylor from friends and family. Cameron checks Taylor’s phone, tracks her location, and discourages contact with friends and family, often saying things like “They don’t actually care about you.”

After an argument in which Taylor said she was thinking about leaving, she came home to find Cameron sitting silently at the kitchen table, methodically cleaning two firearms.

Cameron didn’t speak but just looked up. Taylor went into the bedroom, locked the door and stayed there until she felt safe.

Two days later, Cameron posted a photo on social media showing one of the guns laid across their bed with a caption “no one cares until it’s too late.”

That same week, Taylor found a receipt for a recently purchased shotgun while doing laundry.



**Office for the  
Prevention of  
Domestic Violence**



## **Scenario 2 – Renewal Petition**

A court granted Taylor’s petition and issued an ERPO against Cameron a little less than one year ago after he laid out multiple firearms on the table during a heated argument and later posted an alarming message online. After filing for the TERPO, Taylor moved out of their shared home and attempted to end the relationship.

During the ERPO term, Cameron complied with the order and surrendered his firearms, but he has intermittently continued to contact Taylor and pursue a relationship she has clearly rebuffed. He leaves unsettling late-night voicemails, saying things like “I can’t wait till this order is up.”

Recently, Taylor’s neighbor mentioned seeing Cameron at a local gun dealer, asking about “getting his guns back.” Cameron has also started leaving small items at her door, like flowers and photos from their past. Although Cameron hasn’t directly violated the ERPO, Taylor fears that once it ends, things will feel unsafe again.



# Understanding the Difference Between an Order of Protection (OP) and an Extreme Risk Protection Order (ERPO) in New York

Orders of Protection (OPs) and Extreme Risk Protection Orders (ERPOs) are types of injunctions, i.e., a court order that requires someone to do or not do something. Both can prohibit the person subject to the order from possessing or purchasing firearms or ammunition. However, OPs and ERPOs are not interchangeable. There are important differences between them.

## What is an Order of Protection?

In New York, orders of protection are issued in both family court (family court OPs) and in criminal court (criminal court OPs).

- **Family court OPs** are civil court orders that are issued by the New York Family Court, and are designed to protect survivors and their family members from further abuse or harm. Survivors may ask for these orders directly, with or without an attorney. A survivor does not have to file a criminal complaint related to the abuse. If there is a pending criminal case, survivors can still ask for a family court OP.<sup>1</sup>
  - A family court OP requires the person subject to the order (i.e., the person alleged to have committed the abuse/violence, “the respondent”) to do, or not do, certain actions. Family court OPs can include provisions that protect the survivor in many ways, including: orders that prohibit the respondent from coming near the survivor, their home or their workplace; prohibiting the respondent from communicating with the survivor; providing temporary custody or visitation; providing housing-related assistance; and/or prohibiting further harassment, threats, stalking or other abusive behaviors against the survivor and their children. Family court OPs can also prohibit the respondent from accessing firearms or ammunition—that is, possessing or purchasing firearms/ammunition—during the time the family court OP is in effect.
- **Criminal court OPs** are issued by a New York Criminal Court related to a criminal case charging defendant with certain crimes (as listed in the statute) committed against a family or household member. Criminal court OPs can provide the same provisions protecting the survivor as the family court OP. **However, the survivor does not petition for the criminal court OP directly.**

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<sup>1</sup> N.Y. Fam. Court Act § 812.

In a criminal case the survivor, as the crime victim, is not a party to the case. Generally, the OP is requested by the prosecutor or a policy officer. Therefore, the survivor does not control the information provided to the court in support of the criminal court OP or the specific provisions requested. A survivor also has the right to seek a family court OP on their own even if there is an existing criminal court OP.<sup>2</sup>

Some differences between the two types of orders of protection are noted in the chart below within the OP column.<sup>3</sup>

## What is an ERPO?

An extreme risk protection order (ERPO) is a court order that requires the person subject to the order (“the respondent”) to turn in firearms and ammunition in their possession and prohibits the respondent from purchasing firearms and ammunition while the order is in effect. New York enacted its ERPO statute in 2019.

