

Extreme Risk Protection Orders vs. Domestic Violence Restraining Orders

How are they different?

What is an Extreme Risk Protection Order (ERPO)?

An Extreme Risk Protection Order (ERPO) (also known as Gun Violence Restraining Order, Lethal Violence Protection Order, among others) is a civil order that temporarily prohibits individuals at risk of harming themselves or others from purchasing and possessing firearms. Depending on the state, a law enforcement officer and/or family or household member of an individual at risk may petition a court for an ERPO. As of July 2018, thirteen states have an extreme-risk law: California, Connecticut, Delaware, Florida, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont, and Washington. ERPOs are based on the well-established system of Domestic Violence Restraining Orders.

What are Domestic Violence Restraining Orders (DVROs) and No Contact Orders?

Domestic Violence Restraining Orders (DVROs) (also known as protection orders and no contact orders, among others) give survivors of domestic violence a mechanism to protect themselves from further abuse. DVROs can offer multiple types of provisions, including but not limited to, no contact provisions, stay away provisions, move out provisions, counseling provisions, and firearms provisions.

How are ERPOs and DVROs different?

Petitioners

Family and household members *and* law enforcement can petition for ERPOs. Law enforcement *cannot* petition for DVROs.

Protections

The individuals protected

ERPOs may protect the petitioner, third parties, and the respondent. DVROs protect the petitioner [and other named third parties]. Unlike DVROs, ERPOs can be used in situations when the subject is at risk for suicide.

The protections offered

ERPOs offer one type of protection -- they *only* address access to firearms for individuals at an elevated risk of violence to self or others. DVROs can offer multiple types of protections through provisions, including no contact provisions, stay away provisions, move out provisions, counseling provisions, *and* firearms provisions.

Conclusion

ERPOs only offer firearms protections by temporarily removing firearms from individuals at risk of harming themselves or others, whereas DVROs can offer multiple types of protections for individuals experiencing domestic violence. It is critical for family members, advocates, domestic violence survivors, and law enforcement to work together to decide the best course of action.