

Michigan's Extreme Risk Protection Order Law

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For Kevin's Song 2026



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Extreme Risk Protection Orders

- **ERPO** = court issued civil order that temporarily legally **prohibits** people at high risk of harming themselves or others from **possessing or purchasing** firearms
- Developed and enacted in response to shooting deaths in which risk was known
 - Isla Vista
 - Marjorie Stoneman Douglas High School
 - Oxford High School
 - Suicide deaths



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Extreme Risk Protection Orders

- ERPOs, also known as **red flag orders**, are a tool to prevent firearm violence, including mass shootings, suicides, and fatal and nonfatal firearm assaults.
- Behavior-based criteria
 - Uses or threats of violence
 - Statements
 - Writings/drawings
 - Other behaviors indicating future violence



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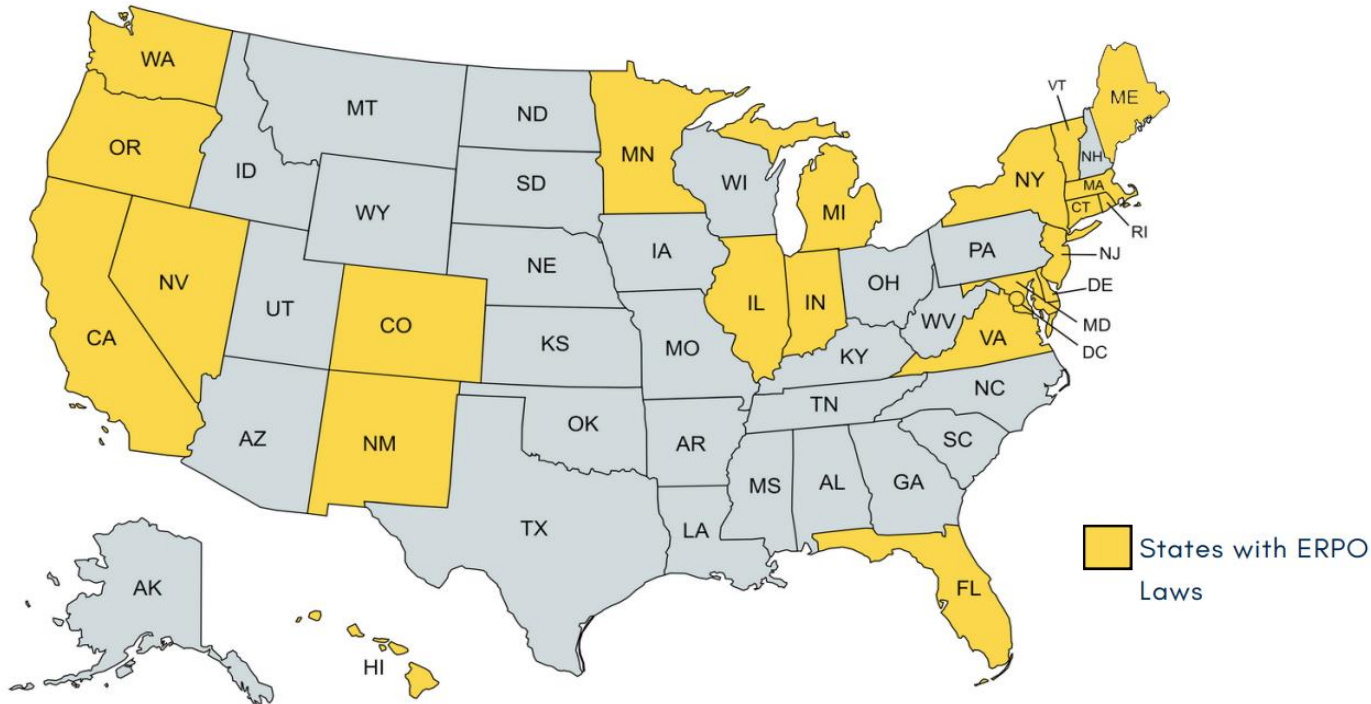
Why does Michigan have an ERPO law?

- Many people at high risk of harming themselves or others can legally possess or purchase firearms
- ERPOs are one tool among many to prevent tragedy
 - Safe and secure gun storage
 - Firearm injury risk screening
 - Lethal means counseling
 - Psychological/Psychiatric interventions



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States* with ERPO Laws as of January 2026



*US Virgin Islands has an ERPO law

Extreme Risk Protection Orders in Michigan

- Heard in Family Court
- 3 types of orders:
 - Immediate emergency ex parte (only available to law enforcement)
 - **Ex parte**, lasts up to 1 year
 - Non-ex parte, granted after hearing that respondent is notified of, lasts up to 1 year
- At all stages, the court evaluates the evidence to determine if it meets statutory requirements for granting the order.



