

## Michigan'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, certain healthcare providers, 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, if you fall into one of the categories listed above, you can file the application directly with the family division of the circuit court.

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

Under Michigan law, a law enforcement officer, a healthcare provider,\* or a family or household member may file a petition for an extreme risk protection order.

Family or household members include:

- A current or former spouse;
- A parent or guardian;
- A son or daughter;
- A sibling;
- A grandparent;
- A grandchild;
- A first cousin;
- A person who has a child in common with the person in crisis;
- A person who currently has, or has previously had, a dating relationship with the person in crisis; or
- A person who currently resides, or has previously resided, with the person in crisis.

\*Healthcare providers include:

- A physician;
- A physician's assistant;
- A nurse practitioner, or certified nurse specialist licensed under Michigan law or the law of another state;
- A mental health professional, meaning an individual who is trained and experienced in the area of mental illness or developmental disabilities;
- A psychologist;
- A registered professional nurse;
- A licensed master's social worker; or
- A licensed professional counselor, or marriage and family therapist.

### **What happens after the request for an extreme 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 that the petition has been filed and that they are entitled to a court hearing to determine whether the order should be issued.

If, after reviewing all of the evidence, a court finds that a person can reasonably be expected within the near future to seriously physically injure themselves or others by possessing a firearm, the judge will issue a court order that requires the person's firearms to be held by law enforcement or a licensed gun dealer for as long as the order is in effect.

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 person may request, and 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 the respondent has the opportunity to request a full hearing.

### **How long does an emergency extreme risk protection order last?**

In Michigan, an emergency extreme risk protection order lasts until a final hearing is held, or, if a final hearing is not requested, it will last for one year.

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

A final extreme risk protection order lasts for one year. At the end of that year, law enforcement, the person's family or household member, or a healthcare provider may ask the court to renew the order. The order can only be extended for an additional year after the court makes a new finding that the individual continues to reasonably be expected within the near future to seriously physically injure themselves or others by possessing a firearm.

## **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**.