

INSTRUCTIONS

Petition for Restoration of Firearm and Ammunition Rights (FIR202)

Use this form when you are not eligible to possess firearms and ammunition due to a civil commitment. If you are not eligible to possess firearms and ammunition due to a criminal conviction or juvenile adjudication for a crime of violence, use forms FIR101 and FIR102.

Forms you will need for this process:

- Petition for Restoration of Firearm and Ammunition Rights (FIR202)
- Affidavit of Service (FIR203)

What you Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. Serve copies of the *Petition*.
3. File the forms with the Court (either electronically or at the courthouse).

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit www.mncourts.gov/SelfHelp
- Call the MN Courts Self Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.mncourts.gov/Help-Topics/Find-a-Lawyer

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information About Filing a *Petition for Restoration of Firearm and Ammunition Rights (FIR202)*

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.

[Minn. Stat. § 624.713, subd. 4](#) allows individuals to ask the court to restore the right to possess firearms and ammunition after commitment resulting from a judicial determination that the person is mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent.

What information do I need to complete the *Petition*?

The judge will need information about any civil commitment cases that resulted in the loss of firearm and ammunition rights to determine to grant your petition.

The judge may want details from the relevant civil commitment case(s). You may want to bring the following to the hearing: a copy of any adjudication/commitment order; a copy of any petition that sought to have you so adjudicated or committed; and a copy of any order showing your discharge from commitment or restoration of mental competency.

If you are not sure if this applies to you, talk with an attorney.

It is recommended that you get the following:

- 1. Register of Action:** Request a copy of the Register of Action (ROA) for the case that resulted in the loss of the right to possess a firearm. If you were civilly committed under different cases, each of these commitments could have caused you to lose your right to possess a firearm. Make sure to request and attach to your *Petition* a ROA for each Civil Commitment cases that caused you to lose your right to possess a firearm.

If you have more than one Civil Commitment case in multiple counties and/or judicial districts and are unsure which case caused you to lose this right, you should talk to an attorney for legal advice.

The ROA can be printed at a MN county courthouse through the Records Center or the Minnesota Public Access terminals. There is a court copy fee for the ROA.

- 2. Background Check:** Criminal background checks are available through the Minnesota Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI).

The BCA offers a Minnesota-only background check, but may not offer a national check. The FBI offers a national background check.

Different judges may have different preferences regarding nationwide and Minnesota-only background checks. The more information you provide, the better informed the judge is to decide your *Petition*.

Costs and Process: It costs money to request a background check and takes time to complete.

You can get full details about the costs and process from the BCA and FBI websites.

BCA: <https://dps.mn.gov/divisions/bca/Pages/background-checks.aspx>

FBI: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

NOTICE: Even if the judge grants your *Petition*, you may still be prohibited from possessing firearms and ammunition under other applicable state or federal laws. We strongly encourage you to get legal advice and not assume you may lawfully possess a firearm even if your *Petition* is granted.

Where should I file the *Petition*?

There are a few issues to keep in mind when deciding where (County) to file your case and whether to file within your existing case or to start a new Civil case. There may be a filing fee to file this *Petition*. Please consider the following issues to help decide where to file and in which case.

One Case with Civil Commitment: If you were civilly committed in only one case, you may choose to file this *Petition* in that case. Filing within that specific case will make sure that any order restoring your rights is available in that case and is communicated to state and federal justice partners who are responsible for determining your eligibility to possess firearms. There is no filing fee when you file into your Civil Commitment case. If you choose to open a new Civil case then you will pay the filing fee in that county.

Multiple Cases: If you have civil commitments in different cases, each of these Civil Commitments could have caused you to lose your right to possess a firearm. Make sure to list in your *Petition* all of the Civil Commitment cases that caused you to lose your right to possess a firearm.

