



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 Sexual Assault Protection Order Forms

The Washington Pattern Forms Committee updated the Sexual Assault 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.	SA 1.015	<p>Petition for Sexual Assault Protection Order</p> <p>In the footer add <u>RCW 9.41.800</u></p> <p>In the table with restraint provisions, move the check box option for “Other” so that it is the fourth restraint provision and move the restraint provision regarding school so that it is the fifth restraint provision.</p> <p>Add a new restraint provision 6 with check box and the following statement:</p> <p><input type="checkbox"/> <u>6. <b>Require</b> 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.</u></p> <p>Delete the box and the following text: <b>Request for a Temporary Sexual Assault Protection Order: <del>An Emergency Exists</del></b> as described in the statement below. <del>Petitioner needs a temporary protection order issued immediately, without prior notice to the respondent, that grants the relief requested above.</del></p> <p>Replace that box with a new box with the following text:</p>
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	<p><b>Emergency temporary protection (up to 14 days) until the court hearing:</b></p> <p><input type="checkbox"/> <u>An emergency exists as described below. I request that a <b>Temporary Sexual Assault Protection Order granting the relief requested above in 1 through 4</b> be issued immediately, without prior notice to the respondent, to be effective until the hearing.</u></p> <p><input type="checkbox"/> <u>I also request a 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.</u></p> <p><u>What irreparable harm would result if an order is not issued immediately without prior notice to the respondent?</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>On page 5 under the statement “(Complete this section if the petitioner and the respondent are minors who attend the same school and petitioner requests the court to order the respondent not to attend the same school attended by the petitioner.) Describe any continuing physical danger or emotional distress to the petitioner caused by the respondent’s attendance at the same school as the petitioner:” add the following:</p> <p><u>Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>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:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>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:</u></p> <p>_____</p> <p>_____</p> <p>_____</p>
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2.	SA 2.015	<p>Temporary Sexual Assault Protection Order and Notice of Hearing</p> <p>Immediately below the table containing the restraint provisions, insert a new box or table with the following text:</p> <p style="text-align: center;"><input type="checkbox"/> <b><u>Surrender of Weapons</u></b></p> <p style="text-align: center;">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 document, in the box with text about the LEIS, change the text as follows:</p> <p style="text-align: center;"><u>The petitioner or petitioner’s lawyer must complete a</u> Law Enforcement Information Sheet (LEIS) <del>must be completed.</del></p>
3.	SA 3.015	<p>Sexual Assault Protection Order</p> <p>Below “<b><i>It is Ordered:</i></b>” in the table with restraint provisions, move the check box option for “Other” so that it is the fourth restraint provision and move the restraint provision regarding school so that it is the fifth restraint provision.</p> <p>Below the table with the restraint provisions, insert a new text box with the following text:</p> <p style="text-align: center;"><b>Surrender of Weapons and Restrictions</b></p> <p><input type="checkbox"/> Does not apply.</p> <p><input type="checkbox"/> Respondent shall immediately surrender all firearms and other dangerous weapons in his or her possession or 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.</p> <p>Respondent is <b>prohibited</b> from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license <b>while this order is in effect.</b></p>
<p><b>Surrender of Weapons forms:</b> The following Domestic Violence forms relating to Surrender of Weapons are updated and are available for use with the Sexual Assault Protection Order forms</p>		
4.	DV 4.030	Motion for Surrender of Weapons

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5.	DV 4.035	Order to Surrender Weapons (Issued without Notice) and Notice of Hearing
6.	DV 4.040	Order to Surrender Weapons