## How are OPs and ERPOs different?

	<b>OP</b>	<b>ERPO</b>
<b>What is the purpose?</b>	To protect a survivor of intimate partner violence (and their children and/or pets) from further abuse and harm.	To prevent someone at risk of harm to themselves or others from possessing or purchasing firearms or ammunition
<b>Who can petition?</b>	For a family court OP, survivors of family violence can petition on behalf of themselves and/or their children. The petitioner must have one of the following relationships to the respondent: <ul style="list-style-type: none"> <li>• Current or former spouse</li> <li>• Someone with whom they have a child in common</li> <li>• A family member to whom they are related by blood or marriage</li> </ul>	Law enforcement, family/household members, school administrators, and/or medical/mental health professionals.

<sup>2</sup> N.Y. Crim. Pro. §§ 530.11; 530.12.

<sup>3</sup> The court’s authority to order relinquishment or removal of firearms arises out of express statutory authority (N.Y. Fam. Ct. Act § 842-a(2)(a)-(b); N.Y. Crim. Proc. Law § 530.14(2)(b))

	<ul style="list-style-type: none"> <li>Someone with whom they have or have had an “intimate relationship.”</li> </ul> <p>For a criminal court OP, survivors do not petition directly but when their relationship to the defendant, charged with a specified crime, is one of the above relationships the criminal court can issue the OP, often requested by the prosecutor or police officer.</p>	
<p><b>What standard will the court apply when considering whether to issue the order?</b></p>	<p>A final family court OP: Preponderance of the evidence: the court must find it “more likely than not” that the person seeking the protection order has been subjected to abuse and their safety is at risk.</p> <p>A final criminal court OP: The criminal court can only issue a final OP when the case results in a conviction. A conviction must be based on evidence that establishes the defendant’s guilt beyond a reasonable doubt, that is evidence which leaves the court/jury “firmly convinced of defendant’s guilt.” <i>This is the highest standard of proof in our justice system.</i></p>	<p>For a temporary ERPO: Probable cause = the court must find there is “reasonable cause” to believe, based on trustworthy information, that the respondent is likely to engage in conduct that would result in serious harm to themselves or someone else.</p> <p>For a final ERPO: Clear and convincing evidence = the court must find it “highly and substantially more likely to be true than untrue” that the respondent is likely to engage in conduct that would result in serious harm to themselves and/or others. <i>This is a higher standard than a preponderance of the evidence or probable cause.</i></p>
<p><b>Who is protected by the order?</b></p>	<p>The survivor (may also include their children and/or pets)</p>	<p>The general public and the respondent (in the sense that the respondent is deemed a danger to themselves or others).</p>
<p><b>What protections can be included?</b></p>	<p>A wide range of protections are available. Some examples of eligible protections a court could include are: provisions that require the respondent to</p>	<p>Prohibition against accessing firearms and ammunition which includes ordering relinquishment of firearms and ammunition already in their possession as</p>

	<p>stay away from the survivor, their home/school/work and to refrain from any form of communication, as well as provisions relating to child custody and visitation, housing, financial support, and prohibiting access to firearms and ammunition (including relinquishment of firearms and ammunition already in their possession as well as prohibition against purchasing firearms and ammunition.</p> <p>The protected person would receive notice of any change or termination of the OP.<sup>4</sup></p>	<p>well as prohibition against purchasing firearms and ammunition.</p> <p>A survivor of intimate partner violence, or any petitioner of an ERPO is not specifically protected by the ERPO the way they would be by an OP.</p> <p>A survivor of intimate partner violence would receive notice of any change or termination of the OP <i>if they were the original petitioner (person who requested the ERPO)</i>. Otherwise, the survivor may not receive notice of any change or termination.</p>
<p><b>How long is the order in effect?</b></p>	<p>Final family court OPs generally range from 2-5 years (with the right to seek modification or termination from the court). The duration of a criminal court order of protection is based on the crime of which the defendant was convicted. The OP terms range from 2-10 years, depending on the crime, and the time runs from the latest the defendant can be released from any term of imprisonment.<sup>5</sup></p>	<p>Final orders can be in effect up to one year from the date the temporary order was issued (with the respondent having the right to seek a modification or termination from the court). The order can be renewed for up to one additional year upon application from the petitioner.</p>
<p><b>How can the order be enforced?</b></p>	<p>The protected person can seek enforcement of the</p>	<p>Violating the provisions of an ERPO is a crime. A survivor</p>

<sup>4</sup> "a judge can order firearm surrender only if one of two conditions is met:

- (1) There is a substantial risk that the abuser may use or threaten to use a firearm against the survivor or others protected by the order; or
- (2) The conduct involved serious physical injury, the use or threat of a deadly weapon, or another violent family offense" NY Fam Ct 842-a(2)(a)

