

INSTRUCTIONS

Application for Extension of Extreme Risk Protection Order (ERPO)

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx
- Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You Need to Request an Extension of an Extreme Risk Protection Order (ERPO):

- *Application for Extension of Extreme Risk Protection Order (ERP302)*

Forms You MAY Also Need:

- *Petitioner's Request for Confidential Address (ERP104)* if asking for your address to be confidential; and
- *Cover Sheet for Non-Public Document (Form 11.2)*.

The "Extreme Risk Protection Order Packet" of forms are available online at www.mncourts.gov/forms under the "Firearms" category.

General Information about the Extreme Risk Protection Process

Who can apply for an Extension of an Extreme Risk Protection Order?

The person who applied for the initial ERPO is the **Petitioner**, even after an order is issued. If the Petitioner files an *Application for Extension of Extreme Risk Protection Order* that person might also be called the Applicant. The person who was ordered not to have or buy firearms is the **Respondent**. Only certain people are legally allowed to be Petitioners in ERPO cases. Any Petitioner who is applying for an extension of an ERPO must still meet the requirements for filing an ERPO petition.

To apply for an ERPO, or apply to extend an ERPO, you must be a:

- Chief Law Enforcement Officer/Agency;
- City or County Attorney;
- Guardian of the Respondent, as defined by [Minn. Stat. § 524.1-201](#) ; or
- Family/Household member of the Respondent defined as:
 - Spouse
 - Former Spouse
 - Parent/Child
 - Anyone currently living with the Respondent, or
 - A person involved in a significant romantic or sexual relationship with the Respondent.

When to apply for an Extension of an ERPO?

The *Application for Extension of Extreme Risk Protection Order* may be filed only within the last 3 months before the ERPO expires. For example, if the ERPO is set to expire on April 1st, an extension can be requested between January 1st and March 31st.

Step 1

Fill out the Application for Extension of Extreme Risk Protection Order (ERP302)

The Caption

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Extreme Risk Protection Order</u>

Petitioner	
vs	

Respondent	
Application for Extension of Extreme Risk Protection Order (ERP302)	
<small>Minn. Stat. § 624.7173(a)</small>	

- At the very top of the page, you will fill in 3 lines:
 - The **county** where the case is located. The county will stay the same as the existing orders, even if the Respondent has moved.
 - The **court file number**; and
 - The **judicial district** number. This number will stay the same as the existing orders. Each county belongs in one of 10 judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
- Fill in the full name of each party. The names must be the same as the existing orders in the case. You are the Petitioner (Applicant), the party asking to extend the ERPO. List Respondent’s name as it is listed in the current ERPO.

Next, you will fill out the rest of the form.

Applicant Information – Law Enforcement Agency or City/County Attorney

1. Applicant Information – Law Enforcement Agency or City/County Attorney:

Applicant is:

Chief Law Enforcement Officer (or designee)

City or County Attorney

Applicant Agency Name: _____

Agency Street Address: _____

City, State, Zip Code: _____

Affiant/Signer Name (first last): _____

(If applying as a law enforcement agency or city/county attorney skip to question #5.)

1. Question #1 is only filled out if the Applicant is a Law Enforcement Agency or City/County Attorney. If you are filing as a Family/Household Member, or Guardian, skip question #1 and go to #2. If filing as Law Enforcement Agency or City/County Attorney, fill in the affiant/signer name and any updated information as needed.

Applicant Information – Family/Household Member or Guardian

2. Applicant Information – Family/Household Member or Guardian:

First Name: _____

Middle Name: _____

Last Name: _____

Date of Birth: _____

3. Applicant Address - Family/Household Member or Guardian:

I am requesting that my address be kept confidential by submitting the completed *Confidential Address Request* form (ERP104) to the court.

OR

I am not requesting that my address be kept confidential. My address is:

Street Address: _____

City, State, Zip Code: _____

Questions 2-4 are only answered if the person applying for the *Extension* is filing as a family/household member or Guardian.

