What can an Extreme Risk Protection Order do?

An Extreme Risk Protection Order directs a person to surrender their firearms and any concealed carry permit to law enforcement.

Who is it filed against?

A person who poses a significant risk of causing personal injury to self or others by having or receiving firearms. Factors that demonstrate such a risk can include violent behavior, threats of self-harm, dangerous mental health crisis, and abuse of drugs or alcohol. The person who is alleged to pose a significant risk is called the respondent.

Who can request the order?

A petition can be filed by a law enforcement agency, a law enforcement officer, or a person who is a family or household member of the respondent.The agency or person filing the case is called the petitioner. Family or household members include:

- Persons related by blood, marriage, or adoption to the respondent
- Persons who have a child in common with the respondent
- Persons who regularly reside or have regularly resided with the respondent within the past six months
- Domestic partner of the respondent
- Persons who have a biological or legal parent-child relationship with the respondent, including stepparents and stepchildren, and grandparents and grandchildren

- A person who is acting or has acted as the respondent's legal guardian
- A person in an intimate relationship with the respondent including spouses, former spouses, past or present unmarried couples or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time

Where can I get forms?

You can download forms from www.courts.state.co.us or obtain them from any court clerk's office.

Resources:

Denver Police Department hotline: 720-337-4525

For more information, go to: https://www.courts.state.co.us/Courts/Denver_Probate/Index.cfm

This type of order does not restrain the respondent from contacting a person, nor direct the respondent to stay away from any person or place. If you need a personal protection/restraining order, you can find more information at www.courts.state.co.us or contact your local court.

If you or a loved one is in crisis, please contact Colorado Crisis Services, 24 hours a day, seven days a week, 365 days a year at 1(844) 493-TALK (8255) or text the word TALK to 38255.

Information on Extreme Risk Protection Orders

This brochure is for informational purposes only and does not constitute legal advice. This brochure is a brief overview of the Extreme Risk Protection Order process. For more information see C.R.S. §§ 13-14.5-101 et seq.

This brochure is published by the Denver Probate Court as a public service in compliance with C.R.S. §§ 13-14.5-104(6), 13-14.5-114(2).

How to Apply for an Extreme Risk Protection Order…

Step 1: Petition the Court

You may petition on your own or hire a lawyer to represent you. You are encouraged to contact your local law enforcement.

The petition you sign under oath must allege that the respondent poses a significant risk of causing personal injury to self or others by having in their custody or control a firearm. In the petition you must state in writing the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by a respondent.

The petition must include information regarding the respondent and must also include:
- The number, types and location of any firearms the respondent may have;
- any other protection orders or court cases involving the respondent;
- if local law enforcement has been notified;

Step 2: File the Petition

The case should be filed in the county where the respondent resides. In Denver, the case shall be filed with the Denver Probate Court.

Step 3: Appear for a Temporary Extreme Risk Protection Order Hearing

If a temporary order is requested, a hearing will be scheduled. During the hearing, you will be required to testify regarding the allegations in your petition. If the judge grants your petition, s/he will issue a Temporary Extreme Risk Protection Order that will be in effect until the next hearing which must be heard within 14 days. You will be provided with a copy of the order and the notice of hearing for the next court date. Respondent will be appointed counsel.

Step 4: Notice to Respondent

The Temporary Extreme Risk Protection Order, Petition and notice of the next hearing must be personally served on the respondent along with a list of community resources.

Step 5: Extreme Risk Protection Order Hearing

During this hearing, you will be required to testify regarding the allegations in your petition. You can hire a lawyer to represent you but are not required to do so. The respondent will likely be at this hearing and will be represented by court appointed counsel.

The Court must consider all relevant evidence presented during the hearing to determine whether the factors for the Extreme Risk Protection Order have been proven by clear and convincing evidence.

How long does the order last?

The Extreme Risk Protection Order is valid for 364 days. This order may be extended for a period not to exceed one year upon the filing and granting of a Motion to Renew, which must be filed within 63 days before the expiration of the Extreme Risk Protection Order.

When must the respondent surrender firearms and concealed carry permit?

- The respondent must immediately surrender all firearms in his/her custody, control or possession and any concealed carry permit issued to law enforcement serving the Extreme Risk Protection Order
- Within 48 hours, the respondent shall file proof of relinquishment or an attestation that s/he does not possess any firearms or concealed carry permit

Termination of Order

The respondent may file one motion to terminate the Extreme Risk Protection Order during the 364 day period the order is in effect. The Respondent must prove that s/he no longer poses a significant danger to self or others by having firearms and a hearing will be held within 14 days of the filing.