



Instructions for Extreme Risk Protection Orders

Note

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

General Information

- ◆ A family or household member of the respondent, a community member, or a law enforcement officer may request a Temporary Extreme Risk Protection Order (ERPO) without notice to the respondent.
 - A family, household, or community member is considered the following:
 - The person is related by blood, marriage, or adoption to the respondent.
 - The person has a child or children in common with the respondent. (Regardless of marriage or whether they have lived with the respondent at any time.)
 - The person regularly resides or has regularly resided with the respondent within the last six months.
 - The person is a domestic partner of the respondent.
 - The person has a biological or legal parent-child relationship with the respondent. (Including stepparents and stepchildren, grandparents and grandchildren.)
 - The person is acting or has acted as the respondent's legal guardian.
 - The person is the spouse or former spouse of the Respondent.
 - In the past the person has been in or is presently in an unmarried couple relationship with the Respondent.
 - The person is a licensed health-care or mental health professional that provided care to the Respondent, or their child, within the last six months.
 - The person is an educator who through a direct professional relationship interacted with the Respondent, or their child, within the last six months.
- ◆ An Extreme Risk Protection Order means that the court has found the respondent poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm.
- ◆ Venue is proper in any county where the Respondent resides. Family and household members may also file in the county where they reside, where they or the respondent work, or where the actions subject to the petition took place.
- ◆ To obtain an order for custody of minor children, you will need to file a district court domestic relations case.
- ◆ For additional information, please review Colorado Revised Statutes §§ 13-14.5-101 to 114.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

Common Terms

- ☒ Petitioner: The person filing for an Extreme Risk Protection Order against a person.
- ☒ Respondent: The person that the Extreme Risk Protection Order request is filed against.
- ☒ Petition: Document that officially commences the Temporary Extreme Risk Protection Order or Extreme Risk Protection Order process.

If you do not understand this information, please contact an attorney.

Fees

There are no filing fees or other fees assessed for this process.

Forms

Visit <http://www.courts.state.co.us/Forms> and click on "Extreme Risk Protection Orders." You may need all or some of these forms:

- | | |
|----------------------------------|--|
| <input type="checkbox"/> JDF 577 | Extreme Risk Protection Order Information Sheet |
| <input type="checkbox"/> JDF 573 | Petition for Temporary Extreme Risk Protection Order |
| <input type="checkbox"/> JDF 574 | Petition for Extreme Risk Protection Order |
| <input type="checkbox"/> JDF 587 | Motion for Renewal of Extreme Risk Protection Order |

Attachments

As part of the Petition process, you may be including protected health information or records.

Be sure to include those as attachments, rather than mentioning the protected information directly in the Petition. Label, and then refer to those documents in the Petition, as "Attachment 1."

Step-by-Step: Temporary ERPO

Step 1: Complete Appropriate Forms.

Please refer to the list of required forms above to determine which forms must be submitted based on your individual circumstances.

- Contact the Court where you plan to file your case for specific days or times when Extreme Risk Protection order hearings are scheduled and to determine if they have any other filing requirements.
- Extreme Risk Protection Order Information Sheet (JDF 577).**
 - Complete this form and attach it to the Petition and Affidavit for Temporary Extreme Risk Protection Order (JDF 573).
 - It is critical that the information be complete and accurate for enforcement of the extreme risk protection order.
- Petition and Affidavit for Temporary Extreme Risk Protection (JDF 573).**
 - Complete all necessary information on the form.
 - Be specific and provide complete information as to why you are requesting a Temporary Extreme Risk Protection Order that could become an Extreme Risk Protection Order.
 - Remember to refer to the attachments if including protected health information or records.
 - If you want your address left out of the Petition and Affidavit for Temporary Extreme Risk Protection Order and other pleadings, check box number 9 and provide an alternate address for service.

Step 2: You are ready to file your papers with the Court.

- Provide the Court Clerk with the documents completed as described in Step 1 above.

Step 3: Temporary Extreme Risk Protection Order Hearing.

- This hearing will be held on the same day or next court day when you file your paperwork.
- The court may allow appearance by telephone pursuant to local rule to reasonably accommodate a disability, or in exceptional circumstances, for protection from potential harm.
- Be prepared as you may be asked questions about your request to obtain a Temporary Extreme Risk Protection Order.
- If the Court grants a Temporary Extreme Risk Protection Order, you will be provided with a written Order stating such.
- A hearing for an Extreme Risk Protection Order (hearing where the Judge decides if the order will stay in place for 364 days) will be set in 14 days.

