

# Extreme Risk Protection Orders (ERPO)

Judge Lisa McCormick  
Presiding Judge, Family Division,  
Ingham County Circuit Court

Judge Deborah L. McNabb  
Chief Judge, Kent County Circuit Court  
Presiding Judge, Family Division



# 3 Ways to Ask for ERPO



*Ex parte* summons and complaint during business hours



Summons and Complaint during business hours requesting hearing



*Emergency ex parte* order outside business hours with immediate surrender (by LE only)

# *Who can file?*

## 1. Individuals with certain relationships with the respondent

Spouse or former spouse

Has a child in common

Has or had a dating relationship

Resides or has resided in the same household

A family member (defined in MCL 691.1805)

A guardian of the respondent

## ▶ 2. Healthcare Provider\*

\*if not violative of HIPPA or physician-patient confidentiality

## ▶ 3. Law Enforcement Officer (LE)

# *What is the Process?*

## *Circuit Court Family Division*

- ▶ The petitioner files *fee-free* at the Circuit Court Clerk's office:
- ▶ Complaint (CC452)
- ▶ Confidential Information (CC450)
- ▶ ERPO (CC453 adult) or ERPO (CC453M minor)

# Petitioner's Address Confidential

- ▶ The clerk shall maintain the petitioner's address as confidential and must use the confidential address to provide notice of hearing for any motion filed by the respondent or any hearing scheduled with the court. MCL 691.1805(7)

## Where to file?

If the *respondent is an adult*, any county in the state regardless of the residency or location of any party

If the *respondent is a minor*, either the petitioner's or the respondent's county of residence

If the *respondent does not reside in the state*, in the petitioner's county of residence

Venue changes based on the parties' convenience, the location of a firearm, or any reason under the court rules.

MCL 691.1805 (8), MCR 3.716 (F), MCL 691.1806(3)



# Ex Parte ERPO

**\*Clear and Convincing Evidence\***

- ▶ Specific facts shown by a verified complaint, written motion, or affidavit support that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a [ERPO] can be issued.” MCL 691.1807(2); MCR 3.718(A)(2)(b).
- ▶ If the petitioner has requested the court to issue an ERPO without notice to the respondent, the court must decide the issue within one business day. MCL 691.1807(2); MCR 3.718(A)(1).



# Complaint Requirements

- ▶ Facts showing the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously injure himself, herself, or another individual by possessing a firearm and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation. MCL 691.1805(3)
- ▶ If known, whether the respondent is required to carry as a condition of employment. Must also state whether the person is licensed under MCOLES (sheriff, deputy sheriff, state police, local corrections officer (jail), employee of DOC, or a federal law enforcement officer who carries in the normal course of his/her duties or an officer of the Federal Prison. *(if yes, shortens hearing time to 5 days)* MCL 691.1805 (5)
- ▶ Identify the firearms, the location, and any information that will help law enforcement find the firearms. MCL 691.1805(6); MCR 3.716 (B)(5)
- ▶ *An individual may file an action under the ERPO Act regardless of whether the respondent owns or possesses a firearm.* MCL 691.1805(4); MCR 3.716(A)(1)







## ERPO Does Not Limit Petitioner's Other Remedies

A petitioner still may request relief under MCL 600.2950 (domestic relationship PPOs) and MCL 600.2950a (non-domestic relationship PPOs). MCL 691.1820(a).

A petitioner may still file a petition under MCL 330.1434 (petition asserting that an individual is a person requiring treatment under the Mental Health Code). MCL 691.1820(b).

# Expedited Hearings

The court must expedite and give priority to a hearing to determine whether an ERPO will be issued. MCL 691.1806(1); MCR 3.718(D)(1).

The court must also expedite and give priority to any other hearings required by the ERPO Act. MCL 691.1806(1); MCR 3.718(D)(1)

- If the Complaint does NOT request an Ex Parte Order:
  - Hearing shall be held *within 14 days of date complaint is filed.* MCR 3.718(D)(2)(a)
  - Service- Petitioner must serve the Respondent the Complaint and Notice of Hearing. MCR 3.718(D)(4)



# Videoconferencing

- ▶ Hearings may be conducted using video conferencing technology or other communication equipment according to the provisions of the court rules and administrative orders. MCL 691.1806(4); MCR 3.718(D)(5).
- ▶ Videoconferencing MCR 2.407 and 2.408





# Should the ERPO Be Granted?

## \*Preponderance\*

- ▶ Can the respondent reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm?
- ▶ If so, have they engaged in an act or acts or made significant threats that are substantially supportive of the expectation?"