2. Fill in your complete name and date of birth. The date of birth is used for party matching case records.
3. Fill in your address. If you want your address to be kept confidential in this court file, you can use the *Confidential Address Request* form (ERP104) instead to give the court your address. If

your address was already included in the original Petition and has not changed the address will already be known.

Please note – There may be other documents already filed in this case, or in other court cases, where your address is public and will remain public.

4. Fill in information about your relationship to Respondent. Check all boxes that apply. This must be completed even if your relationship has not changed.

ERPO Information

<p>5. A long-term Extreme Risk Protection Order (ERPO) was issued on _____ (date) after a hearing under Minn. Stat. § 624.7172.</p> <p>6. The ERPO is set to expire on _____ (date) which is within 3 months of the date I am requesting this extension.</p>
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5. Fill in the date that the long-term ERPO was issued.
6. Fill in the date that the ERPO is set to expire, as listed in the order. This *Request for Extension of Extreme Risk Protection Order* may only be filed within the last 3 months before the ERPO expires.

Reasons for Applying for an Extension of ERPO

<p>7. I'm applying for (requesting) an extension of the ERPO because: (Explain, in detail, why Respondent continues to pose a significant danger of bodily harm to others and/or is at significant risk of suicide by possessing a firearm).</p> <p>_____</p> <p>_____</p>
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7. Explain, in detail, why you are asking to extend the ERPO. Explain how Respondent continues to pose a significant danger of bodily harm to others and/or is at significant risk of suicide by possessing a firearm.

Court Appearance

<p>8. I understand that a hearing will be held on this application, and I will need to prove by clear and convincing evidence that Respondent still poses a significant danger of bodily harm to others and/or is at significant risk of suicide by possessing a firearm.</p> <p>9. Court Appearance: You may state your preference on how to appear for the hearing, but you must appear in the manner ordered by the court.</p> <p><input type="checkbox"/> I request to appear virtually (remotely).</p> <p><input type="checkbox"/> I request to appear in person.</p> <p><input type="checkbox"/> I don't have a preference between virtual (remote) or in-person appearance.</p>
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8. A hearing is required after filing this application and you will need to prove by clear and convincing evidence that there is a need to extend the ERPO.

9. You can ask to appear virtually or in person but you must appear however ordered by the court.

Signature Block

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

County and state where signed

Signature _____

Name _____

(If you have asked to keep your address confidential, do not include it here.)

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

Notice: If your address or telephone changes, you must give Court Administration your new information right away, in writing.

Attorney Representing Applicant (if any)

Signature

Name: _____

Attorney/Bar Number: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

- Sign and date the *Application for Extension of Extreme Risk Protection Order*, and include the county and state where you are when you signed the *Application*. Fill in the rest of the information. If you asked for your address to be kept confidential **do not** include it in the signature block. Phone number and email address are used to make sure the court has up-to-date contact information.

When you sign the *Application for Extension*, you are signing under penalty of perjury. This means you are saying that everything in the *Application for Extension* is true and correct. If you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see [Minn. Stat. § 609.48](https://www.revisor.mn.gov/statutes/?id=609.48), <https://www.revisor.mn.gov/statutes/?id=609.48>).

- Attorney Signature Block – If you are not represented by an attorney then there is nothing left to fill out in the *Application for Extension*. If you have an attorney representing you, but you are filing your yourself, you can list your attorney’s name and contact information here, but that is optional. *Don’t add a signature on behalf of your attorney*. If an attorney is filing an *Application for Extension* on behalf of their client, the attorney should complete the signature block, including signature.

Step 2

Fill out the *Petitioner's Request for Confidential Address (ERP104)*, if needed

Only fill out this form if you are asking that your address be kept confidential. The form is available with the Extreme Risk Protection Order Packet along with the *Petition* online at www.mncourts.gov/forms under the "Firearms" Category.

Step 3

Fill out Cover Sheet for Non-Public Document (Form 11.2) (CON112), if needed

Use this form if you are filing any supporting documents with the *Application for Extension* that the law allows to be non-public. Specifically, Form 11.2 is required for: (1) medical records filed by paper, and (2) any other documents that the law allows to be non-public, regardless of whether those other documents are filed electronically or by paper. **Note:** if you are filing medical records electronically, you do not need this form as long as you use the correct filing code. See Step 4 for details.

