

# **Firearms Technical Assistance Project**

## **Compendium of Petition and Affidavit Language**



Firearms Technical Assistance Project

To effectively implement firearms restrictions in domestic violence cases, courts, law enforcement, and other justice system professionals need to have access to clear and complete information about abusers use of and access to firearms, including the type and location of firearms involved. Petitioners for civil protection orders can be a source of this information, as long as they also have access to advocacy services to assist them with safety planning and in understanding the pros and cons of identifying any firearms involved in their situation.

This compendium contains examples from around the country of language used in the civil protection order process that ask questions/provide space for firearms information. We assembled these samples for reference by community stakeholders who are engaged in amending or creating their own forms. Please note that the compendium is like a menu of options; you should read through the examples and decide on language that fits your local process and statutory authority. Not all of these examples are applicable to every jurisdiction.

Ideally, the revision of existing protection order petitions and affidavits is a collaborative process. Although it is ultimately the court that adopts new forms, meaningful participation in their development by victim advocates, attorneys, law enforcement officers (those responsible for service as well as enforcement of orders), and others can help ensure that the revised forms meet the needs of the various stakeholders, including victims.

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Forms provided by the following jurisdictions:

- Miami, FL (Court DV Intake Questionnaire)
- Connecticut (Relief From Abuse Petition)
- Wyoming (Petition and Instructions)
- Philadelphia County, PA
- Washington State (DV Petition and Instructions)
- Wisconsin
- West Virginia (Petition)
- Oregon (Petition)
- California (Petition)
- New Mexico (Petition)
- Montana (Petition)
- Illinois (Petition)
- Vermont (Affidavit)

**Miami, FL (Court DV Intake Questionnaire)**

**Examples of firearm-related language from civil protection order petitions**

Does this person own, possess and/or is known to possess a firearm? [ ] yes [ ] no [ ] I don't know

If yes, what type(s) \_\_\_\_\_ Has the Respondent threatened to use it against you? [ ] yes [ ] no [ ]

Is this person required to carry/use a firearm in the capacity of his/her job? [ ] yes [ ] no

**Connecticut (RFA Petition)**

**Optional to Applicant** (If you choose to answer, "X" the appropriate boxes below)

- 1. Does the Respondent hold a permit to carry a pistol or revolver? .....  Yes  No  Unknown
- 2. Does the Respondent hold an eligibility certificate for a pistol or revolver, a long gun eligibility certificate, or an ammunition certificate? .....  Yes  No  Unknown
- 3. Does the Respondent possess one or more firearms? .....  Yes  No  Unknown
- 4. Does the Respondent possess ammunition? .....  Yes  No  Unknown

If you think you need more security when you are in court for your relief from abuse hearing, contact the Clerk's Office or the Court Service Center in the court where your hearing is scheduled.

**Wyoming (Petition and Instructions)**

10. List all firearms and ammunition currently possessed by the Respondent:

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Describe any weapons used in the incident described above:

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**10. Firearms Possessed by the Respondent**

- This information is essential not only for your safety, but for the safety of those involved in protecting you, including law enforcement. Again, be as specific as possible, listing any specific characteristics of the firearms and where they are located or stored, including which room in a home, if known. If any weapon was involved in the incident before the court, please describe.

Examples of firearm-related language from civil protection order petitions

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	Protection From Abuse
_____	:	
DEFENDANT	:	NO.
	:	

ATTACHMENT A TO TEMPORARY ORDER  
FIREARMS, OTHER WEAPONS, AND AMMUNITION INVENTORY

It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

All firearms, other weapons and ammunition owned or possessed by the defendant.

BY THE COURT:

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. §6108(a)(7)(v).

Examples of firearm-related language from civil protection order petitions

Protection from Firearms and Other Dangerous Weapons

19. The nineteenth provision asks the court to require the respondent to immediately **surrender** all firearms, other dangerous weapons, and any concealed pistol licenses, and to prohibit the respondent from accessing, obtaining or possessing a firearm or other dangerous weapon, or concealed pistol licenses until the order ends.

Notice: If you **are** the respondent's intimate partner, after actual notice and an opportunity to be heard at the hearing, the court may be required by law to order the respondent to immediately surrender all firearms, other dangerous weapons, or concealed pistol licenses.

Please review the section you just completed to ensure that you checked the boxes to show which provisions you want the court to order. In each provision, be sure you checked the boxes to identify the people and places you want protected.

Protection from Firearms and Other Dangerous Weapons

<sup>19</sup>  **Require** the respondent to surrender all firearms, other dangerous weapons, and any concealed pistol licenses, and prohibit the respondent from accessing, obtaining, or possessing firearms, other dangerous weapons, or concealed pistol licenses.

