

District of Columbia'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, concerned family members, and mental health professionals intervene quickly in dangerous situations.

FAQs

How do I request an extreme risk protection order?

To seek an extreme risk protection order, a petitioner can file an application directly with the Superior Court or contact a member of law enforcement to discuss any concerns with them. Law enforcement can then investigate any concerns and then request an extreme risk protection order from the Superior Court.

Who can request an extreme risk protection order in D.C.?

Under D.C. law, a law enforcement officer, a person's family member or dating partner, or a mental health professional* may file a petition for an extreme risk protection order.

A family member is defined as:

- A spouse;
- A domestic partner;
- A parent;
- A child;
- Any person who regularly resides in the household;
- Anyone related by blood, marriage, adoption, or guardianship; or
- Anyone in a romantic, dating, or sexual relationship.

*A mental health professional is defined as:

- A person licensed to practice medicine;
- A person licensed to practice psychology;
- A licensed social worker;
- A professional marriage, family, or child counselor;
- A sexual assault counselor; or
- A licensed nurse who is a professional psychiatric nurse.

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, the court will notify the person and schedule a court hearing within 14 days to determine whether the order should be issued.

If, at the hearing, a court finds that a person poses a significant danger of suicide or of causing bodily injury to another person by having guns, the judge will make a court order that requires the person's firearms to be held by law enforcement 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 judge may issue an ex parte order (called 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 do emergency extreme risk protection orders last?

Emergency extreme risk protection orders last only until the court hearing on a final (one-year) extreme risk protection order.

Because these orders only stay in place for a short period of time—up to 14 days—they balance the urgent need for 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 one year.

At the end of a year, the person who petitioned the court—either law enforcement, a family member, or a mental health professional—may ask the court to renew the order. The order can only be extended if another hearing is held and the court determines the risk of harm remains and the renewal order is necessary.

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.

D.C.'s Extreme Risk Protection Order Hotline: 202-879-0157

This hotline provides information on the process of filing for an order and relevant resources. The hotline will not provide legal advice or serve as an avenue for an individual to file a petition for a temporary order.

You can also send an email to domesticviolencemanagement@dcsc.gov.

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**.