



California's Gun Violence Restraining Order:

CAREGIVERS OF THE ELDERLY CAN SPEAK FOR SAFETY

"A client, with many guns in the home, claims that his neighbors want to harm him and he will need to defend himself. I spoke to his family who is worried that he might hurt someone or himself. The family and I have been unable to get him to give up his guns. What can we do?"

"One of my clients is a 91-year-old man suffering from dementia. I serve as his companion many evenings, and I know that he keeps two loaded guns in his home and sometimes he gets confused at night. His family asked me about options to ensure his safety and the safety of others."

A NEW LAW CAN HELP!

California's Gun Violence Restraining Order (GVRO) is a law that allows certain teachers, school employees, co-workers, employers, family, household members, and law enforcement to obtain a court order to prevent an at-risk person from accessing guns, ammunition, or magazines and that temporarily prohibits that person from purchasing or obtaining any new guns, ammunition, or magazines*. The firearm removal and purchase restriction can last from 21 days to five years, depending on the type of order, and what the judge thinks is appropriate. A final GVRO, lasting between one and five years, can be renewed before it expires if the danger still exists.

*Magazines are ammunition storage and feeding devices which can often be detached from a firearm.

WHO CAN REQUEST A GVRO?

Law enforcement, family members, household members, employers, some co-workers, certain teachers/school employees can file a [petition](#) to obtain a GVRO with the Superior Court in which the person to be restrained resides. If you are a non-family caregiver or home visitor, you cannot petition directly for a GVRO (unless you are a conservator of the person or have lived in the same household as them within the last six months). However, if a client has risk factors such as an emotional crisis or dementia and is demonstrating signs of being dangerous such as suicidal ideation, aggression, public threats of violence, or is exhibiting other dangerous behaviors, you can consider contacting your local sheriff or police department, or advising a client's family member about the GVRO.

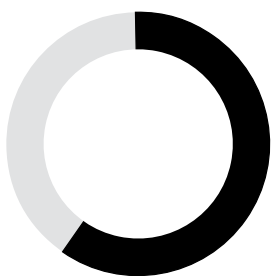
A CIVIL ACTION

The GVRO is a civil procedure, not a criminal one. The goal is to ensure safety and allow the respondent of the GVRO the opportunity to heal or stabilize. However, if the order is violated, the respondent may be charged with a misdemeanor crime. Only when the order expires or is terminated may firearms and ammunition be returned to the restrained person.

IMPORTANT FACTS ABOUT CALIFORNIA'S GVRO

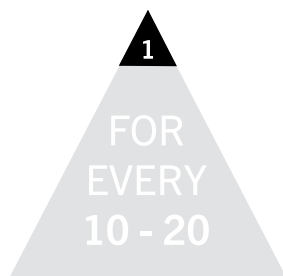
- If you think someone poses an immediate danger to themselves or others, you can contact law enforcement directly. They can make a request for an emergency GVRO at any time if necessary, even if the court is closed.
- The petitioner of a GVRO must be present at all scheduled court hearings to obtain a GVRO; learn more at www.speakforsafety.org/obtain-a-gvro-family-household.
- A GVRO officially starts on the day of the hearing and the duration of the GVRO is determined based on the number of years from that date.
- If someone is being threatened directly by a spouse, partner, or someone in their family or household, they may petition for a Domestic Violence Restraining Order (DVRO). See Form [DV-500-INFO](#) for more information or call 1-800-799-SAFE (7233).
- If someone is being threatened directly by an employee or co-worker, the employer can file for a Workplace Violence Restraining Order on the behalf of themselves or an employee, under California Code, Code of Civil Procedure - CCP § 527.8. Visit [this website](#) for more information.
- If someone is being stalked, harassed, sexually assaulted, or threatened with violence you can seek a Civil Harassment Restraining Order. See [Form CH-100-INFO](#) (Can a Civil Harassment Restraining Order Help Me?)
- As of 2019, all filing fees for petitioning for or responding to a GVRO have been eliminated, as are fees associated with serving GVROs ([see SB-1200](#)).

DID YOU KNOW?

