

What can an Extreme Risk Protection Order do?

An Extreme Risk Protection Order directs a person to surrender their firearms. It would be illegal to access, receive, purchase, possess, have control of, or attempt to purchase or receive firearms. It restrains the person from obtaining a concealed pistol license and orders them to surrender a license if they already have one.

Who is it filed against?

A person who poses a significant danger of causing personal injury to self or others in the near future by having firearms. Factors that demonstrate such a risk include threatening or violent behavior, threats of self-harm, and abuse of drugs or alcohol. The person who is alleged to be dangerous is called the Respondent.

Who can request the order?

A petition can be filed by an intimate partner or family or household member of the respondent or law enforcement. The person or agency filing the case is called the Petitioner. Family or household members include:

- Persons related by blood, marriage, domestic partnership, or adoption
- Persons who have a child in common
- 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)

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/faq-extreme-risk-protection-orders.html>

<http://protectionorder.org/erpo/ive-been-served-with-an-erpo.html>

<http://protectionorder.org/erpo/how-do-i-turn-in-my-firearms.html>

If you need personal protection, such as a domestic violence protection, you can:

- find more information on www.courts.wa.gov/forms, or
- contact your local court for resources.

Local Resources

Information on Extreme Risk Protection Orders



This type of order cannot restrain the respondent from contacting a person nor can it order the respondent to stay away from any person or place.

Chapter 7.105 RCW

The Washington Pattern Forms Committee wishes to thank the ERPO Implementation Stakeholder Group and the King County Court Administration Office
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How to Apply for an Extreme Risk Protection Order

Step 1: Petition the Court



You may petition on your own or hire a lawyer to represent you.

You must swear under oath that the things you write in the petition are true.

In the petition, you must state in writing the specific statements, actions, or facts that show the respondent is a high risk for harming themselves or another person if the respondent has access to firearms.

Information the court may look for includes:

- the types of any firearms the respondent may have, and where they are;
- any other protection orders or court cases involving the respondent;
- medical or police records, if you have them.

Step 2: File the Petition

The case must be filed in the county where the petitioner or the respondent resides. The case can be filed in a municipal, district, or superior court; however, the full hearing will be in superior court.

Step 3: Appear for a Temporary Hearing



After you file the petition, a judge will decide whether or not to give you a temporary order. You may need to talk with the judge in a courtroom. The judge will ask you questions and you will need to answer truthfully under oath. If the judge grants your petition, you will get a Temporary Extreme Risk Protection Order Without Notice for 2 weeks. The court papers will state the time and date of the next hearing--which you must attend.

Step 4: Notice to Respondent

A copy of your petition, the temporary order, and notice of the hearing must be served on (given to) the respondent by a law enforcement officer. You must provide the best available address.

The officer must give these papers to the respondent personally at least **5** court days before the full hearing.



Step 5: Appear for a Full Hearing

After 2 weeks, you will come back to court. If possible, you can hire a lawyer to represent you at this hearing—but you are not required to have one. The respondent will likely be at this hearing and may also bring a lawyer. You should come to this hearing, whether

the respondent has been served or not. If you do not come, the court will dismiss the case and will not sign an order. At the full hearing, be prepared to explain your request to the judge. Both you and the respondent may be asked questions by the judge, the lawyers, or one another about your request and your statement. The judge will decide whether or not to sign an Extreme Risk Protection Order.

How long does the order last?

It lasts 1 year, but it can be renewed for additional 1-year periods. Any motion (request) to renew must be filed within the 105 days before the order expires.

Terminating Orders

The respondent may file a motion to terminate the Extreme Risk Protection Order only one time during the 1-year period the order is in effect. The Respondent must prove that they do not pose a significant danger to self or others by having firearms.

The respondent must surrender firearms and concealed pistol licenses when:

- The law enforcement officer serving the order requests that respondent immediately surrender all firearms and concealed pistol licenses to the officer.
- If the respondent was present at the hearing, they must surrender all firearms and concealed pistol licenses on the same day to the local law enforcement agency.
- If served by other means, the respondent must surrender them within 24 hours of being served.