

# ONE THING YOU CAN DO.

## Virginia

When someone you love is showing warning signs that they might try to harm themselves, it can feel like there is nothing you can do in such a high-stakes and emotional situation.

**But there is one thing you *can do*: you can request an extreme risk protection order to temporarily remove guns from the situation and help keep your loved one safe.**

In a moment of crisis, access to a gun can be the difference between life and death. If you're seeing signs that someone you love is considering harming themselves, you can seek an extreme risk protection order to temporarily suspend their access to firearms, which are the most lethal form of suicide - until the crisis passes.

# Access to a gun can be the difference between life and death in a moment of crisis. Keep your loved one safe with an extreme risk protection order.

## What does Virginia's *substantial risk order* do?

A substantial risk order is a court order that temporarily restricts a person's access to guns when they pose a risk of harming themselves or others.

Substantial risk orders are designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

## Who can request a substantial risk order in Virginia?

Under Virginia law, only a law enforcement officer or a Commonwealth's attorney may file a petition for a substantial risk order.

## What can I do to seek a substantial risk order?

If you are concerned that someone you know is at risk of harming themselves or others, your first step should be to contact a member of law enforcement and discuss your concerns with them. Law enforcement can then investigate your concerns and request the substantial risk order from the court.

## What happens after a substantial risk order has been requested?

Concern for the safety of the person, or of the public may demand that action be taken before the scheduled hearing date, to prevent immediate danger. So once the court receives a request (called a "petition") for a substantial risk order, the court will determine whether to issue an emergency order.

If, after reviewing a petition, the court determines that it's necessary to protect a person or public safety during this time, a judge will issue an **emergency substantial risk order** that restricts a person's access to firearms before a full hearing is held. An emergency order only lasts until the court hearing on a final substantial risk order, which must be held within 14 days.

Because temporary orders only stay in place for a short period of time – up to 14 days– these orders balance the urgent need for public safety with the due process rights of all involved licensed firearms dealer for as long as the order is in effect.

## What happens after an emergency substantial risk order is issued?

If an emergency order is issued, the court will notify the person and schedule a court hearing about whether a final substantial risk order should be issued.

If, at the hearing, a court finds that a person poses a substantial risk of causing injury to themselves or others by having access to firearms, the judge will issue a court order that prohibits the person from having firearms in their possession for as long as the order is in effect and advises them to relinquish any firearms currently in their possession to law enforcement. Under certain circumstances, the person may, if permitted by the court, transfer their guns being held by law enforcement to a third party who is legally allowed to hold them.

Also, the person will not be able to purchase new firearms while the order is in effect.

## How long does a substantial risk order last?

A final substantial risk order lasts for a period of up to six months. At the end of the six months, law enforcement may ask the court to extend the order. The order can only be extended after a court hearing.

## Will a risk protection order go on someone's criminal record?

No. A risk protection order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

**If you have immediate safety concerns, call 911 for emergency assistance.**

If you believe that a loved one is a risk to their own safety, you may wish to encourage them to seek expert help. The National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week at:

**[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)  
1-800-273-TALK (8255)  
text HOME to 741741**