Notice: If you **are** the respondent's intimate partner, after actual notice and an opportunity to be heard at the hearing, the court may be required to order the respondent to surrender firearms, other dangerous weapons, or concealed pistol licenses.

Does the respondent own or possess firearms?  Yes  No

Does the respondent use firearms, weapons or objects to threaten or harm you? Please describe:

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Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:

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Is the respondent ineligible to possess a firearm under the provisions of RCW 9.41.040? Please describe:

## Examples of firearm-related language from civil protection order petitions

Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of any individual?

Please describe:

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_____ <b>Court of Washington</b>		<b>No.</b>
<b>For</b> _____		
_____	_____	<b>Motion for Surrender of Weapons (MT)</b>
Petitioner	DOB	
vs.		
_____	_____	
Respondent	DOB	

1. I am protected by a civil protection order issued in this case:

- Domestic Violence, Ch. 26.50 RCW     Anti-harassment, Ch. 10.14 RCW  
 Sexual Assault, Ch. 7.90 RCW     Stalking, Ch. 7.92 RCW

2. The restrained person (name) \_\_\_\_\_ has: (check all that apply)

- used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.

Describe this offense:

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- previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040. Describe this offense:

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## Examples of firearm-related language from civil protection order petitions

- possession of a firearm or other dangerous weapon which presents a serious and imminent threat to public health or safety, or to the health or safety of any individual. My concern for imminent threat is based on the following:

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3. Information about the firearms or other dangerous weapon/s:

What kind of firearm or other dangerous weapon?	Where is it located?

4. My relationship with the restrained person is:
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> spouse or former spouse                                       | <input type="checkbox"/> current or former dating relationship | <input type="checkbox"/> in-law                                    |
| <input type="checkbox"/> parent of a child in common                                   | <input type="checkbox"/> stepparent or stepchild               | <input type="checkbox"/> parent or child                           |
| <input type="checkbox"/> current or former domestic partner                            | <input type="checkbox"/> current or former roommate            | <input type="checkbox"/> blood relation other than parent or child |
| <input type="checkbox"/> current or former cohabitant as part of a dating relationship |  |  |

5. **I request that the court:**

- Prohibit the restrained person from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license.
- Require the restrained person to surrender any firearm, other dangerous weapon, and any concealed pistol license issued under RCW 9.41.070.
- Order temporary surrender of a firearm or other dangerous weapon without notice to the restrained person because irreparable injury could result if an order is not issued until the time for response has elapsed.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_ at (place) \_\_\_\_\_, Washington.

➤ \_\_\_\_\_  
Signature of Protected Person/Attorney WSBA No.      Print Name



### Examples of firearm-related language from civil protection order petitions

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

Amended

**Petitioner's Statement  
of Respondent's  
Possession of Firearms**

Petitioner's Name \_\_\_\_\_

Case No. \_\_\_\_\_

(THIS FORM IS OPTIONAL. IF YOU CHOOSE TO USE IT, BRING IT TO THE INJUNCTION HEARING.)

**ANSWER THE FOLLOWING QUESTIONS:**

- Do you know whether the respondent in this case currently or in the past six months owned or possessed any firearms?

*"Firearm" means a weapon that acts by force of gunpowder to fire a projectile, regardless of whether it is inoperable due to disassembly. (§167.31(1)(c), Wis. Stats.)*

- NO, I do not know that the respondent now owns or possesses, or during the past six months has owned or possessed, any firearms. *(If you answered no, please continue to signature line.)*
- YES, I believe the respondent currently, or within the past six months, owned or possessed a firearm. *(If you answered yes, please continue to Question 2.)*

- List the firearm(s) that you believe the respondent currently, or within the past six months, has owned or possessed, and the quantity, make or model and location of the firearm(s).

Firearm	Quantity	Make/Model	Serial Number	Location of Firearm(s)

*[If you need room for additional firearms, attach additional sheet to this form]*

▶ \_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Name Printed or Typed

**DISTRIBUTION:**

- Court
- Petitioner
- Other: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
State Bar No. (if any)

## Examples of firearm-related language from civil protection order petitions

### West Virginia (Petition)

<input type="checkbox"/> Yes <input type="checkbox"/> No	Respondents currently owns or possesses firearms?
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If you answered "Yes" to the previous question, please provide additional firearm information below:

#### LIST OF FIREARMS

*If there is not enough room in the space below, use an additional sheet of paper.*

I have attached \_\_\_\_\_ additional sheet(s).

Type of Firearm (handgun/rifle)	Location of Firearm (bedroom/vehicle)

### Oregon (Petition)

#### 7. Firearms

I want the order to prohibit Respondent from possession or purchase of firearms or ammunition. Because of the abuse and danger detailed in this *Petition*, Respondent's having firearms affects my or my children's safety and welfare.

