

BTAM & Michigan's Red Flag Law



What is Michigan's Red Flag Law?

Michigan's Red Flag law, also known as "Extreme Risk Protection Order" or ERPO, is a civil court order that can be used to legally and temporarily remove firearms from a crisis. If a person indicates risk of harm to themselves or to someone else, the court can be petitioned to remove that person's firearms, and temporarily prohibit future firearms purchases on the state background check system, for up to 1 year. Depending on the type of ERPO issued, an automatic court hearing may occur, and all petitions can be contested as part of due process. An ERPO filing does not result in criminal charges. However, charges can occur due to circumstances surrounding the firearm or behaviors of the respondent.

When is Michigan's Red Flag Law useful in BTAM?

ERPO is designed to remove firearms from a crisis. In the two years it has been in effect in Michigan, it has been used to prevent firearm suicide, domestic violence gun homicide, and student threats of gun harm against classmates. About 1 in 3 Michigan adults have a firearm at home[1].

If it becomes clear that a student has made a legitimate threat to harm themselves or others, and has access to firearms at home, an ERPO could reduce the lethality of that threat, and provide space for additional interventions to take place and for the crisis to be resolved.

Does Michigan's Red Flag Law work for minors?

Yes, an ERPO can be filed for a minor. Although minors cannot be legal gun owners, there are situations where an ERPO applies [2].

1. A minor might age into legal gun ownership during the duration of the ERPO.
2. They may have access to firearms at home that are owned by a family member, in which case the firearm owner would be required to ensure that those firearms are securely stored. Firearms are considered securely stored if they are stored in a locked container such as a safe, or unloaded and locked with a locking device. Best practice is to store all ammunition in a separate, locked location.
3. A minor may ILLEGALLY be in possession of firearms. In this case, additional criminal charges related to ownership and purchase may be considered by the court after an ERPO is filed.

Who can file an ERPO?

ERPOs can be filed by the subjects' direct family members, law enforcement, and health professionals. On a BTAM team, this may include SROs or local law enforcement, or a licensed master social worker, psychologist, counselor, or other mental health professional.

How do I file an ERPO?

ERPOs are filed with in-person your local district court using the appropriate form, in this case, the form for minors. The petitioner should describe how the student has become a threat to themselves or others. Describe the current situation, past history, and anything else the court should know and provide any supportive physical or digital evidence (photos, texts, social media). The court will also consider supporting statements or evidence from family or household members. The petition should describe any firearms that the petitioner believes the subject has access to. [3,4]

Further Resources:

[1] ERPO Stats in Michigan: <https://bridgemi.com/michigan-government/michigans-red-flag-gun-law-use-jumps-31-in-2025/>

[2] ERPO for Schools: <https://mflip.org/erpo-for-schools/>

[3] Support to file an ERPO: <https://firearminjury.umich.edu/mi-erpo-filing/>

[4] ERPO FAQ: <https://www.endgunviolencemi.org/gun-safety-faq>

More info:

<https://firearminjury.umich.edu/erpo-toolkit/>

<https://onethingyoucando.org/>

File an ERPO (minor): <https://www.courts.michigan.gov/4988b5/siteassets/forms/scao-approved/cc452m.pdf>