MCL 691.1807(1); MCR 3.718(D)(6).

# Factors the Court Must Consider

- ▶ Any history of use, attempted use, or threatened use of physical force by respondent against another individual or against the respondent regardless if a firearm was involved and regardless if it was the petitioner
- ▶ Any evidence of respondent having a serious mental illness or serious emotional disturbance that makes the respondent dangerous to other individuals or to the respondent
- ▶ Any previous orders against the respondent, whether previously entered or existing
  - ▶ ERPO
  - ▶ PPO
  - ▶ Pretrial release order
  - ▶ Probation order
  - ▶ Parole order
  - ▶ Any other injunctive order
  - ▶ Any violations of any ERPO or PPO



MCL 691.1807(1)(a-l)

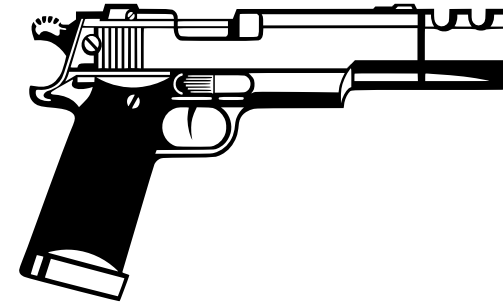
# Required Considerations (continued)

- ▶ Any previous conviction of, criminal charges pending against or previous or pending delinquency petitions against respondent for the following offenses
  - ▶ Assault 750.81
  - ▶ Stalking 750.411h or 750.411i
  - ▶ Any offense that has assault as an element
  - ▶ Any offense that has an element of a threat to person or property
  - ▶ Any offense that is a crime against a spouse or intimate partner
  - ▶ Any offense involving the cruelty or abuse of animals
  - ▶ Any serious misdemeanor offense under CVRA
  - ▶ Any recent evidence of unlawful use of controlled substance
  - ▶ Any recent abuse of alcohol
  - ▶ Any previous unlawful possession, use, display or brandishing of a deadly weapon
  - ▶ Any other information the court finds reliable including statements made by respondent or any other relevant fact



# Immediate Surrender of Firearms & CPL

- If a respondent is ordered to immediately surrender any firearms, the court **must issue an anticipatory search warrant**, “subject to and **contingent on** the **failure or refusal** of the restrained individual, following the service of the order, **to immediately comply** with the order and immediately surrender to a law enforcement officer any firearm or concealed pistol license in the individual’s possession or control[.]”
- The anticipatory search warrant would “authoriz[e] a law enforcement agency **to search** the location or locations where the firearm, or firearms, or concealed pistol license is believed to be and to seize any firearm or concealed pistol license discovered during the search in compliance with [MCL 780.651 to MCL 780.659].”



MCL 691.1807(8), MCR 3.718(C)





## When Must Respondent Surrender Firearms?

- ▶ The court may order that the respondent immediately surrender any firearms **or** may require the respondent to surrender any firearms within 24 hours.
- ▶ It is presumed that the respondent will be allowed 24 hours in which to surrender any firearms *unless the petitioner is a law enforcement officer or health care provider*.
- ▶ “The court may, in its discretion, allow the restrained individual to surrender any firearms to a licensed firearm dealer on the list prepared under [MCL 691.1818].”

MCL 691.1807(8)-(9); MCR 3.719(A)(4).

# Immediate Decision Required



The court must immediately state *in writing* the specific reasons for its decision to issue an ERPO or its refusal to issue an ERPO. MCL 691.1807(7); MCR 3.718(d)(8).



*If there is a hearing*, the court must also immediately state *on the record* its specific reasons for issuing an ERPO or refusing to issue an ERPO. MCL 691.1807(7); MCR 3.718(d)(8).

# Effective Date and Enforceability

Effective and enforceable immediately after it is issued by the court.

Enforceable *anywhere in Michigan* by a law enforcement agency that receives a true copy of the order, is shown a copy of the order, or has verified the order's existence on the LEIN (Law Enforcement Information Network) or on an information network maintained by the FBI.

