



June 17, 2014

TO: Judges, Commissioners, County Clerks, Court Administrators, Law Libraries, Attorneys, and Public

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: 2014 Summary of Changes to Domestic Violence Protection Order Forms

The Washington Pattern Forms Committee updated the Domestic Violence protection order forms to implement:

- Laws of 2014, Ch. 111, Relating to Surrender of Weapons
- Recommended changes from the legal community

Detailed descriptions of the changes follow:

1.	DV 1.015	<p>Petition for Order for Protection</p> <p>On page one, in section 4, in the first column, change the third check box from:</p> <p style="padding-left: 40px;"><input type="checkbox"/> current or former cohabitant as an intimate partner, including current or former registered domestic partner</p> <p>To:</p> <p style="padding-left: 40px;"><input type="checkbox"/> current or former domestic partner <input type="checkbox"/> current or former cohabitant as part of a dating relationship</p> <p>On page 2, in the table containing the restraint provisions, delete the first row in the table and delete the following text:</p> <p style="padding-left: 40px;">“Check the box for each type of relief you are requesting, for each type of order you need.</p> <p style="padding-left: 40px;">Temp: I Request a Temporary Order for Protection, effective until the hearing, because an Emergency Exists as described in the statement below. A temporary protection order should be issued immediately without notice to the respondent, to avoid irreparable injury.</p> <p style="padding-left: 40px;">Full: I Request a “full” Order for Protection, following a hearing.</p>
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		<p>Delete the column headings “Temp” and “Full,” and delete the two left-hand columns with check boxes. Add a check box to the beginning of each restraint provision.</p> <p>Above the first check box option, add a new row to the table and insert the following text:</p> <p style="text-align: center;">I Request an Order for Protection following a hearing that will:</p> <p>In the first restraint provision, delete the entire notice about federal firearm consequences in parentheses, and replace it with this notice:</p> <p style="text-align: center;">(If the court orders this relief, and the respondent is your spouse or former spouse, current or former domestic partner, the parent of a child in common, or a current or former cohabitant as part of a dating relationship, the respondent will not be able to own or possess a firearm, other dangerous weapon, ammunition, or concealed pistol license under state or federal law for the duration of the order.)</p> <p>Delete the row with the following text:</p> <p style="text-align: center;">Temp Full Temporary Order, effective until a hearing. Full Order, effective following a hearing.</p> <p>Immediately below restraint 9 “Other,” insert a new row and move the instruction about protections involving a minor to the new row. Change the instruction to a heading as follows:</p> <p style="text-align: center;">Check the following only if you are requesting <u>Protection involving a minor:</u></p> <p>Below the heading, insert the three restraint provisions about minors. The restraints should be numbered 10 through 12.</p> <p>Renumber the remaining restraint provisions.</p> <p>After the twelfth restraint provision, insert a row and add a new heading: “Additional Requests.”</p> <p>Change the instruction about protection involving pets to a heading as follows:</p> <p style="text-align: center;">Check the following only if you are requesting p<u>Protection involving pets</u></p> <p>After the third restraint provision about pets, which is now number 18, delete the previous rows regarding protection for minors, and insert a</p>
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		<p>new row with the heading: "Protection from Firearms and Other Dangerous Weapons."</p> <p>Below that heading, insert a new restraint provision 19:</p> <p style="padding-left: 40px;">19. require the respondent to surrender any firearm or other dangerous weapon, or any concealed pistol license and prohibit the respondent from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license.</p> <p>Below restraint provision 19, insert:</p> <p style="padding-left: 40px;">Notice: If you are the respondent's intimate partner, after actual notice and an opportunity to be heard at the hearing, the court may be required to order the respondent to surrender firearms, other dangerous weapons, or concealed pistol license.</p> <p>Below the table with the restraint provisions, insert a new box with the following text:</p> <p style="text-align: center;">I want emergency temporary protection effective immediately, that lasts (up to 14 days) until the court hearing:</p> <p><input type="checkbox"/> An emergency exists as described below. I request that a Temporary Order for Protection granting the relief requested above in 1) through 12) be issued immediately, without prior notice to the respondent, to be effective until the hearing.</p> <p><input type="checkbox"/> I also request temporary surrender of a firearm or other dangerous weapon without notice to the other party because irreparable injury could result if an order is not issued until the hearing.</p> <p style="padding-left: 40px;">What irreparable harm would result if an order is not issued immediately without prior notice to the respondent?</p> <p style="padding-left: 40px;">_____</p> <p style="padding-left: 40px;">_____</p> <p>In the Statement, after the question "Does the respondent use firearms, weapons or objects to threaten or harm you?" insert the following new questions:</p> <p style="padding-left: 40px;">Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:</p> <p style="padding-left: 40px;">_____</p> <p style="padding-left: 40px;">_____.</p>
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		<p>Has the respondent previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040? Please describe:</p> <p>_____</p> <p>_____.</p> <p>Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of any individual? Please describe:</p> <p>_____</p> <p>_____.</p>
2.	DV 2.015	<p>Temporary Order for Protection and Notice of Hearing</p> <p>Immediately below restraint 9 “Other,” insert a new row and move the instruction about protections involving a minor to the new row. Change the instruction to a heading as follows:</p> <p style="padding-left: 40px;">Check the following only if you are requesting Protection involving a minor:</p> <p>Below the heading, insert the three restraint provisions about minors. The restraints should be numbered 10 through 12.</p> <p>Below the table with the restraint provisions, insert a new box with the following text:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Surrender of Weapons</p> <p style="padding-left: 40px;">Respondent shall immediately surrender any firearms and other dangerous weapons to the person or agency named in the Order to Surrender Weapons (Issued without Notice) signed by the court on this date, under this cause number.</p> <p>At the end of the form, in the box to the right of the petitioner’s signature, change the text as follows:</p> <p style="padding-left: 40px;">The petitioner or petitioner’s lawyer must complete aA-Law Enforcement Information Sheet (LEIS) must be completed.</p>
3.	DV 3.015	<p>Order for Protection</p> <p>On the first page, in the line beginning with “Respondent’s relationship,” change “petitioner” to “victim.”</p> <p>In the left column of check boxes describing relationships change:</p>

