

# *Automating the filing of a Petition for Extreme Protection Order (ERPO) with DocAssemble*

## *Table of Contents*

|  |    |
|--|----|
| 1. Framing & Research .....                  | 1  |
| 1.2 Naming the stakeholders .....            | 2  |
| 1.3 Current solutions .....                  | 3  |
| 2. Ideation and prototyping .....            | 4  |
| 2.1 Criticism of the current ERPO form ..... | 6  |
| 3. User testing .....                        | 7  |
| 4. Refinement .....                          | 8  |
| 5. Complexity/robustness .....               | 9  |
| 6. Impacts and efficiencies .....            | 9  |
| 7. Fit/Completeness .....                    | 9  |
| 8. Documentation .....                       | 10 |
| 9. Real World Viability .....                | 10 |
| 10. Sustainability .....                     | 11 |
| 10.1 Big picture improvements .....          | 11 |
| 10.2 Minor Tweaks .....                      | 11 |

## *1. Framing & Research*

### *1.1 Identifying a problem*

When I had to choose an issue to concentrate on for my final project, I immediately considered doing something related to gun violence. Coming from a European country with different (and stricter) regulations, I am particularly invested in seeing how the ownership and use of weapons are tackled in the U.S., especially in life-threatening situations. To be frank, I have always looked at this topic with great concern. Specifically, I was inspired by the Document Assembly Line introductory video to do something that could merge my interest in this topic and domestic violence and gun violence.

Working for the Lit lab within the Document Assembly Line was an incredible opportunity to insert my input into a broader, ongoing project with a unique and compelling aim.

During my research, I discovered that the U.S. have an average of 123 gun-related deaths a day in 2021. It is a concerning yet growing number. The so-called “Red flag laws” represent an attempt towards limiting gun violence on a state level without a federal ban/restriction on purchasing weapons. Implementing this type of laws in Massachusetts resulted in the birth of the Petition for an Extreme Protection Order (ERPO). The ERPO is a petition that can be filed to surrender responders’ firearm license to possess/carry a gun and remove firearms promptly.

### *1.2 Naming the stakeholders*

The Red Flag laws have created orders like the Massachusetts ERPO in many different states. As these orders might not have the same denomination (Risk Protection Orders in Florida, Gun Violence Restraining Orders in California, Risk Warrants in Connecticut, and so on), they also might have different standards concerning who is eligible to directly file/request for them. For example, the state of New York allows unrelated people to directly file an ERPO, in the case of school administrators or teachers (<https://www.nycourts.gov/CourtHelp/Safety/extremeRisk.shtml>)

In Massachusetts, only these categories are allowed to file an ERPO **directly** (they may overlap):

- Family of the respondent (blood-related).
- Current or past household members of the respondent.
- Individuals who have or are having a child in common with the respondent.
- Individuals who are or were married to the respondent.
- Individuals who are or were in a substantive dating relationship with the respondent.
- Individuals who are or were engaged with the respondent.

These individuals can **directly** file an ERPO at the District Court or in Boston Municipal Court (during Court business hours) or go to the Police station of the Respondent’s location or to the closest Police station (outside of Court business hours) (more on this procedure in Section 1.3)

Petitioners who do not fit into these categories (i.e., an individual unrelated to the Respondent who is concerned for the safety of others of their own) can alert the Police department of the respondent’s city or place of residency. In these cases, the Police have the **discretionary power** to issue the order or not.

In practice, the beneficiaries of the ERPO fit into these scenarios:

- individuals (from the categories mentioned above) who are concerned for their safety or the safety of their close ones (i.e., a victim of domestic violence who is alerted by their partner's abusing behavior towards them and towards their children; a son whose parent(s) show a violent behavioral pattern and own a firearm);
- individuals (from the categories mentioned above) who are concerned about the Respondent's safety (i.e., a partner or a family member of a Respondent who might be suffering from suicidal ideations or self-harming).

### *1.3 Current solutions*

As things stand, a petitioner who wants to file an ERPO has to go through a long process (considering the extreme situations in which hours and minutes can make a difference) which involves paperwork. The Petitioner would need to:

- Browse through Mass.gov to find the correct information about the Petition on the website. Even though the website displays a somewhat complete panoramic on how the ERPO and its filing process work, the relevant information is scattered around a few web pages. Also, I found one brochure with a complete explanation of the whole process(<https://www.mass.gov/doc/extreme-risk-protection-order-erpo-petitioner-brochure/download>), which was difficult to understand without a legal background or a general understanding of how these orders work.
- Then, **during Court business hours**, the Petitioner should go to the Clerk's office in the closest District Court or closest Boston Municipal Court to fill in the petition.
- **Outside of court business hours**, the Petitioner should go to the closest Police station to physically complete the ERPO forms. Alternatively, the Petitioner could phone the Police and have them fill out the forms over the phone.

