

June 29, 2022

TO: Judicial and Legal Community

FROM: Wendy Lamar, AOC Sr. Legal Analyst

RE: Summary of Changes to Extreme Risk Protection Order Forms (July 2022)

The table below outlines the changes to the Extreme Risk Protection Order forms based on Laws of 2021, ch. 215 (E2SHB 1320), Laws of 2022, ch. 268 (SHB 1901), and Laws of 2022, ch. 231 (5628).

Form Number & Title	Description of Changes
1. XR 101 Petition for an Extreme Risk Protection Order	Changes: (1) Removed table formatting. (2) Combined 1A and 1B, reversed the order, and added, "Who is filing this petition?" (3) Added, "intimate partner" to "I am a family or household member of the respondent" in question 1, added intimate partner options, "[] current or former spouses or domestic partners [] parents of a child-in-common (unless child was conceived through sexual assault) [] current or former dating relationship (age 13 or older) who [] never lived together [] live or have lived together", and replaced the family or household member options with, "[] parent and child [] stepparent and stepchild [] grandparent and grandchild [] parent's intimate partner and child [] current or former cohabitants as roommates [] person who is or has been a legal guardian [] related by blood or marriage (<i>specify how</i>)." (4) Added, "What is your connection to this county?" to question 2. (5) Replaced "Describe below any firearms the respondent currently owns, possesses, has custody of, has access to, or controls." with "Based on your knowledge, what firearms does the respondent currently own, possess, has custody of, has access to or control? Please describe." in question 3. (6) Replaced "effective immediately" with "to start immediately" and added "attempt to purchase" and "accessing" in question 6. (7) Renumbered the request for an Extreme Risk Protection Order as new question 7. (8) Added "attempting to purchase or receive" to the statement explanation found before question 8. (9) Replace the service-address language in question 13 with, "You must provide an address where you can be served with legal documents. What is your address for receiving legal documents? You have the right to keep your residential address private. You may use a different mailing address. Law enforcement petitioners, list your department address. Mail:

	Email: (10) Updated statutory
	citation and publication date in footer.
2. XR 102 Firearms Identification Worksheet	Changes: (1) Replaced the existing 3 questions with, "1. Does the restrained person own or have access to any firearms? []Yes [] No. 2. Does the restrained person have a concealed pistol license (CPL)? []Yes []No. 3. When was the last time you saw the firearm/s? 4. Do you know where the restrained person keeps the firearm/s? []Yes []No If yes, check all that apply: []On their Person []In their Car []In their Home []Storage Unit []In a Safe. 5. To the best of your knowledge, are the guns typically loaded? []Yes []No []I don't know. 6. On a scale from 1 to 5 (1 being "not very important and 5 being "very important"), how important are the firearms to the restrained person? (<i>check all that apply</i>) []Hunting [] Collecting []Target Shooting []Protection []Other: 8. Does the respondent possess explosives? []Yes []No []I don't know. 9. Has the restrained person ever ordered parts of firearms or possess parts that could be assembled into a working firearm? []Yes []No []I don't know. 10. Does the restrained person own or possess any other dangerous weapons you believe should be surrendered? []No []Yes If yes, list them here: (2) Added additional photo of common semi-automatic rifle. (3) Added new photo section "Unassembled Firearms" with two photos.
3. XR 105 Law Enforcement and Confidential Information – Extreme Risk Protection Order	Changes: (1) Changed name of form to, "Law Enforcement and Confidential Information – Extreme Risk Protection Order." (2) Added confidential information caption with clerk instructions, replacing "do not file in the court file." (3) Replaced the explanatory language with, "If law enforcement cannot read this form, they cannot serve or enforce your order!" (4) After "Respondent's Information", replaced the existing explanation with instructions, "Fill out as much as you can. If you do not know, write "unknown." (5) Reordered box prompts. (6) Created new section, "Where can the Respondent be served?" to include cell number and social media accounts. (7) Added "How recent?" and "include unassembled firearms and specify" to Respondent hazard information. (8) Added, "Is the respondent a current or former cohabitant as an intimate partner? [] Yes [] No" under current status. (9) Added sex, race, height, weight, eye color, hair color, skin tone, build to petitioner information and removed line for agency. (10) Moved privacy notice to the bottom of the form. (11) Added instruction to complete another copy of the form if there are information changes. (12) Added declaration language. (13) Updated footer with new statutory citation, form name, and publication date.