MCL 691.1809(2)

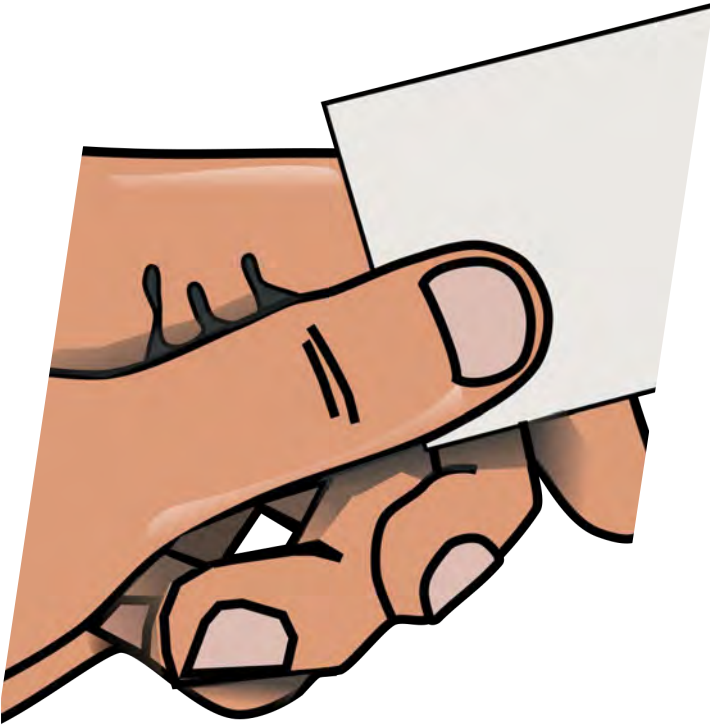


# ERPO Hearing

If the respondent requests it, the court must hold a hearing on the ERPO under MCL 691.1807(1). MCR 3.718(D)(2). A hearing **must be held no later than 14 days** after the respondent *receives actual notice* of the ERPO. MCL 691.1807(3)(a); MCR 6.3718(D)(3)(a).

If the respondent is permitted as required to carry a pistol as part of the respondent's employment and has a concealed weapon permit, or the respondent is a member of law enforcement listed in MCL 691.1805(5), a hearing **must be held not later than 5 days** after the restrained individual is *served or receives actual notice* of the ERPO. MCL 691.1807(3)(b); MCR 3.718(D)(3)(b)

# LE Serving the ERPO



- ▶ If a court has ordered a restrained individual to **immediately surrender** any firearms, the ERPO **must be served personally** by a law enforcement officer. MCL 691.1813(2); MCR 3.719(B)(2).
- ▶ If the restrained individual has not been served, a law enforcement officer who knows of the ERPO may, at any time, serve a true copy of the order on the restrained individual. MCL 691.1813(2).
- ▶ The law enforcement officer is also permitted, at anytime, to advise a **restrained individual who has not received personal service** of the ERPO's existence, the specific conduct enjoined, the penalties for violating the order, and where the restrained individual may get a copy of the ERPO. Id.

# Service of all other ERPOs

- ▶ Must be served on the restrained individual in person, by registered or certified mail, return receipt requested, delivered to the individual's last known address, or by any other means decided by the court and allowed under Michigan court rules.

MCL 691.1813(1); MCR 3.719(B)(1)

- ▶ The individual who serves the restrained individual with an ERPO or the law enforcement officer who gives the restrained individual oral notice of the ERPO must file proof of service or proof of oral notice with the clerk of the issuing court and the petitioner.

## Proof of Service

MCL 691.1813(3); MCR  
3.719(C)



# ERPO Required Provisions (a)-(c)

- ▶ “(a) That the restrained individual shall not purchase or possess a firearm. That if the individual has been issued a license under [MCL 28.422], that the individual has not used and that is not yet void, the individual shall not use it and shall surrender it to the law enforcement agency designated under [MCL 691.1809(1)(g)].
- ▶ (b) That the restrained individual shall not apply for a concealed pistol license and, if the restrained individual has been issued a license to carry a concealed pistol, the license will be suspended or revoked under [MCL 28.428], once the order is entered into the law enforcement information network and that the individual shall surrender the license as required by [MCL 28.428].
- ▶ (c) That the restrained individual shall, within 24 hours or, at the court’s discretion, immediately after being served with the order, surrender any firearms in the individual’s possession or control to the law enforcement agency designated under [MCL 691.1809(1)(g)] or, if allowed as ordered by the court, to a licensed firearm dealer on the list prepared under [MCL 691.1818].