This is not the best choice considering the potential environment of abuse the Petitioner may or may not be experiencing. Also, I am still wondering how convenient it can be for the Petitioner to say out loud over the phone some sensitive aspects that need to be addressed in the form, such as indicating the firearms' location inside the house or extensively explaining the reasons why they think the respondent poses a risk to themselves or others.

That is why I think that the current method of filing an ERPO suffers from these critical issues:

1. First, this petition is not widespread to the general public: the presence of a Docassemble interview on the MassAccess portal could reach a wider public, ultimately

resulting in higher usage of such petitions and (hopefully) a higher rate of preventive confiscations.

2. The second problem is an issue of Petitioner's security: as noted above, they are not entirely protected by the current system, which could endanger them (whenever they leave home to go to the District Court/Boston Municipal Court/Police station or when they call the Police and have to explain their current situation)

3. Lastly, the bureaucratic procedure of filing such a petition can involve paperwork circulation, which is never a good way to tackle emergency orders and could jeopardize petitioner safety.

## *2. Ideation and prototyping*

While I still had a rough idea of what my final project could have looked like, I explored some different hypotheses about creating something helpful in filing an ERPO. First, I thought about making a Docassemble interview for filing an ERPO, to side with a simple QnA markup interview that would determine the eligibility to file such a petition. I thought about QnA markup because it was the platform I enjoyed using and interacting with the most in the course. Nevertheless, I quickly realized the shortcomings of a relatively simple project and understood that that would have resulted in a useless overlapping: Docassemble would be able to reach the same objectives as a QnA Markup interview. While researching on the Mass.gov website, I noticed the ERPO involved a **bundle of forms**: the Petition form itself (to be filled out by the Petitioner), the Petitioner confidential information form, and the Respondent information (FS-2) form as provided by the Petitioner (FS-3).

### [Petition for extreme risk protection order \(FS-1\) →](#)

(Rev. 8/13/18) This form is to be filled out by the person seeking an extreme risk protection order to explain the reason they are requesting the order.

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### [Petitioner confidential information form \(FA/HA-6, FS-2\) →](#)

(Rev. 8/13/18) This form is to be filled out by the person seeking an extreme risk protection order to provide identifying and contact information for the person seeking the order.

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### [Respondent information form as provided by petitioner \(FS-3\) →](#)

(Rev. 8/9/18) This form is to be filled out by the person seeking an extreme risk protection order to provide identifying and contact information for the person against whom the order is sought.

Considering the principle of the minimal viable product, I thought that the automation of the first form only could still have a significant impact on petitioners: they would have the most sensitive form already completed and would need to fill out only the two forms with personal data over the phone or in person.

