

## Delaware's Lethal Violence Protective Order: A Vital Tool for Safety

A lethal violence protective order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

A lethal violence protective order, also called an LVPO, is a court order that temporarily restricts a person's access to guns. It is designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

### FAQs

#### **How do I request a lethal violence protective order?**

To seek a lethal violence protective order, an immediate family member can file an application directly with the court or contact a member of law enforcement to discuss any concerns with them. Law enforcement can then investigate any concerns and then request a lethal violence protective order from the court.

#### **Who can request a lethal violence protective order in Delaware?**

Under Delaware law, a law enforcement officer or a person's family member may file a petition for a lethal violence protective order.

A person's family member is defined as:

- A spouse;
- An intimate partner;
- A parent;
- A child;
- Another family member, related by blood or marriage, living in the same household; or
- Dating partners.

## **What happens after the request for a lethal violence protective order has been filed?**

Once the court receives a request (called a “petition”) for a lethal violence protective order, the court will notify the person and schedule a court hearing to decide whether the order should be issued.

If, at the hearing, a court finds that a person poses an immediate and present danger of suicide or of causing physical injury to another person, the judge will issue a court order that requires the person’s firearms to be held by law enforcement for as long as the order is in effect. Under certain circumstances, the person may choose to transfer their guns 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, and the court may prohibit the person from residing with someone who possesses firearms.

## **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 of the public, may demand that action be taken before the scheduled hearing date, to protect against the threat of immediate danger.

At the request of law enforcement, a judge may issue a temporary lethal violence protective 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 lethal violence protective order last?**

In Delaware, an emergency lethal violence protective order is called a temporary order and only lasts until the court hearing. This will only be issued if the judge has determined that the temporary order is necessary to prevent immediate danger.

Because temporary orders only stay in place for a short period of time—up to 15 days—these orders balance the urgent need for public safety with the due process rights of all involved.

## **How long does a final lethal violence protective order last?**

A final lethal violence protective order lasts for one year.

At the end of an order, law enforcement or the person’s family member may ask the court to renew the order. The order can only be extended after a court hearing.

## **Will a lethal violence protective order go on someone's criminal record?**

No. A lethal violence protective 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 a lethal violence protective 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 a lethal violence protective 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**.