



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

DOMESTIC VIOLENCE DIVISION

The District of Columbia has a “red flag” law, as part of the Firearms Safety Omnibus Amendment Act of 2018, that allows certain individuals to request an Extreme Risk Protection Order (ERPO) to have a firearm, ammunition, a registration certificate, a license to carry a concealed pistol, or a dealer’s license removed from the possession of someone who poses an extreme risk to themselves or others.

EXTREME RISK PROTECTION ORDER FREQUENTLY ASKED QUESTIONS

1) What is an Extreme Risk Protection Order (ERPO)?

There are two types of ERPOs:

A **final ERPO** is a court order requested by an individual (called a petitioner) prohibiting a person (called a respondent) who poses a danger to themselves or others from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license, for a period of up to one year at a time. This order is issued after a respondent has had the opportunity, or has been provided the opportunity, to be present at a court hearing.

An **ex parte ERPO** is a temporary court order that may be issued without the respondent present or having notice of the hearing. The person requesting the ex parte ERPO can obtain the order the same day the request is made. The order may last for a period of up to 14 days at a time. This temporary order can be renewed until the court decides whether to issue the final ERPO.

2) Where is a petition for an ERPO filed?

A petition for an ERPO can be filed in the Domestic Violence Division of the Superior Court of the District of Columbia. The Domestic Violence Division is located at 500 Indiana Ave. NW, Room 4510, Washington, DC 20001. A petition may also be filed at the satellite office located at United Medical Center, 1328 Southern Ave. SE, Room 311, Washington, DC 20032. The telephone number to the Domestic Violence Division is (202) 879-0157.

3) Who can file for an ERPO?

A petition for an ERPO can be filed by any of the individuals below:

- An individual related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship;
- A sworn member of the Metropolitan Police Department (MPD); or
- A mental health professional as defined in D.C. Code §7-1201.01(11).

4) Is there a filing fee?

There is no fee to file this petition.

5) What must be submitted in order to file?

The petitioner must complete a form called a petition. The petition can be obtained in the Domestic Violence Division Clerk's Office and must state facts to support the claim that a respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

6) Can someone request a search warrant along with an ERPO?

Yes.

7) When is the first hearing?

If the petitioner is seeking an ex parte ERPO, an emergency hearing will be held on the same day that the request was made (if possible). Otherwise, the hearing will be held the next day the court is open.

If the petitioner does not request an ex parte ERPO, the final ERPO hearing will be scheduled within 14 days.

8) What will happen at a hearing?

At a hearing for a final or ex parte ERPO, the judge may ask questions about the petition and take evidence to decide whether the respondent poses a significant danger to themselves or others.

9) Who will serve the petition and supporting documentation?

A sworn member of MPD will personally serve the petition, notice of hearing, and ex parte ERPO (if one is issued) on the respondent. The respondent may also be personally served in court.

10) What happens if MPD is unable to serve Respondent?

If MPD cannot personally serve the respondent within seven (7) days after receiving an order from the court, MPD must notify the petitioner. The hearing may be rescheduled to give MPD more time to serve the petition.

11) What should the petitioner bring to court?

If available, the petitioner should bring any appropriate exhibits, affidavits, and documents that support the information on the petition. The petitioner may also bring witnesses to support the petition.

12) Can someone file a petition for a Civil Protection Order and an ERPO at the same time?

Yes.

13) Can a mental health professional file a mental health case and request an ERPO at the same time?

Yes.

14) What can a respondent do if served with a petition for an ERPO?

A respondent can speak to an attorney to get information and assistance with their case.

The respondent can also respond to the allegations in writing at the Domestic Violence Division's Clerk's Office of the Superior Court of the District of Columbia, located in room 4510 of 500 Indiana Ave. NW, Washington, DC 20001. The respondent should also come to court on the day, time, and courtroom location stated on the Notice of Hearing and Order to Appear they receive.

15) What should a respondent do if served with an ex parte or final ERPO?

The respondent should follow the instructions on the ERPO to surrender any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license in their possession, control, or ownership to MPD.

For additional information or questions, a respondent can call the MPD Firearms Registration Branch at (202) 727-4275 for specific instructions to bring in any of the items themselves. They can also call 911 to request an officer to retrieve the items from their location.

16) What information should a respondent bring to the court hearing?

The respondent should bring appropriate exhibits, affidavits, supporting documents, or witnesses to respond to the allegations made in the petition.

17) How can a respondent terminate a final ERPO order?

One time per year, the respondent may request that a final extreme risk protection order be terminated. To request termination, the respondent must file a written motion with the Superior Court for the District of Columbia. The court must set a hearing date, and the petitioner must be served with the motion. The hearing must take place at least 14 days after the petitioner is served. The court must terminate the final extreme risk protection order if the respondent establishes by a preponderance of the evidence that the respondent does not pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

18) How can a respondent get a firearm, ammunition, certificate, or license back from MPD?

The respondent can call the MPD Firearms Registration Branch at (202) 727-4275 for specific instructions to retrieve a firearm, ammunition, certificate, or license when the ERPO expires or is terminated.