4. XR 112 Proof of Service	Changes: (1) Form name changed to "Proof of Service-Extreme Risk." (2) Renamed sections "Able to Serve" and "Unable to Serve." (3) Added an electronic-service option under both "Able to Serve" and "Unable to Serve." (4) Added a mail service option under "Able to Serve." (5) Footer updated with new statutory citation, form name and publication date.
5. XR 121 Temporary Extreme Risk Protection Order – Without Notice	Changes: (1) Replaced page number with specific section numbers in "clerk's action required." (2) Added "or attempting to purchase or receive" to the "Warning to Respondent!" paragraph. (3) Add "access" to the respondent notice at the top of page 2. (4) Added numbered sections and removed table formatting. (5) Added deadline instructions for firearms surrender in section 1. (6) Added hearing attendance in section 2. (7) Added "or receive" to "The Court finds" paragraph and changed "them self" to "self." (8) Added "owns" to b, removed the list of statutory citations in e, added citation to h, added "Respondent has been convicted of a hate crime under RCW 9A.36.080" to j, and divided "imminent threat of harm to self" and "imminent threat of harm to others" as separate options in o and p. (9) Moved "data entry" to section 4, changed "on the same day the court issues the order" to "immediately", and removed "where Respondent lives." (10) "Moved service on respondent to section 5 and updated the language to include both "required" and "not required" options. (11) Added a service on others section in section 6. (12) Moved "DOL Notification" to section 7 and added, "If respondent has a concealed pistol license, DOL must immediately notify a law enforcement agency that the court has directed the revocation of the license." (13) Added section 8, "Transfer to Superior Court." (14) Added section 9, "After-Hours Order" for after- hours, law-enforcement petitions. (15) Added a "how to attend" section. (16) Added voluntary surrender or testimony use in criminal prosecution language. (17) Added line for the judicial officer's printed name. (18) Updated the name of XR 105 below signature lines. (19) Updated the statutory citation and publication date in the footer.
6. XR 125	Changes: (1) Removed "municipal from caption and, "The court
Order	orders that this case and copies of all related legal documents be
Transferring	transferred from district court to superior court." (2) Moved
Case and	parenthetical prompts before the blank lines. (3) Added, "The
Setting	Superior Court that this order is transferred to will decide any requests for a continuance." (4) Updated the statutory citation and
Hearing – Extreme Risk	publication date in the footer.
7. XR 131	Changes: (1) Added section numbering to the form and specified
Order	section numbers in "clerk's action required." (2) Added hearing
Reissuing	attendance in section 1. (3) Added findings in section 2. (4) Updated
Temporary	the "data entry" language and moved to section 4. (5) Moved service
Extreme Risk	to 5 and updated with required and not required sections. (6) Added
Protection	a "service on others" section in 6. (7) Moved "DOL Notification" to
Order –	section 7 and added, "If respondent has a concealed pistol license,

