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Risk Protection Orders and Risk Protection Order Investigations for Adults

Information about the process to prevent anyone who is 18 or older and who is at immediate risk harming themselves or another person from having or getting firearms, deadly weapons, or ammunition.



What can I do if I believe that an adult poses a risk to themselves or another person?

If you believe that someone who is 18 or older is at immediate risk of harming 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

If you are concerned about a child under the age of 18 posing a risk to another person, please see the *Risk Warrants and Risk Warrant Investigations for Children Under 18* publication, form JDP-JM-233.

What is a Risk Protection Order?

A Risk Protection Order is an order that the police can ask the court to issue. It prevents an adult who is at immediate risk of harming themselves or another person from having or getting firearms, deadly weapons, or ammunition. 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 family or household member or a

medical professional can ask the court to issue for an adult. It directs the police to investigate whether there is enough evidence to ask the court for a Risk Protection Order for the person. If the police find evidence that the person is at immediate risk of harming themselves or another person after the investigation, 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 someone to start investigating whether an adult is a risk right away, you can contact any police officer or any State’s Attorney’s Office to ask them to investigate whether there is enough evidence to ask the court for a Risk Protection Order. Anyone concerned about the person harming themselves or another person can ask the police or a State’s Attorney to investigate whether a Risk Protection Order is appropriate.

If you don’t want to go to the police or a State’s Attorney directly, and you are a family or household member or a medical professional, you can apply to the court for a Risk Protection Order Investigation at any G.A. Courthouse.

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 apply for a Risk Protection Order Investigation. If you're not related to or living with someone you think is a risk, you should ask the police or a State's Attorney for a Risk Protection Order.
- 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 may contact you as part of any investigation the court orders to get more information about the situation.
- Going directly to the police or a State's Attorney will likely allow the court to issue a Risk Protection Order faster than asking for a Risk Protection Order Investigation first.

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

The police 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 prohibited from 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 Risk Warrant. The Risk Warrant will direct 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

**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 can also have an attorney at this hearing. If they cannot

afford an attorney and are represented by a Public Defender in a criminal case, the court may appoint a Public Defender to represent the person. 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 Risk 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 harming 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 as long as the person is legally allowed to possess those items.

If the court does find that the person is at immediate risk harming 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 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 at risk of harming 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 and Risk Protection Order Investigations, contact:

- Your local police department
- Any State's Attorney's Office
- 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.