Step 4: Personal Service.

The court will complete personal service on the Respondent with a copy of the Petition and Affidavit for Temporary Extreme Risk Protection Order and Notice of Hearing through a law enforcement agency.

Step 5: Extreme Risk Protection Order Hearing.

You may call witnesses and present evidence if you wish.

- If you obtained a Temporary Extreme Risk Protection Order, you must:**
 - Appear at the Extreme Risk Protection Order hearing or the next hearing date set by the Court on the date and time scheduled in the Order. **The Temporary Extreme Risk Protection Order will automatically expire on the date of the Extreme Risk Protection Order Hearing.**
- If the Court grants the Extreme Risk Protection Order, you will be provided with a written order stating such. If the Respondent appears for the hearing, he or she will be served with the order in court.
- If the Respondent is not present for the hearing the court will complete personal service of the Extreme Risk Protection Order through a law enforcement agency.

Step 6: Motion for Renewal

- If the Judge grants the Extreme Risk Protection order, it will be in place for 364 days.
- The court will send you a Notice of Expiring Extreme Risk Protection Order at least 63 days before the order will expire.
- You, a family or household member of the respondent, a community member or law enforcement officer or agency may file a Motion and Affidavit for Renewal of Extreme Risk Protection Order (JDF 587).
- A hearing must be ordered not later than 14 days after the filing of a Motion to Renew. Therefore, if a Motion to Renew is filed less than 21 days prior to the expiration date, the Extreme Risk Protection Order may expire before a hearing can be held.

Step-by-Step: Extreme Risk Protection Order

Notice: If you choose to file an Extreme Risk Protection order instead of a Temporary Extreme Risk Protection Order, there will be ***no court order*** in place from the time a notice of hearing is served on the Respondent until the day of the Extreme Risk Protection Order hearing.

Step 1: Complete Appropriate Forms.

Please refer to the list of required forms above to determine which forms must be submitted based on your individual circumstances.

- Contact the Court where you plan to file your case for specific days or times when Extreme Risk Protection order hearings are scheduled and to determine if they have any other filing requirements.
- Extreme Risk Protection Order Information Sheet (JDF 577).**
 - Complete this form and attach it to the Petition and Affidavit for Extreme Risk Protection Order (JDF 574).
 - It is critical that the information be complete and accurate for enforcement of the extreme risk protection order.
- Petition and Affidavit for Extreme Risk Protection (JDF 574).**
 - Complete all necessary information on the form.
 - Be specific and provide complete information as to why you are requesting an Extreme Risk Protection Order.
 - Remember to refer to the attachments if including protected health information or records.
 - If you want your address left out of the Petition and Affidavit for Extreme Risk Protection Order and other pleadings, check box number 9 and provide an alternate address for service.

Step 2: You are ready to file your papers with the Court.

- Provide the Court Clerk with the documents completed as described in Step 1 above.
- A hearing on an Extreme Risk Protection Order, where the court decides if an Order will issue that will be effective for 364 days, will be set in 14 days. You are required to appear for that hearing.
- At the hearing, the court may deny the Petition for Extreme Risk Protection Order and no further action will take place.

Step 3: Personal Service.

The court will complete personal service on the Respondent with a Notice of Hearing on Extreme Risk Protection Order, through a law enforcement agency.

Step 4: Extreme Risk Protection Order Hearing.

You may call witnesses and present evidence if you wish.

- If the Court grants the Extreme Risk Protection Order, you will be provided with a written order stating such.
- If the Respondent appears for the hearing, the respondent will be served with the order in court.
 - If the Respondent is not present for the hearing the court will complete personal service of the Extreme Risk Protection Order through a law enforcement agency.

Step 5: Motion for Renewal

- If the Judge grants the Extreme Risk Protection order, it will be in place for 364 days.
- The court will send you a Notice of Expiring Extreme Risk Protection Order at least 63 days before the order will expire.
- You, a family or household member of the respondent, a community member, or law enforcement officer or agency may file a Motion and Affidavit for Renewal of Extreme Risk Protection Order (JDF 587). A hearing must be ordered not later than 14 days after the filing of a Motion to Renew. Therefore, if a Motion to Renew is filed less than 21 days prior to the expiration date, the Extreme Risk Protection Order may expire before a hearing can be held.