

_____ Court of Washington
For _____

Petitioner
vs.

Defendant/Respondent/Restrained Person

**No. Findings and Order on Review:
Weapons Surrender Compliance**
(check only one box)
 In compliance (ORRWSC) (1 & 3)
Not in compliance:
 Order Setting Compliance
Review Hearing (ORCRH) (5)
 Order Continuing Hearing –
Weapon Compliance
(ORCNTWC) (6)
 Order Finding Noncompliance
and to Go to Court for
Contempt Hearing (Order to
Show Cause) (ORCROSC) (7)

Next Hearing Date/Time: _____

Clerk's action required: see above

The court issued an *Order to Surrender and Prohibit Weapons* on _____ (date).

The Law Enforcement return of service is is **not** filed.

On _____ (date), the court reviewed the record heard
_____ or heard compliance review.

The defendant/respondent/restrained person did did **not** attend the hearing.

The court considered the *(check all that apply)*:

- Incident Report Petition/Petitioner's Statement
- Proof of Surrender Declaration of Non-Surrender
- Receipt for Surrendered Firearms, Other Dangerous Weapons, and Concealed Pistol Licenses
filed by the Defendant/Respondent/Restrained Person Law Enforcement

Declaration of: Law Enforcement Protected Person Other _____

Testimony of: _____

The defendant/respondent/restrained person failed to appear at the hearing and no Declaration or Proof has been filed.

Other: _____

The court finds that the Defendant/Respondent/Restrained Person is:

1. In Compliance:

The defendant/respondent/restrained person has signed a declaration of non-surrender. The court considered other evidence and allegations regarding the defendant/respondent/restrained person's alleged possession or ownership of firearms, dangerous weapons, or concealed pistol licenses, if any, and concludes that there has been a sufficient showing that the defendant/respondent/restrained person has complied with the conditions of RCW 9.41.800 and is in compliance. The court makes the following additional findings regarding the basis for compliance:

or

The defendant/respondent/restrained person has signed a proof of surrender and indicates that s/he **has surrendered all** firearms, dangerous weapons, or concealed pistol licenses in his/her possession to law enforcement and has filed proof of surrender and a copy of the law enforcement receipt. **Law enforcement verified receipt** by filing the original receipt in the court file. There are either no further **allegations or no further credible evidence that there are more** firearms, dangerous weapons, or concealed pistol licenses to surrender. Therefore, the court concludes that, by a preponderance of the evidence, the defendant/respondent/restrained person has complied with the conditions of RCW 9.41.800. The court makes the following additional findings regarding the basis for compliance:

and

Number of firearms surrendered under this cause number: _____

2. Not in Compliance:

The defendant/respondent/restrained person has indicated that s/he **is 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/petitioner's statement, or declaration/s that the defendant is in possession of firearms, dangerous weapons, and/or concealed pistol licenses that need to be immediately surrendered.

The defendant/respondent/restrained person indicates that s/he has 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 defendant/respondent/restrained person has provided **insufficient information** to the court to determine if the defendant has surrendered all firearms, dangerous weapons, and/or concealed pistol licenses in his/her possession.

The court orders that:

3. The defendant/respondent/restrained person is in compliance with the *Order to Surrender and Prohibit Weapons*. The court waives the requirement for a compliance review hearing.
- The compliance review hearing scheduled in this case is canceled.
4. The defendant/respondent/restrained person is **not** in compliance with the Order to Surrender and Prohibit Weapons **and shall, pending next review hearing:**

Immediately, by _____ a.m./p.m. today, surrender their firearms, dangerous weapons, 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

- Defendant/respondent/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).
 - Defendant/respondent/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 defendant/respondent/restrained person, that they understand their legal obligation to keep the firearms out of the defendant/respondent/restrained person's possession, access, or control, and that they understand they may be charged with a crime if they allow the defendant/respondent/restrained person access to any firearms.
 - d. Proof that an official sale/transfer of all handgun(s) and semi-automatic rifles 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.

5. A compliance review hearing is set for _____ (date) at _____ a.m./p.m. at _____ court _____ (department/judge/calendar).

6. The compliance review hearing is continued to _____ (date) at _____ a.m./p.m. at _____ court _____ (department/judge/calendar).

Defendant must attend this hearing and testify under oath verifying s/he complied with the order.

7. The defendant/respondent/restrained person is **not** in compliance with the Order to Surrender and Prohibit Weapons.

The defendant/respondent/restrained person:

Failed to fully comply with the Order to Surrender and Prohibit Weapons.

Failed to appear at the compliance review hearing set for _____ (date) at _____ a.m./p.m. at _____ court _____ (department/judge/calendar).

Violated the Order to Surrender and Prohibit Weapons 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 and finds there is reason to approve this order.

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

At the hearing, defendant/respondent/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.

Warning to defendant/respondent/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.

Dated _____ at _____ a.m./p.m.

Judge/Pro Tem/Commissioner

I acknowledge receipt of a copy of this order:

Signature

Signature

Signature

Signature

Notice to Law Enforcement

The clerk of court shall forward a copy of this order on the same day the court issues the 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.

Upon receiving this notice, that law enforcement agency must:

- Provide the court with a complete list of firearms and other dangerous weapons surrendered by the defendant/respondent/restrained person.
- Provide the court with verification that any concealed pistol license(s) issued to the defendant/respondent/restrained person has been surrendered and the agency that can revoke the license was notified.
- If there is reasonable suspicion that the defendant/respondent/restrained person is not in full compliance with the terms of the Order to Surrender and Prohibit Weapons, then an affidavit must be filed with the court before the hearing date that provides the basis for this belief.

Service

- The defendant/respondent/restrained appeared in person. Additional service is not required.
- The defendant/respondent/restrained did not appear in person.
 - 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 defendant/respondent/restrained lives** who will serve a copy of this order on respondent 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 defendant/respondent/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 defendant/respondent, or the court finds that there are now reasons to allow such service. Therefore, the court orders service of this order on defendant/restrained person by /respondent/restrained by publication mail.