

Amended

Respondent's Name _____

Respondent's Statement of Possession of Firearms

Case No. _____

ANSWER THE FOLLOWING QUESTIONS AND BRING THIS COMPLETED FORM TO THE INJUNCTION HEARING:

1. Do you now or have you in the past six months owned or possessed any firearm(s)?
"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. *[If you answered no, please continue to signature line.]*

YES. *[If you answered yes, please continue to Question 2.]*

2. For each firearm you currently own or possess, or within the past six months have owned or possessed, provide the following information:

Type of Firearm	Make/Model	Serial Number	Current Location of Firearm(s)	Surrendered or Sold (No or Yes. If Yes, to whom)			Receipt (No or Yes)	
				No	Yes	To Whom	No	Yes
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

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

The Respondent is advised that failure to completely and accurately complete this statement may result in felony false swearing, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed 6 years, or both.

I have read this document and the facts stated in it are true.

 Respondent's Signature

 Name Printed or Typed

 Address

 Email Address Telephone Number

 Date State Bar No. (if any)

DISTRIBUTION:

1. Court
2. Petitioner
3. Respondent
4. Law Enforcement
5. Other: _____

Amended

Petitioner's Name _____

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

Case No. _____

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

ANSWER THE FOLLOWING QUESTIONS:

1. 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.)*

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

Date State Bar No. (if any)

DISTRIBUTION:

1. Court
2. Petitioner
3. Other: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Petitioner: _____

Amended

-vs-

Respondent: _____

Address: _____

**Notice of Firearm Surrender Hearing
(Respondent Not Present at Injunction Hearing)**

Case No. _____

TO: RESPONDENT

The Court granted an injunction against you on *[Insert date the injunction was granted]* _____ and you did not appear at the injunction hearing.

THE COURT ORDERS:

1. You must appear at a Firearm Surrender Hearing on: *(Hearing shall be held within one week of the injunction hearing)*

Date	Time	Location
Circuit Court Judge/Circuit Court Commissioner		

2. You must bring a completed Respondent's Statement of Possession of Firearms (CV-800) form to this hearing.
3. Failure to appear at this hearing may result in the court issuing a warrant for your arrest.

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

DISTRIBUTION:

1. Court
2. Petitioner
3. Respondent
4. Law Enforcement
5. Other: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Amended

Petitioner: _____

-vs-

Respondent: _____

Address: _____

**Order to Surrender Firearms
and Notice of Firearm Surrender Hearing**

Case No. _____

THE COURT ORDERS:

1. You must appear at a Firearm Surrender Hearing on: *(Hearing shall be held within one week of the injunction hearing.)*

Date	Time	Location
Circuit Court Judge/Circuit Court Commissioner		

Note: If you request firearm(s) surrender to a third party, both you and the third party must attend the Firearm Surrender Hearing.

2. The injunction granted on [Date] _____ is temporarily stayed until [Date and time, not to exceed 48 hours] _____ at [Time] _____ for purposes of firearm surrender. Any temporary restraining order remains in effect until the stay is lifted.
3. A temporary restraining order was not previously granted. The court now grants a temporary restraining order prohibiting the respondent from the following conduct: (See CV-403, CV-406, CV-413, CV-429, or JC-1691 forms for prohibited conduct.) _____
4. Failure to appear at the hearing may result in the court issuing a warrant for your arrest.
5. You have until [Date and time as listed in #2, not to exceed 48 hours] _____ at [Time] _____ to surrender ALL firearms you own or possess to
- the sheriff of this county.
 - the sheriff of the county in which the respondent resides: _____.
 - another person. [Name and Address] _____
 - the sheriff of _____ County. If you wish to surrender to a third party, you and the third party must appear at the Firearms Surrender Hearing scheduled above. If the court approves the third party, the third party may obtain the firearm(s) directly from the sheriff.
6. Your known firearm(s) is/are described as and the serial number(s) of said firearm(s) are listed as follows:

Firearm	Quantity	Make/Model	Serial Number

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

Additional surrender instructions: _____

7. Once the stay is complete, the injunction immediately goes into full effect.

Note: Once the injunction is in effect, federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. Section 922(g)(8). Under Wisconsin law, it is a Class G Felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both, to possess a firearm while subject to an injunction, pursuant to §941.29(2), Wis. Stats.

8. You may possess or transport a firearm(s) only for the purpose of complying with a surrender order. Possessing or transporting a firearm(s) for any other reason may result in criminal penalties.

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

DISTRIBUTION:

- 1. Court
- 2. Petitioner
- 3. Respondent
- 4. Law Enforcement
- 5. Other: _____

Information for Respondents Regarding the Surrender and Return of Firearms

To read the statutes this guide relies upon, please see the following:

- Wisconsin law: §§813.12 – 813.125 and 813.1285, Wisconsin Statutes
- Federal law: 18 U.S.C. Section 922(g)(8) and (9)

Would you like a copy of the forms listed in this guide?

- The forms are available at <http://www.wicourts.gov/forms1/circuit.htm>.
- Click on the link for “Civil” and then on the link for “all civil forms.”

Make sure to check your county’s local rules.

Some counties may have forms or rules that are specific to that county. Check the Wisconsin State Bar’s website or talk to your county’s Clerk of Court for local rules.

<http://www.wisbar.org/directories/courtrules/pages/circuit-court-rules.aspx>

Will I have to surrender my firearms?

Yes, IF the judge or commissioner does any of the following:

- Grants a domestic abuse injunction against you.
- Grants a child abuse injunction against you.
- Grants an individual at risk injunction against you and orders the surrender of firearms.
- Grants a harassment injunction against you and orders the surrender of firearms.

I have access to a firearm, but it is not mine. Do I still need to disclose it?