<sup>5</sup> NY Crim Pro L § 530.12 (2025) 530-12(5)

	<p>order by notifying Family Court of the violation or by reporting the violation to the police. It is a crime to violate an OP.</p> <p>OPs must be recognized and enforced in all U.S. states and territories, not just the state in which it was issued (pursuant to the full faith and credit provision of the Violence Against Women Act).</p> <p>A qualifying<sup>6</sup> OP triggers a federal law prohibiting possession and purchase of a firearm as well as similar New York state laws. A person possessing a firearm or ammunition can face criminal charges for unlawful possession of a firearm/ammunition under federal and/or state law.</p>	<p>of intimate partner violence can report a violation to law enforcement.</p> <p>If the survivor was the original petitioner for the ERPO, they can also seek enforcement by notifying the court of a violation.</p> <p>While possessing a firearm or ammunition in violation of an ERPO will not trigger federal criminal charges, the respondent could face state criminal charges.</p> <p>The full faith and credit provision of the Violence Against Women Act does not apply to ERPOs so enforcement of a NY ERPO in another state is not guaranteed. However, a NY ERPO may be enforced in another state based on other authority.</p>
<p><b>How does the order prevent the person subject to it from purchasing firearms/ammunition?</b></p>	<p>Qualifying OPs are entered into state and federal databases which become part of a required background check when someone attempts to purchase a firearm from a licensed dealer. If someone tries to purchase a firearm from a licensed dealer while they are prohibited, local law enforcement will be notified of the denied purchase.</p>	<p>ERPOs are entered into state and federal databases and will also be seen as part of a required background check when someone attempts to purchase a firearm from a licensed dealer.</p>

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<sup>6</sup> For more information about what makes a protection order “qualifying,” go to: <https://www.atf.gov/resource-center/docs/guide/protection-orders-and-federal-firearms-prohibitions-atf-i-33102/download>

## The Bottom Line

Both ERPOs and OPs are valuable tools to protect survivors. ERPOs are not a substitute for OPs but can be an important--or preferable--legal tool based on a survivor's circumstances. OPs are a well-established legal tool for providing a range of safety issues faced by an individual survivor of intimate partner violence, often including restrictions regarding access to firearms. The ERPO process is not designed to respond to an individual survivor in the same way as an OP process, because the OP process centers the needs and lived experience of the survivor. However, given the demonstrated link between domestic violence and violence against third parties as well as community violence, there may be situations in which an ERPO is a valuable supplemental legal tool to protect the broader community or to address the specific risk of firearm violence where an OP does not. It is important for survivors to understand the differences between ERPOs and OPs so they can decide whether an ERPO, an OP, both or neither is the right process to pursue in their individual circumstances.

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# Assessing Lethality in Intimate Partner Relationships

## What is a Lethality Risk Factor?

It is not possible to predict with any certainty that someone will be killed in a domestic violence situation. However, in the context of intimate partner violence, some abusive behaviors are linked to a much higher likelihood of deadly violence. These behaviors are often called lethality risk factors. They were not randomly determined to pose a risk of lethality. A large 2003 study identified certain behaviors and patterns preceding intimate partner homicides. These include:

- access to firearms by the abuser;
- stalking behavior;
- abuse during pregnancy;
- a child living in the home who is not the abuser's biological child;
- forced sex;
- strangulation;
- abuse that becomes more frequent or more severe over time;
- the abuser threatening suicide or self-harm;
- the victim leaving the abuser for a new partner; and
- a history of the couple being separated.<sup>1</sup>

Data has continued to confirm over the past two decades that these abusive behaviors and patterns are strong warning signs that a domestic violence situation is high risk for lethality. For example, victims stalked by their intimate partner are three times more likely to be killed by them. Victims strangled by their intimate partner are seven times more likely to be killed by them.<sup>2</sup>

## Why Risk Assessments Matter

Because of this data, researchers and practitioners from a variety of disciplines that address domestic violence, have developed a number of tools called “lethality risk assessments.” These tools help police, courts, advocates, and other professionals recognize when someone may be

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<sup>1</sup> Jacquelyn Campbell et al., Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study, 93 Am. J. Pub. Health (2003).

