

Magistrate Court Case No.: \_\_\_\_\_

\_\_\_\_\_  
Petitioner (First/Middle/Last)

Circuit Court Civil Action No.: \_\_\_\_\_

\_\_\_\_\_  
By Parent/Guardian/Custodian (if applicable)

v.

\_\_\_\_\_  
Respondent (First/Middle/Last)

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**PETITION FOR FIREARMS RETURN**

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*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 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 discharge;
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 \_\_\_\_\_