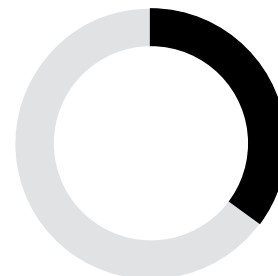


More than half of all gun deaths in California are suicides.

Four out of every ten suicides in California involve guns.



A recent study out of Duke University examined the results of a similar law in Connecticut and estimated that for every 10-20 risk-warrants issued, **at least one suicide was prevented**.



In a poll by Aging Life Care Association **over one-third** of professionals surveyed said they either frequently or sometimes found guns in their elder clients' homes

DID YOU KNOW?

- More than half of all gun deaths in California are suicides according to the [CDC](#).
- [A 2017 study](#) examined the results of a similar law in Connecticut and estimated that for every 10 to 20 orders removing firearms issued, at least one suicide was prevented.
- [A study from the UC Davis School of Medicine](#) identified **21 cases** where researchers believe a GVRO helped prevent a potential mass shooting. The lead author of the study, Dr. Garen J. Wintemute, said “I think the evidence suggests that extreme risk protection orders have a role to play in preventing mass shootings, but also in preventing firearm suicide and homicide.”
- On September 1, 2020, 4 new GVRO bills went into effect. [AB 61](#) expanded the list of eligible GVRO petitioners to include certain teachers, school employees, co-workers, and employers. [AB 1493](#) created an option for the subject of a GVRO to voluntarily surrender their firearms and not contest the GVRO. [AB 339](#) called on law enforcement departments to create official procedures for requesting and enacting a GVRO. [AB 12](#) allows judges to set the duration of a final order between one to five years.
- In a [poll by Aging Life Care Association](#) on the presence of firearms in elders’ homes, over one-third of professionals surveyed said they either frequently or sometimes had guns in their clients’ homes, and several respondents recounted stories of suicides by clients that took place while professional caregivers were in the home.

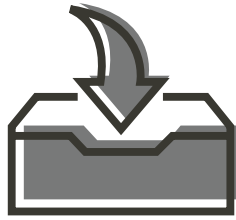
MORE ABOUT GVROs AS A TOOL TO PREVENT GUN VIOLENCE

- [Assessment of Extreme Risk Protection Order Use in California From 2016 to 2019](#) – from Journal of American Medical Association.
- [New California Study Shows ‘Red Flag’ Laws May Help Stop Mass Shootings Across the Country](#) – from TIME Magazine, Aug. 19, 2020.
- [Nearly 50 gun violence restraining orders served in San Diego since beginning of March](#) – from CBS8, Aug. 13, 2020.
- [“Red Flag” Law In California Expands To Workplaces And Schools](#) – from the Faculty Executive, Feb. 28, 2020.
- [Using California’s Red Flag Law to combat hate crimes](#) – from San Diego Downtown News, written by City Attorney, Mara W. Elliott.
- [AG Becerra Discusses Gun Violence Restraining Orders as part of Domestic Violence Awareness Month](#) – from California Department of Justice, Oct. 29, 2019.
- [How to get a gun violence restraining order](#) – from , KERO, Aug. 8, 2019.
- [Armed With Knowledge](#) – from Sactown Magazine, June-Jul 2019 Issue.
- [Men & Means: Suicide Prevention SKills Building Webinar](#) - from Each Mind Matters “Know the Signs” campaign, Aug. 8, 2017.
- [Yes, You Can: Physicians, Patients, and Firearms](#) – from Annals of Internal Medicine, Aug. 1, 2016.
- [Protecting Vulnerable Elders with a GV Restraining Order](#) – from Jennifer L. Wilkerson, Attorney at Law

HOW CAN I SPREAD THE WORD ABOUT THE GVRO TO SPEAK FOR SAFETY?



Contact your local Superior Court or VA office and ask if they have heard of the GVRO.



Download our resources
SpeakForSafety.org



Work within your agency or organization to ensure that your colleagues know about the GVRO as a tool to prevent gun violence.

Disclaimer: This document does not provide legal advice and information is intended for general informational purposes only. If you need legal advice, please contact an attorney directly.