



## California's Gun Violence Restraining Order:

A PREVENTION TOOL FOR FAMILIES AND HOUSEHOLD MEMBERS

"My son has been struggling at college and has alienated himself from his friends. Lately he has been posting violent content online and going to a shooting range. He owns a number of guns, and I am worried that he's going through a crisis and needs help."

"My roommate was fired from his job recently and has isolated himself in his room since. We've tried to talk to him but he refuses to say much. He previously attempted suicide and we are worried he may purchase a gun and try again."

### A NEW LAW CAN HELP!

California's Gun Violence Restraining Order (GVRO) is a law that allows teachers, school employees, co-worker, 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. If you think there is a strong likelihood that a family member, roommate, or household member would harm themselves or others, petitioning for a GVRO can be an important first step to reduce the risk of harm.

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

**Note:** *If you are in immediate danger, please contact local law enforcement or dial 911. Additionally, anyone in emotional crisis can call the National Suicide Hotline 24 hours a day at 1-800-273-8255.*

### HOW TO OBTAIN A GVRO

Family and household members\* and law enforcement\*\* officers may file a petition for a GVRO. If a loved one or household member is experiencing an emotional crisis or is demonstrating signs of being dangerous such as suicidal ideation, aggression, public threats of violence, or is exhibiting other dangerous behaviors, you can petition for a GVRO. You can also contact your local sheriff or police department to inform them of a dangerous situation. They may consider filing a petition to request a GVRO, or, in cases of immediate danger, they may request a Temporary Emergency GVRO, which can be obtained at any time even when the court is closed.

\*Includes spouses, parents, grandparents, siblings, children, stepparents, stepchildren, domestic partners, or roommates and other household members who have lived with the respondent of the petition within the last six months.

\*\*Includes sheriff's departments, police departments, and other law enforcement agencies.

## TEMPORARY GVRO

(Lasts 21 days)

1. A [petition](#) for a temporary GVRO (also known as an “ex parte GVRO”) should be filed with the Superior Court in the county in which the person being restrained (the respondent) resides. Temporary GVROs last 21 days unless the order is terminated at a court hearing where the judge decides a GVRO is no longer necessary.
2. The petitioner must file a form [GV-100](#) as well as a form [GV-110](#) to get a temporary GVRO (otherwise no temporary order will be issued and the petitioner will have to wait until a hearing is held).
3. Every county Superior Court has self-help [resources](#) that can assist you.
4. When filling out the forms, the petitioner must explain that the person to be restrained poses a danger of harming themselves or others in the near future and that other less serious alternatives that have been tried and have not worked or are too dangerous. The petitioner should include specific information for the judge about why a restraining order is necessary. The petitioner should also include everything they know about the guns the person to be restrained has.
5. If the temporary order is issued the petitioner should have law enforcement serve the order, and California law requires that a sheriff or marshall must serve the order free of charge. When law enforcement serves the order, the respondent must immediately surrender his or her firearms, ammunition, and magazines to the law enforcement officer.

**Note:** [The Judicial Council of California recommends that law enforcement always serve the order and remove firearms. They also recommend not to use a process server, and never to ask a friend or family member to serve the order or do it yourself.](#)

## Final GVRO Issued After a Notice and Hearing

(Lasts between one and five years)

1. When a GVRO petition is filed, the court will schedule and hold a hearing within 21 days to determine if a final GVRO, lasting one to five years, should be issued.
2. Once a GVRO petition is filed using form GV-100, there are two paths: 1) voluntary relinquishment or 2) proceed with hearing.
3. **Voluntary Relinquishment:** The subject of a petition can file a form with the court to voluntarily relinquish their firearms, which they must do within 48 hours of filing. This indicates that the subject is not contesting the petition and the GVRO will be issued for the period of time the judge designates. A GVRO can still be renewed even if the subject voluntarily surrendered their firearms.

4. **Hearing:** If the subject chooses to challenge the petition, the court will move forward with scheduling a hearing. At the hearing, the petitioner can provide evidence and ask for a final GVRO, and the judge may grant it. During the hearing, the respondent has the opportunity to respond to the order, and the petitioner must prove by clear and convincing evidence that the respondent poses a “significant danger” of injury to self or others by having a firearm in his or her possession, that the order is necessary to prevent injury, and that less restrictive alternatives are ineffective or inadequate.
5. A petitioner may ask for a final GVRO without seeking a temporary GVRO by using a form [GV-100](#). If this is done, the respondent of the order must still be notified of the hearing and the petition. Also, if the petitioner did seek a temporary GVRO order, but it was not issued, the court will still set a hearing.
6. If the judge decides that a GVRO is needed, he or she will issue a final GVRO for up to five years. 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.
7. California law requires that a sheriff or marshall must serve the order free of charge. When law enforcement serves the order, the respondent must immediately surrender his or her firearms, ammunition, and magazines to the law enforcement officer.
8. Within the three months before the expiration of the GVRO, the petitioner may file to request the renewal of the GVRO with the court if the respondent is still a risk to him/herself or others.

Note: For more information, and for a full list of forms, visit [speakforsafety.org/howtofile](https://speakforsafety.org/howtofile).

## 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

- The petitioner of a GVRO must be present at all court hearings to obtain a GVRO.
- If you are being threatened directly by a spouse, partner, or someone in your family or household, you 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 the petitioner is under 18, a guardian would need to file on their behalf (i.e., a parent or legal guardian).
- 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](#)).
- GVROs and similar laws such as Washington State’s “extreme risk protection order” are sometimes called “red flag laws,” although we do not endorse the use of this term. See [“Why not use the term Red Flag Law?”](#) for more info.

## 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.

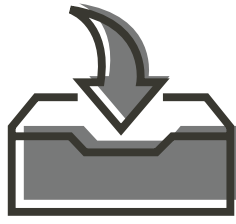
## MORE ABOUT GVROs AS A TOOL TO PREVENT GUN VIOLENCE

- [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.

## 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](https://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.