- **Cases in the same Judicial District** – If all of your cases are in the same Judicial District, even if in different counties (for example, all the cases are in the 10th Judicial District but are in Anoka County and Washington County) then you may:

- File one *Petition* into one of your cases in the county where that case is located. You must list only that case on the caption of your *Petition*, but should include all Civil Commitment case numbers in the body of the *Petition*. There is no filing fee when filing into your existing Civil Commitment case. **OR**
- File one *Petition* in the county where one of the cases is located, or where you live, as a new Civil case. Each Civil Commitment case number will need to be included in the body of the *Petition*. There is a filing fee to open a new Civil case.
- **Cases in different Judicial Districts** – If you have multiple cases in different judicial districts then you may:
 - File a *Petition* within each judicial district in a Civil Commitment case that resulted in the loss of your firearm rights. There is no filing fee when filing into your existing Civil Commitment case. **OR**
 - File one *Petition* in the county where one of the cases is located, or where you live, as a new Civil case. Each Civil Commitment case will need to be included in the body of the *Petition*. There is a filing fee to open a new Civil case.

Step 1

Complete the *Petition for Restoration of Firearm and Ammunition Rights (FIR202)*

The caption for your case will depend on how you have chosen to file, either within an existing Civil Commitment case or a new Civil case. See the examples below for each.

Match the number in the boxes above with the numbered instructions below for your case.

Section A – COMMITMENT CASE: The Caption

A – COMMITMENT CASE	
DISTRICT COURT	
State of Minnesota County of: 1	Judicial District: _____ Court File Number: 2 Case Type: _____
In the Matter of the Civil Commitment of: [YOUR NAME] 3	Petition for Restoration of Firearm and Ammunition Rights Minn. Stat. § 624.713, subd. 4
vs. 4	

1. Fill in the county where the Civil Commitment case was filed. If you are unsure of any information needed for the caption, you can find this information on any official court document from your case or your ROA.
2. Look at your ROA or court document to:
 - a. Fill in the Judicial District for the county where the case was filed.
 - b. Fill in the Court File Number from the case.
 - c. Fill in the Case Type.
3. Fill in “In the Matter of the Civil Commitment of: your name (as it appears in the ROA or court document).”
4. Line 4 will be left blank.

Section A – CIVIL CASE: The Caption

A – CIVIL CASE	
State of Minnesota County of: 1	Judicial District: 2 Court File Number: 3 Case Type: Civil
In Re Petition for Restoration of Rights of: [Full Legal Name] 4	Petition for Restoration of Firearm and Ammunition Rights Minn. Stat. § 624.713, subd. 4
vs. 5	

1. Fill in the county where the new Civil case will be filed. This can be in either the county where the case was or where you live.
2. Fill in the Judicial District for the county where you file. If you do not know the judicial district, you can find a map with all of the judicial districts at <http://www.mncourts.gov/Find-Courts.aspx>.
3. Fill in “Civil” for Case Type.
4. When filing a new Civil case, you are the Petitioner. Fill in “In Re Petition for Restoration of Rights of: your full legal name – first, middle, last.”
5. Line 5 will be left blank.

Section B: The Petition

B
1. I am petitioning the court for restoration of firearm and ammunition rights pursuant to Minn. Stat. § 624.713, subd. 4.
2. My full name, and all other legal names or aliases I have been known as, are: 1 _____
3. My date of birth is: 2 _____

1. Fill in your current and all other past full legal names or aliases. This includes your first, middle, and last names.

2. Fill in your date of birth.

4. List all cases that resulted in the loss of firearm and ammunition rights resulting from a judicial determination that the petitioner is mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent. It is recommended that you get a copy of the Register of Actions (ROA) for each case for which you are asking to have your firearm and ammunition rights restored, in order to provide the information requested below. Attach the ROA copies to the Petition. List each case separately. Attach additional pages if necessary.

Court file number: 3

County-State where commitment occurred: 4

Type of commitment: 5

Date commitment was ordered by a judge: 6

Date of discharge: 7

The information you need to fill out the information in paragraph 4, is in the ROA for your case. Attach a ROA for each case to the *Petition*.