MCL 691.1809(1)(a)-(l); see also MCR 3.719(A)(1)-(12).

# ERPO Provisions (d)-(g)

- ▶ (d) If the petitioner has identified any firearms under [MCL 691.1805(6)], a specific description of the firearms to be surrendered or seized.
- ▶ (e) If the order is issued ex parte under [MCL 691.1807(2)], a statement that, if requested by the restrained individual, a hearing will be held within 14 days or 5 days, as applicable under [MCL 691.1807(3)], after the restrained individual is served with or receives actual notice of the order and the restrained individual may appear at the hearing and request the court to modify or rescind the order.
- ▶ (f) A statement that the restrained individual may file a motion to modify or rescind the order as allowed under [the ERPO Act] and that motion forms and filing instructions are available from the clerk of the court.
- ▶ (g) A designation of the law enforcement agency that is responsible for forwarding the order to the Federal Bureau of Investigation under [MCL 691.1815(1)]. The law enforcement agency designated under [MCL 691.1809(1)(g)] must be an agency within whose jurisdiction the restrained individual resides.

MCL 691.1809(1)(a)-(l); see also MCR 3.719(A)(1)-(12).

# ERPO Provisions (h)-(l)

- ▶ (h) Directions to a local entering authority or the law enforcement agency designated under [MCL 691.1809(1)(g)] to enter the order into the law enforcement information network.
- ▶ (i) A statement that violation of the order will subject the restrained individual to immediate arrest, the contempt powers of the court, an automatic extension of the order, and criminal penalties, including imprisonment for up to 1 year for an initial violation and up to 5 years for a subsequent violation.
- ▶ (j) A statement that the restrained individual has a right to seek the advice of an attorney.
- ▶ (k) An expiration date that is 1 year after the date of issuance.
- ▶ (l) If the court has ordered the restrained individual to surrender the individual's firearms immediately, a statement that the law enforcement agency designated under [MCL 691.1809(1)(g)] must proceed to seize the restrained individual's firearms after the restrained individual is served with or receives actual notice of the [ERPO], after giving the restrained individual an opportunity to surrender the individual's firearms."

MCL 691.1809(1)(a)-(l); see also MCR 3.719(A)(1)-(12)

# Respondent's Responsibilities if Firearms

- ▶ Once the respondent receives actual notice, *within 1 business day (court rule provides 24 hours)*, the restrained individual shall file a document with the court verifying:
- ▶ That all firearms previously in the restrained individual's possession or control were surrendered to or seized by the local law enforcement agency designated under MCL 691.1809(1)(g).
- ▶ That any concealed pistol license was surrendered to the county clerk as required by the ERPO and MCL 28.248.
- ▶ That at the time of the verification, the individual does not have any firearms or a concealed pistol license in the individual's possession or control."
- ▶ If the above *has not occurred*, the clerk shall inform LE. Once law enforcement receives the notice, LE shall make a **good faith** effort to determine whether or not there is evidence the restrained individual has failed to surrender a firearm or CPL in restrained individual's possession or control.
- ▶ MCL 691.1810, MCL 691.1810(1)(a); MCR 3.719(D)(1)(a)(i)-(iii)

# Respondent Responsibilities if NO Firearms

- ▶ If the restrained individual *did not possess or control any firearms or have a concealed pistol license* at the time the ERPO was issued, the individual must file a document or other evidence with the issuing court verifying both of the following:
  - ▶ • “*At the time the order was issued*, the individual did not have a firearm or a concealed pistol license in the individual’s possession or control.”.
  - ▶ • “*At the time of the verification*, the individual does not have a firearm or a concealed pistol license in the individual’s possession or control.”

MCL 691.1810(1)(b)(i)-(ii); MCR 3.719(D)(1)(b)(i)-(ii)  
Form CC459 - Provide form with order and proof of service

# Notice of Non-Compliance

- ▶ If a restrained individual fails to satisfy the filing requirements in MCL 691.1810(1) within one business day after being served with the ERPO or having received actual notice of the order, the clerk of the issuing court must inform the local law enforcement agency designated in MCL 691.1809(1)(g) of that fact.
- ▶ If a local law enforcement agency is notified under MCL 691.1810(2) that a restrained individual has failed to satisfy the filing requirements in MCL 691.1810(1), the law enforcement agency must “make a good-faith effort to determine whether there is evidence that the restrained individual has failed to surrender a firearm or concealed pistol license in the restrained individual’s possession or control as required.”

