

FORM SUMMARY

Name of Form:	Petition to Return Firearm(s)
Form Number:	CV-433
Statutory Reference:	§813.1285(7), Wisconsin Statutes and 18 USC §§921, 922.
Purpose of Form:	To allow a person to seek return of firearms that surrendered when an Injunction in a domestic abuse, child abuse, or harassment case was ordered.
Who Completes It:	Person seeking return of firearms.
Distribution of Form:	Court, copy to petitioner in the injunction action, copy to party to whom the firearms were surrendered (a sheriff or third party)
Accompanying Forms:	A copy of the injunction and any extensions of the injunction that contained the firearm restriction and a copy of the receipt given when the firearm(s) were surrendered.
New Form/Modification:	Modified; last update 05/14.
Modifications:	Added §813.1285(7) to footer. Removed other references to Ch. 813.
Comments:	<p>Surrendered firearms cannot be returned until a court determines that the injunction has been vacated or expired and that the person is "not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which a judge of family court commissioner is competent to grant relief." For the court to make that determination, there must be a method by which that information can be gathered. This petition begins the process. The court orders the sheriff to conduct a records search and make a response (CV-434). Based upon the response, the court can then enter an order (CV-435). A hearing would not be required <i>unless</i> the sheriff's response indicates a problem.</p> <p>This form can be used in any appropriate injunction proceeding, including domestic abuse (civil or family court), child abuse (civil or juvenile court), or harassment (civil or juvenile court). The caption is made specifically "generic" to allow such usage.</p>
About this Form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>