Extreme Risk Protection Orders in Michigan

- Authorized petitioners:
 - Law enforcement
 - Family and household members:
 - current and former spouses / dating partners / roommates
 - someone who has a child with the person at risk
 - legal guardians
 - immediate family members including grandparents, aunts and uncles, and first cousins
 - Healthcare professionals:
 - physicians
 - physician assistants
 - nurse practitioners
 - certified nurse specialists (broad category)
 - licensed mental health workers



Respondents in Michigan

- Anyone, including minors, can be a respondent to an ERPO if they satisfy the evidence criteria
 - Minors can be respondents due to:
 - Constructive Possession
 - Illegal possession firearms
 - Upcoming 18th birthday
- You do **not** need to currently own or possess a firearm to be eligible to be a respondent



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Factors to be considered in an ERPO case, per the statute

- Use or Threat of Physical Force
- Serious Mental Illness or Serious Emotional Disturbance
- Currently Active or Previous Injunctive Orders
- PPO & ERPO Violations
- Criminal Offenses
- Controlled Substance and/or Alcohol Abuse
- Any Previous Unlawful or Reckless Brandishing of Deadly Weapons & Ammunition
- Other Relevant Evidence



Filling Out The Petition Form

- Differing ERPO petitions for an adult versus a minor
- All complaints must include a Confidential Information Form, which records and keeps the petitioner's address confidential
 - Please note: this form **only keeps the petitioner's address confidential**. Other information about the petitioner might not be kept confidential.
- All ERPO forms can be found on the Michigan Courts website, <https://www.courts.michigan.gov/SCAO-forms/extreme-risk-protection/>, or by request at the relevant circuit court.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	COMPLAINT FOR EXTREME RISK PROTECTION ORDER, ADULT RESPONDENT <input type="checkbox"/> EX PARTE	CASE NO. and JUDGE
Court address		Court telephone no.
Petitioner's name, telephone no., and email address		Respondent's name, address, and telephone no.
Age Race Sex		V
Petitioner must complete and file form CC 496, Confidential Information, with this petition.		
Background Information - Petitioner and Respondent In this section, provide the following information about the petitioner and respondent. The person filing the complaint is the petitioner and the respondent is the person that the petitioner is asking to be subject to an extreme risk protection order.		
1. The petitioner: (mark all that apply)		
<input type="checkbox"/> is the <input type="checkbox"/> current spouse <input type="checkbox"/> former spouse of the respondent.		
<input type="checkbox"/> has <input type="checkbox"/> had a dating relationship with the respondent.		
<input type="checkbox"/> lives <input type="checkbox"/> previously lived in the same household with the respondent.		
<input type="checkbox"/> is a family member of the respondent. (Note: "family member" means parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin.)		
<input type="checkbox"/> is a guardian of the respondent under MCL 700.1104.		
<input type="checkbox"/> is a law enforcement officer (as defined in MCL 691.1803).		
<input type="checkbox"/> is a health care provider (as defined in MCL 691.1803).		
<input type="checkbox"/> 2. I am the next friend and am filing on behalf of the petitioner.		
<input type="checkbox"/> 3. I know the respondent is one of the following:		
<input type="checkbox"/> a. an individual who is required to carry a pistol as a condition of their employment and is issued a license to carry a concealed pistol.		
<input type="checkbox"/> b. a police officer licensed or certified under the Michigan commission on law enforcement standards act, 1964 PA 253, MCL 28.601 to 28.615.		
<input type="checkbox"/> c. a sheriff or deputy sheriff.		
<input type="checkbox"/> d. a member of the department of state police.		
<input type="checkbox"/> e. a local corrections officer.		
<input type="checkbox"/> f. an employee of the department of corrections.		
<input type="checkbox"/> g. a federal law enforcement officer who carries a pistol during the normal course of the officer's employment.		
<input type="checkbox"/> h. an officer of the Federal Bureau of Prisons.		
The respondent's employer is: <input type="text"/>		
4. Provide as much information about the respondent as possible below:		
Full name of respondent (type or print)		
Height	Weight	Race Sex Hair color Eye color
Other identifying information		
Approved: SCAO Form CC 492, Rev. 2/04 MCL 691.1803, MCL 691.1805, MCL 691.1806, MCL 691.1807 Page 1 of 5		



