

Extreme Risk Protection Order

Informational Resource Guide - Broomfield Police Department

This document contains general information about Extreme Risk Protection Orders, and is not a substitute for qualified legal advice. Please consult a legal professional for legal advice.

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What is an Extreme Risk Protection Order?

An Extreme Risk Protection Order (ERPO) is designed to temporarily prevent individuals from possessing firearms when they are at significant risk of harming themselves or others. An Extreme Risk Protection Order cannot restrain the respondent from contacting someone, nor can it order the respondent to stay away from any person or place.

The ERPO directs a person to surrender their firearms and makes it illegal for them to purchase or have control of firearms. It also restrains the person from obtaining a Concealed Handgun Permit and orders them to surrender the permit if they have one.

Factors that demonstrate such a risk can include violent behavior, threats of self-harm, dangerous mental health crisis, and abuse of drugs and/or alcohol.

The person filed against is called the **respondent**.

Who Can Request the Order?

A petition for an ERPO may be filed by a family or household member of the respondent, a community member, or a law enforcement officer or agency. The agency or person filing the petition is called the **petitioner**.

The following people can file for an ERPO:

Community Members

Licensed Health-Care Professionals, Mental Health Professionals, Educators, Higher Education Faculty

Family/Household Members

Related by blood, marriage, or share a child; People who have resided w/ Respondent in the previous 6 months; Domestic partners; Stepparents; Stepchildren; Grandparents; Grandchildren; Legal guardians

Law Enforcement Officers

Police Officers, Sheriffs, AGs, DAs, City Attorneys

Basic Process Of Extreme Risk Protection Order

Step 1: Petition The Court

A person can file an ERPO petition on their own or hire a lawyer to represent them. The petitioner must swear under oath that the things they write in the petition are true. The petition must state the specific actions, statements, and facts that show the respondent is at a significant risk for harming themselves and/or another person. Information the court may look for includes (but is not limited to):

- The types of firearms the respondent has and where they are
- Any other protection orders or court cases involving the respondent
- Medical or police records if applicable
- Acts of violence or threats of violence by the respondent

Step 2: File The Petition

The petition must be filed in the county where the respondent resides. If the respondent lives in Broomfield, the case must be filed in the Broomfield County or District court. Broomfield Municipal Court will not take these cases.

Step 3: Temporary Hearing

After filing the petition, an initial hearing will be scheduled with a judge. At the hearing, the judge will ask the petitioner questions to be answered truthfully under oath. Based on the petition and testimony, the judge will decide whether or not to issue a Temporary Extreme Risk Protection Order (TERPO), which will be valid until the next hearing with a judge. The court issues TERPOs on paper which state the time and date of the next hearing, about 2 weeks later. The court papers have to be personally given (or served) to the respondent.

Step 4: Service Of Notice

A copy of the Temporary Extreme Risk Protection Order, the petition, and notice of the hearing must be served to the respondent by a law enforcement officer. A complete copy of all this paperwork must be provided to local law enforcement for service, along with the best available address for the respondent. If the respondent lives in the City and County of Broomfield, the Broomfield Police Department will serve the order, notice, and petition to the respondent within five days of receiving them. During service, law enforcement officers demand the relinquishment of firearms.

Step 5: Hearing With Respondent

At the next hearing, about two weeks later, both parties appear in court. The respondent will be appointed a lawyer for this hearing; the petitioner can hire a lawyer if they prefer. The petitioner should attend the hearing, whether the respondent has been served or not. If the petitioner does not attend, the court will dismiss the case and will not sign a further order. At the hearing, the petitioner should be prepared to present evidence and explain their request to

the judge, and both parties may be asked questions by the judge and lawyers. The judge will decide whether or not to sign a further ERPO.

If granted, the ERPO lasts 364 days. It can be renewed for additional one year periods. Any motion (request) to renew must be filed with the courts at least 21 days before the order expires.

Surrender Of Firearms And Concealed Handgun Permit

The law enforcement officer serving the order will demand that the respondent instantly surrender all firearms and Concealed Handgun Permit to the Officer during the service of Temporary ERPO and if service is required for the full ERPO.

If not surrendered immediately due to the respondent appearing in court, the respondent must surrender them within 24 hours of receiving the order at the hearing.

Terminating Orders

Only the courts can terminate an ERPO. The respondent may file a motion to terminate the ERPO only one time during the 364-day period the order is in effect.

Where Can I Get Forms?

Forms can be obtained at the county courthouse, or downloaded at the Colorado Judicial Branch website www.coloradojudicial.gov/self-help/extreme-risk-protection-order-forms

Resources

The following resources may be useful when considering an ERPO.

Colorado Courts

www.coloradojudicial.gov/self-help/extreme-risk-protection-order-forms

Broomfield Combined Courts

303-464-5020

17 DesCombes Drive

Broomfield, CO 80020

Broomfield Self Help Resource Center

303-654-3213

17 DesCombes Drive

Broomfield, CO 80020

17shrc@judicial.state.co.us

Hours: Monday & Thursday 9am - 3pm

Broomfield Police Department

303-438-6400

7 DesCombes Drive

Broomfield, CO 80020

www.broomfield.org/POLICE

BCORE (Broomfield Co-Response)

Mental Health and Behavioral Support

983-888-6700

www.broomfield.org/3795

Victim Services

303-438-6429

303-438-6471

303-438-6439

police-victimservices@broomfield.org

www.broomfield.org/304/Victim-Services

Domestic Violence Support

SPAN (Safehouse Progressive Alliance For Nonviolence)

303-444-2424

www.safehousealliance.org

Project Safeguard

303-637-7761

<https://psghelps.org>

Family Tree Legal Advocacy

303-271-6559

www.thefamilytree.org/legal-advocacy-program