

## WHAT YOU NEED TO KNOW ABOUT FIREARMS and YOUR SAFETY

### ARE YOU CONCERNED ABOUT YOUR SAFETY?

- Is your **[insert your protection order relationship requirements, for example, partner or household family member]** physically abusing or threatening to abuse you?
- Does this person have a gun?
- Has this person threatened to get a gun?
- Does this person have a history of using guns to threaten you or others?
- Has this person ever threatened to commit suicide or threatened to hurt or kill you or another family member?
- Would you feel safer if a court prohibited this person from purchasing or possessing a firearm as part of a protection order?
- Would you like to talk to someone confidentially about your options and safety planning around firearms?

If you answered “yes” to any of these questions, please review this brochure to find out what you can do to increase your safety AND find free advocacy assistance.

### WHERE CAN YOU FIND ASSISTANCE?

You may wish to connect with a Victim Advocate. A victim advocate can provide free assistance with safety planning, ongoing support in the petition and protection order process, accompaniment to legal proceedings, discussion of non-legal options, connection to legal services and other services.

If you choose to file a protection order, it is **IMPORTANT** that you properly fill out all sections of the protection order petition. An advocate can help you if you have questions. **[Insert information on obtaining a copy of the petition, i.e., online link, e-filing portal, clerk’s office.]**

**You have the right to keep your address confidential. [insert safe at-home information if applicable for the state]**

#### Things YOU Should Know:

The clerk’s office cannot provide you with legal advice. Remember, the respondent is entitled to access any information provided to the court.

A judge can grant you (as the petitioner) a protection order based on what you write in your petition and say in court. A protection order can impose restrictions on the person you are filing against (this person is known as the respondent in the protection order process). **[insert information about ex parte relief and final protection order relief available].**

When filing a protection order, **YOU** have the right to request that firearms be removed from

the respondent. You may ask the court not to allow the respondent access to firearms, turn over any firearms in their possession, and provide proof that they did so.

Abusers may use firearms in many ways to harm, harass, intimidate, or coerce you. It is important that you let the court know about any of the following:

- The respondent threatening to injure, kill, intimidate, or coerce you with a firearm.
- The respondent physically displaying a firearm to intimidate or coerce you to do something.
- The respondent physically uses a firearm to assault you.
- The respondent doing any of the above actions to another person.

It is important to be prepared to explain to the judge why you believe the respondent should not have access to firearms. **[Insert criteria to request firearm removal and in the protection order process the information needed to be included in the petition process around firearms]**

### EVIDENCE TO SUPPORT YOUR PETITION

- You are responsible for providing information or Witnesses (people who witnessed events, such as friends, family, teachers, neighbors, childcare providers, etc).

to the court to support your petition. **[insert additional information]** Examples of documents include **[Please include examples specific to your jurisdiction]:**

- Photographs (injuries or damaged property)
- Voicemail, audio, and video recordings (containing threatening messages).
- Written communications (such as text messages, letters, emails, and social media posts)
- Medical records
- Police reports

## WHAT [INSERT NAME OF STATE] SAYS ABOUT FIREARMS AND DOMESTIC VIOLENCE:

For more information, scan this QR code to find information on your state firearm laws. **[insert information QR on firearm laws]**

## WHAT HAPPENS NEXT

**[Insert the process after receiving PO]** Please always keep a copy of the protection order with you (PDF, hardcopy, cloud link) and share a copy as appropriate with family, friends, schools, and employers. For example, give a copy to your child's school so they know that the abuser is not allowed to pick up or come

<sup>i</sup> Please check your jurisdiction on the requirements to record a person. Some states require all parties to consent to be recorded.

near the child. Give your employer a copy of the protection order to make plans to keep the respondent from approaching you at work.

Under the full faith and credit provision of the Violence Against Women Act, states, tribes, and territories must recognize and enforce valid protection orders issued by other states, tribes, and territories. This means courts and law enforcement officers must enforce ALL terms and conditions of the order, including any **firearm prohibitions**.

If the respondent has violated the court order, you may wish to contact local law enforcement and/or speak to a victim advocate about how to inform the court of the violation.

**Violation of a Protection Order:** If you believe the respondent has violated the protection order by not complying with the firearm removal provisions, you may wish to do the following:

- Contact law enforcement. **[insert appropriate process for your jurisdiction]**. For example, an officer can arrest a respondent if an officer has reasonable cause to believe the respondent has violated the protection order. **[The detailed information you provide regarding the type and location of firearms will be useful to assist law enforcement in identifying and removing the weapons from the respondent.]**

- Contact an advocate. **[insert your jurisdiction-specific process]**. You may file a motion/petition for civil contempt. You may also want to modify or extend your order. An advocate can assist you with these steps. If the respondent is found to be in violation of the order, the court may extend the order of protection in some cases.]

## HOW TO OBTAIN FREE ADVOCACY HELP: [insert information]

**Crime Victim Rights:** If the respondent/abuser faces criminal charges for abusing you, you have the right as a crime victim to be reasonably protected from your abuser and to have your voice heard during the criminal case. You may request the court prohibit the defendant from using or possessing firearms as a condition of release or probation. **[insert information on crime victims' rights for your jurisdiction]**.

For victim support, please contact the Victim Witness Coordinator at **[insert information]**.