

INSTRUCTIONS FOR FILING A PETITION TO EXTEND A ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER

When should this form be used?

This form should be used if a One-Year Extreme Risk Firearm Protection Order will expire and you would like the court to extend the Order by another year.

Definitions

Affidavit – a sworn statement provided by the Reporting Party to a law enforcement officer.

Reporting Party - “a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, co-parent of a child, child, person with whom a respondent has or had a continuing personal relationship, employer or public or private school administrator” but may be any individual regardless of their relationship to the person for whom the Order is being requested¹.

Law enforcement officer - “a public official or public officer vested by law with the power to maintain order, to make arrests for crime or to detain persons suspected of committing a crime and includes an attorney employed by a district attorney or the attorney general”.

Petitioner – a “law enforcement officer who files an extreme risk firearm protection order petition”.

Respondent - “the person identified in or subject to an Extreme Risk Firearm Protection Order petition”.

Petition - the legal paperwork that must be filed with the Court to obtain an Extreme Risk Firearm Protection Order (ERFPO).

Who may file this form?

Under the law, a **Petition** must be filed by a **law enforcement officer** who is called the “**Petitioner**”. The **Petitioner** must receive credible information from a “**Reporting Party**” that the **Respondent** continues to pose a significant danger of causing imminent personal injury to themselves or others by having a firearm in their custody or control or by purchasing, possessing, or receiving a firearm.

The law requires the **Petitioner** to obtain a signed **affidavit** from the **Reporting Party** that includes specific facts to support extending the One-Year Extreme Risk Firearm Protection Order against the **Respondent** for one (1) additional year.

Additional Instructions

You must file the **Petition** and **affidavit** from the **Reporting Party** with the court and serve a copy (by U.S. Mail, email, hand delivery, or other means of service permitted under the rules of court) on the **Respondent** in this case. The Court will set a hearing to consider your request.

¹ Extreme Risk Firearm Protection Order Act (8/20/21), Att’y Gen. Adv. Ltr. 2021-08.

ERFPO FORM 10

Approved for use by Supreme Court
December 5, 2023

STATE OF NEW MEXICO

_____ **JUDICIAL DISTRICT COURT**

COUNTY OF _____

In the Matter of an Extreme Risk
Firearm Protection Order for

Case No.:

**PETITION TO EXTEND ONE-YEAR EXTREME
RISK FIREARM PROTECTION ORDER**

COMES NOW, the Petitioner, pursuant to the Extreme Risk Firearm Protection Order Act, and hereby requests the Court extend the One-Year Extreme Risk Firearm Protection Order in this case for one (1) additional year, and as grounds alleges that:

1. A One-Year Extreme Risk Firearm Protection Order was entered against the respondent on

_____.

date

2. The One-Year Extreme Risk Firearm Protection Order expires on _____.

date

3. The name and address of the Reporting Party is: _____

OR sealed upon request of Reporting Party.

4. The name and address of the Respondent is: _____

5. The relationship between the Reporting Party and the Respondent is:

6. In support of this petition, the undersigned law enforcement officer swears and affirms that based upon credible information contained in the attached affidavit (*Exhibit A*) there is probable cause to believe the Respondent *continues* to pose a significant danger of causing imminent personal injury to self or others by having custody or control of a firearm or by purchasing, possessing or receiving a firearm. The undersigned law enforcement officer has probable cause to believe the following factors, which occurred since the entry of the One-Year Extreme Risk Firearm Protection Order on _____ {date}, should be considered by the Court when determining whether to extend the One-Year Extreme Risk Firearm Protection Order:

- A recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;
- A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;
- The Respondent's mental health history;
- The Respondent's abuse of controlled substances or alcohol;
- The Respondent's previous violations of any court order;
- Previous extreme risk firearm protection orders issued against the Respondent;
- The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;
- The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and
- Any recent acquisition or attempts at acquisition of a firearm by the Respondent.
- Other considerations: _____

Respectfully submitted this _____ day of _____, _____.
day month year

Signature of Petitioner

Printed Name of Petitioner

Law Enforcement Agency

Badge/CAID number

State of New Mexico
County of _____

SIGNED AND SWORN to before me on _____
date

by _____.
name of person making sworn statement

Signature of notarial officer

{Notary Seal}

My Commission Expires: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____ {date} a copy of this
Petition to Extend One-Year Extreme Risk Firearm Protection Order was served on the
Respondent by

_____ at _____
enter service method (U.S. Mail, personal service, etc.) street address

_____, _____
city state zip code

Signature of Petitioner