

## New York'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, if you fall into one of the categories listed above, you can file the application directly with the court. You can also contact a member of law enforcement, such as a police officer or district attorney to discuss any concerns. Family members can also work with school administrators or healthcare providers when a person in crisis presents warning signs at their school. Law enforcement or the school administrator can then investigate these concerns and request the extreme risk protection order from the court.

#### **Who can request an extreme risk protection order in New York?**

Under New York law, a law enforcement officer; district attorney, a school administrator at the person's school (or their designee); certain types of licensed healthcare providers\*; or a person's family or household member may file a petition for an extreme risk protection order.

A family or household member is defined as:

- A current or former spouse;
- An intimate partner;
- Anyone related by blood or marriage; or
- A person living in the same household.

\* These types of healthcare providers can file a petition for an extreme risk protection order if they have treated the person as a patient within the last six months:

- Licensed physicians;
- Licensed psychiatrists;
- Licensed psychologists;
- Registered nurses;
- Licensed clinical social workers;
- Certified clinical nurse specialists;
- Certified nurse practitioners;
- Licensed clinical marriage and family therapists;
- Registered professional nurses;
- Licensed master social workers; and
- Licensed mental health counselors.

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

The court will hear a request (called a “petition”) for a temporary extreme risk protection order on the day the petition is filed.

If the court grants the order, it will notify the person. The court will then schedule a hearing no later than six days after the order is granted, at which the court determines whether to end the order or continue the order for one year. In cases where no temporary order is issued, the court will hold a hearing within 10 business days.

At the hearing, if the court finds that a person is likely to engage in conduct that would result in serious harm to himself, herself, or others, the judge can 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 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 New York, an emergency gun violence protective order is called a temporary extreme risk protection order. All petitioners first have to file for a temporary extreme risk protection order which is in effect for a maximum of six business days. If the judge does not issue the temporary order, a hearing for a final protective order must be held within ten business days after the application is served to the respondent.

## **How long does a final extreme risk protection order last?**

A final extreme risk protection order lasts for up to one year. At the end of that year, law enforcement, the person's family or household member, or a school administrator may ask the court to renew the order. 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.

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**.