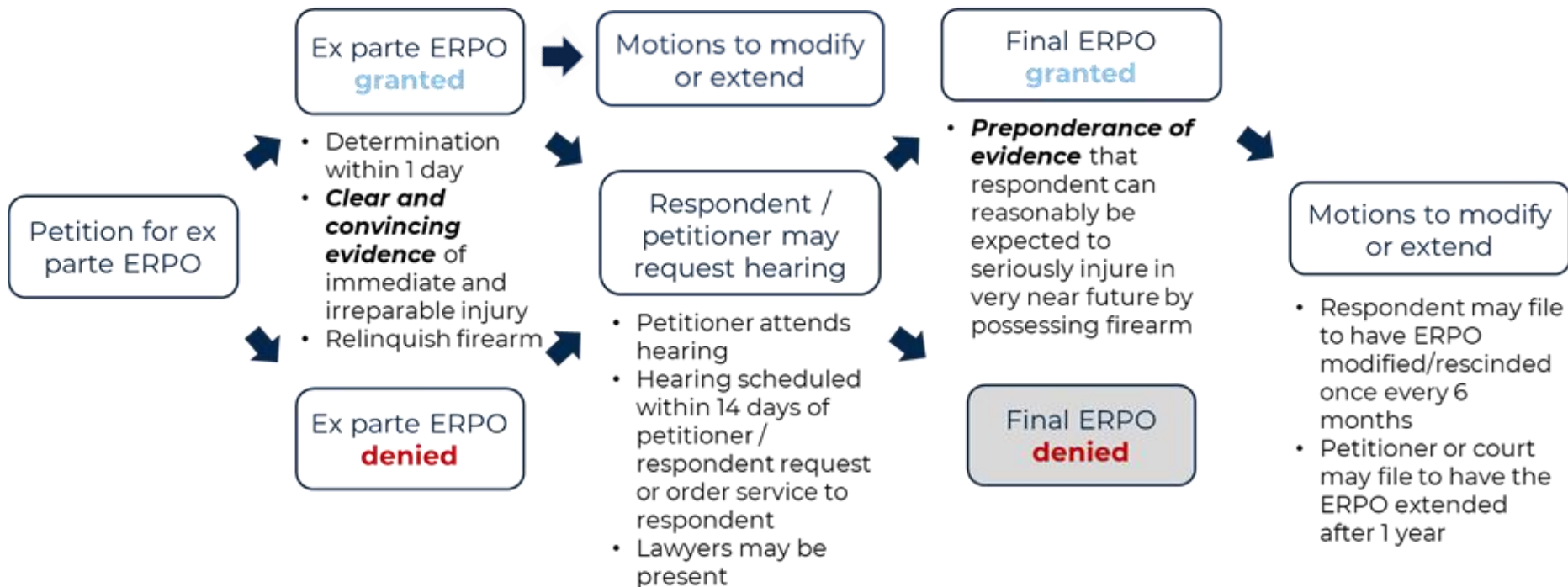
Filing The Petition Form

- ERPO petitions must be filed to the **family division** of the circuit court.
 - If the respondent is an adult, the petitioner can file the complaint in **any county** in Michigan
 - If the respondent is a **minor**, the complaint must be filed in either the **petitioner's or the respondent's county of residence**
 - If the respondent does not reside in Michigan, the petitioner must file in their own county of residence

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<input type="checkbox"/> g. a federal law enforcement officer who carries a pistol during the normal course of the officer's employment.		
<input type="checkbox"/> h. an officer of the Federal Bureau of Prisons.		
The respondent's employer is: Provide name of employer or specific law enforcement department or agency		
4. Provide as much information about the respondent as possible below:		
Full name of respondent (type or print)		
Height	Weight	Race Sex Hair color Eye color
Other identifying information		
Approved: SCAO Form CC 492, Rev. 2/04 MCL 691.1803, MCL 691.1805, MCL 691.1806 Page 1 of 5		



Next Steps: Hearings and Motions



Ex Parte Ruling and Service of Order

- The court will decide on complaints filed ex parte without a hearing
 - If the ex parte ERPO is ordered the respondent must turn in their firearms either immediately or are given 24-hour notice
 - If a respondent is ordered to turn in their firearms immediately, the order will be served by law enforcement officers, even if petitioned for by civilians
 - It is presumed that all law enforcement initiated ERPOs will be served immediately by law enforcement






