

Maryland's Extreme Risk Protective Order: A Vital Tool for Safety

An extreme risk protective 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 protective 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 some medical professionals intervene quickly in dangerous situations.

FAQs

How do I request an extreme risk protective order?

To seek an extreme risk protective order, a family or household member can fill out and file the application directly with the court, or they can contact a member of law enforcement. Law enforcement can then investigate the concerns and request an extreme risk protective order from the court.

Who can request an extreme risk protective order in Maryland?

Under Maryland law, a person's family or household member or dating partner, a law enforcement officer, or a doctor or mental health professional who has examined the person may file a petition for an extreme risk protective order.

A family or household member is defined as:

- A spouse;
- A person related by blood, marriage, or adoption;
- Someone who has a child in common with the person;
- A current or former legal guardian; or
- A cohabitant of the respondent (someone who lives with the person in crisis).

A doctor or mental health professional is defined as:

- A physician;
- A psychologist;
- A clinical social worker;
- A licensed clinical professional counselor;
- A clinical nurse specialist in psychiatric and mental health nursing;
- A psychiatric nurse practitioner;
- A licensed clinical marriage or family therapist; or
- A health officer or a designee of a health officer who has examined the person.

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

When the court receives a request (called a “petition”) for an extreme risk protective order it will hold a hearing to decide whether to issue a temporary extreme risk protective order.

The temporary order restricts a person’s access to firearms before the person has been notified of the petition, and before a full hearing is held. If court is not in session, a court commissioner can issue an interim protective order. When a commissioner receives a petition, whether or not they issue an interim order, the court must hear the petition the next day that it is open.

After a court reviews a petition, it will schedule a hearing to determine whether to issue a final extreme risk protective order. If a court finds that a person poses a danger of causing 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 for as long as the order is in effect. Under certain circumstances, the person may choose to transfer their guns that are being held by law enforcement to a firearms dealer or a third party who is legally allowed to own them.

When considering a petition, a judge can also issue an order referring the person for an emergency mental health evaluation.

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 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 extreme risk protective order last?

In Maryland, an emergency order is called a temporary order and only lasts until the court hearing on a final extreme risk protection order. Because temporary orders only stay in place for a short period of time—generally up to 7 days—these orders balance the urgent need for public safety with the due process rights of all involved.

How long does a final extreme risk protective order last?

A final extreme risk protective order can remain in effect for up to a year.

At the end of an order, a petitioner (someone who is allowed to request the order) may ask the court to renew the order for an additional six months. The order can only be extended after a court hearing.

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

No. An extreme risk 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 an extreme risk 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 an extreme risk 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**.