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Without	DOL must immediately notify a law enforcement agency that the
Notice	court has directed the revocation of the license." (8) Added voluntary
	surrender or testimony use in criminal prosecution language. (9)
	Added line for the judicial officer's printed name. (10) Updated the
	statutory citation and publication date in the footer.
8. XR 141	Changes: (1) Added section numbers to "clerk's action required."
Extreme Risk	(2) Added "or attempting to purchase or receive" to the "Warning to
Protection	Respondent!" paragraph. (3) Add "access" to the respondent notice
Order	at the top of page 2. (4) Added "by these deadlines" to the firearms
	surrender instructions, changed "attended the hearing" surrender
	deadline to "on the same day as the hearing," and added an
	"alternative service" instruction, "If you are served by other means,
	you must surrender all firearm/s to the control of local law
	enforcement agency within 24 hours of being served." (5) Moved
	"Notice" to section 2. (6) Added hearing attendance in section 3.
	(7) Added "or receive" to "The Court finds" paragraph and changed
	"them self" to "self." (8) Added "owns" to b, removed the list of
	statutory citations in e, added citation to h, added "Respondent has
	been convicted of a hate crime under RCW 9A.36.080" to j, and
	divided "imminent threat of harm to self" and "imminent threat of
	harm to others" as separate options in o and p. (9) Moved
	"Evaluation" section to 5. (10) Moved "data entry" to section 6,
	changed "on the same day the court issues the order" to
	"immediately", removed "where Respondent lives", and added, "List
	the same agency that entered the temporary order, if any."
	(11) Moved service on respondent to section 7 and updated the
	language to include both "required" and "not required" options.
	(12) Added a service on others section in section 8. (13) Moved
	"DOL Notification" to section 9 and added, "If respondent has a
	concealed pistol license, DOL must immediately notify a law
	enforcement agency that the court has directed the revocation of the license," (14) Added a "how to attend" agetter (15) Added voluntary
	license." (14) Added a "how to attend" section. (15) Added voluntary surrender or testimony use in criminal prosecution language.
	(16) In Notices, replaced 105 with 90. (17) Replaced "lawful owner
	agrees to store" language in "If someone else owns the firearms" to,
	"• the lawful owner provides written verification to the court regarding
	how they will safely store the firearm in a way that Respondent does
	not have access and control of the firearm; • the court advises the
	lawful owner of the penalty for failure to do so." (18) Added line for
	the judicial officer's printed name. (19) Updated the name of XR 105.
	(20) Updated the statutory citation and publication date in the footer.
9. XR 151	Changes: (1) Changed "105 th " to "90 th " in section 1. (2) Added
Motion to	gender-neutral pronoun, "accessing," and "attempting to purchase or
Renew	receive," and updated the citation in 2. (3) Added "owns" to b,
Extreme Risk	removed the list of statutory citations in e, added citation to h, added
Protection	"Respondent has been convicted of a hate crime under RCW
Order	9A.36.080" to j, and divided "imminent threat of harm to self" and
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	"imminent threat of harm to others" as separate options. (4) Changed "Return of Service to "Proof of Service" in the service warning language. (5) Updated the statutory citation and publication date in the footer.
10. XR 152 Order Setting Hearing: Motion to Renew Extreme Risk Protection Order	 Changes: (1) Added section numbering to the form and specified section numbers in "clerk's action required." (2) Updated the citation and changed "return of service" to "proof of service" in section 1. (3) Moved service on respondent to section 7 and updated the language to include both "required" and "not required" options. (4) Added a service on other section in section 3. (5) Added line for the judicial officer's printed name. (6) Updated the statutory citation and publication date in the footer. (7) Mandatory designation has been added to the footer.
11. XR 155 Order on Motion to Renew Extreme Risk Protection Order	 Changes: (1) Added section numbering to the form and specified section numbers in "clerk's action required." (2) Moved the notice language to section 1 and changed the "other" option to "electronic service." (3) Added hearing attendance language in section 2. (4) Added "or receive" to "Granted-Contested" in section 3, changed "them self" to "self", and updated the statutory citation. (5) Moved service on respondent to section 4 and updated the language to include both "required" and "not required" options. (6) Added service on others to section 5. (7) Added line for the judicial officer's printed name. (8) Updated the statutory citation and publication date in the footer. (9) Mandatory designation has been added to the footer.
12. XR 161 Motion to Terminate Extreme Risk Protection Order	 Changes: (1) Updated statutory citations. (2) Added "accessing" and "attempting to purchase or receive" to section 2, first checkbox. (3) Changed "return of service" to "proof of service" in the service warning. (4) Updated the statutory citation and publication date in the footer.
13. XR 163 Order Setting Hearing: Motion to Terminate Extreme Risk Protection Order	Changes: (1) Updated the statutory citation in section 1. (2) Changed "return of service" to "proof of service in section 2. (3) Added line for the judicial officer's printed name. (4) Updated the statutory citation and publication date in the footer. (5) Mandatory designation has been added to the footer.
14. XR 165 Order on Motion to Terminate Extreme Risk Protection Order	 Changes: (1) Added section numbering and updated statutory citations in the form. (2) Moved the notice language to section 1 and changed the "other" option to "electronic service." (3) Added hearing attendance language in section 2. (4) Moved "data entry" to section 4, changed "on the same day the court issues the order" to "immediately", removed "where Respondent lives", and added, "List the same agency that entered the temporary order, if any." (5) Moved DOL notification to section 5. (6) Added electronic service option to service in new section 6. (7) Added line for the judicial

