

_____ Court of Washington, County of _____

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Motion for Revision of Commissioner's Order

(MTFR)

Motion for Revision of Commissioner's Order

Use this form if you want a judge to change a commissioner's decision. The judge will review the same evidence that was in front of the commissioner. **You cannot bring in new evidence.** If you have newly discovered evidence or want the same commissioner to reconsider their decision, use a Motion for Reconsideration (form PO 100).

To the person filing this motion:

Deadline! Your papers must be filed within **10 days** after entry of the Commissioner's order, or by the deadline for revision in your county's Local Court Rules, whichever is later. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your motion, you **must**:

- File this motion with the court clerk in the same Superior Court where the commissioner heard your case;
- Have a copy of your papers served on all other parties or their lawyers at least **5 days** before the hearing unless your Local Court Rule requirement is different; AND
- Check your Local Court Rules for any additional requirements for revision. *Examples:* whether you need to provide working copies, obtain and file a transcript, or schedule a hearing.

Extend temporary surrender of weapons

If you had a temporary *Order to Surrender and Prohibit Weapons*, your full protection order was denied, and you are filing this motion to ask a judge to revise that denial, the court must extend the temporary *Order to Surrender and Prohibit Weapons* until your motion is decided. The court can decide not to extend if it finds that extending would be a manifest injustice.

To get the extension, when you file this motion **you must also present** a proposed *Order Extending Order to Surrender and Prohibit Weapons*, WS 400, to a judicial officer to sign before the deadline for revision passes.

To the person receiving this motion:

Check your Local Court Rules to see if you are allowed to file a response to a *Motion for Revision*. In some counties, no response is allowed unless the court specifically requests it.

If a response is allowed (or the court asks you to respond) and you do not agree with the motion, file a declaration with the court clerk explaining why the court should not approve the motion. Use form PO 018, *Declaration*. You **cannot** file new evidence. You must have a copy of your papers served on all other parties or their lawyers.

1. Relief Requested

My name is: _____ . I ask the court to revise the following order/s issued by a court commissioner on (date) _____ :

Protection Order

Order to Surrender and Prohibit Weapons

Denial Order

Other _____

2. Errors in the Commissioner's order/s

The Commissioner's order/s were incorrect in the following ways:
(List each part of the order/s you think is wrong. Explain why it is wrong **based on the law and/or the evidence presented at the hearing**. Explain what the commissioner should have ordered.)

3. Statement of Facts/Grounds

The Commissioner heard these facts that support my request (list only facts that are supported by the evidence that was in front of the Commissioner. **Do not give any new information that the Commissioner has not heard.**):

4. Evidence Relied Upon

The Commissioner heard this evidence that supports my request (*list evidence in the petition, response, declarations, other documents filed, or testimony from the hearing. Do not list new evidence.*):

5. Legal Authority

I ask the judge to revise the commissioner’s order based on RCW 2.24.050:

All of the acts and proceedings of court commissioners hereunder shall be subject to revision by the superior court. Any party in interest may have such revision upon demand made by written motion, filed with the clerk of the superior court, within 10 days after the entry of any order or judgment of the court commissioner. Such revision shall be upon the records of the case, and the findings of fact and conclusions of law entered by the court commissioner, and unless a demand for revision is made within 10 days from the entry of the order or judgment of the court commissioner, the orders and judgments shall be and become the orders and judgments of the superior court, and appellate review thereof may be sought in the same fashion as review of like orders and judgments entered by the judge.

And the following other legal authority (*if any*):

6. Proposed Order

A proposed order (*check one*): [] is [] is **not** attached to this *Motion*.

Person making this motion fills out below

I certify under penalty of perjury under the laws of the state of Washington that all the information provided in this motion is true and correct.

Signed at (*city and state*): _____ Date: _____

▶ _____
Person making this motion signs here *Print name here*