		<p><input type="checkbox"/> current or former cohabitant as an intimate partner, including current or former registered domestic partner</p> <p>To:</p> <p><input type="checkbox"/> current or former domestic partner <input type="checkbox"/> current or former cohabitant as part of a dating relationship</p> <p>Change the sentence regarding the effective date as follows:</p> <p>The terms of this order shall be is effective immediately and for one year from today's date, unless stated otherwise here (date):</p> <p>In the first restraint provision, delete the entire notice about federal firearm consequences in parentheses, and replace it with this notice:</p> <p>(Respondent: If the petitioner is your spouse or former spouse, current or former domestic partner, the parent of a child in common, or a current or former cohabitant as part of a dating relationship, you will not be able to own or possess a firearm, other dangerous weapon, ammunition, or concealed pistol license under state or federal law for the duration of the order.)</p> <p>Immediately below restraint 9 "Other," insert a new row and move the instruction/findings about protections involving a minor to the new row. Change the instruction to a heading as follows:</p> <p>Complete only if the protection ordered involves<u>Protection for minors: This state <input type="checkbox"/> has exclusive continuing jurisdiction; <input type="checkbox"/> is the home state; <input type="checkbox"/> has temporary emergency jurisdiction <input type="checkbox"/> that may become final jurisdiction under RCW 26.27.231(2); <input type="checkbox"/> other:</u></p> <p>_____</p> <p>Below the instruction insert the three restraint provisions about minors. The restraints should be numbered 10 through 12.</p> <p>In new restraint provision 10,</p> <p>10. Petitioner is Granted the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>Insert the following:</p> <p><input type="checkbox"/> The respondent will be allowed visitations as follows:</p> <p>_____</p> <p>_____</p>
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Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.

