
Magistrate Court Case No. _____

Petitioner (*First/Middle/Last*)

Circuit Court Civil Action No. _____

By Parent/Guardian/Custodian (*if applicable*)

v.

This Petition must be filed with the Court that entered the last Personal Safety Order in the case.

Respondent (*First/Middle/Last*)

PETITION FOR FIREARMS RETURN

W. Va. Code § 53-8-5(F); § 53-8-7(F)

The respondent, _____, requests the return of firearms and ammunition surrendered/transferred pursuant to the Personal Safety Order entered on the _____ day of _____, 20_____, by the _____ Court.
(Magistrate / Circuit)

In support of this PETITION, the respondent states that the Personal Safety Order entered above terminated or expired on the _____ day of _____, 20_____, OR is still in effect, but was modified to remove the prohibition against possessing firearms or ammunition. The respondent is not otherwise prohibited from possessing a firearm or ammunition, based upon any of the following federal or state laws:

1. I have not been convicted in any Court of a crime punishable by imprisonment for a term exceeding one year;
2. I am not a fugitive from justice;
3. I am not an unlawful user of, or addicted to, any controlled substance;
4. I am not addicted to alcohol;
5. I have not been adjudicated as a mental defective or been committed to a mental institution;
6. I am not an alien, illegally or unlawfully in the United States;
7. I have not been discharged from the armed forces under dishonorable conditions;
8. I have not renounced my citizenship of the United States;
9. I am not subject to a Domestic Violence Protective Order issued by this state or any other state; or

10. I have not been convicted of a misdemeanor offense of assault or battery under the provisions of *West Virginia Code § 61-2-28* or *§ 61-2-9*, in which the victim was a current or former spouse, current or former sexual or intimate partner, a person with whom I have a child in common, a person with whom I cohabit or have cohabited, a parent or guardian, my child or ward, or a member of my household at the time of the offense, or have been convicted in any Court of any state or jurisdiction of a comparable misdemeanor crime of domestic violence.

I understand that a criminal background check will be performed at the direction of the Court by a law enforcement agency, and the return of my firearms and ammunition is subject to the results of the background check.

RESPONDENT'S INFORMATION	
Date of Birth	
Driver's License Number and Issuing State	
Social Security Number	
Current Address	

Based upon all of the above, the respondent respectfully requests that an Order allowing the return of all firearms to the respondent be entered by the Court.

STATE OF WEST VIRGINIA, COUNTY OF _____

I, _____, on oath or affirmation, say that I am the respondent named in this Petition for Return of Firearms and Ammunition, and that the facts contained herein are true, except that where they are based upon information or belief, I believe them to be true.

Respondent's Signature

Taken, subscribed, and sworn or affirmed before me this _____ day of _____, 20_____.

Notary Public / Clerk

My commission expires on _____.