

New York's Red Flag Law (Article 63-A) lets a court suspend your firearms and your carry permit before you're ever notified. This checklist covers what to do if you're served, and what to set up now so you're not starting cold.

If You're Served With an ERPO

Do these in order, within the first 24-48 hours.

- ☐ **Comply with the surrender order immediately.** Hand over firearms to law enforcement or a licensed dealer as instructed. Refusing is a separate criminal offense.
- ☐ **Do not argue with or obstruct the officers serving the order.** Your conduct here is part of the record the court will see later.
- ☐ **Contact a New York firearms attorney before the full hearing,** not after. Do not attend the hearing unrepresented if you can avoid it.
- ☐ **Get a receipt or inventory list** for every firearm surrendered, including make, model, and serial number, and keep a copy for your own records.
- ☐ **Confirm your legal defense plan covers ERPO cases** (not just criminal self-defense) and open a claim right away if it does.
- ☐ **Write down the timeline** of events, in your own words, while it's fresh: who filed, what was alleged, and when you were served.
- ☐ **Gather documentation of the underlying dispute** if one exists (custody conflict, divorce, neighbor issue). Courts weigh the petitioner's motivation.

Before You're Ever Served

Set these up now, while nothing is happening.

- ☐ **Identify a New York firearms attorney in advance** and save their contact information somewhere you can reach it under stress.
- ☐ **Confirm, in writing, whether your legal defense coverage** (USCCA, CCW Safe, or similar) explicitly includes ERPO defense.
- ☐ **Keep a written or photographed inventory** of firearms you own, including serial numbers, stored somewhere separate from the firearms themselves.
- ☐ **Pre-arrange a storage option,** such as a licensed dealer or a trusted third party not subject to any future order, in case surrender is ever required.
- ☐ **Store your permit, training certificates, and ID** in a fireproof, lockable document box you can access quickly if you need to prove your record.
- ☐ **Know your own risk context.** Family conflict, documented mental health disclosures, and social media posts are the most common petition triggers.

After an Order Expires

Restoration is not automatic.

- ☐ **File for restoration** through the court once the order period ends. Missing this step can delay the return of your firearms and permit for months.
- ☐ **Confirm your NICS record has been cleared** before attempting any new firearm purchase.
- ☐ **Retrieve firearms directly from the holding dealer or agency** and verify the count and condition against your original surrender receipt.

Compliance protects your legal position. Preparation, done now, protects everything else.