



# EXTREME RISK PROTECTION ORDERS

## A Lifesaving Tool for Michigan Communities

### WHAT IS AN EXTREME RISK PROTECTION ORDER?

Michigan's Extreme Risk Protection Order (ERPO) law created a civil legal process through which law enforcement officers, concerned family members, and other designated individuals may request that a court grant an order that temporarily restricts a person's access to firearms when there is evidence that the person poses a risk of harm to self or others if they continue to have such access.

**This law creates a pathway to remove firearms from dangerous situations, empowering those who recognize warning signs to intervene when someone is in crisis before a tragedy occurs.**

If a court issues an extreme risk protection order, the individual will be required to temporarily surrender any firearms already in their possession and will be prohibited from purchasing firearms.

### UNDER WHAT CIRCUMSTANCES MIGHT IT BE APPROPRIATE TO SEEK AN ERPO?

Michigan's ERPO law is not limited to specific factual circumstances but rather is intended to provide an option for temporarily limiting access to firearms when an individual has exhibited behaviors or made significant threats demonstrating that they pose a risk of harm to themselves or others if they continue to have such access. An ERPO may be pursued on its own or in concert with other forms of crisis intervention.

Michigan residents have a number of options for civil protection orders in addition to ERPOs that may be appropriate based on the specific circumstances and the type of relief sought. While an ERPO can only restrict a person's access to firearms, other types of protection orders can offer additional relief, such as ordering a person to stay away from specific people or places. For more information about other types of protection orders, visit <https://michiganlegalhelp.org/resources/personal-safety/overview-of-personal-protection-orders>.

### WHAT IS THE PROCESS FOR OBTAINING AN EXTREME RISK PROTECTION ORDER?

The process for obtaining an ERPO begins by filing a petition with the family division of the local circuit court.

The following individuals may file a petition requesting an ERPO:

- The person's family member (including a current or former spouse, parent, child, sibling, grandparent, grandchild, uncle or aunt, or first cousin), or guardian
- Individual who has a child in common
- Individual in a current or former dating relationship
- Individual who currently or formerly resides in the same household
- Certain health care providers
- Law enforcement officers

The petition must state facts demonstrating that an ERPO is necessary because "the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation." The petition must also include a list of any firearms believed to be possessed by the individual; however, it is not necessary that they already own firearms before an ERPO may be granted.

Once a petition for an ERPO has been filed, the court will schedule a hearing and provide notice to the individual against whom the ERPO is sought. At the hearing, the individual will have the opportunity to present evidence and contest the allegations in the petition. The petitioner must attend the hearing as well.

When an ERPO petition is filed, if there is an immediate risk of harm, the petitioner may also request that a short-term emergency extreme risk protection order be issued immediately without prior notice to the individual.

### **WHAT HAPPENS AFTER THE COURT ISSUES AN ERPO?**

When the court issues an ERPO, it will direct the individual to surrender any firearms in their possession to law enforcement or a licensed gun dealer. The court will also advise the individual that they are not permitted to possess or purchase any firearms while the order is in effect. An ERPO will last for one year and may be renewed upon request and after a hearing. The individual may request to modify or rescind the ERPO once every six months.

### **ERPOs ARE A CRUCIAL PART OF A CONTINUUM OF GUN ACCESS INTERVENTIONS TO PREVENT SUICIDE**

Suicidal crises are often very brief, and ensuring that someone experiencing a crisis does not have easy access to lethal means – such as firearms – can prevent a moment of despair from becoming an irreversible tragedy. There are many options for limiting access to guns during a period of suicidal crisis, including seeking a ERPO. These gun access interventions exist on a continuum: a chain of actions that can be taken depending on the severity of the crisis and other factors, including whether the person in crisis owns firearms, how many firearms are in the home, how those firearms are stored, and how willing the person is to voluntarily reduce their own access to firearms.

#### **Continuum of Gun Access Interventions for Suicide Prevention**

<b>In-Home Secure Storage</b>	<b>Give the Keys</b>	<b>Out-of-Home Storage</b>	<b>Extreme Risk Protection Order</b>
Storing firearms securely – ideally locked, unloaded, and separate from ammunition – is the foundation of responsible gun ownership and can prevent unintentional shootings and gun suicide.	A gun owner in crisis can securely store firearms in a locked storage device and give the keys or code to a friend or family member until the crisis has passed – disrupting access but not possession.	Firearms can sometimes be voluntarily and temporarily stored out of the home with a family member or gun dealer/range during a period of crisis. <i>Michigan law requires an individual to obtain a purchase/possession license or a concealed carry permit before they can accept the temporary transfer of a handgun from a loved one in crisis.</i>	When a person poses a serious threat of self harm, family members, law enforcement or other designated community members can petition a court for an ERPO which, if granted, temporarily restricts access to guns.

### **EXTREME RISK PROTECTION ORDER RESOURCES**



One Thing You Can Do

***If you or someone you know is in crisis, the 988 Suicide and Crisis Lifeline provides 24/7 connection to free, confidential support in the US: Call or text 988 or chat at 988lifeline.org.***