- Fill out the caption the same as the *Application for Extension* in Step 1.
- Check the box for the type of supporting document that is being submitted. For purposes of this case type if you are not submitting "medical records" you will need to explain, in detail, why you believe the document should be kept confidential and not available to the public. **Note:** Medical records will be confidential in the court file as long as they are submitted with Form 11.2 when filed by paper. The definition of medical records are documents from: medical, health care, or scientific professionals AND related to the past, present, or future physical or mental health or condition of Respondent.
- Police reports are considered public. If there is information that you do not want available to the public, you should redact (cross out) the information before filing. Even if you submit Form 11.2 with a request to keep this confidential, the court may deny your request and keep the document public.
- If you are not sure if a document should be submitted or can be kept confidential, talk with an attorney for legal advice.

Step 4

File with Court Administration

File the following documents with court administration:

- *Application for Extension of Extreme Risk Protection Order* (ERP302);
- *Petitioner’s Request for Confidential Address* (ERP104), if using;
- *Supporting documents, if using*; and
- *Cover Sheet for Non-Public Document* (Form 11.2) with supporting documents, if needed (see Step 3, above).

How to File

At the Courthouse – for Self-Represented Litigants (SRLs)

- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://mncourts.gov/Find-Courts.aspx>. Use the drop-down menu or map to find your county.
- It is a good idea to make a copy of each of the forms you are filing with the court for your own records.
- There is no fee to file an *Application for Extension of ERPO*.
- **Note** – If filing “Medical Records” or any other supporting documents to support the *Petition* that qualify under court rule to be kept confidential, they will only be confidential **if** they are attached to a *Cover Sheet for Non-Public Document* (Form 11.2) explained in Step 3.

Electronic Filing through eFS System

- The eFS System allows you to electronically file (eFile) your forms. Information on eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile> under the “eFile and eServe Training” tab.
- There is no fee to file an *Application for Extension of ERPO*.
- Once you choose to eFile, you must eFile for the rest of the case. See [Minn. Gen. R. Prac. 14.01\(b\)\(5\)\(i\)](https://revisor.mn.gov/court_rules/gp/id/14/) (revisor.mn.gov/court_rules/gp/id/14/). Government agencies and attorneys are always required to eFile.
- **Note** - If filing medical records to support the *Application for Extension* they will only be confidential **if** they are submitted with the filing code of “Medical Report” or “Medical Record.”

What to Expect Next...

Once the *Application for Extension of ERPO* is filed, the court will schedule a hearing. Check to see whether the hearing will be virtual (remote) or in-person. Whether a hearing is virtual or in-person, you **must** appear at the hearing. If you do not attend the hearing, the ERPO will expire on the date listed in the original Order.

At the hearing you must prove by clear and convincing evidence that the Respondent still poses a significant danger to other persons or is at significant risk of suicide by possessing a firearm. You may

provide documents (exhibits) or testimony. The Court can also consider testimony from officers, or others, who have interacted with the Respondent.

There are Rules of Evidence that say what kind of evidence courts can consider. The Court will not consider evidence that does not meet the requirements in the rules.

You must provide any evidence or information you want the Court to have when deciding whether or not to grant the application for extension. If you think there is someone who has relevant information, you'll need to have them appear as a witness. Judicial officers are not allowed to independently investigate cases, including looking at outside court records.

Rights of Respondent:

- Respondent can waive (give up) the right to contest the extension of the ERPO and agree to continue the ERPO.
- If Respondent has not received the *Notice of Hearing* at least 5 days before the hearing, they can file a *Request for Continuance* to allow time to prepare, talk with an attorney, etc. An *Order for Continuance* might continue the ERPO until the new hearing date.

If you are not sure what to say in court, it is a good idea to talk to an attorney before the hearing. For more information about going to court, visit the "Going to Court" Help Topic at <https://mncourts.gov/Help-Topics/Going-to-Court.aspx>.