	officer's printed name. (8) Updated the statutory citation and publication date in the footer. (9) Mandatory designation has been added to the footer.
15. XR 181 Motion and Declaration to Seal Records of Extreme Risk Protection Order	This is a new form to be used by those respondents whose ERPO was based solely on threats of self harm.
16. XR 185 Order Sealing Records of Extreme Risk Protection Order	This is a new form to be used when respondent seeks to seal ERPO that was based solely on threats of self harm.
17. XR 201 Petition for an Extreme Risk Protection Order – Respondent Under 18 Years	Changed: (1) Removed table formatting. (2) Combined 1A and 1B, reversed the order, and added, "Who is filing this petition?" (3) Added, "intimate partner" to "I am a family or household member of the respondent" in question 1, added intimate partner options, "[] current or former spouses or domestic partners [] parents of a child-in-common (unless child was conceived through sexual assault) [] current or former dating relationship (age 13 or older) who [] never lived together [] live or have lived together", and replaced the family or household member options to, "[] parent and child [] stepparent and stepchild [] grandparent and grandchild [] parent's intimate partner and child [] current or former cohabitants as roommates [] person who is or has been a legal guardian [] related by blood or marriage (<i>specify how</i>)." (4) Added, "What is your connection to this county?" to question 3. (5) Replaced "Describe below any firearms the respondent currently owns, possesses, has custody of, has access to, or controls." with "Based on your knowledge, what firearms does the respondent currently own, possess, has custody of, has access to or control? Please describe." in question 4. (6) Replaced "effective immediately" with "to start immediately" and added "attempt to purchase" and "accessing" in section 7. (7) Renumbered the request for an Extreme Risk Protection Order as new section 8. (8) Added "attempting to purchase or receive" to the statement explanation found before question 9. (9) Replace the service-address language in section 14 with, "You must provide an address where you can be served with legal documents. What is your address for receiving legal documents. What is your address. Law enforcement petitioners, list your department address. Mail:

	. (10) Updated statutory citation and publication date
	in footer.
18. XR 205 Law Enforcement and Confidential Information – Extreme Risk Protection Order – Respondent Under 18 Years	Changes: (1) Added confidential information caption with clerk instructions, replacing "do not file in the court file." (2) Replaced the explanatory language with, "If law enforcement cannot read this form, they cannot serve or enforce your order!" (3) After "Respondent's Information" replaced the existing explanation with instructions, "Fill out as much as you can. If you do not know, write "unknown." (4) Reordered box prompts. (5) Created new section, "Where can the Respondent be served?" to include cell number and social media accounts. (6) Added "How recent?" and "include unassembled firearms and specify" to Respondent hazard information. (7) Added, "Is the respondent a current or former cohabitant as an intimate partner? [] Yes [] No" under current status. (8) Made the same changes under parent or guardian section as in the respondent section. (9) Added sex, race, height, weight, eye color, hair color, skin tone, build to petitioner information and removed line for agency. (10) Moved privacy notice to the bottom of the form. (11) Added instruction to complete another copy of the form if there are information changes. (12) Added declaration language. (13) Updated footer with new statutory citation, form name, and publication date.
19. XR 221 Temporary Extreme Risk Protection Order – Without Notice – Respondent Under 18 Years	Changes: (1) Replaced page number with specific section numbers in "clerk's action required." (2) Added "or attempting to purchase or receive" to the "Warning to Respondent!" paragraph. (3) Add "access" to the respondent notice at the top of page 2. (4) Added numbered sections and removed table formatting. (5) Added deadline instructions for firearms surrender in section 1. (6) Added hearing attendance in section 2. (7) Added "or receive" to "The Court finds" paragraph and changed "them self" to "self." (8) Added "owns" to b, removed the list of statutory citations in e, added citation to h, added "Respondent has been convicted of a hate crime under RCW 9A.36.080" to j, and divided "imminent threat of harm to self" and "imminent threat of harm to others" as separate options in o and p. (9) Moved "data entry" to section 4, changed "on the same day the court issues the order" to "immediately", and removed "where Respondent lives." (10) "Moved service on respondent to section 5 and updated the language to include both "required" and "not required" options. (11) Added a service on others section in section 6. (12) Moved "DOL Notification" to section 7 and added, "If respondent has a concealed pistol license, DOL must immediately notify a law enforcement agency that the court has directed the revocation of the license." (13) Added section 8, "Transfer to Superior Court." (14) Added section 9, "After-Hours Order" for after- hours, law-enforcement petitions. (15) Added a "how to attend" section. (16) Added voluntary surrender or testimony use in criminal prosecution language. (17) Added line for the judicial officer's printed

