

The judge will direct a police officer in the city or town in which the Respondent lives to serve the Order to the Respondent. If you wish that the Order be in effect longer than the end of the next court day, you must, go to the court having jurisdiction over the city or town where the Respondent lives at 9:00 a.m. and tell the Clerk's office that an on-call judge issued an Emergency ERPO during non-court hours that you would like to have extended. If the police have already provided the petition that you submitted at the police station to the clerk you will not have to fill out a new petition for the judge's consideration; if they have not, you will need to fill out a new petition and new information forms.

During Court Business Hours

During court business hours, you will be instructed to appear before a judge. A judge may not review and rule on your petition unless you are in the courthouse. If the judge allows your petition, an Emergency ERPO will issue and will be in effect for up to 10 days. The judge will direct a law enforcement officer to serve a copy of the order on the Respondent.

Hearing After Notice

If the judge issues an Emergency Order in Court the judge will schedule a hearing at which the Respondent has a right to be present with or without a lawyer. Even if the judge does not issue an emergency order, but thinks that a hearing is necessary, he or she can still schedule a hearing with notice to the Respondent. This hearing will take place within 10 days of the filing of the petition.

You, and your attorney, if you decide to be represented by one, should come to this hearing, regardless of whether the Respondent appears at the hearing.

At this hearing, you must establish that it is more likely than not that the Respondent poses a risk of causing bodily injury to self or others by having in the Respondent's control, ownership or possession a gun or ammunition.

If an ERPO is issued after a full hearing, it will be in effect for one year, or for a period less than one year as ordered by the judge. When an Order is issued, the judge will provide a specific date for when the Order will expire.

After a judge issues an ERPO, both you and the Respondent have the right to ask the court to modify, suspend, or terminate the order at any time. If either party makes such a request, the judge will hold a hearing. If the Respondent makes the request, the clerk's office will notify you.

You will also be notified by the clerk's office 30 days before the order is set to expire. If you wish to renew the order, you must appear on the date that the order is set to expire and fill out a new petition, checking the box that indicates that you are asking that the order be renewed. If you do not appear on that date, the order will expire. If you are unable to appear in court that day, you should call the clerk's office and inform them that you are unable to appear.

License Reinstatement

After an ERPO is terminated or expires, a license to possess/carry firearms will not be reinstated and any surrendered items will not be returned unless and until the police department where the Respondent lives determines that the Respondent is suitable to be licensed and to possess or carry firearms. For questions on the suitability process, contact your local police department.

Extreme Risk Protection Orders

G.L. c. 140, § 131R, et seq.



What is an Extreme Risk Protection Order?

An Extreme Risk Protection Order (ERPO) is an order from a judge that suspends a person's license to possess or carry a gun and directs that person to surrender:

- 1) their license to possess/carry a gun;
and
- 2) any firearms, rifles, shotguns, machine guns, stun guns, or ammunition that they possess, control, or own.

An ERPO does not direct the Respondent to refrain from abusing or contacting a person, to stay away from a person or place, or to receive treatment for mental health purposes or for an alcohol or substance use disorder. If you think that such an order may be necessary, ask the clerk for informational resources regarding these different types of court orders.

Who is an Extreme Risk Protection Order issued against?

An ERPO is issued against a person who has a license to possess or carry a gun and who poses a risk of causing bodily injury to self or others by having in their control, ownership, or possession a firearm, rifle, shotgun, machine gun, stun gun, or ammunition. This person is called the "Respondent."

A Respondent has the right to hire an attorney to represent them at ERPO proceedings.

Who can request an order?

A petition can be filed by a family or household member or the police department of the city or town where the Respondent lives. The person filing the petition is called the "Petitioner."

A family or household member includes a person who:

- is or was married to the Respondent;
- is or was residing with the Respondent in the same household;
- is or was related by blood or marriage to the Respondent;
- has or is having a child in common with the Respondent, regardless of whether they have even been married or lived together;
- is or has been in a substantive dating relationship with the Respondent;
- is or has been engaged to the Respondent.

A Petitioner has the right to hire an attorney to represent them at ERPO proceedings.

If you do not qualify to file a petition or if you know that the Respondent does not have a license to possess or carry firearms, but you believe that the Respondent poses a risk to self or others by having in his or her possession firearms, rifles, shotguns, machine guns, stun guns, or ammunition, you should contact the police department where the Respondent lives.

Step 1. Filling out the Petition.

When filling out an ERPO petition, you should provide as much information as possible regarding the specific statements, actions, or facts that show the Respondent poses a risk of causing bodily injury to self or others by having in his or her possession firearms, rifles, shotguns, machine guns, stun guns, or ammunition and a license to possess or carry guns. You should also provide as much information as possible regarding the number of firearms the Respondent has access to, and the location of those firearms.

In addition to the Petition, you must fill out a Petitioner Confidential Information form and a Respondent Information form. The Court is required to notify a Petitioner if there is a request to modify, suspend, or terminate an ERPO. The Court is also required to notify a Petitioner 30 days before an order is set to expire. The information provided on the Petitioner Confidential Information form will be used to provide notifications regarding any changes or modifications to the ERPO. It may also be provided to the police should they need further information to serve the Order on the Respondent. Otherwise, the information contained within the Petitioner Confidential Information form is not available for public inspection.

Except for your residential and workplace address, the information is also not provided to the Respondent, although you may ask the court to withhold that address information from the Respondent as well.

The information in the Respondent Information form will be helpful to the police who must serve the Order on the Respondent.

All ERPO forms are available on www.mass.gov and in all District Court and Boston Municipal Court Clerk's offices.

Step 2. Filing the Petition.

If you are seeking an order during court business hours, you should file a petition in the Clerk's office in the District or Boston Municipal Court that has jurisdiction over the city or town where the Respondent lives. You can find a list of District and Boston Municipal Courthouses, and the cities and towns over which they have jurisdiction, at <https://www.mass.gov/courthouse-locator>.

If you are seeking an order during non-court business hours, you should go the police station in the city or town in which the Respondent lives and inform the police that you would like to file a Petition for an ERPO. If you are unable to go to the police station in the city or town in which the Respondent resides, you should go to the closest police station.

Step 3. Hearing Before a Judge.

Emergency Order

If after court hours, a police officer will call an "on-call" judge and inform the judge that you are seeking an Emergency ERPO. The police officer will read your petition to the judge over the phone, or the judge may ask that you read the petition over the phone. The judge may also ask you questions.

If the judge issues an Emergency ERPO, the Order is temporary and will only be in effect until the end of the next court day, when court closes for business at 4:30pm.