MCL 691.1810(2), (3); MCR 3.719(D)(2)(a)

# Compliance Hearing

- ▶ A compliance hearing must be *scheduled and held not later than five days* after an ERPO is served on the restrained individual or after the restrained individual receives actual notice of the order.
- ▶ The court may cancel the compliance hearing if the restrained individual satisfies the filing requirements before the hearing is held.
- ▶ If the restrained individual has failed to comply with the filing requirements or fails to appear at the compliance hearing, the court **MUST issue a bench warrant and a search warrant** under MCL 780.651 to MCL 780.659 to seize any firearms.
- ▶ MCL 780.651 et seq. governs the issuance and execution of search warrants. The court may also hold the restrained individual in contempt.

MCL 691.1810(4); MCR 3.719(D)(2)(b)



# Motions to Modify, Extend or Rescind

- ▶ Petitioner may file a motion *at any time* to modify or rescind the order and request a hearing under the court rules. The service of process provisions found in MCL 600.1908 for civil actions do not apply to ERPO actions).
- ▶ The respondent may file *one motion during the first six months* of the order and *one motion during the next six months* of an order in effect under MCL 691.1809(1)(k). If an ERPO has been extended under MCL 691.1817 or MCL 691.1819, a restrained individual may file one motion to modify or rescind the order in the first six months and one motion during the next six months.
- ▶ If a restrained individual files more than one motion during the first or second six-month period, the court must review the motion before holding a hearing on the motion.
- ▶ Under those circumstances, a court may summarily dismiss a motion without a response from the petitioner and without a hearing.

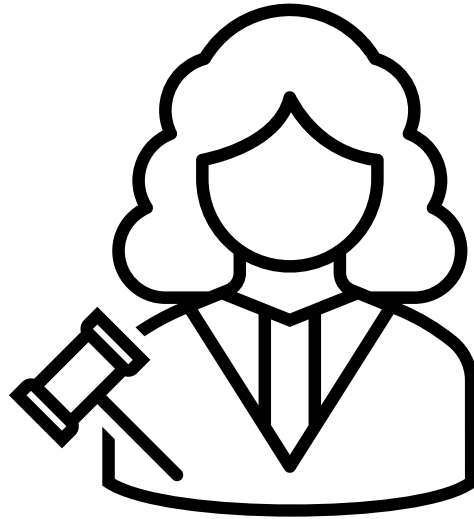
MCL 600.1908(3). MCL 691.1807 (5); MCR 3.720(A)(1)

# Service of Motions to Modify, Extend, or Rescind

- Must be served **at least 7 days** before the Hearing. MCR 3.720 (A)(2)
  - **Petitioner**- Must serve the Petitioner's Motion on the Respondent.
  - **Respondent- Clerk's Office** must serve Respondent's Motion on the Petitioner.
  - **The court**- must schedule and hold the hearing on a Motion to Modify or Terminate **within 14 days** of the filing of the motion
- The clerk shall **immediately notify LE** if the clerk receives proof that the restrained individual was served, if the order was rescinded, modified or extended and if the order expired and not extended. The local entering authority shall enter it into LEIN.

# Hearing to Modify or Rescind ERPO

- ▶ At a hearing on a respondent's motion to modify or rescind an ERPO, "the restrained individual must prove by a preponderance of the evidence that the respondent no longer poses a risk to seriously physically injure another individual or the restrained individual by possessing a firearm."



MCL 691.1807(6); MCR 3.720(A)(1)(c)

# Failure to appear at hearing



- ▶ MCR 3.718 (D)(7) - if a hearing (either on objections or to enter)
  - ▶ If the respondent fails to appear at a hearing and the court determines the petitioner made diligent efforts to serve the respondent, whether the respondent was served or not, the order may be entered without further notice to the respondent if the court determines an extreme risk protection order is necessary.
  - ▶ If the respondent fails to appear at the hearing, the court may adjourn and reschedule the hearing or continue the order without further hearing.