	name. (18) Updated the name of XR 205 below signature lines. (19)
	Updated the statutory citation and publication date in the footer.
20. XR 231 Order Reissuing	Changes: (1) Added section numbering to the form and specified section numbers in "clerk's action required." (2) Added hearing attendance in section 1. (3) Added findings in section 2. (4) Updated
Temporary Extreme Risk Protection	the "data entry" language and moved to section 4. (5) Moved service language to 5 and updated with required and not required sections. (6) Moved service on parent or guardian to section 6 and added
Order – Without Notice –	required and not required sections. (7) Moved "DOL Notification" to section 7 and added, "If respondent has a concealed pistol license, DOL must immediately notify a law enforcement agency that the
Respondent Under 18 Years	 court has directed the revocation of the license." (8) Added voluntary surrender or testimony use in criminal prosecution language. (9) Added line for the judicial officer's printed name. (10) Updated the statutory citation and publication date in the footer.
21. XR 241 Extreme Risk Protection Order – Respondent Under 18	Changes: (1) Added section numbers to "clerk's action required." (2) Added "or attempting to purchase or receive" to the "Warning to Respondent!" paragraph. (3) Add "access" to the respondent notice at the top of page 2. (4) Added "by these deadlines" to the firearms surrender instructions, changed "attended the hearing" surrender deadline to "on the same day as the hearing," and added an
Years	"alternative service" instruction, "If you are served by other means, you must surrender all firearm/s to the control of local law enforcement agency within 24 hours of being served." (5) Moved "Notice" to section 2. (6) Added hearing attendance in section 3. (7) Added "or receive" to "The Court finds" paragraph and changed
	"them self" to "self." (8) Added "owns" to b, removed the list of statutory citations in e, added citation to h, added "Respondent has been convicted of a hate crime under RCW 9A.36.080" to j, and divided "imminent threat of harm to self" and "imminent threat of harm to others" as separate options in o and p. (9) Moved
	"Evaluation" section to 5. (10) Moved "data entry" to section 6, changed "on the same day the court issues the order" to "immediately", removed "where Respondent lives", and added, "List
	the same agency that entered the temporary order, if any." (11) Moved service on respondent to section 7 and updated the language to include both "required" and "not required" options.
	(12) Moved service on parent or guardian to section 8 and added a required and not required language. (13) Moved "DOL Notification" to section 9 and added, "If respondent has a concealed pistol license, DOL must immediately notify a law enforcement agency that the
	court has directed the revocation of the license." (14) Added a "how to attend" section. (15) Added voluntary surrender or testimony use in criminal prosecution language. (16) In Notices, replaced 105 with
	90. (17) Replaced "lawful owner agrees to store" language in "If someone else owns the firearms" to, "• the lawful owner provides written verification to the court regarding how they will safely store

