

_____ Court of Washington, County/City of _____

Petitioner

vs.

Defendant/Restrained Person

No.: _____

**Order Finding Noncompliance –
Weapons/Firearms Surrender:**

Order Finding Noncompliance and
to Go to Court for Contempt (Order to
Show Cause)(ORCROSC) (8)

Order Setting Compliance Review
Hearing (ORCRH) (7)

Next Hearing

Date/Time: _____ At: _____

Clerk's action required: see above and 11

Order Finding Noncompliance – Weapons/Firearms Surrender

1. **Restrained Person.** The Defendant/Restrained Person is (*name*) _____
(Restrained Person).
2. **Existing Order/s.** The court issued an *Order to Surrender and Prohibit Weapons*
 Extreme Risk Protection Order on (*date*) _____
The Law Enforcement proof of service is is **not** filed.
3. **Hearing.** On (*date*) _____, the court reviewed the record
 heard _____ or heard compliance review.

The court held a hearing before issuing this order. These people attended:

<input type="checkbox"/> Restrained Person	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Restrained Person's Lawyer	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Protected Person or Petitioner	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video
<input type="checkbox"/> Other: _____	<input type="checkbox"/> in person	<input type="checkbox"/> by phone	<input type="checkbox"/> by video

Important! If the Protected Person is not present, the court shall use its best efforts to notify the petitioner of the outcome.

The Restrained Person did **not** file a *Declaration, Proof of Surrender*, or other evidence to prove full and timely compliance.

4. **The Court Considered** the (*check all that apply*):
- Petition/Protected Person's Statement and any attachments
 - Declaration of Protected Person about Surrender of Weapons
 - Proof of Surrender
 - Declaration: No Weapons to Surrender
 - Receipt for Surrendered Firearms, Other Dangerous Weapons, and Concealed Pistol Licenses filed by the Restrained Person Law Enforcement
 - Declaration of Law Enforcement about Weapons Surrender
 - Declaration of: (*name*) _____
 - Testimony of: _____
 - Incident Report and any documentation of firearms, or their recovery
 - DOL firearm records
 - Washington State Patrol firearm records
 - Other: _____
5. **The Court finds** that the Restrained Person is **Not in Compliance**:
- The Restrained Person has indicated that they **are in possession** of firearms, dangerous weapons, and/or concealed pistol licenses that need to be immediately surrendered.
 - There are allegations** in the police report, petition/protected person's statement, or declaration/s that the Restrained Person is in possession of firearms, dangerous weapons, and/or concealed pistol licenses that need to be immediately surrendered.
 - The Restrained Person indicates that they have surrendered all firearms, dangerous weapons, and/or concealed pistol licenses to law enforcement but there is **no verification of surrender (receipt)** from law enforcement in the court file.
 - The Restrained Person has provided insufficient information to the court to determine if the Restrained Person has surrendered all firearms, dangerous weapons, and/or concealed pistol licenses in their possession.
6. **The Court orders** that:
 The Restrained Person is **not** in compliance with the *Order to Surrender and Prohibit Weapons* or *Extreme Risk Protection Order*.
- Restrained Person shall, pending next review hearing:**
 - Immediately, by (*time*): _____ a.m./p.m. today, surrender their firearms, dangerous weapons (if not an *Extreme Risk Protection Order*) and concealed pistol license to: (*law enforcement agency*) _____ and immediately file a *Proof of Surrender* and *Receipt* with the court, and mail/send an electronic copy to the other party; or
 - Restrained Person shall provide any of the following that apply:

- a. Bill of sale of the firearm/s, including description/s of firearm/s (make, model), serial number, date of sale, and full name (including middle initial) and date of birth of person who purchased the firearm/s.
- b. Proof of sale at a Federal Firearm Licensed Dealer, with a background check.
- c. Proof of transfer of the firearm/s, including description/s of firearm/s (make, model), serial number, date of transfer, and full name (including middle initial) and date of birth of the *immediate* family member that now has possession of the firearm/s. The Restrained Person shall contact that family member (*full name*), _____, (*date of birth*) _____, and inform them that they are required to file an affidavit, signed under penalty of perjury, confirming the date of transfer of the firearm/s from the Restrained Person, that they understand their legal obligation to keep the firearms out of the Restrained Person's possession, access, or control, and that they understand they may be charged with a crime if they allow the Restrained Person access to any firearms.
- d. Proof that an official sale/transfer of all firearms was filed with the Washington State Department of Licensing by (*date*) _____.
- e. An official police report for the lost stolen firearm/s reflecting the date when the item/s were first reported lost or stolen that includes make, model, serial number of all lost or stolen firearms.
- f. Other evidence to prove full and timely compliance:

No further action is ordered at this time.

