

January 31, 2018

TO: Judges, Commissioners, County Clerks, Court Administrators, Libraries, Attorneys, and Public

FROM: Merrie Gough, AOC Sr. Legal Analyst

RE: Summary of Changes to Sexual Assault Protection Order Forms

The Washington Pattern Forms Committee updated the mandatory Sexual Assault Protection Order forms to implement recommended changes to surrender of weapon provisions. These changes are published with changes to the Surrender of Weapons forms.

Please note: This update does not include revisions to the *Petition for Sexual Assault Protection Order* and *Instructions for Petition for Sexual Assault Protection Order* that require changes to conform to the Washington State Supreme Court opinion *Roake v. Delman*, No. 93456-8 (January 11, 2018). Look for those updates later in February or early March, 2018.

Detailed descriptions of the changes to the Sexual Assault Protection Order forms are in the table below:

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| Form number | Form title and description |
| **WPF SA 2.015** | **Temporary Sexual Assault Protection Order and Notice of Hearing**  Delete the code “ORWPN” in the first page caption and in the footer. The Order to Surrender Weapons is now a separate document.  On page two, change the “Surrender of Weapons” check box option as follows:  “ **Surrender of Weapons Order filed separately**  ~~Respondent shall immediately surrender any firearms and other dangerous weapons to the person or agency named in the Order to Surrender Weapons (Issued without Notice) signed by the court on this date, under this cause number.~~  The respondent must comply with the ***Order to Surrender Weapons Issued Without Notice*** filed separately, which requires the respondent to surrender any firearms and other dangerous weapons.  The court finds that irreparable injury could result if the order to surrender weapons is not issued.” |
| **WPF SA 3.015** | **Sexual Assault Protection Order**  Delete the code “ORWPNP” in the first page caption and in the footer. The Order to Surrender Weapons with Concealed Pistol License surrender is now a separate document.  On page three, change the beginning of the section “**Prohibit Weapons and Order Surrender**” as follows:  “The Respondent must:   * not possess or obtain ~~or possess~~ any firearms, other dangerous weapons, or concealed pistol license; and * ~~turn in any firearms, other dangerous weapons, and concealed pistol license as stated in~~ comply with the ***Order to Surrender Weapons*** filed separately.”   Make the following changes in the “Findings” section:  Change the check box option that begins with “must” as follows:  “ **must** issue the orders referred to above ~~above orders and an~~ ***~~Order to Surrender Weapons~~***because:”  Change the check box option that begins with “may” as follows:  “ **may** issue the orders referred to above ~~above orders and an~~ ***~~Order to Surrender Weapons~~***because the court finds by a preponderance of evidence, the Respondent*:*” |
| **SA 4.020** | **Return of Service**  In section 3, in the first check box option, change the second check box sentence as follows:  “ I ~~have~~ notified the petitioner that respondent was not served.”  In the same section, in the second check box option, change the sentence check box sentence as follows:  “ I ~~have~~ notified the respondent that petitioner was not served.”  In section 4, in the list of documents, in the right column, immediately after the check box for “Sexual Assault Protection Order,” insert the following two check box options:  “ Order to Surrender Weapons Issued without Notice  Order to Surrender Weapons”  In the footer, change “Laws of 2016, ch. 138” to “RCW 7.90.” | |
| **SAi 2.015** | **Instructions for Temporary Order for Protection and Notice of Hearing**  These instructions have been substantially revised. Please replace the prior instructions with the new instructions. | |
| **SAi 3.015** | **Instructions for Order for Protection**  These instructions have been substantially revised. Please replace the prior instructions with the new instructions. | |