

Vermont'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 prosecutors and concerned family members intervene quickly in dangerous situations.

FAQs

How do I request an extreme risk protection order?

To seek an extreme risk protection order, a prosecutor or family or household member may file an application directly with the court or contact a member of law enforcement and discuss your concerns with them. Law enforcement can then investigate your concerns and work with prosecutors to request the extreme risk protection order from the court.

When a petition is filed by a family or household member and the court issues a temporary extreme risk protection order, the State's Attorney will be substituted as the petitioner for the remainder of the proceedings, with the family or household member continuing in a supporting role.

Who can request an extreme risk protection order in Vermont?

Under Vermont law, prosecutors—a State's Attorney or the Office of the Attorney General—and family or household members may file a petition for an extreme risk protection order.

Under Vermont law, a family or household member is defined as:

- A spouse;
- A child;
- A sibling;
- A parent;

- Next of kin;
- A domestic partner;
- A legal guardian;
- Persons who are living together or are sharing occupancy of a dwelling;
- Persons who are engaged in a sexual relationship; or
- Minors or adults who are dating.

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, the court finds that a person presents a risk in the near future of suicide or of causing physical injury to another person, the judge can issue a court order that requires the person’s firearms to be held by law enforcement, a federally licensed firearms dealer, or a third party approved by the court, 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 public or of the person 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 a temporary 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. A temporary order will only be issued if the judge has determined that the temporary order is necessary to prevent imminent danger.

How long does an emergency extreme risk protection order last?

In Vermont, 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—up to 14 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 protection order last?

A final extreme risk protection order lasts for up to six months. At the end of that time, a renewal of the order may be requested. 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**.