Attending the Petition Hearing

- Hearings occur:
 - For all non-ex parte petitions
 - If the petitioner of an ex-parte petition requests one after the petition is denied
 - If the respondent requests one after an ex-parte order is granted
- It is **required for ERPO petitioners to attend a hearing** if one is scheduled
- Respondents may be required to go to a hearing if they requested one. Otherwise, attendance for them is not required
- When the petitioner requests a hearing, the petitioner is **responsible for providing a copy of the complaint and notice of the hearing to the respondent.**
- Both the petitioner and the respondent may, but do not need to, have lawyers present. **It is recommended to bring one if possible.**
- If requested, the court may allow the hearing to be conducted via videoconferencing.



What Happens if an ERPO is Ordered?

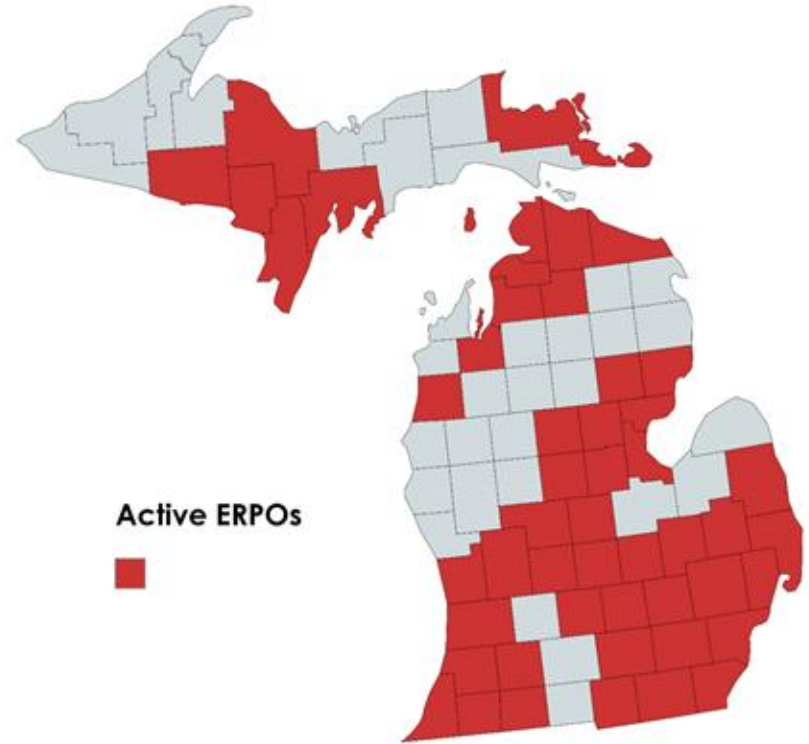
- If the court issues an ERPO, the person served the order:
 -  Must turn in their firearms to law enforcement or a licensed firearm dealer
 -  Is prohibited from obtaining new firearms
 -  May request to terminate or modify the order once per 6-month period
- ERPOs last up to 1 year, and can be renewed, terminated, or modified while in effect.
- When the order ends, the respondent will be able to reclaim any turned-in firearms from law enforcement, and can obtain new firearms, if not disqualified for a separate reason.



Active ERPOs in Michigan (September 2025)

- Most Populous Counties Counts & Rates

- Wayne: **94** **5.2/100,000**
- Oakland: **63** **4.9**
- Macomb: **26** **3.0**
- Kent: **5** **0.8**
- Genesee: **6** **1.5**



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Existing Research Results



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Evaluation of ERPO Laws

Population-level studies of ERPOs and suicide risk

Locality	Time period	Firearm suicide	Total suicide	Authors
Connecticut	1981 - 2009 1981 - 2015	Decrease	NS	Kivisto & Phalen, 2018
Indiana	1981 - 2015	Decrease	Decrease	Kivisto & Phalen, 2018
San Diego	2016 - 2019	NS	--	Pear et al., 2022



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Evaluation of ERPO Laws

Counterfactual studies of ERPOs and suicide risk

- Early estimates found that **1 firearm suicide was prevented for every 10-20** firearms removals in studies conducted in CT and IN.
- Recent studies of ERPOs in CA, CT, MD, and WA estimate that **1 firearm suicide was prevented for every 17-23 ERPOs**.
- When only examining ERPO petitions with suicide risk, it is estimated that **1 firearm suicide was prevented for every 13-18 ERPOs**

Miller et al. 2024, Swanson et al. 2019; Swanson et al. 2017, Swanson et al. 2024



