

## Instructions for Petition for an Extreme Risk Protection Order

An Extreme Risk Protection Order is designed to prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing an intimate partner, family, household members, and law enforcement to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of threatening or violent behavior.

This type of order doesn't provide protections to the petitioner. It cannot order restraints against the respondent such as "do not harm," "stay away from," and "do not contact" the petitioner.

The court can order that the respondent surrender firearms and any concealed pistol licenses, and that respondent not possess or purchase firearms.

If the respondent is under 18 years old, use the form "Petition for Extreme Risk Protection Order – Respondent Under 18 Years."

This form is used to start the case. This form will be:

- Filed as a public court record and will start a civil court case.
- Served (personal delivery) to the person against whom you are seeking the order.

The information in the petition is used by the court to determine if:

- You are authorized to file this type of petition.
- The court has authority to enter an order on your behalf.
- The respondent's behavior meets the legal requirements for the court to grant the order.

This form is used to request both an immediate temporary order and a full order:

- If you have facts to support your fears, and the court finds an emergency exists, the court may immediately issue a temporary order that will last until the court holds a hearing, usually within 14 days.
  - The clerk shall forward a copy of the petition and the temporary order to law enforcement who will serve the respondent.
- There is no fee.
  - You must provide an address for the respondent.
  - The law enforcement officer completing service on the respondent must file an affidavit, declaration, or certificate of service with the court or the hearing cannot go forward.
- You must attend the hearing. At the hearing, the court will determine if it should issue a full order. The respondent has a right to attend that hearing and defend against your allegations.

## **Please Print Clearly Using Black or Blue Ink!**

### **Top of the form**

Fill in your name (first, middle initial, last) as the “Petitioner.” The person against whom you are filing is the “Respondent.” Fill in the respondent’s name (first, middle initial, last).

### **Who is Filing this Case** (Section 1)

The court must know who is filing this case.

- If you are a law enforcement officer, check the first checkbox and identify the agency. Also check the appropriate box about notice you’ve provided, or will attempt to provide, to the respondent’s intimate partner, family or household member, or any known third parties who may be at risk.
- If you are an intimate partner or family or household member, check the second checkbox in section 1 and also check the box identifying your relationship with the respondent.

### **Residency** (Section 2)

Check the applicable box/es.

### **Firearms** (Section 3)

The court needs to know the type and location of any firearms the respondent currently owns, possesses, has custody of, has access to, or controls. In section 3, check the type of firearm, list the number of each type, where the firearms are kept, and the date, time, and place you last saw them. You can use the *Firearm Identification Worksheet*, form XR 102, to help identify types of firearms. You may attach the *Firearm Identification Worksheet* to your petition.

In section 3, check the boxes that apply and write in the facts that explain the boxes you checked.

### **Court Cases Involving You** (Section 4)

This may not be the first court proceeding involving you and the respondent. The court will need to know about other cases, such as divorce, parentage, or criminal, or other restraining orders, protection orders, or no-contact orders.

If there are other cases or court orders involving you and the respondent, list the case name (the parties’ names), the case number (if you know it), the court (district, municipal, or superior) and the county, type of case, name of any protected person, and any times the respondent violated the order.

### **Court Cases Involving Others** (Section 5)

The court must know about any other court cases between the respondent and any other person. To the best of your knowledge, list any criminal or civil lawsuits; protection, restraining, or no-contact orders.

## **Request for Emergency Order** (Section 6)

You may fear that, **in the near future**, the respondent poses a **significant danger** of causing personal injury to others or to themselves, through the use of firearms. You can ask the court to restrict the respondent's right to firearms on a temporary basis, until the court hearing.

Check the box and describe the facts that support your fears.

## **Request for an Extreme Risk Protection Order** (Section 7)

Check this box to ask the court to issue a full Extreme Risk Protection Order that will last for one year.

## **Statement** (Section 8)

First read through the statement section in the petition before you start writing. There are several places for you to provide facts about the respondent's behavior and describe your reasons for filing this case.

## **Convictions or Arrests** (Section 8)

The court will consider the respondent's criminal history involving felonies, domestic violence, hate crime offenses, and violent crimes. If you have knowledge that the respondent has been arrested or convicted of such crimes, check the appropriate box/es and describe.

## **Violence and Threats** (Section 9)

The court will consider the behavior that causes you to fear the respondent poses a significant danger of causing personal injury to others, or to him or herself. Check each box that applies and describe exactly what happened. Include details such as dates, locations, statements, and injuries. You may attach additional pages if you need more room to write.

## **Respondent's Behavior** (Section 10)

The court will consider any behaviors that present an imminent threat of harm to self or others. Describe anything the respondent has said or done that causes you to fear such harm.

## **Evidence of Alcohol or Substance Abuse** (Section 11)

Describe evidence of respondent's abuse of alcohol, legal or illegal drugs, including driving under the influence of alcohol or drugs.

## **Other** (Section 12)

If you have additional information to help the court make a decision, describe it here. If you have additional documents such as records, reports, printouts of text messages or other social media, you may attach them to the petition.

Alert: Any medical records must be filed under seal

## **Service (Section 13)**

The responding party has the right to file a written response to your petition. You must give a service address to get a copy of any response. You can choose to list a mailing and/or an email address. You have the right to keep your home address confidential. You can use a post office box or the address of a friend or relative you trust to tell you immediately if you get any legal papers. Regularly check for a response.

## **Sign the Form**

When you are done completing the petition, you will swear to the truthfulness of your statement. Put the date you signed the petition in the date line and fill in the city where you are completing this form.

Sign the form. Print your name below your signature. If you are a law enforcement officer, include your badge/personnel number. If you are an attorney, include your Washington State Bar Association number.

## **Law Enforcement and Confidential Information – Extreme Risk Protection Order**

You must complete a Law Enforcement and Confidential Information form, XR 105. This form is confidential, and it does not go in the public court file and is not served on the respondent.

- It is used by Law Enforcement to locate and identify the respondent when serving documents.
- It is also used by Law Enforcement when entering the order in the state-wide database.

Complete as much information as possible, especially first name, middle initial, last name, and date of birth.

If the respondent has a disability, brain injury, or other impairment, of which you are aware, you may know of special assistance that law enforcement could provide when serving the documents. For example:

“Respondent has a brain injury. If respondent is rushed, respondent may freeze up and may not respond quickly, or may become verbally aggressive. Remind respondent to contact a friend.”

“Respondent has epilepsy and diabetes and may have seizures when stressed. Respondent doesn’t respond well to being rushed and will need time to get meds and supplies.”