#### **Additional information:**

- Respondent has firearms (or has easy access to firearms)
- Respondent is already prohibited from possession or purchase of firearms or ammunition

**California (Petition)**

**Examples of firearm-related language from civil protection order petitions**

**⑥ Describe Abuse – (use additional sheets of paper if necessary and attach to Petition)**

Describe abuse, stalking or assault (include, IF APPLICABLE, information about abuse or fear of abuse to your child(ren), personal property or animals)

Where and when did this happen?

Describe any weapons used.

**⑮  No Firearms**

Please order the Respondent not to have, possess, transport, buy, receive, use or in any other way get any firearm.

*List all firearms that you believe the Respondent owns, controls, or has access to:*

Type of Firearm (Pistol, Rifle, etc.)	Location

Examples of firearm-related language from civil protection order petitions

5. DOMESTIC ABUSE

A. The respondent committed the following act(s) of domestic abuse against me or a member of my household: (describe in detail what happened to you or to a member of your household and when and where.)

Physical abuse:

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Threats which caused fear that you or any household member would be injured:

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Other abuse:

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**Date of abuse:** \_\_\_\_\_

**Place of abuse:** \_\_\_\_\_

B. Others present during the abuse: \_\_\_\_\_

C. Did drugs or alcohol play a role in the domestic abuse?  yes  no

D. Were weapons used during the abuse?  yes  no  
If yes, what weapons? \_\_\_\_\_

E. Has there been prior domestic abuse?  yes  no

Montana (Petition)

Examples of firearm-related language from civil protection order petitions

**5. Information about the violence.** Please explain what the Respondent did to you (and/or the person you want protected). Be specific. Write down places and dates as well as you can remember. It does not matter when the abuse happened or whether you reported it to the police. But you must tell the judge why you are afraid now.

A. RECENT ABUSE

Date of the most recent abuse: \_\_\_\_\_

Who was there? \_\_\_\_\_

Where did it take place? \_\_\_\_\_

What did the Respondent do or say that made you (and/or the person you want protected) afraid? \_\_\_\_\_

Did the Respondent use or threaten to use a gun or other weapon? If yes, list how: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any injuries: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did the police come?  Yes  No

**6. Firearms** (Check all that apply)

To the best of your knowledge, does Respondent currently possess firearms?

No  Yes

Where are the firearms located? \_\_\_\_\_

\_\_\_\_\_

## Illinois (Petition)

### Examples of firearm-related language from civil protection order petitions

the physical safety of Petitioner or Petitioner's child.	<b>PART D. FIREARMS</b> <i>(available ONLY after actual notice to Respondent)</i> <input type="checkbox"/> 1. Respondent be ordered to turn over all firearms in their possession because they are a former or current intimate partner of the Petitioner and represents a threat to the physical safety of Petitioner or Petitioner's child.	
OP-P 403.3	Page 6 of 11	(11/19)
Enter the Case Number given by the Circuit Clerk: _____		
Then check all boxes that fit your case. <b>NOTE:</b> A judge can only order guns to be taken away at a hearing where Respondent is present or has been given formal written notice.	In addition, Respondent <i>(check all that apply)</i> : <input type="checkbox"/> Has a history of violence. <input type="checkbox"/> Has a history of possession or use of firearms. <input type="checkbox"/> Carries a firearm on their person or in a vehicle. Make and model of vehicle: _____ <input type="checkbox"/> May be a threat to the safety of the public or police officer. <input type="checkbox"/> Is now or has been suicidal.	

## Vermont (Affidavit)

### Examples of firearm-related language from civil protection order petitions

#### Affidavit in Support of Relief from Abuse Complaint

In support of the claims made in my complaint, I state the following facts to be true and correct to the best of my knowledge and belief.

The Defendant owns, possesses, or has ready access to firearm or other deadly weapons.

Yes     No     I don't know

*If firearms were present or used in any incidents below, please complete the section on page 2 on firearms.*

#### Defendant's Access to Firearms

Information regarding known firearms is provided below:

Type of Firearm/Other Deadly Weapon (handgun/rifle/knife; make/model if known)	Location of Firearm/Other Deadly Weapon (e.g., bedroom/vehicle)

*If there is not enough room in the space above, please use an additional sheet of paper.*

I have attached \_\_\_\_\_ additional sheet(s).

#### Defendant's Use of Firearms/Other Deadly Weapons

The defendant  has  has not used, displayed, or threatened to use a firearm or other deadly weapon against me or against another family member.

If so, please describe below: *(Be specific. What did the defendant do? If the firearm or deadly weapon belonged to someone else, how did defendant get it? Where did the incident happen? Who else was there?)*

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*(attach a separate sheet of paper if necessary)*