

What can an Extreme Risk Protection Order – Respondent Under 18 Years do?

While most minors are already prohibited from possessing firearms (except under certain conditions) there are times when a minor may have access to firearms. An Extreme Risk Protection Order (ERPO) restrains the minor from accessing, possessing, or controlling a firearm. Any firearms the minor has access to would need to be removed or secured from their control. An ERPO would make it illegal for the minor to access, possess, buy, or have control of firearms.

Who is it filed against?

A youth 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 request the order?

A petition can be filed by a law enforcement agency or an intimate partner or 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)

Will a Guardian ad Litem be appointed for me?

If you are 16 or 17, you are not required to have a Guardian ad Litem (GAL), but the court may choose to appoint one. The court must appoint one if you are 15 or younger.

Who will get a copy of the orders?

You, your parent or legal guardian, and DCYF if there is a dependency or out-of-home-placement case about you.

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>

<i>Local Resources</i>

Are you a youth served with an Extreme Risk Protection Order – Respondent Under 18 Years?

Read this brochure to learn important information.

Chapter 7.105 RCW

The Washington Pattern Forms Committee
July 2022

What do I do if I am served with a Petition and a Temporary Extreme Risk Protection Order – Without Notice - Respondent Under 18 Years?

Step 1: Surrender any and all firearms

The law enforcement officer who serves you will request that you 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. The judge may appoint a Guardian ad Litem (GAL) at the hearing. That person will help you at the hearing. You may also bring a parent or guardian to the hearing.

Step 3: What if I disagree with the request for an order that lasts 1 year?

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 will need to answer truthfully, under oath. You will need to

explain to the judge that you do not pose a significant danger to yourself or others by having firearms.

Step 4: What happens if the Judge signs an Extreme Risk Protection Order – Respondent Under 18 Years?

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 – Respondent Under 18 Years, 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 – Respondent Under 18 Years** form XR 281:

- at the full hearing in superior or juvenile court
- any time during the life of the order
- after the order ends

The court shall seal the court records from public view if:

- there are no other active protection orders against you;
- there are no pending violations of the order;
- evidence exists that you fully complied with the surrender of any and all firearms, as ordered in the Extreme Risk Protection order.

If a judge in a district court issued the temporary order, 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 present at the hearing you must 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.