



Extreme Risk Protection Orders

ERPO – RED FLAG

▶ Step 1 – fill out paperwork:

<https://www.courts.oregon.gov/forms/Documents/ERPOPacket.pdf>

▶ Step 2 – file petition at Court House

▶ Step 3 – If approved – Serve the protection order

▶ Step 4 – removing deadly weapons

▶ Step 5 – Contesting

▶ Step 6 – Dismiss or renew

WHAT IS AN EXTREME RISK PROTECTION ORDER?

An Extreme Risk Protection Order (ERPO) is a court order that prevents a person who is at risk of hurting another person or of committing suicide from having or getting deadly weapons, including firearms.

WHO CAN APPLY FOR AN ERPO?

- Any family member, household member - “Family member” is limited to spouse, parent, child, or sibling.
- intimate partner.
- Law enforcement.

HOW LONG DOES A PROTECTION ORDER LAST?

- The Order lasts for 1 year from the date it was issued, unless it is terminated (dismissed) by the court.
- Orders can be renewed for 1 year at a time if the judge believes Respondent is still at risk.
- Renewal can be requested by anyone qualified to file a Petition.
- To renew the order, you must file a new Petition within 90 days before the order ends.
- Forms to renew an Extreme Risk Protection Order are available at the court or online.

The server must complete a certificate of service. The certificate must be filed with the court. A copy must go to the sheriff's office where the Order was issued.

The Order cannot be enforced until after service.

- ▶ If the court issues an Extreme Protection Order, you will need to have one copy of the Order personally delivered ("served") to Respondent.
- ▶ Service must also include the Notice to Respondent and Request for Hearing form.
- ▶ You can have a sheriff's officer (for no fee), a private process server, **or any competent adult serve the Order, as long as the server lives in the state where the papers are served.**
- ▶ You cannot serve the papers yourself.

Respondents who are subject to these orders must give all of their deadly weapons and their concealed handgun license to a law enforcement agency, gun dealer, or someone else who can lawfully hold them within 24 hours.

Respondents are not allowed to possess weapons until the order expires or is cancelled (“terminated” or “dismissed”) by a judge. The court will tell Respondents how to surrender their weapons if the order is granted.



https://oregon.public.law/statutes/ors_166.435

The transfer of a firearm to:

A transferor's spouse or domestic partner;

A transferor's parent or stepparent;

A transferor's child or stepchild;

A transferor's sibling;

A transferor's grandparent;

A transferor's grandchild;

A transferor's aunt or uncle;

A transferor's first cousin;

A transferor's niece or nephew;

Restraining Orders

Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA)

Sexual Abuse Protection Order (SAPO)

Stalking

Extreme Risk Protection Order (ERPO)

CIRCUIT COURT INFORMATION

LEGAL TERMS & DEFINITIONS

RESOURCES FOR THE LEGAL COMMUNITY

STATE FAMILY LAW ADVISORY COMMITTEE (SFLAC)

PROGRAM STAFF

For comments or feedback about the forms on this website, [contact the Forms Coordinator](#). (Specific forms cannot be provided to you through this contact form, but we do track requests for new forms and feedback about existing forms)

Obtain or Renew Forms

Obtain or Renew forms listed below

Form Name/Packet	TypeOfDocument
[PACKET] - Application Packet	PDF
Instructions	PDF
Petition and Affidavit	PDF
Certificate of Service	PDF

[Challenge Forms](#)

[Terminate Forms](#)

e. Name and address of any hospital or other institution where Respondent is now admitted on a temporary or permanent basis, or other facility where Respondent is or is known to stay:

I believe Respondent is a risk to self or others now or in the near future because:

2. Respondent has a history of suicide threats or attempts (*explain*):

3. Respondent has a history of acts of violence against other people (*explain*):

4. Respondent has a history of use of physical force (or attempts / threats to use physical force) against another person (*explain*):