7. **Compliance Review Hearing.** A compliance review hearing is set for (*date*) _____ at (*time*) _____ a.m./p.m. at _____ court (*department/judge/calendar*) _____.

Restrained Person must attend this hearing and testify under oath verifying they complied with the order.

8. **Order to go to Court and Show Compliance**
 Restrained Person is **not** in compliance with the *Order to Surrender and Prohibit Weapons* or *Extreme Risk Protection Order*.

Restrained Person:

- Failed to fully comply with the *Order to Surrender and Prohibit Weapons* or *Extreme Risk Protection Order*.
- Failed to appear at the compliance review hearing set for (*date*) _____ at (*time*) _____ a.m./p.m. at _____ court (*department/judge/calendar*) _____

Violated the *Order to Surrender and Prohibit Weapons or Extreme Risk Protection Order* after the court entered findings of compliance.

Based on these findings the court has determined that there are grounds to set a Contempt Hearing.

The court has reviewed the *Motion for Contempt Hearing* filed by the (*check one*):

Petitioner Prosecutor City Attorney and finds there is reason to approve this order.

Therefore, (*name*) _____ is ordered to go to court on (*date*) _____ at (*time*) _____ a.m./p.m. at _____ court (*department/judge/calendar*) _____.

At the hearing, the Restrained Person must provide proof of compliance of the *Order to Surrender and Prohibit Weapons* and show why the court should **not** find you in contempt.

9. Service

Restrained Person appeared. Additional service is not required.

Restrained Person did not appear.

The clerk of court shall electronically transmit a copy of this order on or before the next judicial day to the _____ County Sheriff's Office or _____ City/Town Police Department **where the Restrained Person lives** who will serve a copy of this order on the Restrained Person and file a return of service with the court.

The court previously ordered service by publication or mail by separate motion and order, and permits service on the Restrained Person as per its prior findings, as follows: by publication mail.

The court considered a motion for service by publication or mail today, and enters a separate order today with findings which permit service on the Restrained Person, or the court finds that there are now reasons to allow such service. Therefore, the court orders service of this order on the Restrained Person by: publication mail.

10. Notice to Law Enforcement. The clerk of court shall forward a copy of this order to the

_____ County Sheriff's Office or _____ City/Town Police Department that took possession of firearms, dangerous weapons, and any concealed pistol license/s under the *Order to Surrender and Prohibit Weapons or Extreme Risk Protection Order*.

Upon receiving this notice and prior to the next hearing, the law enforcement agency must:

- Provide the court with a complete list of firearms and other dangerous weapons surrendered by the Restrained Person.
- Provide the court with verification that any concealed pistol license/s issued to the Restrained Person has been surrendered and the agency that can revoke the license was notified.

If there is reasonable suspicion that the Restrained Person is not in full compliance with the terms of the *Order to Surrender and Prohibit Weapons* or *Extreme Risk Protection Order*, then an affidavit must be filed with the court before the hearing date that provides the basis for this belief.

11. Reporting Data. Under RCW 9.41.801(12), the AOC is required to report specific data. As of this date based on information available to judicial officer, check all that apply:

- Did not appear for compliance hearing (ORNCDAC)
- Did not appear for show cause hearing (ORNCDAS)

- Did not surrender any firearms, dangerous weapons, CPL or file declaration of no weapons to surrender or any other proof of compliance (ORNCDSF)
- Did not surrender all firearms (ORNCDFR)
- Did not surrender all dangerous weapons (ORNCDDW)
- Did not surrender CPL (ORNCDCP)

- Did not file declaration of no weapons to surrender or other proof of compliance (ORNCDDN)

- While surrender order is active, acquired a firearm (ORNCASF)
- While surrender order is active, acquired a dangerous weapon (ORNCASD)
- While surrender order is active, acquired a CPL (ORNCASC)

- Additional Time to Cure for: _____ (TMC)
- No Sanction Imposed for: _____ (NSI)

12. Warning to the Restrained Person! You may be held in **contempt** if you fail to immediately comply with the *Order to Surrender and Prohibit Weapons*.

If you do not go to the hearing, the court may:

- Approve the other party's requests without hearing your side,
- Impose sanctions and fees against you, and
- Issue a warrant for your arrest.

If the other party has asked the court to send you to jail, and you cannot afford a lawyer, you may ask the court to appoint a lawyer to represent you.

Date: _____ **Time:** _____ a.m./p.m.

Judge/Court Commissioner

I received a copy of this order or I attended the hearing remotely and have actual notice of this order. It was explained to me on the record.

Signature

Print Name

Signature

Print Name