

## Disclaimer

The Judicial Branch created this brochure as a public service and to satisfy the requirements of General Statutes §§ 29-38c and 46b-15e(a)(2) and Public Act 21-67 § 2. It is based on the Connecticut General Statutes and the Judicial Branch procedures in effect at the time the Judicial Branch created this brochure.

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, in accordance with the ADA, contact a Judicial Branch employee or an ADA contact person listed at [www.jud.ct.gov/ada/](http://www.jud.ct.gov/ada/).



[www.jud.ct.gov](http://www.jud.ct.gov)

© 2022 State of Connecticut Judicial Branch. Copyright claimed in brochure, exclusive of cover image supplied by [78431661]/Thinkstock.

The cover image may be downloadable only for personal use. Republication, retransmission, reproduction, or other use of the cover image is strictly prohibited.

# Risk Protection Orders and Risk Protection Order Investigations

**Information about the process to prevent anyone who is at immediate risk of causing personal injury to themselves or another person from having or getting firearms, deadly weapons, or ammunition.**



If you believe that someone is at immediate risk of causing personal injury to themselves or another person, you have 2 options to try to get a court order that will keep that person from having or getting firearms, deadly weapons, or ammunition:

- A Risk Protection Order
- A Risk Protection Order Investigation

## What is a Risk Protection Order?

A Risk Protection Order is an order that the police can ask the court to issue that prevents a person who is at immediate risk of causing personal injury to themselves or another person from having or getting firearms, deadly weapons, or ammunition. As part of this process, the court can also order the police to take any firearms, deadly weapons, or ammunition that the person at risk has away from them.

A Risk Protection Order will prohibit the person subject to the order from having or getting these items at least until the court holds a hearing to decide whether the person is a risk.

## What is a Risk Protection Order Investigation?

A Risk Protection Order Investigation is an order that a person can ask the court to issue directing the police to investigate whether there is enough evidence to ask the court for a Risk Protection Order. If the court orders this investigation, and the police find evidence that the person is a risk, they will ask the court for a Risk Protection Order.

A Risk Protection Order Investigation will prohibit the person being investigated from having or getting firearms, deadly weapons, or ammunition. If the police get a Risk Protection Order after the investigation, the person will not be able to get or have these items at least until the court holds a hearing to decide whether the person is a risk. If the police do not find evidence that the person is a risk during the investigation, they will tell the court and the person will be able to have and get these items again.

## How do I get a Risk Protection Order or a Risk Protection Order Investigation?

If you want the police to start investigating whether someone is a risk right away, you can contact any police officer to ask them to investigate whether there is enough evidence to ask the court for a Risk Protection Order.

If you don't want to go to the police yourself, you can apply to the court for a Risk Protection Order Investigation. You can go to any G.A. Courthouse to apply for a Risk Protection Order Investigation. You will need to prove to the court that you have a good faith belief that the person is a risk of causing immediate personal injury to themselves or another person. And, you will need to file an:

- *Application for Risk Protection Order Investigation*, form JD-CR-198, and
- *Affidavit for Risk Protection Order Investigation*, form JD-CR-199.

**Please note:**

- Only family or household members and medical professionals can file an application for a Risk Protection Order Investigation.
- You can only file these applications during normal court hours. So, if you have a concern about someone when the court is closed, you should contact a police officer.
- The police will probably contact you as part of any investigation the court orders to get more information about the situation.

**What do the police look for when they investigate?**

To help the police officer decide whether there is enough evidence to ask the court for a Risk Protection Order, the officer will look for information about whether the person has:

- Committed any recent threats or acts of violence directed toward themselves or another person
- Committed any recent acts of cruelty to animals
- Recklessly used, displayed, or brandished (waved around) a firearm or deadly weapon
- A history of the use, attempted use, or threatened use of physical force against anyone else
- Any history of involuntary confinement in a hospital for people with psychiatric disabilities
- Any illegal use of controlled substances or any abuse of alcohol

**What happens when a court issues a Risk Protection Order?**

The person to whom the order applies will be ineligible to having or getting firearms, deadly weapons, or ammunition. This order will stay in effect no longer than 14 days. The court will hold a hearing during that time to decide whether the Risk Protection Order should continue for longer.

If the person has any firearms, deadly weapons, or ammunition when the court issues a Risk Protection Order, the court may also issue a warrant. The warrant will allow the police to search for and seize (take away) any firearms, deadly weapons, or ammunition they find. Some common areas that get searched include the person's:

- House, apartment, or other dwelling
- Workplace or place of business
- Car, truck, boat, or similar vessel

The police will hold any firearms, deadly weapons, or ammunition they seize (take away) until the court hearing when court decides whether the Risk Protection Order should continue to apply to the person.

**What happens at the court hearing?**

The person to whom a Risk Protection Order applies has the right to a hearing within 14 days of when they get the order. They also have the right to have an attorney at this hearing. The person who asked for the Risk Protection Order or the Risk Protection Order Investigation

usually does not need to attend this hearing. But, the hearing is open to the public, and the court will tell several state agencies about the hearing, including the:

- Police department that served the Risk Protection Order and executed any search warrant on the person to whom the order applies
- Department of Emergency Services and Public Protection
- Department of Mental Health and Addiction Services

At the hearing, the court will decide whether the person is at immediate risk of causing personal injury to themselves or another person.

If the court does not find that the person is a risk, the court will terminate (end) the Risk Protection Order. If the police seized any firearms, deadly weapons, or ammunition, the court will also order the police to return those to the person.

If the court does find that the person is at immediate risk of causing personal injury to themselves or another person, it may order that the Risk Protection Order continue to apply to the person. This means that the person will not be able to have or get any firearms, deadly weapons, or ammunition while the Risk Protection Order applies to them. If the police seized any of these items, the court may also order the state to hold them while the order applies to the person.

These orders will stay in effect for at least 180 days. After that time, the person can file a petition with the court to ask the court to

terminate (end) the Risk Protection Order. The court will only terminate the Risk Protection Order if it finds that the person is no longer a threat to themselves or another person.

**Important contact information**

For information on mental health treatment and substance use prevention and treatment available in Connecticut, visit the Department of Mental Health and Addiction Services website at [www.ct.gov/dmhas](http://www.ct.gov/dmhas) and follow the link for **Finding services**.

For more information about Risk Protection Orders, contact:

- Your local police department,
- Any G.A. Clerk's Office
- The Department of Emergency Services and Public Protection at (860-685-8400)

**Firearm transfers**

The owner of any firearm, deadly weapon, or ammunition seized (taken away) as part of a Risk Protection Order is allowed to sell or transfer those items if the Department of Emergency Services and Public Protect approves of the sale or transfer. For more information about selling or transferring these items, you can contact the Department of Emergency Services and Public Protection at (860) 685-8400.