

Massachusetts' 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 enables courts to temporarily restrict 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 protection order?

To seek an extreme risk protection order, a family or household member, licensed health care professional, mental health professional, or educator can fill out and file the application directly with the court. They can also contact a member of law enforcement to discuss their concerns. Law enforcement can then investigate these concerns and request an extreme risk protection order from the court.

Who can request an extreme risk protection order in Massachusetts?

Under Massachusetts law, a person's family or household member, the licensing authority where the respondent lives, or a law enforcement officer or agency, a healthcare provider who has provided healthcare services to the respondent within the previous six months, or principal or assistant principal of an elementary school or secondary school, or an administrator of a college or university where the respondent is enrolled may file a petition for an extreme risk protection order.

A family or household member is defined as:

- A current or former spouse;
- Someone related by blood or marriage;
- Someone who has a child in common with the person;
- A dating partner, or is or has been engaged to the person;
- A current or former cohabitant.

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, it will schedule a hearing, which must be held within ten days, to decide whether to issue the order.

If a court finds that a person poses a risk of causing bodily injury to themselves or others with a firearm, the judge can issue a court order that requires the person's firearms and any firearms license to be held by the licensing authority for as long as the order is in effect. Under certain circumstances, the person may choose to transfer their guns to a third party who is legally allowed to own them.

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 Massachusetts, there are two kinds of order before the final extreme risk protection order.

Temporary orders can remain in effect for no longer than 10 days, at which point a full hearing must be held, at which all parties have an opportunity to be heard.

Emergency orders remain in effect only until the next day the court is open, at which point a written petition must be filed and a temporary order can be granted.

Because temporary orders only stay in place for a short period of time—no more than 10 days—this process balances the urgent need to protect 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 one year.

At the end of an order, a family or household member, or law enforcement, may ask the court to renew the order for up to an additional year. The order can only be extended after a full court hearing at which the person requesting the renewal must show that the risk of harm remains.

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 temporarily restrict a person's access to firearms if they pose a serious 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**.