<sup>2</sup> To learn more about lethality risk factors other than firearms, visit <https://dvrisc.org/clearinghouse-resources/>.

at high risk of serious or fatal harm by their intimate partner. These assessments are used by trained professionals to “identify, assess and reduce intimate partner violence risk.”<sup>3</sup> These risk factors or lethality risk assessments should not be used to decide whether someone is being abused by their intimate partner. It is important to remember:

- The presence of one or more risk factors does not mean a homicide will occur.
- The fact that someone reports no risk factors does not mean they are safe.

Instead, these indicators help trained professionals identify when violence may be escalating. Knowing this provides an opportunity to educate and connect survivors to services and support, including safety planning. This information can also ensure that law enforcement, prosecutors, and courts understand the seriousness of the survivor’s circumstances when determining investigative responses and court decisions.

There are many options available to communities wanting to implement lethality risk assessments; descriptions and a comparison of the various tools can be found on the [DV RISC](#) website. The decision regarding which tool(s) to use in each community is best made with the involvement of multiple stakeholders, and the tools are most effective when implemented within a coordinated community response. Additionally, any practitioners who are administering the tool(s) should have proper training.

## New York State Guidance

The [New York State Fatality Review January 2025 report](#) encourages communities to use lethality assessments “paired with proper training and implementation,” recognizing that these assessments “create the opportunity for professionals and victims to engage in informed conversations about the dangers they may face.”<sup>4</sup> Many communities in New York are already using some type of risk assessment.<sup>5</sup> The New York State Domestic Incident Report (DIR) includes questions designed to help police officers assess for potential lethality.<sup>6</sup> It is crucial for high-risk victims to be able to have conversations with professionals that are informed by their individual circumstances, and the use of a lethality risk assessment coupled with the availability of safety planning services is an important support to survivors attempting to safely escape dangerous relationships.

## The Deadly Role of Firearms Within Domestic Violence

One of the most dangerous lethality risk factors is when an abuser has access to a firearm. Research shows:

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<sup>3</sup> <https://dvrisc.org/domestic-violence-homicide-prevention-tools-strategies-assessments/>

<sup>4</sup> <https://opdv.ny.gov/system/files/documents/2025/02/nys-fatality-team-report-2025-final.pdf>

<sup>5</sup> See fn 4

<sup>6</sup> <https://www.criminaljustice.ny.gov/ojis/documents/dir.pdf>

- A woman is five times more likely to be killed when her partner has access to a firearm, regardless of whose gun it is.<sup>7</sup>
- About 70 women per month in the U.S. are shot and killed by a partner.<sup>8</sup>
- Nearly one million American women reported having been nonfatally shot or shot at by a partner.<sup>9</sup>
- About four and a half million women reporting having been threatened with a gun by an intimate partner.<sup>10</sup>

In addition to their intimate partner, abusers with access to firearms often put others—including children, family members, law enforcement, and the broader community at risk:

Data shows:

- Nearly 30% of intimate partner homicides involve multiple homicide victims. Almost half of the additional victims killed were children or family members and most were killed with a firearm.<sup>11</sup>
- More than half of mass shootings between 2014-2019 were related to domestic violence and more than two-thirds of the mass shootings, the perpetrator killed an intimate partner or family member or had a history of domestic violence.<sup>12</sup>
- When law enforcement officers are killed in the line of duty, it is most often with a firearm and often while responding to domestic violence incidents<sup>13</sup>

Abusers do not only use firearms to physically harm someone. They often use firearms to frighten, control, and intimidate their intimate partner.

Some examples of what survivors often report being subjected to:

- An abuser taking a gun out during arguments to scare them;
- Leaving loaded guns out in the home to intimidate them;

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<sup>7</sup> Jacquelyn Campbell et al., Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study, 93 Am. J. Pub. Health (2003).

<sup>8</sup> Everytown analysis of CDC, National Violent Death Reporting System (NVDRS), 2019.

<sup>9</sup> Susan Sorenson and Rebecca Schut, Nonfatal gun use in intimate partner violence: A systemic review of the literature, 19 Trauma Violence Abuse 4, 431-442 (2018).

<sup>10</sup> See fn. 9

<sup>11</sup> Sharon G. Smith et al., Intimate Partner Homicide and Corollary Victims in 16 States: National Violent Death Reporting System, 2003-2009, 104 AM. J. PUB. HEALTH 461, 462 (2014).

<sup>12</sup> Lisa Geller, et al., The role of domestic violence in fatal mass shootings in the United States, 2014-2019. 8 Inj. Epidemiol. 1, 38 (2021).

