

# ONE THING YOU CAN DO.

## Delaware

When someone you love is showing warning signs that they might try to harm themselves, it can feel like there is nothing you can do in such a high-stakes and emotional situation.

**But there is one thing you *can do*: you can request a lethal violence protective order to temporarily remove guns from the situation and help keep your loved one safe.**

In a moment of crisis, access to a gun can be the difference between life and death. If you're seeing signs that someone you love is considering harming themselves, you can seek a lethal violence protective order to temporarily suspend their access to firearms, which are the most lethal form of suicide - until the crisis passes.

# Access to a gun can be the difference between life and death in a moment of crisis. Keep your loved one safe with a lethal violence protective order.

## What does Delaware's lethal violence protective order do?

A lethal violence protective order is a court order that temporarily restricts a person's access to guns when a person presents a risk to themselves or others. Lethal violence protective orders are designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

## Who can request a lethal violence protective order in Delaware?

Under Delaware law, a law enforcement officer or a person's family member may file a petition for a lethal violence protective order.

A person's family member is defined as:

- Spouse,
- Intimate partner
- Parent
- Child
- Other family member, related by blood or marriage, living in the same household
- Dating partners

## How do I file a petition for a lethal violence protective order?

To seek a lethal violence protective order, an immediate family member can file an application directly with the court or contact a member of law enforcement to discuss any concerns with them. Law enforcement can then investigate any concerns and then request the lethal violence protective order from the court.

## What happens after a lethal violence protective order has been requested?

Once the court receives a request (called a "petition") for a lethal violence protective order, the court will notify the person

and schedule a court hearing to decide whether the order should be issued.

If, at the hearing, a court finds that a person poses an immediate and present danger of suicide or of causing physical injury to another person, the judge will issue a court order that requires the person's firearms to be held by law enforcement for as long as the order is in effect. Under certain circumstances, the person may choose to transfer their guns to a third party who is legally allowed to hold them.

Also, the person will not be able to purchase new firearms while the order is in effect, and the court may prohibit the person from residing with someone who possesses firearms.

## How long does a lethal violence protective order last?

A final lethal violence protective order lasts for one year.

At the end of an order, law enforcement or the person's family member may ask the court to renew the order. The order can only be extended after a court hearing.

## I'm afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or of the public, may demand that action be taken before the scheduled hearing date, to protect against the threat of immediate danger.

At the request of law enforcement, a judge may issue a **temporary lethal violence protective order** that restricts a person's access to firearms before the person has been notified of the petition, and before a full hearing is held.

## How long do temporary orders last?

A temporary order only lasts until the court hearing, and will only be issued if the judge has determined that the temporary order is necessary to prevent immediate danger.

Because temporary orders only stay in place for a short period of time – up to 15 days – these orders balance the urgent need for public safety with the due process rights of all involved.

## Will a lethal violence protective order go on someone's criminal record?

No. A lethal violence protective order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

**If you have immediate safety concerns, call 911 for emergency assistance.**

If you believe that a loved one is a risk to their own safety, you may wish to encourage them to seek expert help. The National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week at:

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)  
1-800-273-TALK (8255)  
text HOME to 741741