



VERMONT

EX PARTE EXTREME RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



Bloomberg American
Health Initiative

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.

VERMONT

Ex Parte Extreme Risk Protection Order Process

Authorized petitioners in Vermont include:

- A State's Attorney
- Office of the Vermont Attorney General

FILE A MOTION FOR AN EX PARTE ERPO

Petitioner describes to the court why the respondent poses an imminent and extreme risk of causing harm to self or others by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

COURT ASSESSES MOTION

Upon the filing of a motion for an ex parte ERPO, the court decides whether to issue an ex parte ERPO.

EX PARTE ERPO ISSUED

If the respondent is present at the hearing and they receive notice of the order on the record.

If the respondent is not present at the hearing, law enforcement serves the respondent with notice of the upcoming hearing, and a copy of the ex parte ERPO and petition.

COMPLY WITH EX PARTE ERPO, DISPOSSESS DANGEROUS WEAPONS

The respondent relinquishes any firearm in their possession, custody, or control upon service of an ex parte ERPO to law enforcement or a federally licensed firearms dealer.

The respondent relinquishes any dangerous weapons, other than a firearm, in their possession, custody, or control upon service of an ex parte ERPO to law enforcement.

(The court may order relinquishment of firearms to a third party.)

ERPO HEARING

The court assesses whether, by clear and convincing evidence, the respondent poses an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.

FINAL ERPO ISSUED

If the respondent is present at the hearing and receives notice of the order on the record, they are considered served.

If the respondent is not present in court, law enforcement serves the respondent with a copy of the final ERPO.

A final ERPO is in effect for up to 6 months.

FINAL ERPO NOT ISSUED

Firearms are returned to the respondent within 3 business days of receipt of court order unless the respondent is otherwise prohibited under federal or state law.

TERMINATE OR RENEW ERPO

The respondent may file a motion to terminate once while the final ERPO is in effect.

The petitioner may file a motion requesting that the court renew a final ERPO for an additional period of up to six months.

RETURN FIREARMS

Upon expiration of the final ERPO, the respondent's firearms are returned to the respondent within 3 business days unless the respondent is otherwise prohibited under federal or state law.