



# Lethal Violence Protective Orders in Delaware

When a person with access to firearms is making threats or behaving in a manner that creates a risk of harm to self or others, consider filing for a Lethal Violence Protective Order (LVPO), which is a civil court order that temporarily prohibits a person from possessing or purchasing firearms.

- Law enforcement officers and family members may file an LVPO petition.
- An LVPO will require an individual to temporarily surrender any guns in their possession and prohibit them from purchasing guns.
- An LVPO may be issued for up to five years.

LVPOs are temporary and are a civil process distinct from arrests and prosecutions, mental health commitments, and other civil or criminal restraining orders. An LVPO may be requested on its own or alongside another type of intervention.

LVPOs may be an appropriate intervention in the following circumstances:

- Threats of self harm/suicide
- Threats of harm to others, including domestic/family violence
- Threats of mass harm, including school shootings

A petition for an LVPO must allege that the individual **“poses a danger of causing physical injury to self or others”** by having access to firearms and identify the location of any firearms the individual is believed to currently own, possess, have access to, or control. When the petition is filed, the court will provide notice to the individual and the opportunity to request a hearing.

- If there is an “immediate and present danger” of harm, an officer may also request that an **emergency LVPO** be issued immediately without prior notice to the individual. An emergency order may only last for up to 15 days.

**A law enforcement officer serving an LVPO should request that all firearms in their possession be immediately surrendered to the officer.** The court may include a provision in the LVPO directing a law enforcement agency to immediately search for and seize firearms in the individual’s possession.

**To effectuate safe service of LVPOs and relinquishment of firearms:**

- Conduct a threat assessment prior to service, including coordinating with the individual’s family/friends when appropriate to identify the safest options for service.
- Clearly explain the terms of the LVPO, including what the individual must do to comply and that noncompliance is a crime.
- Provide a receipt for any guns surrendered.