<sup>13</sup> 2023 End-of-Year Preliminary Law Enforcement Fatalities Report, National Law Enforcement Officers Memorial Fund (2024), <https://nleomf.org/wp-content/uploads/2024/01/2023-EOY-Fatality-Report-FINAL.pdf>

- Making threats to harm themselves during arguments;
- Firing a gun into the air to cause fear;
- Cleaning guns after an argument to cause fear;
- Writing the victim's name on bullets.

In a recent survey,<sup>14</sup> victims of intimate partner violence described some of these behaviors by their partners in their own words:

- “My spouse has a safe with a firearm inside, and during times of conflict, he has opened the safe and retrieved the firearm to keep on his person. He has not pointed it at any of us or made any verbal threats, it was just the act of taking it out of the safe itself that was very frightening.”
- “My ex-husband would consistently leave loaded and unlocked handguns (approximately 3) in plain sight around our home, but specifically always had one next to his bed on evenings where he would approach me for sexual contact.”
- “Every time we would argue he would then grab his gun and load it and run to make me scared that he was going to kill himself. He did this in front of my 8-year-old daughter. One time he actually went outside and fired the gun into the air to make me believe that he had actually done it.”

## Legal Protections in New York

In New York, certain legal tools can remove an abuser's access to firearms, including:

- Family Court or Criminal Court Order of Protections, and
- Extreme Risk Protection Orders

If a survivor reports serious risk factors like stalking, strangulation, or threats of harm, professionals should talk with them about their high-risk situation and connect them with advocacy and legal resources so the survivor can engage in safety planning, identify available resources to support their ongoing safety, and learn about legal tools that may be able to reduce the risk of danger to their safety.

A New York State-specific directory of local domestic violence service providers is available at: <https://opdv.ny.gov/domestic-violence-service-providers>.

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<sup>14</sup> <https://bwjp.org/wp-content/uploads/2024/12/for-publication.2024-Domestic-Violence-and-Firearms-Report-by-BWJP-and-NDVH-12.4.2024.pdf>  
*Assessing Lethality in Intimate Partner Relationships—4*

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## Glossary of Key Legal Terms

### New York State Gender-Based Violence Extreme Risk Protection Order Training and Technical Assistance Program

This glossary is intended to support those using the New York State Gender-Based Violence Extreme Risk Protection Order Training and Technical Assistance Program curriculum. All definitions were taken from the [CourtHelp Glossary](#) on NYCourts.Gov.

- **Adjournment:** To put off a court date until another time or place.
- **Affidavit:** A written statement sworn to in front of someone legally authorized.
- **Contempt:** When doing or not doing (or saying) something prevents justice or hurts the honor, respect, or authority of the court. This includes ignoring or disobeying a Judge or a court order. Contempt can be for something that was not done on purpose (Civil Contempt) and can be punished with fines and/or jail until the order is followed. It can also be on purpose (Criminal Contempt) and is punishable by jail up to 30 days even if the order is followed.
- **Corroborate:** To help prove a statement or argument with more facts or evidence.
- **Due process:** The duty of government to follow rules in legal proceedings. The U.S. Constitution guarantees due process. This means that a person may not have life, liberty or property taken away without his or her day in court.
- **Hearing:** A formal court proceeding where the Judge and all sides are in court, but there is no jury. Testimony may be given, exhibits reviewed, and/or legal arguments made to help a Judge decide an issue in a case.
- **Motion:** A verbal or written request made by a party to the court to ask for something specific.
- **Petition:** A paper that is sworn to that asks the court to start a case.
- **Petitioner:** A person or agency that starts a proceeding or brings an appeal to a higher court.
- **Respondent:** 1. The person who answers a petition or is sued in a special proceeding.  
2. The person who an appeal or a motion is made against. The respondent is the defendant in a case.
- **Statute:** A formal rule or law.