Below the Table row containing restraint 10, add a new row and insert the following text:

If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.

Renumber the remaining restraint provisions.

After the twelfth restraint provision, insert a row and add a new heading: "Additional Requests."

Change the instruction about protection involving pets to a heading as follows:

Complete only if the protection ordered involvesProtection for pets:

After the third restraint provision about pets, which is now number 18, delete the previous rows regarding protection for minors.

Below the table with the restraint provisions, insert a new box with the following text:

Surrender of Weapons

- Does not apply.
- Respondent shall immediately surrender all firearms and other dangerous weapons in her or her possession and control, and any concealed pistol license to the person or agency named in the Order to Surrender Weapons signed by the court on this date, under this cause number.

Respondent is **prohibited** from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license **while this order is in effect.**

		<p>In the <i>Warnings to the Respondent</i>, change the beginning of the second paragraph as follows:</p> <p style="padding-left: 40px;">A violation of provisions 1 through 6, 4417, or 45-18 of this order...</p> <p>Insert the following as the third paragraph:</p> <p style="padding-left: 40px;">If your relationship to the victim is as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, you may not possess a firearm or ammunition under federal law. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine.</p> <p>Change the WACIC Date Entry paragraph as follows:</p> <p style="text-align: center;"><u>Washington Crime Information Center (WACIC) Data Entry</u></p> <p>It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to _____ <input type="checkbox"/> County Sheriff's Office</p> <p><input type="checkbox"/> City Police Department <i>Where Petitioner Lives</i> which shall enter <u>it into WACIC</u>. it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.</p>
4.	DV 4.030	<p><u>Motion</u> Petition for Surrender Weapons</p> <p>In the caption remove Superior and change Petition to <u>Motion</u></p> <p>In the caption and in the footer, delete PT and add <u>MT</u>.</p> <p>In paragraph 1, change the text as follows:</p> <p style="padding-left: 40px;">I am the <input type="checkbox"/> petitioner <input type="checkbox"/> respondent and I am <u>protected by a restraining order or protection order issued</u> in this action.</p> <p>In paragraph 2, delete The respondent and replace it with <u>The restrained person (name)</u> _____</p> <p>In paragraph 4, change the first sentence to My relationship with the other party <u>restrained person</u> is:</p> <p>Also in paragraph 4, change the third check box option:</p> <p style="padding-left: 40px;"><input type="checkbox"/> current or former cohabitant as an intimate partner, including current or former registered domestic partner</p> <p>To:</p>

		<p><input type="checkbox"/> current or former domestic partner <input type="checkbox"/> current or former cohabitant as part of a dating relationship</p> <p>In paragraph 5, change the check boxes to bullets and in each sentence change respondent to <u>restrained person</u>.</p> <p>At the end of the document add the following:</p> <p>Dated: _____ at (place) _____, Washington.</p> <p>_____ <u>Signature of Protected Person/attorney WSBA #</u></p> <p>_____ <u>Print Name</u></p>
<p>5.</p>	<p>DV 4.035</p>	<p>Temporary Order to Surrender Weapon (Issued without Notice) and Notice of Hearing</p> <p>Change the title of the forms as indicated above.</p> <p>Delete "Having received the Petitioner's Petition to Surrender Weapon, the court orders the following:" and replace it with:</p> <p style="padding-left: 40px;">"The court received the:</p> <p style="padding-left: 80px;"><input type="checkbox"/> Motion to Surrender Weapons, <input type="checkbox"/> petition for any order for protection <input type="checkbox"/> Motion/Declaration for Ex Parte Restraining order</p> <p style="padding-left: 40px;">filed by the <input type="checkbox"/> petitioner <input type="checkbox"/> respondent, who is the protected person."</p> <p>Under the next sentence which ends, "it is ordered that:" delete Respondent and add <u>The restrained person (Nname)</u> then add after "dangerous weapons" <u>in his or her possession or control</u></p> <p>In the second check box below the above section add <u>City/Town</u> In the third check box delete respondent's and add <u>restrained person's</u></p> <p>In the fourth check box delete respondent and add <u>the restrained person</u></p> <p>Add a fifth check box "<input type="checkbox"/> <u>Other:</u>"</p> <p>Delete the following:</p> <p>If the recipient named above agrees to accept responsibility for respondent's firearms and dangerous weapons, the recipient shall complete a proof of receipt of firearm or other dangerous weapons on a</p>

