

# **Get a Court Order for the Surrender of Weapons: Family Law Cases**

**Forms and Instructions**



**Northwest Justice Project**



## Part 1. Important Info

### A. Should I use this?

Yes, but only if all these are true:

- You are a Petitioner or Respondent in a family law case
- 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

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❖ The Motion you have filed must be either for Immediate Restraining Order, Temporary Family Law Orders, or Temporary Non-Parent Custody Order.

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### B. Do I use this packet by itself?

No. You must use this along with the main Motions packet for your type of case:

- [Ask for Immediate Restraining Orders: Non-Parent Custody Cases](#)
- [Ask for Temporary Orders: Non-Parent Custody Cases](#)
- [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](http://WashingtonLawHelp.org).



## Part 2. How to fill out each form

### A. Order to Surrender Weapons Issued without Notice - WPF All Cases 02-030

Use this **only** if your Motion 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, you must have law enforcement serve it on the other party. Ask the clerk if the clerk will give law enforcement a service copy or if you will have to do it.
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If this is your proposed order, to show what you want the judge to order. 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.

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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.
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#### Page 1:

**Caption.** Fill out the caption.

In the first sentence directly under the caption, put in the blank the date the judge will sign this order.

**“Restrained person (name):”** put who you want the judge to order to surrender (turn in) weapons OR who the judge ordered after hearing to turn in their weapons.

#### Page 2:

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.

**WAICIC Data Entry box:** If you live outside city limits, put the county where you live. Then check **County Sheriff's Office**. If you live inside city limits, check **City/Town Police Department**.

**Service:** Leave these for the judge.

DO NOT SIGN AND DATE THE ORDER. THE JUDGE DOES THAT.

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

**B. Order to Surrender Weapons – WPF All Cases 02-050**

Use this **only** if you filed a Motion for Temporary Family Law Orders or Motion for Temporary Non-Parent Custody Order asking for a Restraining Order. If this is your proposed order (showing what you want the judge to order), have your Motion in front of you when filling this out. If you are filling it out after your hearing, have it show what the judge ordered, even if different from what your Motion asked for.

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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 as a proposed Order **only** after making sure it is okay to do so.

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**Caption.** Fill out the caption. The judge will fill out the blanks next to and under **review hearing date**.

In the first sentence directly under the caption, put the date the judge will or did sign this order in the blank.

In the second sentence, put the other party's name.

**This order expires:** LEAVE THIS FOR THE JUDGE.

**Page 2:**

In the blanks under "**You must surrender all firearms and other dangerous...**" list all the weapons you want the judge to order the other party to turn in OR all the weapons the judge after hearing did order them to turn in.

**WACIC Data Entry box:** If you live outside city limits, put the county where you live. If you live inside city limits, put your town or city. Leave the boxes under **Service** for the judge to fill out.

Check "**You must appear for the review hearing...**"

DO NOT SIGN AND DATE THE ORDER. THE JUDGE DOES THAT.

**Signature of Protected Person:** Sign and print your name here.

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- ❖ You should fill out the weapons sections of any proposed Order for Protection the same as any Petition for a Protective Order (Stalking, Anti-Harassment) you are filing.
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<p style="text-align: center;"><b>_____ Court of Washington</b></p> <p><b>For</b> _____</p>
<p>_____</p> <p>Petitioner</p> <p style="text-align: center;">vs.</p> <p>_____</p> <p>Respondent</p>

**No.** \_\_\_\_\_  
**Order to Surrender Weapons Issued without Notice**  
 (ORWPN)  
 (Clerk's Action Required)  
**Next Hearing Date/Time:** \_\_\_\_\_  
**At:** \_\_\_\_\_

This order is based on the findings in the order issued on \_\_\_\_\_ (date).

Restrained person (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 the local law enforcement agency: \_\_\_\_\_ (fill in if known).

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


Attach sheet if there are more to list.

This order expires	<b>At the end of the hearing, noted above.</b>
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**If you have firearms, other dangerous weapons, or concealed pistol licenses:**

Step 1: When served, **immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses to the law enforcement officer who serves you.

or

Step 1: If you were present at the hearing at which the order was entered, **immediately** surrender all firearms, other dangerous weapons, and concealed pistol licenses to the local law enforcement agency 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.

For all cases:

Step 2: **Get a receipt** for the 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 judicial (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 judicial (court) days.

**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 any 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.\_\_\_\_. (Laws of 2019, ch. 345 §2).**

**Washington Crime Information Center (WACIC) Data Entry**

The clerk of the court shall forward a copy of this order, with the temporary protection order, on or before the next judicial day to the \_\_\_\_\_  
[ ] County Sheriff's Office or [ ] City/Town Police Department **where the protected person lives** which shall enter this order into WACIC.

**Service**

- [ ] The clerk will electronically forward this order to \_\_\_\_\_, [ ] county or [ ] city/town law enforcement **where the respondent lives** for service of respondent.
- [ ] The restrained person appeared and was informed of the order by the court; further service is not required.

**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.

Dated \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. \_\_\_\_\_

**Judge/Commissioner**

I acknowledge receipt of a copy of this order.

\_\_\_\_\_  
Signature of Restrained Person

\_\_\_\_\_  
Print Name

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Signature of Restrained Person's Attorney WSBA No. Print Name

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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/>.





For all cases:

Step 2: **Get a receipt** for the 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 judicial (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 judicial (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 any 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.\_\_\_\_. (Laws of 2019, ch. 345 §2).**

**Washington Crime Information Center (WACIC) Data Entry**

The clerk of court shall forward a copy of this order, with the protection order, on or before the next judicial day to the \_\_\_\_\_ County Sheriff's Office or \_\_\_\_\_ City/ Town Police Department **where the protected person lives** which shall enter this order into WACIC.

**Service**

- The clerk shall electronically forward this order to \_\_\_\_\_  county or  city/town law enforcement **where the respondent lives** for service on respondent.
- The restrained person appeared in court. Additional service is not required.

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

This order replaces all prior Orders to Surrender 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.

Dated \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. \_\_\_\_\_  
**Judge/Commissioner**