5. Respondent has recently used controlled substances unlawfully (*explain*):

6. Respondent has a history of unlawfully or recklessly using, displaying, or brandishing a deadly weapon (*explain*):

7. Respondent previously violated a Family Abuse Prevention Act (FAPA) Restraining Order (*explain*):

8. Respondent has acquired or attempted to acquire a deadly weapon within the past 180 days (*explain*):

9. Respondent has been convicted of the following crimes:

- a misdemeanor involving violence (ORS 166.470)
- stalking (ORS 163.732 or 163.750) or a similar offense in another jurisdiction
- domestic violence (ORS 135.230)
- driving under the influence of intoxicants (ORS 813.010 or 813.011)
- an offense involving cruelty to or abuse of animals

10. Other information:

Hours of Operation

The Courthouse is open Monday through Friday, excluding legal holidays, from 8:00 a.m. to 5:00 p.m. Documents for filing and payments, and other court related transactions will be received during the hours as indicated below:

The operational unit's public service counters and customer service telephone lines will be open to the public as follows:

Unit / Area	Business Hours	Phone Hours
Civil Case Unit	9:00 am - 4:00 pm	8:00 am - 4:00 pm
Criminal and Traffic Unit	8:00 am - 12:00 pm and 1:00 pm - 4:00 pm	8:00 am - 12:00 pm and 1:00 pm - 4:00 pm
Jury Services	7:30 am - 4:30 pm	9:30 am - 12:00 am and 1:00 pm - 4:00 pm
Accounting / Collections Unit	9:00 am - 4:00 pm	8:00 am - 4:00 pm
Calendaring Unit	8:00 am - 12:00 pm and 1:00 pm - 4:00 pm	8:00 am - 12:00 pm and 1:00 pm - 4:00 pm
Court Records Management	9:00 am - 4:00 pm	8:00 am - 4:00 pm
Probate Unit	9:00 am - 4:00 pm	8:00 am to 4:00 pm

The **"Drop Box"**, which is located on the "Employee Only" door to Room 104 (1st Floor of the Courthouse), may be used to submit pleadings, other documents for filing, and payments anytime during regular courthouse hours. Any filings and payments placed in the "Drop Box" by 5:00 p.m. Monday through Friday, excluding legal holidays, will be date stamped and deemed received and filed on that day.

Protective order applications (Family Abuse Prevention Act, Elderly Persons and Persons with Disabilities Abuse Prevention Act, Sex Abuse Protective Orders, Emergency Risk Protection Orders) can be filed in person Monday through Friday between the hours of 8am to 11 am in the Civil Case Unit.

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Ceremonies



▶ Respondent has 30 days from the date of service to request a hearing objecting to (“contesting”) the Order. If Respondent does not request a hearing, the order will stay in effect for 1 year after the date it was issued.

▶ **WHAT IF THE RESPONDENT REQUESTS A HEARING?** If Respondent requests a hearing, it will usually be held within 21 days after the request is received by the court. The court will send notice of the time and date of the hearing and a copy of Respondent’s request.

▶ Petitioner must go to all scheduled hearings or the Order may be dismissed. You can testify at the hearing, present evidence to the judge, and bring witnesses.

WHAT CAN I DO IF THE RESPONDENT VIOLATES (DOES NOT FOLLOW) THE PROTECTION ORDER AFTER SERVICE? You can call the police or the sheriff (call 911)

WHAT IF I WANT TO DROP THE ORDER? You can file papers at the courthouse to ask the judge to terminate (dismiss) the Order.

You and Respondent can each file for termination ONE time during each 1-year effective period. The Order remains in effect until the judge dismisses it.

ERPO – Red Flag

Jan 1, 2018. to March 31, 2019 (15 months)



- 10 93 Total Petitions
- 10 77 Petitions Approved
- 10 **65% Law Enforcement**
- 10 18% Intimate Partner
- 10 10% Family Member
- 10 Majority cited risk of suicide and/or violence against others
- 10 3 petitions cited explicit threats towards schools

Questions Worth Talking About

How quickly can an ERPO be obtained?

- It can take a few days – something to consider if a person is in immediate risk

How many deadly weapons does a person have?

- Not always known.

How do we know that all weapons were turned in?

- We don't, but they can't purchase firearms.

Can law enforcement search home for deadly weapons?

- Not without a search warrant.



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