		<p>form approved by the court. The respondent must file proof of compliance with this order with the clerk of the court.</p> <p>In the statement that begins “The Law Enforcement Officer”, delete is authorized to and add <u>may</u>.</p> <p>In the statement that begins “The following is a list of firearms”, delete respondent and replace it with <u>restrained person</u></p> <p>Immediately below the area for listing weapons but above the text box add the following:</p> <p><u>Important! Failure to comply with this Order could result in the restrained person being found in contempt of court and/or being charged with a misdemeanor and punished accordingly. RCW 9.41.810.</u></p> <p>In the text box below the heading “WACIC Data Entry,” in the first sentence delete It is further ordered that.</p> <p>In the first check box below that, after City add <u>/Town</u> and delete petitioner and add <u>protected person</u>.</p> <p>Below the heading “Service,” in the first check box option, after the check box, begin the statement with <u>The clerk of the court shall forward a copy of this order on or before the next judicial day to the,</u> then after City add <u>/Town</u> and delete respondent and replace it with <u>the restrained person</u>.</p> <p>In the second check box option below “Service” change “petitioner” to “protected person.” In the third check box option, change “respondent” to “restrained person.”</p> <p>Change the final paragraph as follows:</p> <p style="padding-left: 40px;">It is ordered that a hearing will be held as noted on page 1 to determine whether the petition <u>or motion</u> for surrender of weapons should be granted for a longer period of time or the weapons returned to respondent. If you do not appear, the court may enter <u>the requested Order to Surrender Weapons</u> an order granting the requested relief.</p> <p>In the signature lines delete Petitioner and replace it with <u>Protected person</u> and delete Respondent and replace it with <u>Restrained person</u>.</p>
6.	DV 4.040	<p>Order to Surrender Weapons</p> <p>Change the form title as indicated above.</p>

		<p>In the caption in the first check box delete (CPL Restriction) and delete the second check box option.</p> <p>Under the caption add the following in a text box:</p> <p><u>The restrained person who is required to surrender weapons is (name) _____ . The protected person is (name) _____ .</u></p> <p>Delete the following text:</p> <p>This matter came on regularly before the court on a Petition for Surrender of Weapon. Based upon the petition, testimony, and the relevant case record, the court finds:</p> <p>By a preponderance of evidence that:</p> <p><input type="checkbox"/> Possession of a firearm or other dangerous weapon by the respondent presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.</p> <p>By clear and convincing evidence that Respondent:</p> <p><input type="checkbox"/> Has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.</p> <p><input type="checkbox"/> Previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.</p> <p><input type="checkbox"/> Other findings:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>That the relationship of the parties is:</p> <table border="0"><tr><td><input type="checkbox"/> spouse or former spouse*</td><td><input type="checkbox"/> current or former dating relationship</td></tr><tr><td><input type="checkbox"/> parent of a common child *</td><td><input type="checkbox"/> stepparent or stepchild</td></tr><tr><td><input type="checkbox"/> current or former cohabitant as intimate partner, including current or former registered domestic partner*</td><td><input type="checkbox"/> current or former cohabitant as roommate</td></tr></table> <p><input type="checkbox"/> in-law <input type="checkbox"/> parent or child <input type="checkbox"/> blood relation other than parent or child</p> <p>Replace the deleted text with:</p> <p><u>This matter came before the court:</u></p> <p><input type="checkbox"/> on the protected person's:</p> <p><input type="checkbox"/> <u>Petition for Surrender of Weapons.</u></p>	<input type="checkbox"/> spouse or former spouse*	<input type="checkbox"/> current or former dating relationship	<input type="checkbox"/> parent of a common child *	<input type="checkbox"/> stepparent or stepchild	<input type="checkbox"/> current or former cohabitant as intimate partner, including current or former registered domestic partner*	<input type="checkbox"/> current or former cohabitant as roommate
<input type="checkbox"/> spouse or former spouse*	<input type="checkbox"/> current or former dating relationship							
<input type="checkbox"/> parent of a common child *	<input type="checkbox"/> stepparent or stepchild							
<input type="checkbox"/> current or former cohabitant as intimate partner, including current or former registered domestic partner*	<input type="checkbox"/> current or former cohabitant as roommate							

