

WHO CAN FILE FOR AN ERPO?



MENTAL HEALTH & HEALTH CARE PROFESSIONALS

Mental health and health care professionals can petition for an Extreme Risk Protection Order if a patient poses a significant risk to themselves or others by owning or having access to a firearm.



FAMILY & HOUSEHOLD MEMBERS

If someone is at risk of harming themselves or others, a relative (by blood or marriage), a person who shares a child with them, a legal guardian, or anyone who has lived with them in the past 6 months can file for an Extreme Risk Protection Order.



EDUCATORS & SCHOOL ADMINISTRATORS

If teachers or other school administrators find evidence that someone in their school community could be a risk to themselves or others, they may petition for an Extreme Risk Protection Order.



LAW ENFORCEMENT & DISTRICT ATTORNEYS

Law enforcement professionals and district attorneys may petition for an Extreme Risk Protection Order in Colorado.



Let's Talk Guns
COLORADO

ERPO

Extreme Risk Protection Orders

Extreme Risk Protection Orders have proven effective in saving lives.

Colorado law as well as HIPAA permit the sharing of patients' Protected Health Information (PHI) if it is necessary to petition for an Extreme Risk Protection Order.

AFTER THE ORDER IS FILED

During that time when you know firearm access is restricted, you can identify new intervention options, reassess the patient's current treatment plan, or refine any existing approaches without the risks associated with firearm possession.

POTENTIAL OUTCOMES

- » If an ERPO is denied, no restrictions apply, but you can refile if new concerns arise.
- » If an ERPO is granted, but the respondent fails to comply, law enforcement may document the noncompliance.

RENEWING OR ENDING THE ERPO

- » Once an Extreme Risk Protection Order expires, the respondent is legally allowed to purchase or possess firearms again.
- » If the risk remains, you may submit a renewal request form Motion to Continue an ERPO (JDF 587) approximately 63 days before the order expires.
- » An additional hearing is required with updated information for ongoing firearm restrictions.
- » The respondent can request the termination of the ERPO, but they must demonstrate that they no longer pose a risk.

When an individual poses a threat to themselves or others and has access to a firearm, an Extreme Risk Protection Order, or ERPO, can help. It's a safe, legal measure that can save lives.

WHAT IS AN ERPO?

Commonly known as **"red flag laws,"** these orders are designed to prevent gun violence and suicides by **temporarily** restricting an individual's access to firearms, or restricting their ability to purchase new ones, during a time of crisis when they may pose a safety risk to themselves or others.

THERE ARE TWO TYPES:

TERPO

A **Temporary Extreme Risk Protection Order (TERPO)** can be filed if there is an immediate risk and will last for up to 14 days.

ERPO

An **Extreme Risk Protection Order (ERPO)** is issued after a full hearing and can extend firearm restrictions for up to 364 days.

NEED HELP OR WANT TO LEARN MORE?

Visit LetsTalkGunsColorado.com | Contact the Colorado ERPO Hotline: 855-999-3776



ERPOs are preventative; they are not punitive measures but are designed to reduce harm during a period of crisis. ERPOs do not appear on a respondent's criminal record.



WHEN SHOULD YOU CONSIDER FILING FOR AN ERPO?

If someone seems to be in crisis, and any or a combination of the following risk factors are present, they might be at risk of harming themselves or others. Consider filing an Extreme Risk Protection Order as a measure to ensure someone's safety after voluntary methods have failed or when they do not apply.



MISUSE OF DRUGS OR ALCOHOL

Does this person have a history of drug misuse? Or are they currently using drugs or misusing medications? Substance misuse can affect mental stability and impulse control, and research has shown a strong correlation between substance misuse and gun violence. Over 55% of gun violence deaths involve heavy drinking, often during times of emotional stress.¹



SIGNS OF DOMESTIC VIOLENCE

Is this person showing signs of controlling or abusive behavior toward their partner(s) that may indicate they are committing domestic violence? Does this person also have access to a firearm? The risk of intimate partner homicide is 5-7 times higher when an abuser has access to a firearm.⁴



SUICIDAL IDEATION

Is this person experiencing thoughts of suicide or making plans? Research shows, when individuals who have created plans to attempt suicide by firearm cannot access one, they often do not attempt suicide by another method.²



ACCESS TO FIREARMS

Does this person have access to any firearms? Are their firearms securely stored? Are they considering purchasing a firearm? Firearms are highly lethal in suicide attempts, with almost 90% of suicide attempts involving firearms resulting in death.⁵



PREVIOUS VIOLENT CRIMINAL OFFENSES

Does this person have any previous or existing restrictive orders, such as a domestic violence restraining order or a personal protection order? Have they been charged with any previous criminal offenses that involve violence or threats? In the US from 2014-2019 nearly 70% of fatal mass shootings were domestic violence-related or the shooter had a history of domestic violence.³



THREATS OF VIOLENCE

Has this person made any threats of violence? This could include verbal threats, written threats (such as messages, emails, social media posts, or notes), or behavioral threats (like gathering weapons or planning to harm themselves or others). Remember, if there is a danger to others, you may also consider contacting law enforcement.

HOW TO PETITION - THE ERPO PROCESS IN 5 STEPS



STEP 1: GATHER INFORMATION

Document specific statements, behaviors, known access to firearms, or incidents that suggest significant risk. If possible, gather statements from your colleagues who also observed concerning behavior. Your employer may already have established internal protocols when someone is at risk of harming themselves or others. In some cases, your organization's administration may serve as a co-petitioner and take lead on filing the paperwork.

STEP 2: COMPLETE THE PAPERWORK

Fill out the Temporary ERPO Petition (JDF 573) and the ERPO Information Sheet (JDF 577). The forms are available at any courthouse in Colorado or online at coloradojudicial.gov. You are legally allowed to disclose Protected Health Information, including health records typically covered by HIPAA, when filing for an ERPO in good faith.

STEP 3: FILE AT THE COURTHOUSE

Submit the petition paperwork and any supporting documentation in person at the courthouse in the county where the respondent resides. If you are unsure which court to contact, you can find it using the courts locator tool at www.coloradojudicial.gov.



STEP 4: ATTEND THE FIRST HEARING

(Temporary Extreme Risk Protection Order or TERPO)

During this hearing, the judge reviews the evidence to determine if a TERPO should be issued. You will present your concerns and supporting documents. This hearing usually happens within 24 hours. The respondent will not be present at this hearing. If the TERPO is granted, law enforcement will serve the order on the respondent and confiscate firearms as where appropriate. They will also notify the relevant federal and state agencies to prevent further firearm purchases.

STEP 5: ATTEND THE FINAL HEARING

(Extreme Risk Protection Order or ERPO)

If the initial 14-day TERPO is granted, a 364-day ERPO hearing will be scheduled within 14 days to assess if the ERPO should be granted. Each side will have an opportunity to present their evidence and call witnesses.



¹ Johns Hopkins Bloomberg School of Public Health. "Alcohol Misuse and Gun Violence: An Evidence-Based Approach for State Policy."

² Daigle, M. S. (2005). Suicide prevention through means restriction: Assessing the risk of substitution: A critical review and synthesis. *Accident Analysis & Prevention*, 37(4), 625-632.

³ Geller LB, Booty M, Crifasi CK. "The role of domestic violence in fatal mass shootings in the United States, 2014-2019." *Inj Epidemiol*.

⁴ JAMA Network. "Intimate partner violence circumstances for fatal violence in the US."

⁵ PubMed. Ann Intern Med. "Suicide Case-Fatality Rates in the United States, 2007 to 2014: A Nationwide Population-Based Study."