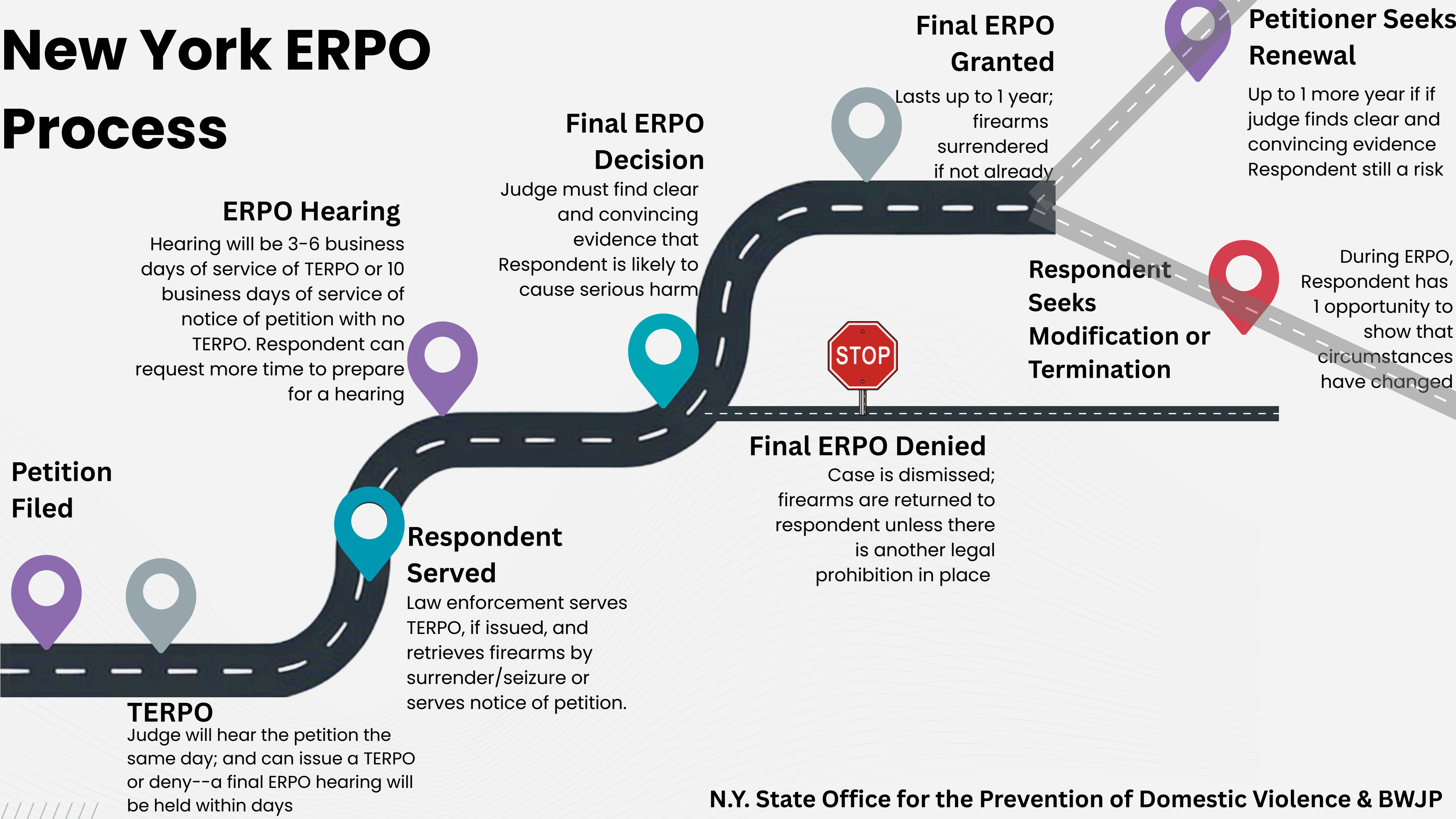
## Relevant Factors Included in the ERPO Law

Note: The judge may consider other factors, but must consider these if they're present

- Threat/act of violence or use of physical force
- Violation of order of protection
- Charge or conviction for an offense involving a weapon
- Reckless use/display of firearm
- History of violating an ERPO
- Evidence of recent abuse of controlled substances or alcohol
- Evidence of recent acquisition of firearm
- Evidence of recent acts of aggravated cruelty to animal

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# New York ERPO Process



## Petitioner Seeks Renewal

Up to 1 more year if judge finds clear and convincing evidence Respondent still a risk

## Final ERPO Granted

Lasts up to 1 year; firearms surrendered if not already

## Respondent Seeks Modification or Termination

During ERPO, Respondent has 1 opportunity to show that circumstances have changed

## Final ERPO Decision

Judge must find clear and convincing evidence that Respondent is likely to cause serious harm

## Final ERPO Denied

Case is dismissed; firearms are returned to respondent unless there is another legal prohibition in place

## ERPO Hearing

Hearing will be 3-6 business days of service of TERPO or 10 business days of service of notice of petition with no TERPO. Respondent can request more time to prepare for a hearing

## Respondent Served

Law enforcement serves TERPO, if issued, and retrieves firearms by surrender/seizure or serves notice of petition.