Fill out the following. If you have more than one case, list information for each case separately. If needed, create an attachment with the same information.

3. Fill in the court file number of the case that resulted in the loss of firearm and ammunition rights. If you have more than one case or are unsure, you should talk with an attorney.
4. Fill in the County-State where commitment happened. This is likely the county-state where your case was filed.
5. Fill in the type of commitment.
6. Fill in the date of commitment. This may be different than the day the case was opened.
7. Fill in the date of discharge from commitment. If you are still committed, you should talk with an attorney.

5. Have you filed any requests for Restoration of Firearm and Ammunition Rights in the past?

Yes No **8**

If yes, list each case separately:

Court file number: _____ **9**

Status of request: granted / denied / pending

If granted or denied, list the date of the order: _____

8. Answer whether or not you have asked for a Restoration of Firearm and Ammunition Rights in the past. The request could have been for this case or a different case and does not have to be in the same county you are filing your request now.

9. If yes, answer the following:

- a. Fill in the Court File Number of the case that you filed a request.
- b. Fill in the status of the case. If you are not sure, review the ROA or check with court administration.
- c. If granted or denied, list the date of the court order. This can be found on ROA.

6. I am asking for restoration of my firearm and ammunition rights because

(Explain why you are asking to have your firearm and ammunition rights restored and if it is sought for employment, sporting, or other purpose. Attach additional pages if needed.):

_____ **10**

7. I have taken the following steps toward personal rehabilitation, including treatment, work, community involvement, or other personal history *(Describe in detail your record and progress toward personal rehabilitation or attach a statement from a licensed medical doctor or clinical psychologist which states that you are no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of three consecutive years. Attach additional pages if needed.):*

_____ **10**

8. I believe that I am not likely to act in a manner that is dangerous to public safety, and that restoring my rights to possess firearms and ammunition would not be contrary to the public interest because *(State in detail why restoring your firearm and ammunition rights would not be dangerous or contrary to the public interest. Attach additional pages if needed.)*:

_____ **10** _____

10. Answer questions 6– 8 with enough detail for the judge to have enough information to determine whether to restore your firearm and ammunition rights.

Section C: Your Information

C

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

<p>Dated: _____ 11 _____</p> <p>_____ 13 _____</p> <p>County and State where signed</p>	<p style="text-align: center;">_____ 12 _____</p> <p>Signature Name: _____ 14 _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Telephone: _____</p> <p>E-mail address: _____</p>
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- 11. Date the form.
- 12. Sign the form.
- 13. Fill in the county and state where you signed the form.
- 14. Print your name and fill in your contact information.

Step 2

Make Copies of the Petition for Restoration of Firearm and Ammunition Rights (FIR202)

1. Make as many copies of the signed *Petition for Restoration of Firearm and Ammunition Rights* form as needed for parties being served in Step 3 and a copy for yourself.
2. The original will be filed with court administration (later in step 4).

Step 3

Serve the *Petition for Restoration of Firearm and Ammunition Rights* (FIR202) and complete the *Proof of Service* (FIR203)

Minnesota law does not state who **MUST** be served a copy of the *Petition*. However, you may want to serve any agencies that may have an interest in whether or not you have your rights restored. This could include:

- County Attorney's Office
- County Sheriff's Office
- County Human Services
- Minnesota Department of Human Services

If you are unsure who to serve, you should talk with an attorney.

This is called "service of process." **You must have someone else who is over the age of 18 and not involved in the case** serve the papers by mail as follows:

- Someone else (not you) places one copy of *Petition* in an envelope. The server writes your return address and the address of the agency on the front of the envelope. The server places the correct amount of postage on the envelope. The server may want to take the envelope to the post office to be weighed to make sure they have the right amount of postage. The envelope should be mailed using **first class mail**.