## If Respondent Fails to Comply

- **If the Clerk's Office Determines the Respondent has NOT complied *with the filing requirements*,**
  - **The Clerk's Office-** Will email the relevant Law Enforcement Agency and the assigned Judge and Judge's Clerks, informing them that the Respondent has NOT complied.
  - **Law Enforcement-** After receipt of the email from the Clerk's Office, must make a good-faith effort to determine whether there is evidence that the Respondent has failed to surrender a firearm or CPL. MCL 691.1810(3)
  - **The Judge's Office-** Have a procedure to receive notification from the Clerk's office. The Judge **MUST** either issue a Bench Warrant or an Order to Show Cause for failing to comply. MCR 3.719 D (2)(b)
  - **MCL 691.1810 (4)** The court shall schedule a compliance hearing within 5 days after the order is served or after there is actual notice of the order. If compliance has been satisfied, the court can cancel the hearing.

MCL 691.1810(2); MCR 3.719(D)(2)



# Compliance Hearing

- ▶ If there is a compliance hearing and the respondent fails to appear and the court determines the *petitioner made diligent attempts to serve the respondent*, whether the respondent was served or not, the order may be entered without further notice to the respondent *if the court determines an extreme risk protection order is necessary*. MCR 3.718 (D) (7).
- ▶ The court may adjourn, issue a bench warrant and search warrant to seize any firearms. If the respondent appears and has not complied, may hold the respondent in contempt.

COURT PERSONNEL ONLY  
Beyond This Point



# Alleged Violations – probable cause

- ▶ A prosecuting attorney for the county in which the ERPO was issued or a law enforcement officer may file an affidavit at any time during an effective ERPO “alleging that the restrained individual has a firearm or a concealed pistol license in the individual’s possession or control.”.
- ▶ If an affidavit so alleging is filed, the court must decide if probable cause exists to believe that the restrained individual possesses or controls a firearm or concealed pistol license.
- ▶ If the court finds probable cause, the court may issue an arrest warrant, or the court may order a hearing.
- ▶ The court must also issue a search warrant under MCL 780.651 to MCL 780.659, which:
  - ▶ must describe the firearm(s) or concealed pistol license believed to be in the restrained individual’s possession or control. The warrant must also authorize a designated law enforcement agency to search the location(s) where a firearm or concealed pistol license is believed to be and to seize any firearms or concealed pistol license discovered by the search.

MCL 691.1810(5); MCR 3.721(B)-(C)



# Violation Hearing

**Arraignment-** Hold Arraignment at Respondent's first appearance before the court.

- **Appoint** an attorney, set a reasonable bond, and take a guilty plea or schedule a Hearing.
- **Hearing-** Set a date for the Hearing at the earliest practicable time ...  
*If the Respondent is **in custody**, it **must be scheduled within 72 hours**.*
- **Notice-** Must notify the Prosecutor's Office, Petitioner, Petitioner's Attorney, if any, and LE, of the contempt proceeding and direct the respondent to appear and give evidence on the contempt charge.

**Hearing** - No right to jury trial, rules of evidence apply, if guilty may impose sanctions provided by 600.1701 et seq.

- **Prosecuting Attorney-** Must prosecute the violation hearing.

MCR 3.721 (D-H)

# Extension of ERPO

- ▶ A court may issue one or more extensions of an ERPO on motion of the petitioner or on its own motion. Each extension is effective for one year following expiration of a preceding order.
- ▶ “The court shall only issue an extended order under [MCL 691.1817] if the **preponderance of the evidence** shows that the restrained individual can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.”
- ▶ “The petitioner or the court, as applicable, shall give the restrained individual written notice of a hearing on a motion to extend the order

MCL 691.1817; MCR 3.720(B)(1)(a-b)



## Immediate Emergency Ex Parte Order (after business hours – only by LE)

- May be requested **verbally by LE** by telephone without written or oral notice to a respondent “*if the officer is responding to a complaint involving the respondent and the respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure the respondent or another individual by possessing a firearm.*”
- The judge or magistrate on duty in that jurisdiction may issue.
- If issued, the petitioner must **file a written sworn petition** detailing the facts and circumstances **within one business day**; otherwise, the court must terminate the order and dismiss the case.
- The court that issues the ERPO, if it is not the circuit court, must provide the circuit court with a copy of the petition.

MCL 691.1807(4); MCR 3.718(B)(1).

