

Get a Court Order for the Surrender of Weapons

Forms and Instructions

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- ❖ **If you are currently experiencing** domestic violence, harassment, or stalking, get help from your local domestic violence shelter. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services. To find the program nearest you, call the **National Domestic Violence Hotline** at 1.800.799.7233.
 - ❖ **Protection order forms are available** from the court clerk or your local domestic violence program, or call the National Domestic Violence Hotline 1.800.799.7233. Or use our do-it-yourself interview program, Get a Domestic Violence Protection Order, to fill out the forms at WashingtonLawHelp.org.
 - ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.
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Northwest Justice Project

Part 1. Important Information

Forms in this packet:

- XR 102: “Firearm Identification Worksheet”
- WS 001: “Order to Surrender and Prohibit Weapons”

Should I use this?

Yes, **but** only if one of these situations describes you:

- You are a Petitioner or Respondent in a family law case filed in a Washington State Superior Court. You have filed a Motion in your case that, among other requests, asks the judge to order that the other party turn in a gun or other weapons in their possession.

❖ The Motion you have filed must be for Immediate Restraining Order or Temporary Family Law Orders.

- You are filing for a protection order in a Washington State court.

Do I use this packet by itself?

No.

If you are involved in a family law case, you must use this along with the main Motions packet for your type of case

- [Ask for Immediate Restraining Orders: Divorce Cases](#)
- [Ask for Temporary Family Law Orders: Divorce Cases](#)
- [Ask for Immediate Restraining Orders: Petition to Change Parenting Plan Cases](#)
- [Ask for Temporary Family Law Orders: Petition to Change Parenting Plan Cases](#)
- [Ask for Immediate Restraining Orders : Parentage Cases](#)
- [Ask for Temporary Family Law Orders: Parentage Cases](#)

Those packets have instructions on how to get these orders signed, if you are submitting them as proposed orders, and how to use them. Get them at WashingtonLawHelp.org.

If you are filing for a protection order, you must use this packet with our [File for a Protection Order](#) packet.

Part 2. How to fill out each form

XR 102: “Firearm Identification Worksheet”

Your filling out this worksheet will help law enforcement know what weapons they need to get from the restrained person.

Fill in the information requested at the top of the page. Answer the questions as best you can. Follow the instructions for the pictures of weapons. Sign and date on the bottom of the last page.

WS 001: “Order to Surrender and Prohibit Weapons”

Use this **only** if your Motion for Temporary Orders or for Immediate Restraining Order asks the court to order the other person to surrender their weapons. Double-check that you checked the **Prohibit weapons and order surrender** section in your Motion and filled it out correctly. Have your Motion in front of you when filling this out.

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- ❖ If the judge signs this Order, law enforcement will need to serve it on the restrained person. Ask the clerk if they will give law enforcement a service copy or if you will have to do it.
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Check with the court clerk, facilitator, or your local domestic violence advocate **before** filling this out. The judge may not want you to submit a proposed order. Fill this out **only** after making sure it is okay to do so.

If this is your proposed order, you mainly want it to show which weapons you want the judge to order the restrained person to surrender. If you are filling this out after your ex parte hearing, have it show what the judge ordered, even if different from what your Motion asked for.

Caption. Fill out the caption as instructed in the Immediate Orders packet you are using along with this packet.

1. Put the date the judge will sign this order.

2. Surrender of Weapons. Put who you want the judge to order to surrender weapons OR who the judge ordered after hearing to turn in their weapons. Leave the second blank for the judge to fill out.

In the blanks under “**You must surrender all firearms...**” list all the weapons you want the judge to order the person to turn in OR all the weapons the judge ordered them to turn in. It should be the same list as in your completed Firearm Identification Worksheet.

3. Weapons Prohibition. Do not make any changes to this paragraph.

4. This Order expires: Leave this for the judge.

5. WAICIC and Other Data Entry: Leave this section for the judge to fill out.

6. Service: Leave this section for the judge to fill out.

Do not sign and date the order. The judge does that.

You will sign and print on the line for **Signature of Protected Person.**

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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Case Name: _____

County: _____ Case No: _____

Firearm Identification Worksheet

(You may attach this to the petition.)

1. Does the restrained person own or have access to any firearms? Yes No
2. Does the restrained person have a concealed pistol license (CPL)? Yes No
3. When was the last time you saw the firearm/s? _____
4. Do you know where the restrained person keeps the firearm/s? Yes No
If yes, check all that apply:
 On their Person In their Car In their Home Storage Unit In a Safe
5. To the best of your knowledge, are the guns typically loaded?
 Yes No I don't know
6. On a scale from 1 to 5 (1 being "not very important and 5 being "very important"), how important are the firearms to the restrained person?
1 2 3 4 5
7. What does the restrained person generally use the firearms for? (check all that apply)
 Hunting Collecting Target Shooting Protection Other: _____
8. Does the respondent possess explosives? Yes No I don't know
9. Has the restrained person ever ordered parts of firearms or possess parts that could be assembled into a working firearm? Yes No I don't know
10. Does the restrained person own or possess any other dangerous weapons you believe should be surrendered? Yes No If yes, list them here: _____

The pictures below are examples of the most common guns. If you recognize any of the pictures below as similar to the one/s your partner has, please circle it and write in the circle how many your partner has.