After the paperwork is mailed to the other party (**not before**), the person who served the *Petition for Restoration of Firearm and Ammunition Rights* (FIR202) must fill out the *Proof of Service* (FIR203) form.

<p>State of Minnesota</p> <p>County of: _____</p>	<p style="text-align: right;">District Court</p> <p>Judicial District: _____</p> <p>Court File Number: _____</p> <p>Case Type: _____</p>
<p>_____</p> <p>vs</p> <p>_____</p>	<p style="font-size: 24pt; color: red; border: 2px solid red; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">1</p> <p style="font-size: 18pt; font-weight: bold; margin-top: 10px;">Proof of Service</p>

1. Fill in the caption the same way as the *Petition*. This can be done by you but the rest of the form should be filled out by the person who served the *Petition*.

I, _____ (name of person who mailed the documents), state that on _____ (date), I served the attached document *Petition for Restoration of Firearm and Ammunition Rights*, by mailing true and correct copies to the parties checked below at the addresses listed by putting envelopes with sufficient postage in the U.S. Mail in the City of _____.

2. Fill in the name of the person who mailed the *Petition*.
3. Fill in the date the *Petition* was mailed.
4. Fill in the city where the *Petition* was mailed.

<p>1 _____ County</p> <p>Attorney's Office</p> <p>_____</p> <p>_____</p> <p>(check box & use if related to your case)</p>	<p>2 _____ County Human</p> <p>Services</p> <p>_____</p> <p>_____</p> <p>(check box & use if related to your case)</p>	<p>3 _____ County</p> <p>Sheriff's Office</p> <p>Attn: Records</p> <p>_____</p> <p>_____</p> <p>(check box & use if related to your case)</p>
<p>4 Office of the MN Attorney General</p> <p>Suite 1800 NCL Towers</p> <p>445 Minnesota Street</p> <p>St. Paul, MN 55101</p> <p>(check box & use if related to your case)</p>	<p>5 MN Dept. of Human Services</p> <p>Attn: Licensing, Legal Division</p> <p>P.O. Box 64242</p> <p>St. Paul, MN 55164-0242</p> <p>(check box & use if related to your case)</p>	<p>6 MN Bureau of Criminal Apprehension</p> <p>CJIS-CCH-Court Orders / Petitions</p> <p>1430 Maryland Avenue East</p> <p>St. Paul, MN 55106</p> <p>(check box & use if related to your case)</p>
<p>7 MN Dept. of Natural Resources</p> <p>500 Lafayette Road</p> <p>Box #47</p> <p>St. Paul, MN 55155-4040</p> <p>(check box & use if related to your case)</p>	<p>8 _____</p> <p>_____</p> <p>_____</p> <p>(check box & use if related to your case)</p>	<p>9 _____</p> <p>_____</p> <p>_____</p> <p>(check box & use if related to your case)</p>

5. Check the boxes for any agency that was served and/or fill in the name and address of agency not listed.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

6	7
_____	_____
Date	Signature (person who mailed the papers)
8	Printed Name: _____
_____	9
County and State where signed	Address: _____
	City/State/Zip: _____
	Telephone: _____

6. Fill in the date the *Proof of Service* is signed by person who mailed the *Petition*.
7. Sign the form. This must be done by the person who mailed the *Petition*.
8. Fill in the county and state where the *Proof of Service* was signed.
9. Fill in contact information of person who mailed the *Petition*.

Step 4
File Your Forms

File the original *Petition for Restoration of Firearm and Ammunition Rights* (FIR202) and *Proof of Service* (FIR203) forms with court administration. There is no filing fee to file this *Petition* in the Civil Commitment case.

If you are filing a Civil case, there will be a filing fee. If you have a low income or otherwise cannot afford to pay the filing fee, you can ask for a fee waiver. Fee Waiver forms and instructions are available online at <http://mncourts.gov/GetForms.aspx?c=19&p=69>.