



DC Extreme Risk Protection Orders (ERPOs): Frequently Asked Questions (FAQs)

This FAQ applies to the District of Columbia's Extreme Risk Protection Order Law only. For information about other states, please visit www.erpo.org.

1 What is an extreme risk protection order (ERPO)?

Popularly known as “red flag” laws, extreme risk protection orders allow local courts to remove and/or prevent the sale of firearms for a period of up to one year to an individual displaying signs that they may harm themselves or others.

Under DC law, “extreme risk protection order” specifically means: “an order issued by a judge of the Superior Court of the District of Columbia prohibiting a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license.”¹ Once granted, ERPOs are entered into a national database, the National Instant Criminal Background Check System (NICS) by the court clerk and are enforceable throughout the United States.

2 How do ERPOs work in DC?

People with a qualifying relationship to someone as outlined below can petition the court to have an ERPO placed on a person who poses a risk of harming themselves or others. The person filing for an ERPO is called a petitioner, and the person the ERPO is filed against is referred to as the respondent. After the petitioner files for an ERPO with the court, the court then determines if sufficient evidence exists to demonstrate that the respondent poses a significant danger of causing bodily injury to themselves or others by having possession or control of, purchasing, or receiving any firearms or a ammunition. If sufficient evidence is presented, the judge issues an order for the respondent to have their firearms removed, often the same day. The ability of the respondent to purchase new firearms is withheld while the order is in effect.

3 Who can petition for an ERPO?

Three categories of people can petition the court for an ERPO:

1. Any sworn member of a law enforcement agency operating in the District of Columbia.
2. DC mental health care providers (as defined under the law):
“Mental health providers” under DC code [§ 7-1201.01\(11\)](#) includes: “Any of the following persons engaged in the provision of professional services: (A) A person licensed to practice medicine; (B) A person licensed to practice psychology; (C) A licensed social worker; (D) A professional marriage, family, or child counselor; (E) A sexual assault counselor who is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist; (F) A licensed nurse who is a professional psychiatric nurse; or (G) Any person reasonably believed by the client to be a mental health professional within the meaning of subparagraphs (A) through (F).”
3. Individuals related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or is someone with whom the respondent is, was, or is seeking to be in a romantic, dating, or sexual relationship.

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4 How long does an ERPO last?

A temporary ERPO can go into effect on the same day it is ordered and can last for up to 14 days. The temporary ERPO can be extended in 14-day increments if the court cannot proceed to trial due to lack of service on the respondent or for other reasons. When a temporary ERPO is filed, a hearing for a final ERPO is automatically scheduled. The petitioner can then decide whether to move forward with the case for a final ERPO (i.e., if the ERPO needs to be extended beyond the temporary order). For a judge to consider entering a final ERPO, the court must hold the scheduled hearing and provide notice to the respondent before determining whether the case meets the legal standard for a judge to order a final ERPO. During the final hearing, the respondent has a right to an attorney and to present evidence. If the judge issues a final ERPO, the court can restrict that respondent's firearm access for up to one year at a time.

5 Is there a fee to petition for an ERPO?

There is no cost associated with filing a petition with the court (remotely or in person).

6 What is needed to petition for an ERPO?

The petitioner must provide facts to support their claim that the respondent poses a significant danger to themselves or others which is made worse by access to firearms. The petitioner must also indicate whether they want a temporary ERPO, issued the same day of filing, via an emergency hearing. The emergency hearing takes place virtually and the respondent often is not present.

7 How are firearms removed if an ERPO is granted?

The Metropolitan Police Department will contact the respondent to retrieve any firearms and ammunition. Anyone who peaceably surrenders firearms or ammunition in response to an ERPO cannot be arrested or prosecuted for unlawfully possessing or carrying the firearms or ammunition. In the event a respondent does not cooperate, a search warrant may be issued, and police can retrieve firearms and ammunition directly from the respondent's home or other locations where the firearms are stored.

8 Why are ERPOs important?

ERPOs serve as critical violence prevention tools. Individuals that pose a threat to themselves or others often exhibit warning signs to their partners, family, health providers, and others. ERPOs provide a pathway through which authorities can safely and temporarily remove firearm(s)—and prevent the purchase of firearms—from the respondent before an act of violence against themselves and/or others occurs.

9 What is the difference between an ERPO and a Civil Protection Order (CPO)?

Civil protection orders (CPOs) exist to protect victims and survivors of domestic violence. CPOs, like ERPOs, are civil orders, but include relief beyond the removal of firearms. ERPOs, on the other hand, exist to remove lethal tools (firearms, ammunition, and accessories) from, and prevent the purchase of firearms by, people who are displaying clear signs of risk to harm themselves or others.

While ERPOs can certainly be used in domestic violence situations (alongside CPOs or not), they are a separate and more specific legal tool that can be used in several different situations, such as to prevent suicide by firearm, a mass shooting, or domestic violence perpetrated using a firearm.

Additionally, a law enforcement officer or a mental health provider (as defined above) can petition for an ERPO just as an immediate relative or romantic partner can, as opposed to CPOs, which require the victim or survivor to be the person requesting protection.

[Read more in our Extreme Risk Protection Orders & Domestic Violence Protection Orders FAQ guide.](#)

10 What do I do if someone filed a petition for an ERPO against me?

If you are served with a temporary ERPO, you must surrender your firearms. You should attend the hearing for the ERPO. If you are served with an ERPO and have any questions, you may consult an attorney.

11 How does someone petition for an ERPO?

An ERPO petition must be filed with the Domestic Violence Division (DVD) of the DC Superior Court, which petitioners can do either in person or remotely. The court offers remote filing, and the forms can be found [on their website](#). The completed forms can be sent via email to DVD@dcsc.gov or, if necessary, by mail to the address listed below.

If, for any reason, the petitioner is unable to file remotely, they can go in person to the following address to speak to the Domestic Violence Division, Monday—Friday, 8:30 a.m. - 5 p.m.: Moultrie Courthouse, 500 Indiana Ave. NW, Room 4510, Washington, DC 20001.

Note that to carry out the order on the same day it is requested, petitions must be received by the DVD clerk's office by 3 p.m. that day. Otherwise, it will be taken up during the next business day.

If you are the petitioner and have the resources to do so, consider speaking to an attorney to get case-specific assistance in filing a petition.

12 Where can I obtain legal information or advice about ERPOs?

DC Volunteer Lawyers Project provides survivors of domestic violence with free legal advice, as well as representation on ERPOs. They can be reached at 202-425-7573.

The Office of the Attorney General can provide information on ERPOs and can be reached at 202-727-3400.

13 What else should I know about ERPOs?

If you are a victim/survivor of domestic violence and would like free and confidential assistance, the DC Victim Hotline can assist with advocacy, safety planning, housing resources, case management, and connection to services. You can contact the DC Victim Hotline via phone or text at 844-4-HELP-DC (844-443-5732) or via chat at <https://dcvictim.org/dcvh-chat/>.

If you or someone you love is experiencing a mental health crisis, you can contact the **988 Suicide & Crisis Lifeline**, which provides 24-hour, confidential support to anyone in suicidal crisis or emotional distress. Call or text 988 to connect with a trained crisis counselor.

Spanish language resources regarding ERPOs are also available online. [Pulse aquí para ver preguntas sobre la Orden de Protección de Riesgo Extremo.](#)

14 Where can I learn more about ERPOs generally?

For more information, visit www.erpo.org.