When does Washington law require surrender of firearms with a civil or criminal protective order? *

* Court orders issued under RCW 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50, including: criminal No Contact Order; DV Protection Order; Sexual Assault PO; Stalking PO; Anti-Harassment Order; or civil Restraining Order in a family law action.

Are ALL of these true of the court order?
- Protected person is the respondent's **intimate partner or child of an intimate partner.** **
- The order was issued after a **hearing,** of which the restrained person had **actual notice** and **opportunity to participate.**
- The order **restrains the person from harassing, stalking, or threatening.**
- The order **prohibits the use, attempted use or threatened use of physical force.**
- The court finds that the restrained person represents a **credible threat to the physical safety** of the intimate partner or child.   *RCW 9.41.800(3)*

YES →

The court SHALL:
- **require surrender** of firearms & concealed pistol license
- **prohibit from obtaining or possessing** a firearm or concealed pistol license

NO ↓

** Intimate partner includes: current or former spouse or domestic partner, parent of a child in common, current or former cohabitant as part of a dating relationship.

Did any court make AT LEAST ONE of these findings in a court order?
- The restrained person has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony.
- The restrained person has committed an offense that would make him/her ineligible to possess a firearm under RCW 9.41.040.

YES →

by clear and convincing evidence
RCW 9.41.800(1)

by preponderance of the evidence
RCW 9.41.800(2)

NO ↓

Did the court find that possession of a firearm by the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual?

RCW 9.41.800(5)

YES →

The court MAY:
- **require surrender** of firearms & concealed pistol license
- **prohibit from obtaining or possessing** a firearm or concealed pistol license

NO →

No basis for prohibiting weapons under RCW 9.41.800.

Can the court order immediate surrender of firearms without a hearing?

Did the court find that that **irreparable injury could result** if an order is not issued immediately?

YES → The court may order temporary surrender of firearms **without notice to the respondent.**

NO → The court may order surrender of firearms only **after a hearing.**

RCW 9.41.800(4)

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