



Extreme Risk Protection Orders

FAQ

An Extreme Risk Protection Order (ERPO) lets you ask the court to temporarily remove a family or household member's access to firearms if they are threatening to hurt themselves or others.

What is an ERPO?

It's a court order that temporarily removes a family member's access to guns, if they are threatening to harm themselves or others.

Will the ERPO protect me personally?

No, this order is just about temporarily removing access to firearms. If you need personal protection, you will need a separate protection order.

Who can get an ERPO?

A family or household member or a law enforcement officer can ask the court to issue an ERPO. If you are afraid to ask the court, you should talk to your local police.

How long does an ERPO last?

A temporary order will last until the court hearing date. A more permanent order can then be issued that lasts for one year and may be renewed.

What forms do I need?

You can find the petition form at www.courts.wa.gov/forms, or go to your local Superior Court Clerk's office and they will give you forms.

Where do I go to get an ERPO?

You must file a petition where either you or the person you are worried about lives. Take the filled-out forms to the Superior Court clerk's office. The clerk will give you a hearing date and time. If you want a temporary order, the hearing will likely be the same day that you file.

Will I have to pay a filing fee?

No, there is no cost for an order.

How will the person know about the hearing or temporary ERPO?

A police officer will "serve" (give) the person a copy of the order and the petition which includes the date, time, and place of the hearing.

What do I have to prove in court?

If you are asking for a temporary ERPO you will have to provide evidence the person poses a significant danger in the near future of hurting themselves, or another person, by having a firearm. At the hearing for the year-long ERPO, you will have to show the person poses a significant danger of hurting themselves, or others, by having a firearm or having access to their firearms.

How can I convince the court?

The court needs specific information, such as whether the respondent owns, has tried to purchase, or may have access to, firearms. Include in your petition why you believe the person is dangerous to themselves or others. Have there been any recent acts or threats of violence in the last 12 months? Have they violated any kind of protection order? Have the police been called? Has the person been arrested or convicted of a crime? Is there a history of violence? A history of stalking? Has the person been identified by a mental health provider as a danger? You can also include in your petition any signed, sworn statements from any other people who have direct knowledge about the person's history and actions.

How soon can I get an ERPO?

You can ask for a temporary ERPO, which will be effective immediately. If you don't, then a hearing will be held no later than 14 days after you file.

Do I have to go to court?

Yes. You must go to court on the date the clerk gives you. A court may schedule a hearing by telephone when it is necessary to accommodate a disability or "in exceptional circumstances" to protect a petitioner from potential harm.

Do I need to bring a witness to the hearing?

No, but if you think it will help convince the court, consider bringing witnesses, or witness statements made under oath, photos or videos, medical or police reports, damaged property, threatening letters, emails, texts, or telephone messages. The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written sworn statements to the hearing.

Do I need a lawyer?

It is not required. You can ask the court clerk about free and low-cost legal services in your county.

Will I see the restrained person at the court hearing?

Yes, if the respondent comes to the hearing. If you are afraid, let court staff know.

What if I need a translator?

When you file your papers, ask the clerk if the court will provide an interpreter for you at no cost. If not, you will have to pay a fee. If one is not available for your court date, you can ask someone who is over age 18 to interpret for you.

What if I am deaf or hard of hearing?

When you file your papers, ask the clerk about assistive listening systems, computer-assisted real-time captioning, or sign language services.

May I renew the order?

Yes, you may renew the order any time after 260 days.

What if the person doesn't obey the ERPO?

If you are aware that the person is violating the order, call 911.

Can the order be canceled?

The respondent may ask the court to cancel the order once in the 12-month period and must prove that he/she no longer poses a significant danger to self or others by having access to firearms.

How are firearms surrendered?

When served with the order, the police officer is required to ask the person to immediately surrender all firearms. If the person is served the order in court, they have 48 hours to surrender firearms to the police.

For More Information On ERPO's and Other Types of Protection Orders:

Go to www.protectionorders.org

To Find Your Local Superior Court:

Go to www.courts.wa.gov/court_dir