|  |  |
|--|--|
| <b>PETITION FOR EXTREME RISK<br/>PROTECTION ORDER</b><br>G.L.c. 140, § 131R  | <b>TRIAL COURT OF<br/>MASSACHUSETTS</b>  |
| Court Department:<br><input type="checkbox"/> Boston Municipal Court <input type="checkbox"/> District Court   | Division:<br><div style="border: 1px solid black; height: 20px; width: 100%;"></div>   |
| Name of Petitioner (person seeking order):<br><br><input type="checkbox"/> this is a renewal petition  | Name and Address of Respondent (person against whom order is sought):<br><br><div style="border: 1px solid black; height: 40px; width: 100%;"></div> |
| I believe that the Respondent has a firearm identification card and/or license to carry firearms and controls, owns, or possesses the following firearms, rifles, shotguns, machine guns, weapons, or ammunition:<br><br><div style="border: 1px solid black; height: 40px; width: 100%;"></div>   |  |
| I believe that these firearms, rifles, shotguns, machine guns, weapons, or ammunition is/are located:<br><br><div style="border: 1px solid black; height: 40px; width: 100%;"></div>   |  |
| My relationship to the Respondent is (check off that apply):<br><input type="checkbox"/> I am the licensing authority of the municipality where the Respondent lives <input type="checkbox"/> I am, or was, engaged to the Respondent<br><input type="checkbox"/> I am, or was, related to the Respondent by blood or marriage <input type="checkbox"/> I am, or was married to the Respondent<br><input type="checkbox"/> I have, or am having, a child in common with the Respondent<br><input type="checkbox"/> I am, or was, in a substantive dating relationship with the Respondent<br><input type="checkbox"/> I reside, or was residing, with the Respondent in the same household |  |
| I believe that there is, either in Massachusetts or another jurisdiction (only check if applicable):<br><input type="checkbox"/> an abuse prevention order in effect against the Respondent<br><input type="checkbox"/> a harassment prevention order in effect against the Respondent<br><input type="checkbox"/> a pending legal action, specifically _____ between me and the Respondent  |  |
| Based on the following facts, I believe that the Respondent poses a risk of causing bodily injury to self or others by having in the Respondent's control firearms, rifles, shotguns, machine guns, stun guns or ammunition (provide as much detail as possible):<br><br><div style="border: 1px solid black; height: 80px; width: 100%;"></div>   |  |
| <input type="checkbox"/> If more space is needed, check this box and continue on the reverse side of this sheet  |  |
| I declare under the pains and penalties of perjury that all statements of fact made in this Petition are true to the best of my knowledge.   |  |
| Date: _____  | Petitioner's Signature: _____<br><br><div style="text-align: center;">x</div>  |
| This is a request for a civil order directing the Respondent to surrender his or her firearms identification card and license to carry firearms, firearms, rifles, shotguns, machine guns, stun guns and ammunition. If a judge issues an order in response to this petition and the Respondent violates it, the Respondent may be subject to criminal penalties.  |  |
| <b>FOR COURT USE ONLY:</b><br><input type="checkbox"/> Petitioner denied <input type="checkbox"/> Petitioner denied because Respondent unlicensed (present Petitioner to Police Department where Respondent resides)<br><input type="checkbox"/> Petitioner denied because Petitioner believed Respondent Violent Petitioner to Police Department where Respondent resides)<br><input type="checkbox"/> Renewal Petition denied <input type="checkbox"/> No emergency order to issue, two party hearing scheduled for: _____   |  |

### Instructions to Petitioner

1. You should file this petition in the courthouse that has jurisdiction over the city or town in which the respondent lives. You can find a list of District and Boston Municipal Courthouses, and the cities and towns over which they have jurisdiction, at <https://www.mass.gov/courthouse-locator>.
2. Provide as much information as you can regarding the specific statements, actions, or facts that show that the respondent poses a risk of causing bodily injury to self or others by having in his or her possession firearms, rifles, shotguns, machine guns, weapons, or ammunition and a license to possess or carry firearms. If necessary, give the judge any paperwork that will help the judge decide whether to issue an order. You should also provide as much information as you can regarding the number of firearms the respondent has, and the location of those firearms.
3. In addition to this petition, you should also fill out the Petitioner Confidential Informational Form and the Respondent Information Form and submit both with your petition. If you want your address not to be disclosed to the Respondent, you must request that the judge not include it on the Order. If you have a good reason why any other information provided should not be available to the public, you must file a Motion for Impoundment.
4. Once you file this petition, you should not leave the courthouse until you have appeared in front of a judge and the judge has ruled on your petition.
5. An Extreme Risk Protection Order only suspends a respondent's license to possess or carry firearms and directs a Respondent to surrender his or her license to possess or carry firearms and all firearms, rifles, shotguns, machine guns, slug guns and ammunition. An Extreme Risk Protection Order does not direct the Respondent to refrain from abusing or contacting a person, to stay away from a person or place, or to receive treatment for mental health purposes or an alcohol or substance use disorder. If you think that such an order may be necessary, ask the clerk for informational resources regarding these types of orders.

Additional Information:

After labeling the form again, the pdf document got corrupted in the process, reflecting my possibility of running it through the Weaver again. It resulted in a week-long blocker, during which I was able to plan in major detail how my interview would have looked like. I had the time to read through the Assembly Line documentation. I was especially concerned about the language and vocabulary to employ, not only because I am not an English native speaker but most importantly because of the sensitivity of some questions and the topic in general. Having laid out the interview in detail before running my form through the Weaver helped me plan what logic the interview should have adopted.

Thankfully, I got help from the folks within the coding-help channel and managed to go past that blocker. After successfully going through the Weaver, my interview was detailed enough to start user testing. Even though I still had yet to make some screen conditional and was not done with some graphical aspects, I started gathering feedback from friends and family to mainly check on what I had worked up until then, while I was still making my own editing on the side.

## *2.1 Criticism of the current ERPO form*

During the phase of ideating and creating the prototype, I met some inconsistencies within the form that I will address here before going into depth with the user testing.

Since we are supposed to understand the form's logic to craft an interview, it is in this step that I have noticed some inconsistencies and redundancies. For example, when the forms ask about the type of relationship which elapses between the Petitioner and the Respondent, the given categories overlap with one another. That generated much confusion in the user testing phase, as almost all of my "testers" asked me for clarification on these fields. I decided to keep the same fields in my interview, as it would have been too complex to change them in a way that would have made sense in the final form.