- **Yes.** The law applies to firearms that you actually own AND those in your possession. If you have access to a firearm, you should disclose this information to the judge or commissioner.
- If you surrender a firearm that does not belong to you, the owner may petition the court for its return. There will be a hearing and if the owner proves he/she owns the firearm, the court will order that the firearm be returned to that person.

Who can I surrender my firearms to?

- The sheriff (either of the county where you live or the county this court case is in).
- Another person (a.k.a. “third party”) you request AND who is approved of by the judge or commissioner.
 - This person will need to come to the injunction hearing or the Firearm Surrender Hearing with you and speak to the judge or commissioner.
 - In some counties, even if you want to want to surrender your firearms to another person, you may have to first surrender your firearms to the sheriff. If the person comes to court for the injunction or Firearm Surrender Hearing and the court approves him/her, then that person may be able to pick up the firearms from the sheriff.

What happens now?

Note: Lines that begin with indicates something that you need to do.

1. There will be an injunction hearing.
 - Attached is the Respondent's Statement of Possession of Firearms (CV-800).
 Complete this form and bring it with you to the injunction hearing.
 - At the hearing, the judge or commissioner will decide whether to grant an injunction against you.
2. If an injunction is granted, the judge or commissioner may decide that you need to surrender your firearms.
 - If the judge or commissioner grants a **domestic abuse** or **child abuse** injunction against you, you will be **AUTOMATICALLY** prohibited from possessing firearms and will be required to surrender any firearms that you own or possess.
 - If the judge or commissioner grants an **individual at risk** or **harassment** injunction against you, the court **MAY** prohibit you from possessing firearms if the court determines that you may use a firearm to cause physical harm to another or to endanger public safety. If the court prohibits you from possessing firearms, you will be ordered to surrender any firearms you own or possess.
 - If the court prohibits you from possessing firearms and finds that you own or possess firearms, the judge or commissioner will fill out an Order for to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803) form.
 - The judge or commissioner will ask you questions about each firearm and your intentions for how to surrender each firearm.
3. If the judge or commissioner orders you to surrender your firearms, you must do so within 48 hours (or sooner pursuant to the court order) of the injunction hearing. Possessing firearms for any reason other than surrender may result in criminal penalties being brought against you.

I want to surrender my firearms to the sheriff.

- Unless the court has instructed otherwise, call the sheriff and set up a time for firearm surrender.
 - The sheriff will fill out a receipt for each firearm that you surrender, which will include the firearm's manufacturer, model number, and serial number.
 - Both you and the sheriff will sign each receipt. The sheriff will keep the original receipt and give you two copies.
- File one of the copies of the receipt(s) with the clerk of court before the Firearm Surrender Hearing.

I want to surrender my firearms to a person I choose and who is approved by the judge or commissioner.

- That person must be present at the injunction hearing or the Firearm Surrender Hearing.
 - The judge or commissioner will tell the person about the responsibilities and potential penalties associated with being a third party who agrees to take firearms. The judge or commissioner will give him/her a copy of the Notice of

Firearms Possession Penalties (CV-432).

- In some counties, even if you want to surrender to another party, you may be required to surrender your firearms to the sheriff first. If the court approves the third party, the third party may be able to pick the firearms up from the sheriff.

I received an Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803) OR the Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802) form that says that there is a Firearm Surrender Hearing scheduled. Do I need to go to this hearing?

Please read this section carefully.

If you are required to appear at the Firearms Surrender Hearing and you fail to do so, the judge or commissioner may issue a warrant for your arrest.

If any of the following situations apply to you, you **MUST** go to the hearing.

- I did not go to the injunction hearing and I never gave the court my signed Respondent's Statement of Possession of Firearms (CV-800) form that says I do not own or possess any firearms.
- The judge or commissioner ordered me to surrender my firearms, but I did not do so within 48 hours of the injunction hearing.
- I surrendered my firearms within 48 hours, but I did not take the surrender receipt from the sheriff to the clerk of court.
 - Bring any receipt(s) to the Firearm Surrender Hearing.
- I want to surrender my firearms to someone that I choose rather than the sheriff, but that person did not come to the injunction hearing.
 - The person you want to hold your firearms needs to come with you to the Firearm Surrender Hearing.
- I want to surrender my firearms to another person, but the judge or commissioner made me surrender them to the sheriff first.
 - The person that you want to hold your firearms needs to come with you to the Firearm Surrender Hearing. If the court approves that person to hold your firearms, the person may be able to pick up the firearms from the sheriff.

The injunction against me has expired or has been dismissed. How do I get my firearms back?

1. Complete the Petition to Return Firearm(s) (CV-433) form. **Do not sign it yet!**
2. Sign CV-433 in front of a notary. (A notary is a person authorized to administer oaths and certify documents. The clerk of court's office and most banks have notaries.)
3. File CV-433 with the clerk of court.
4. Wait for the judge or commissioner to complete and sign the Order Concerning Return

of Firearms (CV-435). If the court schedules a hearing, you will be notified of that date. If there is no hearing, you will receive CV-435 in the mail.

The judge or commissioner needs to find the answers to these two questions before he/she can order the return of firearms:

- A. Has the injunction against you been vacated or has it expired?
- B. Do any other federal or state laws or court orders prohibit you from possessing firearms?

5. If the judge or commissioner orders your firearms returned, contact the person holding your firearms and notify that person of this decision.

I surrendered my firearms to the sheriff.

- You have 30 days to contact the sheriff. You may be charged storage costs beyond this date.
- If you have not recovered your firearms from the sheriff within 12 months, the sheriff may dispose of your firearms. You may be charged for storage costs beyond the expiration date and for disposal costs.
- The sheriff will return the original receipts and any copies he/she has.