

Colorado's Extreme Risk Protection Order: A Vital Tool for Safety

An extreme risk protection order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

An extreme risk protection order, also called an ERPO, is a court order that temporarily restricts a person's access to guns. It is designed to help law enforcement, concerned family members, and other designated community members intervene quickly in dangerous situations.

FAQs

How do I request an extreme risk protection order?

To seek an extreme risk protection order, a family or household member, licensed health care professional, mental health professional, or educator can fill out and file the application directly with the court. They can also contact a member of law enforcement to discuss their concerns. Law enforcement can then investigate these concerns and request an extreme risk protection order from the court.

Who can request an extreme risk protection order in Colorado?

Under Colorado law, a law enforcement officer, a person's family or household member, a licensed health care professional or mental health professional,* or an educator** may file a petition for an extreme risk protection order.

A family or household member is defined as:

- A person related by blood or marriage or adoption;
- A person who has a child in common with the person;
- A person who has a biological or legal parent-child relationship with the person, including stepparents, and grandchildren;
- A domestic partner;

- A person who regularly resides or regularly resided with the person within the last six months; or
- A person who is acting or has acted as the person’s legal guardian.

* A licensed health care professional or mental health professional may file a petition for an extreme risk protection order if they provided care to the person or their child through a direct professional relationship within six months before filing the petition.

A licensed health care professional or mental health professional is defined as:

- A physician;
- A physician assistant;
- An advanced practice registered nurse;
- A psychiatrist;
- A school nurse, school counselor, or school social worker;
- A licensed emergency room medical care provider;
- A psychologist;
- A licensed professional social worker;
- A marriage and family therapist or marriage and family therapist candidate;
- A licensed professional counselor;
- An addiction counselor licensed or addiction counselor candidate;
- A registered psychologist candidate;
- A clinical social worker candidate;
- A licensed professional counselor candidate; or
- An unlicensed psychotherapist.

** An educator may file a petition for an extreme risk protection order if they interacted with the person or their child through a direct professional relationship within six months before filing the petition.

An educator is defined as:

- A teacher employed to instruct students or a school administrator in a school district, private school, charter school institute, or an individual charter school; or
- A faculty member at an institution of higher education.

What happens after the request for an extreme risk protection order has been filed?

Once the court receives a request (called a “petition”) for an extreme risk protection order, the court will notify the person and schedule a court hearing about whether the order should be issued.

If, at the hearing, a court finds that a person poses a significant danger of injury to themselves or others with a firearm, the judge will issue a court order that requires the person’s firearms to be held by law enforcement or a licensed firearms dealer for as long as the order is in effect.

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

I'm afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or the public, may demand that action be taken before the scheduled hearing date, to prevent immediate danger.

To protect a person or public safety during this time, a judge may issue an emergency extreme risk protection order that restricts a person's access to firearms before the person has been notified of the petition, and before a full hearing is held.

How long does an emergency extreme risk protection order last?

In Colorado, an emergency order is called a temporary order and only lasts until the court hearing on a final extreme risk protection order.

The temporary extreme risk protection order is up to 14 days until a subsequent hearing is scheduled where the respondent and petitioner can be present to discuss a final extreme risk protection order.

How long does a final extreme risk protection order last?

A final extreme risk protection order lasts for one year. At the end of one year, the person who petitioned for the order, another family or household member, or a law enforcement officer may ask the court to renew it. The order can only be extended after a court hearing.

Will an extreme risk protection order go on someone's criminal record?

No. An extreme 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.

What if I am not able to request an extreme risk protection order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs of being at risk of self-harm or harming someone else, you can contact a law enforcement officer and ask that they seek an extreme risk protection order.

Colorado's Extreme Risk Protection Order Hotline: 855-999-3776 (ERPO)

This hotline provides information on the process of filing for an order and relevant resources. The hotline will not provide legal advice or serve as an avenue for an individual to file a petition for a temporary order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.