

_____ Court of Washington, County of _____

Petitioner

DOB

vs.

Respondent

DOB

No. _____

**Temporary Extreme Risk Protection
Order - Without Notice
(EXRPO)**

Next Hearing Date/Time: _____

Court address: _____

At: _____

Clerk's Action Required: **4, 5, 6, 7**

Temporary Extreme Risk Protection Order - Without Notice

Warning to Respondent! You are prohibited from having a firearm in your custody or control, or from purchasing, possessing, accessing, receiving, or attempting to purchase or receive any firearm. You must surrender any and all firearms including but not limited to the firearms as described below. If you violate this order, you may be charged with a crime and you may not be able to have a firearm for at least 5 more years after this order expires. RCW 7.105.460(2).

You have the sole responsibility to not violate this order. Only the court may change this order and only after written application.

Respondent's Distinguishing Features:

Respondent Identifiers

| | | |
|--------|--------|------|
| Sex | Race | Hair |
| Height | Weight | Eyes |
| | | |

This temporary order expires at the end of the next hearing date listed above.

Respondent: You must immediately surrender all firearms and any concealed pistol licenses listed below. If you have other firearms, you must surrender all of them also:

| | |
|--|--|
| | |
| | |
| | |

Attach additional sheet if there are more firearms to list.

Respondent: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license, while this order is in effect. You must surrender to the (*name of local law enforcement agency*) _____ all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 immediately. A hearing will be held on the date and time noted above to determine if an *Extreme Risk Protection Order* should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.

Respondent:

1. Firearms Surrender. You must immediately surrender all firearms by these deadlines:

- A. Personally served:** If this order is served by a law enforcement officer, immediately surrender all firearm/s and any concealed pistol license/s to the serving officer.
- B. Attended the hearing:** If you attended the hearing where the court issued this order, surrender the firearm/s and concealed pistol license/s to the law enforcement agency listed in this order on the same day as the hearing. Contact the law enforcement agency for directions on how to surrender the firearm/s. Do not bring weapons to the courthouse for surrender.
- C. Alternative service:** 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.

2. Ex Parte Hearing

- The court issues this temporary order without a hearing.
- The court held a hearing before issuing this temporary order. These people attended:
 - Petitioner in person by phone by video
 - Respondent in person by phone by video
 - Other: _____ in person by phone by video

3. Based upon the evidence presented, the court finds reasonable cause to believe Respondent poses a significant danger of causing personal injury to self or others in the near future by having in Respondent’s custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive firearms based upon (*check all that apply*):

- a. Respondent has access to someone else's firearm/s.
- b. Respondent owns a firearm/s or has expressed intent to obtain a firearm/s.
- c. Respondent has unlawfully or recklessly used, displayed, or brandished a firearm.
- d. Respondent recently acquired a firearm/s.
- e. Respondent violated a civil or criminal protection order, no-contact order or restraining order.
- f. Respondent was/is the subject of a previous or current *Extreme Risk Protection Order*.
- g. Respondent violated a previous or current extreme risk protection order.
- h. Respondent has been arrested for or convicted of a domestic violence crime as defined in RCW 10.99.020.
- i. Respondent has been arrested for or convicted of a felony offense or violent crime.
- j. Respondent has been convicted of a hate crime under RCW 9A.36.080.
- k. Respondent has recently committed or threatened violence against self or others, whether or not Respondent had a firearm.
- l. Respondent has shown, within the past 12 months, a pattern of acts or threats of violence, which can include violent acts against self or others.
- m. Respondent has a history of use, attempted use, or threatened use of physical force against another person.
- n. Respondent has a history of stalking another person.
- o. Respondent's behaviors present an imminent threat of harm to self.
- p. Respondent's behaviors present an imminent threat of harm to others.
- q. There is corroborative evidence of Respondent's abuse of alcohol or controlled substances.
- r. Other: _____

4. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) _____
(check only one): Sheriff's Office or Police Department

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

5. Service

Required. The restrained person must be served with a service packet, including a copy of this order, the petition, and any supporting materials filed with the petition.

The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with the service packet and shall promptly complete and return proof of service to this court.

Personal Service Required. This is a domestic violence emergency order. The court has **not** verified that all firearms and any concealed pistol license have been temporarily removed by law enforcement.

Law enforcement agency: (*county or city*) _____
(*check only one*): Sheriff's Office or Police Department

Clerk's Action. The court clerk shall forward a service packet on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of the service packet to the protected person.

Alternative Service Allowed. The court authorizes alternative service by separate order (*specify*): _____.

Not required. The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. See section 2 above for appearances. (*May apply even if the restrained person left before a final ruling is issued or signed.*)

6. Service on Others

Service on the adult's guardian/conservator (*name/s*) _____ is:

Required.

The **law enforcement agency** where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (*county or city*) _____
(*check only one*): Sheriff's Office or Police Department

The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

Not required. They appeared at the hearing where this order was issued and received a copy.

7. DOL Notification

The issuing court shall, within 3 judicial days after this order is issued, forward a copy of the Respondent's driver's license, identicard, or comparable information along with the date of issuance to DOL. 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.

8. Transfer to Superior Court

This case is transferred to Superior Court and all actions in this case will be handled in the Superior Court listed below.

Court Hearing. A hearing is scheduled in _____ County Superior Court on (*date*) _____, at (*time*) _____ a.m./p.m. at (*location*): _____

See **How to Attend** below.

9. After-Hours Order - Law Enforcement Petitions





The below named judicial officer directs the Petitioner to affix the judge’s signature below, to signify that the judicial officer has reviewed the petition and evidence presented and found that it established reasonable cause for the issuance of this *Temporary Extreme Risk Protection Order – Without Notice*. Permission to affix the judicial officer’s signature was communicated by:



telephone email fax other reliable method (*specify*): _____

10. RESPONDENT: You must appear at the next hearing stated on page 1 of this order.

How to attend the next court hearing (date and time on page 1)

The hearing scheduled on page 1 will be held:

| | |
|---|--|
|  | <p>In person</p> <p>Judge/Commissioner: _____ Courtroom: _____</p> <p>Address: _____</p> |
|  | <p>Online (<i>audio and video</i>) App: _____</p> <p><input type="checkbox"/> Log-in: _____</p> <p><input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate online (audio and video). To make this request, contact: _____</p> |
|  | <p>By Phone (<i>audio only</i>) <input type="checkbox"/> Call-in number _____</p> <p><input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate by phone only (without video). To make this request, contact: _____</p> |
|  | <p>If you have trouble connecting online or by phone (instructions, who to contact)</p> <p>_____</p> <p>_____</p> |

| | | | |
|--|--|---|---|
|  | Ask for an interpreter, if needed. Contact: _____ _____ |  | Ask for disability accommodation, if needed. Contact: _____ _____ |
| Ask for an interpreter or accommodation as soon as you can. Do not wait until the hearing! | | | |

This order may be extended pursuant to RCW 10.99.040(3).

Voluntarily surrendering firearms or providing testimony regarding the surrender of firearms pursuant to an extreme risk protection order may not be used against you in any criminal prosecution under chapters 7.105, 9.41, or 9A.56.310 RCW.

Dated: _____ at _____ a.m./p.m. _____
Judge/Commissioner

 Print Judge/Commissioner Name

Presented by:

 Signature of Petitioner/Attorney WSBA No.

 Print Name/Badge Number, if applicable

The Petitioner or Petitioner's attorney must complete the *Law Enforcement and Confidential Information – Extreme Risk Protection Order, form XR 105.*