

WHAT IS AN EXTREME RISK PROTECTIVE ORDER, AND WHAT CAN IT DO?

An Extreme Risk Protective Order (ERPO) is a court-issued civil order temporarily requiring a person to:

- surrender any firearms or ammunition to law enforcement; and
- not purchase or possess firearms or ammunition.

With reasonable belief that a person meets the requirements, an ERPO allows the court to refer someone for an emergency evaluation due to mental disorder.

WHAT AN EXTREME RISK PROTECTIVE ORDER CANNOT DO

- An ERPO **cannot** order a person to:
- stop threatening or committing abuse;
 - stay away from your home, place of employment, or school;
 - have no contact with you or others.
- There are other legal remedies to address these ERPO exclusions.

If you need protection for yourself or a family member, see the "How to File for a Peace or Protective Order" Brochure (CC-DC-DV-PO-001BR).

WHO IS AN EXTREME RISK PROTECTIVE ORDER FILED AGAINST?

A person who poses an immediate and present danger of causing personal injury to self or others by having firearms. The person who is alleged to be a danger is called the **respondent**.

- Factors demonstrating possible risk include:
- alarming behavior and statements;
 - unlawful firearm possession;
 - reckless or negligent firearm use;
 - violence or threats of violence to self or others;
 - violating peace or protective orders;
 - drug and/or alcohol abuse; and/or
 - information contained in health records.

Other Resources

Maryland's Helpline
Call 211 and Press 1
Text Zip Code to 898-211
Visit 211md.org

National Suicide Prevention Lifeline
1-800-273-TALK (8255)

District Court Self-Help Resource Center
410-260-1392

National Domestic Violence Hotline
1-800-799-SAFE (7233)

Maryland Network Against Domestic Violence
1-301-429-3601
1-800-MD-HELPS (63-43577)

Additional information regarding how to file for an Extreme Risk Protective Order may be found at: mdcourts.gov/district/ERPO

For more information about the Maryland Judiciary and the District Court visit: www.mdcourts.gov

The mission of the District Court of Maryland is to provide equal and exact justice for all who are involved in litigation before the court.

This brochure is intended to inform the public. It is NOT legal advice. This brochure is subject to unscheduled and unannounced revisions. Any reproduction of this material must be authorized by the Office of the Chief Clerk of the District Court of Maryland.

DC-ERPO-001BR (Rev. 03/2020)



Extreme Risk Protective Orders

How to
File for an
Extreme
Risk
Protective
Order

WHO CAN FILE AN EXTREME RISK PROTECTIVE ORDER?

The person requesting an ERPO is the **petitioner**. A petition may be filed by a:

- spouse;
- cohabitant;
- relative by blood, marriage, or adoption;
- person with child(ren) in common;
- current dating or intimate partner;
- current or former legal guardian;
- law enforcement officer;
- specified medical professional who has examined the respondent.

HOW TO APPLY FOR AN EXTREME RISK PROTECTIVE ORDER

Step 1: Complete the petition

- Obtain a **Petition for Extreme Risk Protective Order (DC-ERPO-001)** from a District Court clerk or commissioner, or online at: mdcourts.gov/district/forms.
- State specifically how the respondent presents an **immediate** and **present danger** of hurting himself/herself, you, or others if he/she has a firearm.
- Describe the respondent's behaviors and any statements made about hurting himself/herself or others.
- State that the respondent possesses firearms; provide a description and the location for each firearm.
- Sign the petition. By signing, you are stating under the penalties of perjury the information is true.

Step 2: File the petition

- File the Petition for Extreme Risk Protective Order in District Court.
- When the clerk's office is open, file the petition with the clerk.
- If the clerk's office is closed, file with a District Court commissioner.

Visit the Judiciary website at mdcourts.gov for court/commissioner locations.

Step 3: Appear for a temporary hearing

- The judge may issue a temporary order if he/she reasonably believes the respondent, by having firearms, poses an immediate and present danger of causing injury to himself/herself, you, or others.
- Under certain circumstances, the judge may hold a final hearing instead of a temporary hearing.

Step 4: Appear for a final hearing

- Usually, the court will schedule a hearing within seven (7) days after the respondent is served the Temporary ERPO.
- The judge may hold the final hearing with or without the respondent being present if the respondent has been served. A final hearing may not be held without service on the respondent.
- The Final ERPO period can be as long as one (1) year.
- The court can extend the Final ERPO for an additional six (6) months (for good cause) after notifying the parties and holding a subsequent hearing.

FREQUENTLY ASKED QUESTIONS Can I file criminal charges?

An ERPO is a civil order and not a criminal charge. See a District Court commissioner or a State's Attorney to file criminal charges.

What happens if the respondent violates the order?

Violating an order is a crime that may result in a finding of contempt, arrest, criminal prosecution, imprisonment, and/or fine.

Do I need an attorney?

It is your decision. If you decide to consult/hire an attorney, make contact as soon as possible to allow the attorney enough preparation time to assist you.

How long does an order last?

- An Interim ERPO usually lasts until the Temporary ERPO hearing, but not beyond the second business day after issued unless the court is unexpectedly closed.
- A Temporary ERPO lasts until the Final ERPO hearing, but not beyond six (6) months.
- A Final ERPO may remain in effect for as long as one (1) year. The court for good cause may extend the term of the order for an additional six (6) months after a subsequent hearing.

Can an appeal be filed?

- Either party may appeal a District Court judge's decision to either grant or deny an ERPO.
- File an appeal with the District Court in the county where the petition was decided.
- The District Court judgment remains in effect until superseded by a judgment of the Circuit Court.

How and when does a respondent regain possession of firearms?

- When the ERPO terminates or expires, the custodial law enforcement agency:
- notifies the respondent that he/she may request return of firearms/ammunition;
 - verifies the respondent is not otherwise prohibited from possessing firearms/ammunition if the respondent submits a request for the return of the firearms/ammunition; and
 - returns the respondent's firearms/ammunition no later than:
 - 14 days after the expiration of an Interim or Temporary ERPO;
 - 14 days after a court terminates a Final ERPO; or
 - 48 hours after the expiration of a Final ERPO.