My relationship to the Respondent is (*check all that apply*):

- ☐ I am the licensing authority of the municipality where the Respondent lives
- ☐ I am, or was, related to the Respondent by blood or marriage
- ☐ I have, or am having, a child in common with the Respondent
- ☐ I am, or was, in a substantive dating relationship with the Respondent
- ☐ I reside, or was residing, with the Respondent in the same household

- ☐ I am, or was, engaged to the Respondent
- ☐ I am, or was married to the Respondent

In general, other form fields are vague as well and lack the specificity that should be employed in forms like this. Area field texts (such as the one where it is asked to supply specifics about LTC, ID, or firearms specifics) can confuse the user regarding the input they

have to provide. It would be better to create separate fields where to insert the LTC/ID identifying numbers and then another area field where to add the specifics of the firearms.

### 3. User testing

User testing is necessary to create the best minimum viable product.

In this case, I started my user testing early to receive feedback on my interview while still making the logic of the interview work. I thought it could be helpful to display users' input received in a table, specifying each user's background. I have asked each tester to impersonate a hypothetical Petitioner in one of the abovementioned scenarios. This is the feedback I have received.

| User # | User's Background                             | Feedback   |
|--------|---|--|
| 1      | English-speaker, Coding the law classmate     | <p>Change the Petitioner's name, Respondent's name, and Respondent's address code structure. They should not be one big text field but instead displayed with: first name, middle name, last name; street, apt., city, state, and zip code (following the Assembly Line's conventions).</p> <p>Make the pending_legal_action_specifics a conditional screen that should appear only if the petitioner checks the box "pending legal action" in the previous screen.</p> <p>Make a conditional screen in case none of the relationships specified in this field apply to the Petitioner, informing that they are not eligible to file an ERPO and providing the possible steps for them to take to protect themselves from the dangerous situation they find themselves in.</p> |
| 2      | Non-English speaker, Coding the law classmate | <p>Get rid of the "Please"s and general legalese. Use more plain language in the questions.</p> <p>Shorten the informational screen's first sentence (first screen).</p> <p>Rephrase the question in the screen where you ask whether there is a pending legal action involving the Petitioner and the Respondent.</p> <p>When you ask what relationship links the Petitioner to the Respondent, state clearly in the sub-question that all the given options could be applied simultaneously.</p> <p>Break down into paragraphs the two questions and two sub-questions on the screen where the Petitioner is supposed to enter the license/ID number and the type of firearm.</p>  |

|   |  |  |
|---|--|--|
| 3 | English-speaker, external, friend with non-law background  | Make the wording of the question about whether the Respondent has a License to carry a firearm (LTC)/Firearm Identification Card (FID)/ firearm type clearer. Provide an example in brackets of how these license/identification cards should be written by the Petitioner.  |
| 4 | English-speaker, coding-help support (Michelle)            | Change the wording of “You are not eligible” to “You are ineligible”. Fix the overflow text within the field that asks the Petitioner the reasons of the ERPO. This is a field where petitioners usually tend to go in depth about the situation they are in and the feelings they are experiencing. To not limit their freedom of expressing as much details as needed for the judge to ultimately grant the ERPO, the form itself allows the Petitioner to continue on the second paper, checking a box that signals the use of “more space” on the second page. (Michelle not only pointed out this but also helped me out with coding this bit). |
| 5 | Non-English speaker, family member with non-law background | Capitalize consistently “Respondent” and “Petitioner”. Make the first informational screen look more organized: no wall of text, make paragraphs, bold text where needed, bullet points where needed. When asking about firearm, say firearm(s), because there could be more than one.   |
| 6 | Non-English speaker, law-background                        | Give more precise information when the Petitioner can go to the next screen without selecting anything (i.e., saying “click next”). Add some bold text in the sub question, so they can draw the Petitioner’s eye while completing each field.   |

#### 4. Refinement

After having gathered users’ feedback, I implemented all the suggested modifications. My first interview draft (as I realized from user testing) employed excessively legal wording and had a high chance of not being readable for individuals with no legal background. I had several versions of my code, but this was before I connected the playground to my Github repository. That is why all my versions might not appear in the



repository. In the final steps of finishing the automation of the interview, I added more guidance in the form of useful links, as will be explored in section 8 of this Biography (Documentation).

