

New Jersey'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 and concerned family members 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. Family or household members can also contact a member of law enforcement, such as a police officer or District Attorney to discuss any concerns. Law enforcement can then investigate these concerns and request an extreme risk protective order from the court.

Who can request an extreme risk protective order in New Jersey?

Under New Jersey law, a law enforcement officer or a person's family or household member may file a petition for an extreme risk protective order.

A person's family or household member is defined as:

- A current or former spouse;
- A current or former domestic partner;
- A current or former dating partner;
- Any person who currently resides, or has previously resided, in the household with the person;
- Anyone with a child in common with the person; or
- Anyone who is expecting a child with the alleged individual.

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

The court will hear a request (called a “petition”) for an extreme risk protective order as quickly as possible once it is filed.

If the court grants a temporary order, it will notify the person. The court will then schedule a hearing at which the court determines whether to end the order or issue an extended order. The court will hold a hearing within 10 days after the petition is filed.

At the hearing, if the court finds that a person poses a significant danger of harming themselves or others by having access to guns, 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.

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 of 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 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 New Jersey, an emergency order is called a temporary extreme risk protective order and lasts until a hearing, which must be held no more than 10 days after a petition is filed.

How long does a final extreme risk protective order last?

A final extreme risk protective order remains in effect until the petitioner or person subject to the order asks the court to terminate the order. Before an order is terminated, the court must find that the person no longer poses a significant threat of harming themselves or others by having access to guns.

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**.