## Petition Filed

## TERPO

Judge will hear the petition the same day; and can issue a TERPO or deny--a final ERPO hearing will be held within days



# Application for a Temporary Extreme Risk Protection Order

UCS-6341 (10/2024)

Page 1 of 5

[nycourthelp.gov](http://nycourthelp.gov)

Supreme Court

\_\_\_\_\_ County

\_\_\_\_\_

*Petitioner (applying party)*

-against-

\_\_\_\_\_

*Respondent (against party)*

Index Number:

\_\_\_\_\_

## Petitioner Information

Petitioner is a:

Law Enforcement Agency that employs a police officer, as defined in CPL §1.20; or

Police Officer with jurisdiction in the county or city where the respondent resides; 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 who has treated the respondent within the previous six months.

I reside or do business at:

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

I can be contacted at:

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.



## Allegations

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.

**Petitioner Verification**

I state under the penalties of perjury (intentionally making a false statement), which may include a fine or imprisonment, that:

- I am the petitioner in this case;
- I have read this petition and I know what it says; and
- the information in the petition is true, accurate, and complete to the best of my knowledge and belief.

**NOTE:** If the petitioner is a law enforcement agency, enter the name of the person signing on behalf of the agency on the "by" line.

\_\_\_\_\_  
Petitioner Name

\_\_\_\_\_  
Petitioner Signature

by: \_\_\_\_\_

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

\_\_\_\_\_  
Justice of the Supreme Court or Notary Public



# REQUEST FOR JUDICIAL INTERVENTION

UCS-840  
(rev. 12/16/2024)

\_\_\_\_\_ COURT, COUNTY OF \_\_\_\_\_  
Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_\_

<b>CAPTION</b> Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.  -against-  Plaintiff(s)/Petitioner(s)	<b>For Court Use Only:</b> IAS Entry Date
	Judge Assigned
Defendant(s)/Respondent(s)	RJI Filed Date

**NATURE OF ACTION OR PROCEEDING** Check only one box and specify where indicated.

**COMMERCIAL**

Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)  
Contract  
Insurance (where insurance company is a party, except arbitration)  
UCC (includes sales and negotiable instruments)  
Other Commercial (specify): \_\_\_\_\_  
**NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C).**

**MATRIMONIAL**

Contested  
**NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M).**  
For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).

**TORTS**

Asbestos  
Environmental (specify): \_\_\_\_\_  
Medical, Dental or Podiatric Malpractice  
Motor Vehicle  
Products Liability (specify): \_\_\_\_\_  
Other Negligence (specify): \_\_\_\_\_  
Other Professional Malpractice (specify): \_\_\_\_\_  
Other Tort (specify): \_\_\_\_\_

**REAL PROPERTY** Specify how many properties the application includes: \_\_\_\_\_

Condemnation  
Mortgage Foreclosure (specify): Residential Commercial  
Property Address: \_\_\_\_\_  
**NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the FORECLOSURE RJI ADDENDUM (UCS-840F).**  
Partition  
**NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P).**  
Tax Certiorari (specify): Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Tax Foreclosure  
Other Real Property (specify): \_\_\_\_\_

**SPECIAL PROCEEDINGS**

Child-Parent Security Act (specify): Assisted Reproduction Surrogacy Agreement  
CPLR Article 75 – Arbitration [see **NOTE** in **COMMERCIAL** section]  
CPLR Article 78 – Proceeding against a Body or Officer  
Election Law  
Extreme Risk Protection Order  
MHL Article 9.60 – Kendra’s Law  
MHL Article 10 – Sex Offender Confinement (specify): Initial Review  
MHL Article 81 (Guardianship)  
Other Mental Hygiene (specify): \_\_\_\_\_  
Other Special Proceeding (specify): \_\_\_\_\_

**OTHER MATTERS**

Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]  
Emergency Medical Treatment  
Habeas Corpus  
Local Court Appeal  
Mechanic’s Lien  
Name Change/Sex Designation Change  
Pistol Permit Revocation Hearing  
Sale or Finance of Religious/Not-for-Profit Property  
Other (specify): \_\_\_\_\_

