

INSTRUCTIONS FOR EX PARTE MOTION AND DECLARATION TO FAMILY COURT FOR RETURN OF FIREARMS, AMMUNITION, PERMITS, AND LICENSES

1. Complete a separate Ex-Parte Motion (attached to this packet) for **each** Family Court case in which you are requesting the return of your firearms, ammunitions, permits, and/or licenses.
2. Submit the completed Ex-Parte Motion in-person to the Ho‘okele Help Desk for review. The Help Desk is located on the 1st floor of the Ronald T.Y. Moon Kapolei Courthouse at 4675 Kapolei Parkway, Kapolei, Hawai‘i 96707.
 - a. **FILING FEE:** There will be a \$15.00 filing fee for **each** Motion. Filing Fees are paid at the Cashier’s office on the 1st floor in the form of cash, credit card, money order, or personal/business check. Checks should be made payable to “*Chief Clerk, First Circuit.*”
3. The Court may take 3-4 weeks to review your Ex-Parte Motion. The Court will then file an Order that will either **GRANT** the Motion, **DENY** the Motion, or **SET A HEARING** on the Motion. You will receive a copy of the Order by mail. Please review it carefully.
4. If the Court **GRANTS** your Ex Parte Motion:
 - a. You are required to mail a filed copy of the Ex Parte Motion as well as a filed copy of the Court’s Order to the Petitioner. If you are unsure of the Petitioner’s current address, you may mail the documents to their last known address.
 - b. You must file a *Certificate of Service* with the Court stating the date you mailed the documents. The Court will send you a blank Certificate of Service with the Order for your use.
 - c. You may retrieve your requested firearms, ammunitions, permits, and/or licenses from the Honolulu Police Department by presenting the filed Order.
5. If the Court **DENIES** your Motion:
 - a. Review the Order for information as to why the Motion was denied and take appropriate action.
6. If the Court **SETS A HEARING** on your Motion:
 - a. You must appear at the hearing as provided in the Order.
 - b. Prior to the hearing, you must mail a filed copy of the Ex-Parte Motion as well as a filed copy of the Court’s Order to the Petitioner. You must send these documents by certified mail with a return receipt requested and a direction that it can only be delivered to the addressee.

- i. If you are unsure of the Petitioner's current address, you may mail it to their last known address.
- c. You must also complete a *Statement of Mailing* showing that you mailed the copies as required and file the *Statement of Mailing* prior to the hearing date.

*****The *Statement of Mailing* will be included with the Order you receive in the mail*****

- i. To complete the *Statement of Mailing*:
 - 1. Fill out the required information.
 - 2. Attach the **receipt** for the certified mail **and the signed green card** which will be returned by the U.S. Postal Service showing the Petitioner received the mail. The receipt should be "Exhibit 1" and the green card should be "Exhibit 2."
 - 3. Once complete, file the *Statement of Mailing* with the Legal Documents Branch located on the 1st floor of the Ronald T.Y. Moon Kapolei Courthouse. **Bring a copy of the Statement of Mailing to your hearing.**

If you have any questions about these instructions, please call the Office of the Senior Family Court Judge at (808) 954-8030, between the hours of 7:45 A.M. and 4:30 P.M., Monday through Friday (except State Holidays).

(Name)

(Street Address)

(City, State, Zip Code)

(Telephone Number)

(Fax Number)

(E-Mail Address)

☐ Self-Represented

☐ Attorney for Respondent

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

)	Case Number _____
)	
)	
Petitioner,)	EX PARTE MOTION AND
)	DECLARATION TO FAMILY
vs.)	COURT REQUESTING RETURN
)	AND RELEASE OF FIREARMS,
)	AMMUNITION, PERMITS AND
)	LICENSES
)	
Respondent.)	
)	

EX PARTE MOTION AND DECLARATION TO FAMILY COURT REQUESTING RETURN
AND RELEASE OF FIREARMS, AMMUNITION, PERMITS AND LICENSES

I, _____, Respondent in the above-entitled case, submit this Ex Parte Motion and Declaration to the Family Court of the First Circuit requesting an order returning the firearms, ammunition, permits, and licenses which I surrendered to the Honolulu Police Department pursuant to a prior court order in this case. This Motion is made

pursuant to Section 134-68 of the Hawai‘i Revised Statutes (“HRS”) and Rule 10 of the Hawai‘i Family Court Rules (“HFCR”).

I declare to the best of my knowledge and belief that:

1. I am requesting the return of the following firearms, ammunition, and/or permits or licenses:

These firearms, ammunition, and/or permits or licenses were taken by or surrendered to the Honolulu Police Department on _____.
(Date)

2. The Order against me in this case expired or was dismissed on _____.
(Date)

3. I [] do / [] do not have other pending charges against me. Those pending charges are as follows (*please list all*):

4. Please check all of the following that apply:

☐ I am not prohibited under any law from currently owning or possessing any firearms or ammunition;

☐ Other than the Order in this case, there are no state or federal court orders currently in

effect that would prohibit me from possessing any dangerous weapon including, but not limited to:

- 1) any order releasing me on bail, releasing me on my own recognizance, or granting me supervised release pending any criminal proceeding;
- 2) any order under HRS Section 134-7, prohibiting my ownership or possession of firearms or ammunition;
- 3) any restraining or protective order (other than the one in this case), which prohibits me from possessing and controlling firearms, ammunition, permits, or licenses; and
- 4) I have not been convicted of a misdemeanor or crime of violence as defined by federal law.

☐ As far as I know, the Order that was issued in this case is the only reason that my firearm(s), ammunition(s), permit(s), and/or license(s) were taken or surrendered to the Honolulu Police Department.

My pertinent information is provided below:

Name: _____

Address: _____

Year of Birth _____ Social Security Number: (last 4 digits only) xxx-xx- _____

Email: _____

I declare under penalty of perjury, that the above-stated information is true and correct to the best of my knowledge.

DATED: _____, _____, _____.
 (City) (State) (Date)

Signature of ☐ Respondent ☐ Attorney for Respondent