



Extreme Risk Protection Orders

What is an Extreme Risk Protection Order?

An Extreme Risk Protection Order (ERPO) is a court order to temporarily stop someone from having or buying guns. An ERPO is a civil case, not a criminal one. To get an ERPO, you need to show the person might hurt others or themselves if they have a gun.

Who can ask for an ERPO?

The person asking for the ERPO is the Petitioner. The person you want the court to stop from having or getting guns is called the Respondent.

The city attorney, county attorney, or local law enforcement (police or sheriff) can ask for an ERPO.



If you are related to the Respondent can ask for one too. You can ask if you are related in any of these ways:

- You are their **guardian**.
- You are **married** or **used to be married** to them. BUT, you don't need to start a divorce to get an ERPO.
- You have a significant **romantic or sexual relationship** with them.
- You currently **live with them**.
- You are their **parent**.
- You are their **child**.

If none of these apply to you, contact the police. The police can also ask the court for an ERPO.

How long does an ERPO last?

There are 2 types of ERPOs. You can ask for one of these or both.

- **Emergency ERPOs** go into effect right away. They last **14 days**. You can ask for an emergency ERPO if the person is an “**immediate and present**” danger to themselves or others.
- **Long-term ERPOs** go into effect after a hearing. They can last from **6 months to 1 year**.

What kind of information do I put in an ERPO?

To get an ERPO, tell the court why you think the Respondent is a danger to themselves or others. **Be specific!** For example:

- Have they made threats to hurt themselves or others with a gun?
- Have they attempted suicide before?
- Have they shown people a gun to scare them?
- Are they having a mental health crisis and have a gun at home or talk about buying a gun?

Tell the court if you think they have a gun in their home. Also tell the court if you know where they keep it, and what it looks like (if you have seen it).

If you don't want the Respondent to know your address, ask the court to keep your address confidential. Fill out the form "Petitioner's Request for Confidential Address" and file it with your other documents.

How do I file an ERPO?

You don't need a lawyer to ask for an ERPO.

The court has forms you fill out to ask for an ERPO. Get the forms from the courthouse or from the court website.



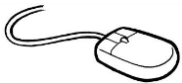
1. **At the courthouse:** A court clerk can give you the forms you need and help you file papers telling the court why you are asking for an ERPO.

Find the court address at www.mncourts.gov/Find-Courts.aspx

- Click on the drop-down arrow to select the county
- Scroll down to "Locations" to see the courthouse address

OR

2. **Online:** Find forms online on the court's website. Go to: www.mncourts.gov/GetForms.aspx



- Click on "Firearms"
- Click on "ERPO – Petition for Extreme Risk Protection Order Forms"
- Fill out the forms "Petition for Extreme Risk Protection Order" and "Firearm Information Form"

There isn't a filing fee to ask for an ERPO.

File your forms in person at the courthouse, or electronically on the MN Court's website www.mncourts.gov/eFile. File your forms with the court in the county where the Respondent lives.

What happens after I file for an ERPO?

- If the court **grants** an **emergency ERPO**, it lasts for 14 days. The police “serve” the court papers to the Respondent. “Serve” means they hand it to them personally.

If the court **denies** an **emergency ERPO**, what happens next depends on if you asked for a hearing in your forms. If you asked for a hearing, the court schedules one. The court sends you a hearing notice with information about when and where the hearing is. If you didn’t ask for a hearing, the case is over.

- If you ask for a **long-term ERPO**, the court schedules a hearing within 14 days. They send you a hearing notice with information about when and where the hearing is. The police serve the Respondent with the court papers.

At the hearing, the court decides if the ERPO should be granted and for how long. A long-term ERPO lasts for at least 6 months and up to 1 year. You **MUST** go to the hearing if one is scheduled. If you don’t, the court can dismiss the ERPO.

What happens at the hearing?

You MUST show up for the hearing! If you don’t, the ERPO can be dismissed.

Check if your hearing is in-person or virtual (online video). Your hearing notice has that information. The hearing notice is the paper you got from the court.

At the hearing, you have to show the judge that if the Respondent has a gun:

- they are a significant danger to other people
- OR
- there is a significant risk they will commit suicide



You need evidence. Evidence can be things like:

- Testimony - Testimony is when you tell the judge in your own words why the Respondent is a danger. It’s a good idea think about what you want to say and bring notes with you so you don’t forget.
- Documents - police reports, medical reports, or photos.
- Witness - if someone else has information about why the Respondent should not have guns, bring them to the hearing as a witness.

The Respondent can tell the judge their side of the story. The judge may ask both of you questions. The judge may also let you ask each other questions.

What if I can't go to the hearing?

If you can't go to the hearing **because it is in a county where you don't live or work**, ask the court to be at the hearing virtually (online video). The law says that if the court denies your request for a virtual hearing, you can re-file your court forms in the county where you live or work.

If you can't go to the hearing **for a different reason**, ask for a hearing on another day. This is called a continuance. The court only gives you a continuance if you have a good reason. For example: you are in the hospital and can't go. To get a continuance:

1. Call the court. The phone number for your court is on your hearing notice. This is the paper you got from the court telling you when your hearing is.
2. Tell them you have an ERPO hearing, and you need to ask for a continuance. It helps to have your hearing notice with you in case they need info like your case number.
3. The court tells you what to do. Each court does things differently. Write down the instructions so you remember them later.

What happens when an ERPO is granted?

After the court grants an ERPO, the Respondent has up to 24 hours to turn in their guns to the police/sheriff or to a licensed firearms dealer. The police or sheriff can't charge a fee to store the guns, but a licensed firearms dealer can charge a reasonable fee.

If the ERPO says there is an "immediate and present danger," the court orders the Respondent to immediately turn in their firearms to the police. If the Respondent does not do this on their own, the police or sheriff issue a warrant that lets them take away the Respondent's firearms.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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