Handgun





Semi-automatic Rifle



Rifle



Unassembled Firearms



Signed

Dated

_____ Court of Washington, County of _____

Petitioner

vs.

Defendant/Respondent

No.: _____

**Order to Surrender
and Prohibit Weapons**

- Issued Without Notice (ORWPN)
- Temporary/Pre-Trial (ORWPNP)
- Final/Post Conviction (ORWPNP)
- Compliance Review Hearing (ORCRH)

Next Hearing Date/Time: _____

At: _____

(Clerk's Action Required)

Order to Surrender and Prohibit Weapons

1. This order is based on the findings in the order issued on *(date)* _____

2. **Surrender of Weapons**

(Name) _____ :

You must **immediately surrender** all firearms and other dangerous weapons in your possession or control, and any concealed pistol licenses issued under RCW 9.41.070 to this local law enforcement agency: _____

You must immediately surrender all firearms and other dangerous weapons subject to this order, including but not limited to the following:

_____	_____
_____	_____
_____	_____

See the attach sheet if there are more to list.

You must appear for the review hearing listed in the caption on page one.

3. **Weapons Prohibition**

You are prohibited from accessing, having in your custody or control, obtaining, possessing, purchasing, receiving or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

4. This Order expires:

at the same time as the protection order entered under this case number.

on (date) _____ or until further order of the court.

If you have firearms, other dangerous weapons, or concealed pistol licenses:

Step 1: **Immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses.

Important! If you have notice of this order, **immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses to the local law enforcement agency listed in **2** on the same day as the hearing. Contact the local law enforcement agency for directions on how to immediately surrender the firearms, dangerous weapons and concealed pistol licenses.

If a law enforcement officer serves you, surrender firearms and other dangerous weapons, and your concealed pistol license to the law enforcement officer.

Step 2: **Get a receipt** for the surrender of firearms, other dangerous weapons, and concealed pistol licenses from law enforcement.

Step 3: **Complete** the *Proof of Surrender* form and file it with the receipt.

Step 4: **File** the documents with the clerk of the court within 5 court days.

If you do not have firearms, other dangerous weapons, or concealed pistol licenses:

Step 1: **Immediately** complete and sign the *Declaration of Non-Surrender* form.

Step 2: **File** the declaration with the clerk of the court within 5 court days.

If you already surrendered all firearms, other dangerous weapons, and concealed pistol licenses under another order, they must remain in the possession of the law enforcement agency that received them until further order of the court. You must provide proof of that surrender to the court.

The Law Enforcement Officer serving this order shall inform you that the order is in effect upon service and that you must immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses issued under RCW 9.41.070. The serving officer shall conduct a search for firearms, other dangerous weapons, and concealed pistol licenses as permitted by law. The serving officer shall take possession of:

- **All firearms,**
- **Other dangerous weapons,**
- **Concealed pistol licenses belonging to Respondent,**

that are surrendered, in plain sight, or discovered during a lawful search. RCW 9.41.801.

5. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) _____

(check only one): Sheriff's Office or Police Department
(List the same agency that entered the temporary order, if any)

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

6. Service

Required. The law enforcement agency where the defendant/restrained person lives or can be served shall serve the defendant/restrained person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) _____
(check only one): Sheriff's Office or Police Department

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

Not Required.

The restrained person/defendant appeared at the hearing where this order was issued but refused to accept a copy of this order.

The respondent appeared remotely or left the hearing early but received actual notice of the order. Additional service is not required and proof of service is not necessary. HB 1901 Sec 30(2).

The defendant/respondent signed the Order.

This order replaces all prior *Orders to Surrender and Prohibit Weapons* issued under this case number.

Warning!

- If you fail to comply with this order, you may be found in contempt of court and/or be charged with a misdemeanor and punished accordingly.
- You may also be charged with a crime up to and including a **felony** if you are found to own, possess, or control a firearm or other dangerous weapon.
- **Voluntarily surrendering weapons may not be used against a Respondent in any criminal prosecution under chapter 7.105, 9.41, or 9A.56.310 RCW.**

Dated _____ at (time) _____ a.m./p.m. _____
Judge/Commissioner

I acknowledge receipt of a copy of this order.

Signature of Restrained Person/Defendant

Print Name

Signature of Rest. Person/ Dt's Attorney WSBA No.

Print Name

Signature of Protected Person or Attorney WSBA No.

Print Name

You may download the forms listed in this order from the Washington Courts' forms website: <http://www.courts.wa.gov/forms/>.