

# ONE THING YOU CAN DO.

## Massachusetts

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 an extreme risk protection 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 an extreme risk protection 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 an extreme risk protection order.

## What does Massachusetts' extreme risk protection order do?

An *extreme risk protection order* is a court order that enables courts to temporarily restrict a person's access to guns when a person poses a serious risk of harming themselves or others.

Extreme risk protection orders are designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

## Who can request an extreme risk protection order in Massachusetts?

Under Massachusetts law, a person's family or household member, or a law enforcement officer may file a petition for an extreme risk protection order.

A family or household member is defined as:

- Current or former spouse or fiancée
- Someone related by blood or marriage
- Someone who has a child in common with the person
- Dating partner
- Current or former cohabitant.

## How do I request an extreme risk protection order?

To seek an extreme risk protection order, a family or household member can fill out and file the application directly with the court or contact a member of law enforcement and discuss any concerns with them. Law enforcement can then investigate these concerns and request the extreme risk protection order from the court.

## What happens after an extreme risk protection order has been filed?

Once the court receives a request (called a "petition") for an extreme risk protection order, it will schedule a hearing, which must be held within ten days, to decide whether to issue an extreme risk protection order.

If a court finds that a person poses a risk of causing bodily injury to themselves or

others with a firearm, the judge can issue a court order that requires the person's firearms and any firearms license to be held by the licensing authority 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 own them.

Also, the person will not be able to purchase new firearms while the order is in effect.

## How long does an extreme risk protection order last?

A final extreme risk protection order lasts for up to one year.

At the end of an order, a family or household member, or law enforcement, may ask the court to renew the order for up to an additional year. The order can only be extended after a full court hearing at which the person requesting the renewal must show that the risk of harm remains.

## 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?

There are two types of orders that can go into effect right away:

### *Temporary Extreme Risk Protection Order*

To protect a person or public safety until a full hearing is held, the court may issue a **temporary extreme risk protection order** that immediately restricts a person's access to firearms. Temporary orders can only be issued if the judge determines they are necessary to prevent an imminent risk of harm.

### *Emergency Extreme Risk Protection Order*

If court is closed when a petition is filed, a justice may issue an **emergency order**, which can be granted over the phone. These orders generally last no more than a day, at which point a judge will consider the petition.

## How long do temporary orders and emergency orders last?

Temporary orders remain in effect for no longer than 10 days, at which point a full hearing must be held, at which all parties have an opportunity to be heard..

Emergency orders remain in effect only until the next day the court is open, at which point a written petition must be filed and a temporary order can be granted.

Because temporary orders only stay in place for a short period of time – no more than 10 days– this process balances the urgent need to protect public safety with the due process rights of all involved.

## Does an extreme risk protection order go on someone's criminal record?

No. An extreme risk protection order is a civil court order. Its sole purpose is to temporarily restrict a person's access to firearms if they pose a serious risk of causing harm to themselves or to others. It does not cause the person to have a criminal record. 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**