



Navigating Common ERPO Challenges



When petitioning for an extreme risk protection order (ERPO), educators may encounter several common challenges. This guide outlines strategies to overcome these roadblocks, helping to streamline the process and ensure thorough, credible documentation.

Challenge 1: Difficulty Collecting Credible Evidence



Gathering specific, credible, and sufficient evidence can be challenging, especially when it involves sensitive topics such as mental health, behavioral changes, or firearm access.

Solutions

Use the ERPO Petition Checklist:

Start by reviewing the checklist to understand what types of evidence strengthen a petition.

Document Thoroughly:

Record specific statements, behaviors, and dates that illustrate concerning patterns. Avoid vague language; instead, use clear, objective observations. For example, instead of "The student seemed aggressive," write "The student stated, 'I want to disappear and take someone with me' on [date] in the school library."

Leverage Threat Assessment Teams:

Insights from threat assessment teams can supplement firsthand observations, providing corroborative evidence.

Tips

Focus on Patterns:

Repeated incidents or escalating behavior are often more compelling than isolated events.

Include Corroborating Statements:

Affidavits from colleagues, counselors, family, or peers who observed similar behaviors can strengthen the case.

Challenge 2: Limited Knowledge of Respondent's Firearm Access



Educators may be unsure about a student's access to firearms, as this information may not be readily available or confirmed.

Document All Known Information:

Even if firearm access cannot be confirmed, include any information the student has disclosed about firearm access (e.g., mentions of a family member's firearm).

Solutions

Consult With Law Enforcement:

Law enforcement may have access to safe storage or other firearm-related information that educators may not. Reach out to local law enforcement early in the process to discuss any known or suspected access.

Encourage Safe Storage Awareness:

Where appropriate, encourage the student's family to ensure any firearms are stored securely, even if this is done informally before an ERPO is in place.

Describe Any Firearm-Related Behavior:

Include any mentions of firearms in conversation, social media posts, or public displays, even if exact access is unknown.

Tips

Gather Peer Reports:

If peers or colleagues have heard discussions about firearm access, their statements can also support the petition.

Challenge 3: Law Enforcement Hesitation to File the Petition



In some cases, law enforcement may be hesitant to file an ERPO petition, especially if they feel there isn't enough evidence to warrant the order.

Solutions

Proceed Independently:

If law enforcement is unwilling to file the petition, educators or a threat assessment team can file independently.

Use Comprehensive Documentation:

Ensure that the ERPO petition includes well-organized and thorough documentation. This might include affidavits, incident reports, and screenshots of social media posts to demonstrate a significant risk.

Refer to the Guide to Completing an ERPO Petition:

Using this checklist can help ensure that all required elements are addressed and included, making it clear that the case is well supported.

Tips

Communicate Risk Clearly:

In conversations with law enforcement, emphasize specific threats or behaviors that make the ERPO necessary.

Present a Pattern of Behavior:

Highlight any escalating or repeated concerns, rather than focusing on isolated events.

Challenge 4: Concerns About Legal Process and Court Hearings



Educators may feel unsure about the legal process and their role in court hearings for the ERPO.

Solutions

Review Colorado's ERPO Guidelines:

The Colorado Judicial Branch website has ERPO guidelines and templates for hearings. These resources can provide clarity on the legal process.

Prepare with Supporting Documents:

Ensure you have supporting documents (e.g., affidavits and detailed statements) and familiarize yourself with the sequence of hearings.

Attend Court Prepared to Testify:

At the hearing, be ready to describe specific incidents, explain why an ERPO is necessary, and answer the judge's questions.

Consult With Legal Resources if Available:

Some schools may have access to legal support that can help guide educators through the ERPO process.

Tips

Organize Your Documentation:

Have all evidence ready in a logical order, such as by date, to help present a coherent narrative of the risk to the court.

Challenge 5: The Need for Petition Renewal or Modification



As the initial ERPO nears expiration, educators may be concerned about ongoing risks and the need to extend or modify the ERPO.

Solutions

Plan for Renewal Early:

If the risk persists, start the renewal process 63 days before the ERPO expires to ensure there's enough time for court review.

File JDF 587 for Renewal:

Use this form to request an extension if the respondent still poses a risk.

Provide Updated Evidence:

For renewal, update your documentation with any recent behaviors, incidents, or statements that demonstrate continued risk

Consider a New Petition if Necessary:

If significant new risks arise after the ERPO expires, you may need to file a new petition.

Tips

Gather Additional Affidavits:

If other educators or professionals have observed additional concerning behaviors, their statements may help substantiate the need for renewal.

Challenges

Solutions

1



Difficulty Collecting Credible Evidence

- ➔ Use the Guide to Completing an ERPO Petition
- ➔ Document thoroughly
- ➔ Leverage threat assessment teams

2



Limited Knowledge of Respondent's Firearm Access

- ➔ Document all known information
- ➔ Consult with law enforcement
- ➔ Encourage safe storage awareness

3



Law Enforcement Hesitation to File the Petition

- ➔ Proceed independently
- ➔ Use comprehensive documentation
- ➔ Refer to the Guide to Completing an ERPO Petition

4



Concerns About Legal Process and Court Hearings

- ➔ Review Colorado's ERPO guidelines
- ➔ Prepare with supporting documents
- ➔ Attend court prepared to testify

5



The Need for Petition Renewal or Modification

- ➔ Plan for renewal early
- ➔ File [JDF 587](#) for renewal
- ➔ Provide updated evidence



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