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Public Opinion Research

- Public support for ERPOs is broadly popular across the United States, with general support for both family and law enforcement initiated ERPOs of **at least 70%**
- Support is lower among firearm owners than non-firearm owners (79% to 89% in favor), but still overwhelmingly high
- Support varies by race, gender, and political affiliation, though **a large majority of all subgroups indicate support for ERPO laws** in some variation

Carter et al. 2022, Crifasi et al. 2021, Pear et al. 2022c, Stone et al. 2022



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Types of Risk in Petitions

In most studies, risk of harm to self (suicide) was the main risk reported Over half of ERPO cases studied report self-harm

- Over 60% of cases in Connecticut and Indiana
- Upwards of 70% of cases in Oregon

Interpersonal violence risk varies by state

- 21% of cases in Marion, IN
- 87% of cases in Colorado
- Domestic violence in ~25% of cases in Indiana and Washington

ERPOs were filed in response to threats to shoot and kill 3+ people (;;)

- About 10% (N=662) of ERPOs filed in a 6-state study

Betz et al. 2023, Frattaroli et al. 2020, Kapoor et al. 2024, Parker 2015, Pear et al. 2022a, Pear et al. 2022c, Rowhani-Rahbar et al. 2020, Swanson et al. 2017, Swanson et al. 2019, Zeoli et al. 2021, Zeoli et al. 2022



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Respondents

- ERPO respondents are typically
 - Male, White, average age of ~40 years (range: 8 to 93 yrs)
 - These figures shift by state and risk behaviors
- ERPO respondents sometimes have criminal histories noted in case files, including charges and convictions
 - Roughly 21% of cases in a 6 state study included intimate partner violence in the event that precipitated the petition
 - Up to 10% of respondents had been arrested within a year prior to the petition
 - 11% of MI ERPO respondents were charged within 30 days of ERPO
- Petitioners are typically law enforcement, even in states which enable civilians to file

Michigan State Court Administrative Office, 2025, Pallin et al. 2021a, Pear et al. 2022a, Pear et al. 2022c, Swanson et al. 2017, Swanson et al. 2019, Zeoli et al. 2021, Zeoli et al. 2022, Zeoli et al. 2024



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Implementation: Petitioner Knowledge

Civilians may not be aware of ERPOs, be hesitant to file against a loved one, be confused with the process, unsure of what evidence is appropriate

Healthcare workers may be hesitant to utilize ERPOs, citing time, a lack of training, concern about private information disclosures, legal liability, and damaging patient-clinician relationships

LEOs report they are familiar with, trained on, and supported ERPOs. Survey of 283 LEOs across 14 states & DC

Frattaroli et al. 2019, Hollo et al. 2022, Pear et al. 2023, Prater et al. 2022; Stanley et al. 2024



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Implementation: Police Actions

- Florida 2018-June 2020
 - 46% of respondents were Baker Acted – involuntary mental health exam
 - 31% were arrested
- Marion County, Indiana from 2006-2013
 - Nearly 75% were involuntarily transported for a psychiatric evaluation
 - 8% were arrested
- Connecticut from 2013-2020
 - 19% were arrested at the scene
 - Over 70% were transported to the ER but not arrested
 - 8% were both arrested and transported to the ER



Kapoor et al. 2024, Parker 2015, Swanson et al. 2019



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Implementation: Court Outcomes

Most ERPO petitions, especially those filed ex parte, are granted by the courts

- 6-state study: 91.5% granted at ex parte stage
- 6-state study: 77.5% granted after a full hearing

Disparities in petition approvals exist in states that authorize civilians to petition

- Judges are more likely to grant petitions initiated by LEOs than those filed by civilians
 - Evidence is from studies with a small number of ERPO petitions

Analyses of outcomes by race and gender are sparse, and any biases by race or gender are not yet understood

Barnard et al. 2021, Barnard et al. 2025, Betz et al. 2023, Frattaroli et al. 2020, Parker 2015, Pear et al. 2022a, Pear et al. 2022c, Rooney et al. 2021, Swanson et al. 2019; Zeoli et al. 2021; Zeoli et al. 2022



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Additional Resources

Training courses and videos: <https://firearminjury.umich.edu/resources-communities/trainingvideos/>

ERPO Information and Implementation Toolkit:
<https://firearminjury.umich.edu/erpo-toolkit/>



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THANK YOU / DISCUSSION

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**The National ERPO
Resource Center**

a project of the
Center for Gun Violence Solutions