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		<p><input type="checkbox"/> <u>Petition for any order for protection.</u></p> <p><input type="checkbox"/> <u>Motion for Temporary Order.</u></p> <p><input type="checkbox"/> <u>pursuant to a temporary Restraining Order</u></p> <p><input type="checkbox"/> <u>pursuant to a final judgment or decree or Restraining Order.</u></p> <p><u>Based upon the petition or motion, testimony, and the relevant case record:</u></p> <p><input type="checkbox"/> <u>Surrender is Mandatory because the court finds:</u></p> <p><input type="checkbox"/> <u>that the restrained person and the protected person are spouse or former spouse, current or former domestic partner, parent of a child in common, or cohabitants as part of a dating relationship. The restrained person had actual notice and an opportunity to be heard. The restrained person represents a credible threat to the physical safety of the protected party or children. The Order for Protection or Restraining Order restrains the restrained party from causing the protected person or the protected person's children physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking; or from engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or children.</u></p> <p><input type="checkbox"/> <u>by clear and convincing evidence, the restrained person:</u></p> <p><input type="checkbox"/> <u>Has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.</u></p> <p><input type="checkbox"/> <u>Previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.</u></p> <p><input type="checkbox"/> <u>Surrender is discretionary and the court finds by a preponderance of evidence, the restrained person:</u></p> <p><input type="checkbox"/> <u>presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon,</u></p> <p><input type="checkbox"/> <u>has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.</u></p> <p><input type="checkbox"/> <u>previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.</u></p> <p><input type="checkbox"/> <u>Other findings:</u></p>
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_____.”

In the sentence that begins “And it is ordered that” delete the respondent and add the restrained person (name) _____

Delete (~~Strike out any restriction that does not apply~~)

In the first bullet make the following changes:

- Shall immediately surrender all firearms and other dangerous weapons in his or her possession or control including but not limited to, those listed in the table, below, and file proof of surrender within 5 business days of being served this order. Surrender firearms and other dangerous weapons to the following recipients:

Delete the following:

~~Firearms and Other Dangerous Weapons (delete table) Attach sheet if there are more to list. Surrender firearms and other dangerous weapons to:~~

In the section with check box list of recipients, in the second check box add after City “/Town.”

In the third and fourth check boxes delete ~~respondent’s~~ and ~~Respondent~~ and add restrained person’s and the restrained person.

In the statement beginning with “If the respondent...,” delete ~~respondent~~ and replace it with restrained person.

In the statement that begins with “**The Law Enforcement Officer,**” delete ~~is authorized to~~ and replace it with may. Also delete ~~Respondent’s~~ and replace it with the restrained person’s.

Insert the following text and table:

The restrained person must 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.

		<p>Below the table, insert:</p> <p><u>Important! A violation of this order may subject you to arrest on misdemeanor or felony charges. You may be found in contempt of court.</u></p> <p>In the text box, below the heading “WACIC Entry,” after City add <u>/Town</u>, after Police Department where delete petitioner and replace it with <u>the protected person</u>.</p> <p>In the check boxes under “Service” delete respondent and replace it with <u>the restrained party</u> wherever it appears.</p> <p>In the signature lines delete Petitioner and replace it with <u>Protected Person</u>, and delete Respondent and replace it with <u>Restrained Person</u>.</p>
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