

# ONE THING YOU CAN DO.

## New York

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 New York's *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 presents a risk to themselves or others.

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

## Who can request an extreme risk protection order in New York?

Under New York law, a law enforcement officer, a school administrator at the person's school (or their designee), or a person's family or household member may file a petition for an extreme risk protection order.

A family or household member is defined as:

- Current or former spouse
- Intimate partner
- Anyone related by blood or marriage, or
- A person living in the same household.

## 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. Family or household members can also contact a member of law enforcement, such as a police officer or District Attorney to discuss any concerns. Family members can also work with school administrators when a person in crisis presents warning signs at their school. Law enforcement or the school administrator can then investigate these concerns and request the extreme risk protection order from the court.

## What if I am not able to request an extreme risk protection order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can

still take action in moments of crisis. If you are worried about someone who is showing warning signs of being at risk of self-harm or harming someone else, you can contact a law enforcement officer and ask that they seek an extreme risk protection order.

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

The court will hear a request (called a "petition") for a temporary extreme risk protection order on the day the petition is filed.

If the court grants the order, it will notify the person. The court will then schedule a hearing no later than six days after the order is granted, at which the court determines whether to end the order or continue the order for one year. In cases where no temporary order is issued, the court will hold a hearing within 10 business days.

At the hearing, if the court finds that a person is likely to engage in conduct that would result in serious harm to himself, herself or others, the judge can 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.

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

## Will the person be able to access guns before the hearing?

If a court issues a temporary extreme risk protection order, the person's access to firearms will be restricted until the hearing is held. If the court does not issue a temporary order, the person's access to firearms will not be affected unless and until the court issues a final order after the hearing.

Because the person who is subject to a temporary order is entitled to a hearing no later than 6 days after the order is issued,

these orders balance the urgent need for public safety with the due process rights of all involved.

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

A temporary extreme risk protection order lasts between 3 and 6 days. A final extreme risk protection order lasts for one year. At the end of that year, law enforcement, the person's family or household member or a school administrator may ask the court to renew the order. The order can only be extended after a court hearing.

## Will 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 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**