# District Court – Handling on-call



- ▶ Each county, regardless of whether district court is handling these, the circuit court must file for approval with SCAO a plan to make judge or magistrate on duty and available each day of the year to immediately review and rule on a verbal request for a ERPO.
- ▶ The court must provide its approved plan to all law enforcement agencies within their jurisdiction
- ▶ Develop a plan with district court on how you are going to receive the information from the on-call judge, whether the oral motion will be recorded on Zoom, notification to expect the paperwork during the next business day and a copy of any order signed.

MCR 3.718 (B)(3)

# ERPO involving Minor

- ▶ Different Forms
  - ▶ Next of Friend if Petitioner is a minor CC 465
  - ▶ Complaint CC 452M
  - ▶ Order CC453M
- ▶ Venue: The petitioner must file an ERPO in either the petitioner's or respondent's county of residence MCR 3.716(F)
- ▶ Burden of Proof is the same
- ▶ Notice and Hearing requirements are the same
- ▶ MCR 3.719(B)(1) If the whereabouts of the respondent's parents, guardian or custodian is known, the petitioner **must also serve** in the same manner the order on the respondent's parents, guardian or custodian.

MCR 3.718 (B)(3)

# False Statement

- ▶ A petitioner who makes a *knowingly and intentionally* false statement to the court in the complaint or in support of the complaint is guilty of the following:
- ▶ 1<sup>st</sup> offense - Misdemeanor 93 days and/or \$500.00
- ▶ 2<sup>nd</sup> offense - Felony 4 years and/or \$2000.00.
- ▶ 3<sup>rd</sup> offense - Felony 5 years and/or \$20,000.00.

MCL 691.1819(4)(a)-(c)



# SANCTIONS

MCL 691.1819(1)

The failure or refusal to comply with an ERPO is subject to the following penalties, in addition to any penalties that may be imposed for another criminal offense arising from the same conduct.

1<sup>st</sup> offense - Felony 1 year and/or \$1000.00

2<sup>nd</sup> offense - Felony 4 year and/or \$2000.00

3<sup>rd</sup> offense - Felony 5 year and/or \$20000.00

▶ If the restrained individual is found to have refused or failed to comply, the court shall extend the order for 1 year

▶ The court may find the restrained individual in contempt of court.

# Penalty for providing a firearm to a Respondent

- ▶ “An individual who knowingly places a firearm in the possession of an individual who is restrained under an [ERPO] is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.”

MCL 691.1819(5)



# Resources

- ▶ **Manual from SCAO Field Services**

<https://www.courts.michigan.gov/4915f8/siteassets/publications/manuals/erpo/manual-extreme-risk-protection-order.pdf>

- ▶ **Chapter 9 of DV Benchbook**

[https://www.courts.michigan.gov/493243/siteassets/publications/benchbooks/dvbb/dvbbresponsivehtml5.zip/index.html#t=DVBB%2FCover\\_and\\_Acknowledgments%2FDomestic\\_Violence\\_BenchbookFourth\\_Edition-ug1z.htm](https://www.courts.michigan.gov/493243/siteassets/publications/benchbooks/dvbb/dvbbresponsivehtml5.zip/index.html#t=DVBB%2FCover_and_Acknowledgments%2FDomestic_Violence_BenchbookFourth_Edition-ug1z.htm)

- ▶ **Resource memo and training**

<https://www.courts.michigan.gov/49060d/siteassets/court-administration/scao-communications/2024/2024-02-07-memo-re-extreme-risk-protection-order-resources-for-implementation-of-new-and-amended-court-rules.pdf>

- ▶ **New ERPO FAQ**

<https://www.courts.michigan.gov/4936e5/siteassets/court-administration/scao-communications/other-offices/erpo-faq.pdf>

- ▶ **Kent County ERPO Flowchart/Procedure**

[https://drive.google.com/file/d/1q\\_58FfQlwzQBZrppsAxbwJ1NDjbf02P-/view?usp=sharing](https://drive.google.com/file/d/1q_58FfQlwzQBZrppsAxbwJ1NDjbf02P-/view?usp=sharing)

- ▶ **Wayne County ERPO Case Flow Worksheet**

[https://drive.google.com/file/d/1Xps024-\\_OWYOtBjcPKZGQvSD95YWv2zt/view?usp=sharing](https://drive.google.com/file/d/1Xps024-_OWYOtBjcPKZGQvSD95YWv2zt/view?usp=sharing)