



December 27, 2022

TO: Judicial and Legal Community

FROM: Wendy Lamar, AOC Sr. Legal Analyst

RE: Summary of Changes for Extreme Risk Protection Order Forms (January 2023)

The table below outlines the changes to the Extreme Risk Protection Order forms based on [Laws of 2021, ch. 215 \(E2SHB 1320\)](#) and [Laws of 2022, ch. 268 \(SHB 1901\)](#).

Form Number & Title	Description of Changes
<p>1. XR Brochure Adult – Extreme Risk Protection Order- Respondent 18 Years and Over</p>	<p>This is a new brochure.</p>
<p>2. XR Brochure – Respondent Under 18 Years</p>	<p>Changes:</p> <p>(1) In introductory title section, changed “youth” to “minor” and updated the publication date.</p> <p>(2) In “What does an ERPO do” section, deleted the first sentence, replaced “restrains” with “makes it illegal for”, add “to” and changed to “access, possess, buy, or have control of”, replaced “would need” with “must”, and deleted last sentence.</p> <p>(3) In “Who is it filed against” section, replaced “youth” with “minor.”</p> <p>(4) In “Who can request the order” section, replaced “request” with “ask for.”</p> <p>(5) In “Who will get a copy of the order” section, replaced “will get a copy of the orders” with “gets a copy of the order”, added “(the respondent)”, and added “the petitioner, your local law enforcement agency, the Washington Crime Information Center (WACIC), and the National Crime Information Center (NCIC).”</p> <p>(6) In “Step 1”, replaced “request” with “require.”</p> <p>(7) In Step 3, removed “Step 3” and “with the request for an order that lasts 1 year”; replaced “will need to” with “must”, and replaced “that” with “why.”</p> <p>(8) In Step 4, removed “Step 4.”</p> <p>(9) In “Can I ask the judge to seal” section, reworded the last sentence with, “If the case started in district court, file a motion in</p>

	<p>that court to ask the court to seal those records from public view, too.”</p> <p>(10) In “When must I surrender firearms” section, reversed the order to have “served by other means” first, followed by “if you were present at the hearing.”</p> <p>(11) Added footer with form title and new publication date.</p> <p>(12) Changed formatting from tri-fold to two-column handout.</p>
<p>3. XR 121 Temporary Extreme Risk Protection Order- Without Notice</p>	<p>Changes:</p> <p>(1) In 5, “not required” combined the three checkboxes into a single option.</p> <p>(2) In footer, updated publication date.</p>
<p>4. XRi 121 Instructions for Temporary Extreme Risk Protection Order- Without Notice</p>	<p>Changes:</p> <p>(1) Removed page number references.</p> <p>(2) Updated section headings.</p> <p>(3) Added sections 6, 7, 8, and 9 to follow XR 121.</p> <p>(4) In footer, updated publication date.</p>
<p>5. XR 141 Extreme Risk Protection Order</p>	<p>Changes:</p> <p>(1) Replaced “Next” with “Compliance Review” in caption. Deleted “court address” and replaced with, “See How to Attend, section 10.”</p> <p>(2) In “Respondent: You must attend” after section 9, created new section 10 and added, “[] No compliance hearing scheduled. The court finds that respondent has timely and completely surrendered all firearms in the respondent’s custody, control, or possession and any concealed pistol license to a law enforcement agency and is in compliance with this order pursuant to RCW 7.105.340(6). Added a checkbox to the, “Respondent: You must attend the hearing listed on page 1” sentence.</p> <p>(3) Updated the footer with new publication date.</p>
<p>6. XRi 141 Instructions for Extreme Risk Protection Order</p>	<p>Changes:</p> <p>(1) Updated section headings to more closely follow XR 141.</p> <p>(2) Combined “evaluation” section language to simplify.</p> <p>(3) Added sections 8, 9, and 10.</p> <p>(4) In footer, updated publication date.</p>
<p>7. XR 165 Order on Motion to Terminate Extreme Risk</p>	<p>Changes:</p> <p>(1) In 3, deleted, “There continues to be reasonable cause to believe that Respondent poses a significant danger of causing personal injury to self or others by having in their custody or control, purchasing, possessing, or receiving and firearm; and.”</p>

<p>Protection Order</p>	<p>(2) In 4 and 5, added checkboxes and a parenthetical explanation, “(check if order terminated).” (3) Updated footer with publication date.</p>
<p>8. XR 221 Temporary Extreme Risk Protection Order- Without Notice- Respondent Under 18 Years</p>	<p>Changes: (1) In 5 “not required” section, combined the three checkboxes into a single option. (2) In footer, updated publication date.</p>
<p>9. XR 241 Extreme Risk Protection Order- Respondent Under 18 Years</p>	<p>Changes: (1) Replaced “Next” with “Compliance Review” in caption. Deleted “court address” and replaced with, “See How to Attend, section 10.” (2) In “Respondent: You must attend” after section 9, created new section 10 and added, “[] No compliance hearing scheduled. The court finds that respondent has timely and completely surrendered all firearms in the respondent’s custody, control, or possession and any concealed pistol license to a law enforcement agency and is in compliance with this order pursuant to RCW 7.105.340(6). Added a checkbox to the, “Respondent: You must attend the hearing listed on page 1” sentence. (3) Updated the footer with new publication date.</p>

The extreme risk protection order forms are located on our List of All Forms webpage at:

<https://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#ExtrRisk>

To provide feedback about this Summary of Changes or any of our court forms, please complete the online form available at:

<http://www.courts.wa.gov/forms/?fa=forms.formsComments>