**STATUS OF ACTION OR PROCEEDING** Answer YES or NO for every question and enter additional information where indicated.

	YES	NO
Has a summons and complaint or summons with notice been filed?		If yes, date filed: _____
Has a summons and complaint or summons with notice been served?		If yes, date served: _____
Is this action/proceeding being filed post-judgment?		If yes, judgment date: _____

**NATURE OF JUDICIAL INTERVENTION** Check one box only and enter additional information where indicated.

Infant’s Compromise  
Extreme Risk Protection Order Application  
Note of Issue/Certificate of Readiness  
Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: \_\_\_\_\_  
Notice of Motion Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
Notice of Petition Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
Order to Show Cause Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
Other Ex Parte Application Relief Requested: \_\_\_\_\_  
Partition Settlement Conference  
Request for Preliminary Conference  
Residential Mortgage Foreclosure Settlement Conference  
Waiver of Court Costs, Fees, and Expenses  
Writ of Habeas Corpus  
Other (specify): \_\_\_\_\_





**Application to Renew  
Extreme Risk Protection Order (ERPO)  
[CPLR § 6345]**

UCS-6345/A (10/2024)

Page 1 of 3

[nycourthelp.gov](http://nycourthelp.gov)

**Supreme Court**

\_\_\_\_\_ County

\_\_\_\_\_

*Petitioner (applying party)*

*-against-*

\_\_\_\_\_

*Respondent (against party)*

**Index Number:**

\_\_\_\_\_

**Petitioner Information**

Petitioner is a:

- Law Enforcement Agency that employs a police officer, as defined in CPL §1.20; or
- Police Officer with jurisdiction in the county or city where the respondent resides; 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 who has treated the respondent within the previous six months.

I reside or do business at:

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

I can be contacted at:

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.



**Respondent Information**

- An extreme risk protection order was issued against the respondent on \_\_\_\_\_.
- The extreme risk protection order is due to expire on \_\_\_\_\_.
- Respondent's date of birth (if known) is \_\_\_\_\_.
- Respondent currently resides or is located at:
  - Address/Location: \_\_\_\_\_
- Respondent can be contacted at:
  - Phone: \_\_\_\_\_
  - Cell: \_\_\_\_\_
  - Email: \_\_\_\_\_

**Relief Requested**

I am asking the court to renew the extreme risk protection order against the respondent based upon the following facts and circumstances:

- Respondent continues to be likely to engage in conduct that would result in serious harm to self or others as defined in MHL §9.39(a).
- Respondent has engaged in the following behavior [*check all that apply*]:
  - Threat or act of violence or use of physical force directed toward self, the petitioner, or another person
  - Violation or alleged violation of an Order of Protection
  - Pending charge or conviction for an offense involving the use of a weapon
  - Reckless use, display, or brandishing of a firearm, rifle, or shotgun
  - 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, other deadly weapon or dangerous instrument, or ammunition
  - Other [*specify*]: \_\_\_\_\_
- The above behavior allegedly occurred [*check one*]:
  - Less than six months ago
  - More than six months ago
- Respondent was \_\_\_\_ years of age when the above acts allegedly occurred (if known).

**Additional Details**

Provide any additional details about the alleged acts above that may assist the court in determining whether the extreme risk protection order issued against the respondent should be renewed:

**Supporting Documents** [optional: check and complete this section only if applicable]

To support my application, I have attached the following documents [list each document with a brief description and attach additional sheets if necessary]:

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

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

Disclosure of my address or contact information would pose an unreasonable risk to my health or safety. I am asking the court to order that my address and contact information is kept confidential and is not shown on any papers given to the respondent.

Disclosure of my name would pose an unreasonable risk to my health or safety. I am asking the court to order that my name is kept anonymous and is not shown on any papers given to the respondent.

The current extreme risk protection order requires that [check all that apply]:

my address and contact information must be kept confidential

my name must be kept anonymous

I am asking the court to continue these conditions if the order is renewed.

**Petitioner Verification**

I state under the penalties of perjury (intentionally making a false statement), which may include a fine or imprisonment, that:

- I am the petitioner in this case;
- I have read this petition and I know what it says; and
- the information in the petition is true, accurate, and complete to the best of my knowledge and belief.

**NOTE:** If the petitioner is a law enforcement agency, enter the name of the person signing on behalf of the agency on the “by” line.

\_\_\_\_\_  
Petitioner Name

\_\_\_\_\_  
Petitioner Signature

by: \_\_\_\_\_

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

\_\_\_\_\_  
Justice of the Supreme Court or Notary Public