### *5. Complexity/robustness*

Despite my overall appreciation of the more complex systems we have explored throughout the semester, I did not have the opportunity to embed multiple in my final project. Among everything we have studied, I thought that using Docassemble to automate a form would have ensured my work's highest level of practical, real-life viability. I would not have liked putting so much effort into a project I would not have been able to see employed in real life.

Even though this project only involves one of the technologies we have explored, I cannot think of any addition that could include different technology (QnA markup interviews, issue spotting algorithms, and others) that could give a relevant contribution to the interview.

### *6. Impacts and efficiencies*

The interview automation for filling out the ERPO will be useful for Petitioners. Not having automated all three ERPO forms (including FS-2 and FS-3) somewhat constitutes a limit of my entire project and affects the evaluation of its overall impact. Nevertheless, whoever needs to file an ERPO will have a clearer panoramic of how the system work, will be able to determine whether they are eligible for it and ultimately will be able to go to the Court/Police with an already completed form. The first form of the ERPO is the most complex. It requires more time and emotional energy to be completed, as the Petitioner has to explain in depth the situation of danger they are experiencing and the potential anxiety and distress caused by the Respondent's behavior. Being able to complete that sensitive form at home and with privacy will still have an impact on the Petitioner.

### *7. Fit/Completeness*

I have to address in this section a few aspects that make the final form less complete than it could have been. Some fields of the document are not meant to be completed by the petitioner but by the court reviewing the Petition. This form remains the same in the interaction between the Petitioner, the Police and the Court. That is why the petitioner cannot complete the following fields: "Boston Municipal Court"/ "District court" / "Docket N." / "Division" / "I am the licensing authority of the municipality where the respondent

lives” / and the last section “For Court Use only.” Because the Assembly Line works with the Petitioner side of these forms, I thought it would not have been practical to allow the completion of these fields by the petitioner, so I avoided labeling them altogether. Nonetheless, the rest of the interview allows for a complete form with all other relevant aspects.

## *8. Documentation*

To clarify the user experience, I gave as many instructions and guidance as possible for each interview question. That implied:

- Putting a link to the Mass.gov page about filing an ERPO so that the Petitioner can review the whole process in advance.
- Putting the links of both Boston Municipal Court and District Courts’ business hours to inform the Petitioner about where to go, given the hours of the day.
- Providing specific instructions in the sub-questions of each screen to make the Petitioner feel more accompanied throughout the interview.
- Informing the Petitioner accordingly when they are considered ineligible for filing the ERPO, adding a link to the mass.gov page explaining the ERPO eligibility system.
- Providing the “Next steps” for the Petitioner at the end of the interview, embedding some informational links (District court locations, Boston Municipal court location, Police station closest to the Petitioner).

## *9. Real World Viability*

I feel like my form has a real-world viability. When I started researching for my final project, I wanted to automate the whole petition, hoping to have a more significant impact on the project. After realizing the impossibility of automating all three forms, I had to give up on the idea that the whole procedure could have been automated altogether. At the same time, I had to face the fact that, without the other two forms of the ERPO procedure, the Petitioner could have been forced to leave the house and physically go to the Court or to a Police station.

However, I think that the added value of this project in terms of real-world viability lies in the fact that it has been made possible for petitioners to complete this first form at their desired convenience, which is still valid, considering that it contains the most sensitive information.

## *10. Sustainability*

The current project is very future-oriented. I am hopeful that, through the automation of the rest of the two forms, this will create a privileged channel of connection between Courts and Petitioners, allowing the latter to file an ERPO completely from their laptop/phone/smart device.

I want to address in this final section a few small and bigger picture improvements that could be made with this form and with the bundle of forms involving the ERPO that could greatly enhance and encourage its filing through the MassAccess platform.

### *10.1 Big-picture improvements*

- Creating a channel of dialogue with the Police Station as well as the existing one with judges. In fact, outside Court business hours, the Petitioners are forced to interact with the Police rather than direct with the court administration.
- Completing the automation of the other two forms (FS-2 and FS-3) and blending those interviews with the existing one. In that way, the Petitioner would be able to insert their name once, but it would appear on both Petition and Petitioner's personal information forms.
- Reformulate the Petition form considering the criticism highlighted in 2.1.

### *10.2 Minor Tweaks*

- First, I believe it would make sense to eliminate the "Addendum" page that shows up as a third page of the form whenever the Petitioner might finish the available space in the field "risk\_of\_causing\_bodily\_injury\_to\_self\_or\_others\_." It should be done in a way that that additional page will only show up if the Petitioner finishes the additional space provided in the second page of the form too.
- Adding a drop-down menu with all the U.S. jurisdictions on the screen where the Petitioner might provide the specifics of an existing pending legal action between them and the Respondent.