

Were you served with an Extreme Risk Protection Order?

Read this brochure to learn important information

Chapter 7.105 RCW

The Washington Pattern Forms
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What happens if the judge signs an Extreme Risk Protection Order?

You will be prohibited from having a firearm in your custody or control, or from buying, accessing, receiving, or attempting to purchase or receive any firearms for as long as the order lasts. You must surrender any and all firearms.

How long does the order last?

It lasts 1 year, but it may be renewed for additional 1-year periods.

What happens if the judge does not sign the order?

If the judge does not sign an Extreme Risk Protection Order, then the judge will dismiss the case. If you surrendered firearms, you can ask the judge to sign an order to release weapons that you can give to law enforcement.

Can I ask the judge to end the order?

You may file a motion to terminate the Extreme Risk Protection Order **one** time during the 1-year period the order is in effect. You must prove that you do not pose a significant danger to yourself or others by having firearms.

Can I ask the judge to seal my court records from public view?

You may file a Motion and Declaration to Seal Records of Extreme Risk Protection Order, form XR 181, at any of these times:

- at the full hearing
- any time during the life of the order
- after the order ends

The court shall seal the court records from public view if all these are true:

- the court finds that the order was based solely on threats of self harm;
- there are no other active protection orders against you;
- there are no pending violations of the order; and

What do I do if I am served with a Temporary Extreme Risk Protection Order – Without Notice?

Step 1: Surrender any and all firearms

The law enforcement officer who serves you will require you to immediately turn in any and all firearms. If you do not, you may be charged with a crime.

Step 2: Go to the Full Hearing

The temporary order is in effect until the full hearing. Go to the hearing at the time and place listed on the top of the first page of the temporary order. At that hearing, a judge will consider the petitioner's request for an order that lasts 1 year. You may hire a lawyer to represent you, if you want.

What if I disagree?

At the hearing, you can tell the court why you think the order should not be entered. The judge will ask you questions and you must answer truthfully, under oath. You must explain to the judge why you do not pose a significant danger to yourself or others by having firearms.

- evidence shows that you fully complied with the surrender of any and all firearms, as ordered.

If the case started in district court, file a motion in that court to ask the court to seal those records from public view, too.

When must I surrender firearms if I was not personally served?

If you were served by other means, you must surrender all firearms to the local law enforcement agency within 24 hours of being served.

If you were present at the hearing you must surrender all firearms the same day to the local law enforcement agency.

What does an Extreme Risk Protection Order do?

An Extreme Risk Protection Order (ERPO) makes it illegal for the respondent to access, possess, buy, or have control of firearms. Any firearms the respondent has access to must be removed or secured from their control.

Who is it filed against?

A person who is alleged to pose a significant danger of causing personal injury to self or others in the near future by having firearms. Factors that demonstrate such a risk can include threatening or violent behavior, threats of self-harm, and abuse of drugs or alcohol. The person who is alleged to be at a serious risk of harm to self or others is called the **respondent**.

Who can ask for the order?

A petition can be filed by a law enforcement agency, an intimate partner, or a family or household member of the respondent. The agency or person filing the case is called the **petitioner**.

Family or household members include:

- Persons related by blood, marriage, domestic partnership or adoption

- Persons who reside or have resided with the respondent
- Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren, grandparents and grandchildren, and parent’s intimate partner and children
- A person who is acting or has acted as the respondent’s legal guardian

Intimate partner includes:

- Current or former spouse or domestic partners
- Current or former dating relationship (age 13 or older)
- Persons who have a child in common (unless child was conceived through sexual assault)

Who gets a copy of the order?

You (the respondent), the petitioner, your local law enforcement agency, the Washington Crime Information Center (WACIC), the National Crime Information Center (NCIC), and the Department of Licensing (DOL) if you have a concealed pistol license.

Where can I get forms?

You can download forms from www.courts.wa.gov/forms or get them from the court clerk’s office.

Resources

For more information go to: <http://protectionorder.org/erpo/how-do-i-turn-in-my-firearms.html>

Local Resources