22. XR 281 Motion and Declaration to Seal Records of Extreme Risk Protection Order – Respondent Under 18	the firearm in a way that Respondent does not have access and control of the firearm; • the court advises the lawful owner of the penalty for failure to do so." (18) Added line for the judicial officer's printed name. (19) Updated the name of XR 105. (20) Updated the statutory citation and publication date in the footer. Changes: (1) Updated statutory citations. (2) Added "Respondent" to first signature line under Motion. (3) Updated the statutory citation and publication date in the footer.
Years 23. XR 285 Order Sealing Records of Extreme Risk Protection Order – Respondent Under 18 Years	Changes: (1) Updated statutory citation. (2) Under "the court finds" replaced "sealing is required because" to "conditions for sealing have been met because." (3) Under "the court finds" replaced "sealing is not required because" with "conditions for sealing have not been met because." (4) Added "respondent" to signature line. (5) Added line for the judicial officer's printed name. (6) Mandatory designation has been added to the footer. (7) Updated the statutory citation and publication date in the footer.
24. XR 301 Denial Order – Extreme Risk	 Changes: (1) Added checkbox for "respondent under 18 years in list of matters. (2) Changed "Return of Service" to "Proof of Service" in last checkbox. (3) Added line for the judicial officer's printed name. (4) Mandatory designation has been added to the footer. (5) Updated the statutory citation and publication date in the footer.
25. XR Brochure Extreme Risk Protection Order Brochure	Changes: (1) Added "or attempt to purchase or receive" to "What can an Extreme Risk Protection Order do." (2) Under "Who can request the order?": added "intimate partner, "updated the definition of family or household, and added the definition of "intimate partner." (3) Updated statutory citations throughout the brochure. (4) Updated surrender language by rephrasing the statement to "respondent must surrender" and "The law enforcement officer serving the order requests that respondent immediately surrender all firearms and concealed pistol licenses to the officer If the respondent was present at the hearing, they must surrender all firearms and concealed pistol licenses on the same day to the local law enforcement agency If served by other means, the respondent must surrender them within 24 hours of being served."
26. XR Brochure18 Extreme Risk Protection	Changes: (1) Changed the verb tenses under "What can an Extreme Risk Protection Order – Respondent Under 18 Years Do." (2) Under "Who can request the order?": added "intimate partner, "updated the

Order –	definition of family or household, and added the definition of
Respondent	"intimate partner." (3) Corrected "assessing" to "accessing" and
Under 18	added "or attempting to purchase or receive" to step 4. (4) Removed
Years -	"municipal court" from section 3. (5) Updated "when must I
Brochure	surrender" language to, "If you were present at the hearing you must
Dicondic	surrender all firearms the same day to the local law enforcement
	agency. If you were served by other means, you must surrender all
	firearms to the local law enforcement agency within 24 hours of
	being served." (6) Updated publication date.
27. XRi 101	Changes: (1) Added "intimate partner" and changed "police" to "law
Instructions	enforcement" in first sentence. (2) Removed "the top of" under
for Petition	"Firearms." (3) Changed pronouns to gender-neutral ones. (4) Added
for Extreme	"Request for an Extreme Risk Protection Order" section. (5) Added
Risk	explanation for the service address requirement. (6) Updated the
Protection	form name to "Law Enforcement and Confidential Information" and
Order	added "each party's" to the instruction. (7) Added "of which you are
	aware" to the brain injury language. (8) Updated publication date in
	footer.
28. XRi 141	Changes: (1) Renumbered and reordered instructions to correspond
Instructions for Extreme	to XR 141 numbering. (2) Updated the service instruction, "Copies of this order must be served on the Respondent. Service must be by
Risk	personal delivery unless weapons surrender has already occurred
Protection	and been verified by the court or the court orders service by
Order	publication, mail, or electronic means. You cannot deliver the copies
	to the Respondent yourself. Personal service may be by law
	enforcement officer, at no charge. After the court has verified that
	weapons have been surrendered and authorized electronic service,
	you may elect to have service by " (3) Changed pronouns to gender-
	neutral ones. (4) Updated publication date in footer.
29. XRi 201	Changes: (1) Added "intimate partner" and changed "police" to "law
Instructions	enforcement" in first sentence. (2) Removed "the top of" under
for Petition	"Firearms." (3) Changed pronouns to gender-neutral ones. (4) Added
for Extreme	"Request for an Extreme Risk Protection Order" section. (5) Added
Risk	explanation for the service address requirement. (6) Updated the
Protection	form name to "Law Enforcement and Confidential Information" and
Order –	added "each party's" to the instruction. (7) Added "of which you are
Respondent	aware" to the brain injury language. (8) Updated publication date in
Under 18	footer.
Years	

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

http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14.

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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.