



# MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

## **Behavioral Health Administration**

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## **CLINICIAN RESPONSE**

An extreme risk protective order (ERPO) is meant to prohibit an individual from possessing or purchasing a firearm when there is sufficient information to believe that the individual poses an **IMMEDIATE** and **PRESENT DANGER** of causing personal injury to the individual or others by possessing a firearm. The purpose of an ERPO is to reduce gun deaths and injuries by restricting an individual's access to firearms and ammunition.

An ERPO can serve as an important mechanism for clinicians to help to protect their clients and others. ERPOs are not intended to be a replacement for emergency petitions (EP). The EP remains the mechanism for clinicians to have individuals evaluated for mental disorders. In addition, individuals should always call local law enforcement in emergency situations.

### **1. When can a petitioner<sup>1</sup> file for an ERPO?**

- Only in instances when an individual “poses an immediate and present danger of causing personal injury” to himself or herself, the petitioner, or another person by possessing a firearm. The person does not need to be mentally ill to pose such a danger.

### **2. When should an ERPO be considered for use?**

- When the client describes the behavior of a spouse, significant other, family member, or co-inhabitant as presenting an imminent threat of harm to the individual or others because the individual possesses firearms, a clinician may help a client navigate the ERPO filing process.
- When the clinician files an EP, but the clinician later learns that the subject of the EP has firearms that were not known about at the time the EP was filed.
- When the clinician does not have a reason to believe that the individual has a mental disorder but has the potential for imminent violence with a firearm.

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<sup>1</sup> A petitioner is a spouse; cohabitant; relative by blood, marriage, or adoption; person with children in common, current dating or intimate partner; current or former legal guardian; law enforcement officer; or specified medical professional who has examined the respondent. Specified medical professionals include physicians, psychologists, clinical social workers, licensed clinical professional counselors, clinical nurse specialists in psychiatric and mental health nursing, psychiatric nurse practitioners, licensed clinical marriage or family therapists, and health officers or designee of a health officer who has examined the individual.

### **3. What are Ways to Assist Clients in Filing for an ERPO?**

- Clinicians should provide the District Court of Maryland [guide](#) on filing for an ERPO.
- Clinicians should educate their patient population about the law to protect themselves and others if concerned about someone with a gun.
- When appropriate, clinicians should assist their clients with the completion of the petition for an ERPO.