



# California's Gun Violence Restraining Order:

## FIDUCIARIES CAN SPEAK FOR SAFETY

"A client has become withdrawn and has shown signs of depression and paranoia. There are lots of guns on the property, and they are neither locked up nor properly secured. I'm concerned that he may injure himself or others. What can I do?"

"Family members of a client have become concerned that my client has grown delusional and violent towards them. As the conservator in charge of his estate, are there any tools I can recommend to the family?"

## A NEW LAW CAN HELP!

California's Gun Violence Restraining Order (GVRO) is a law that allows 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.

## BALANCING DUTY WITH PRIVACY CONCERNS

Whether you are a conservator of the person, conservator of the estate, a guardian, or a trustee, you have a duty to protect the best interests of your conservatee/ward/beneficiary. If you feel that someone you are responsible for, who has access to firearms or ammunition, is at risk of harming themselves or others, reaching out to a family member or contacting law enforcement can be an essential first step to increasing safety, so long as confidentiality or privacy agreements are not breached.

GVROs are orders specifically designed to restrain someone from accessing guns and ammunition, but there are many types of restraining orders available in California. If you are concerned about someone being or becoming violent towards themselves or others, you may want to consider talking with an attorney and family members, household members, employers, co-workers, or teachers/school employees about what type of order would be most appropriate for the situation. For more information on the different types of restraining orders available visit the [Judicial Council of California's Self-Help page](#).

## 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 file an emergency GVRO at any time if necessary, even if the court is closed.*
- If a final GVRO is obtained, before it expires, law enforcement, family members, household members, employers, some co-workers, certain teachers/school employees may petition for the renewal of a GVRO with the court if the subject of the GVRO is still a risk to him or herself or others.
- 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.
- 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 \(Can a Civil Harassment Restraining Order Help Me?\)](#)
- If the petitioner is under 18, a guardian would need to file on their behalf (i.e., a parent or legal guardian).
- If the dangerous person is subject to a Conservatorship, the Conservator may file for a GVRO (see [Families and Household Members](#)).

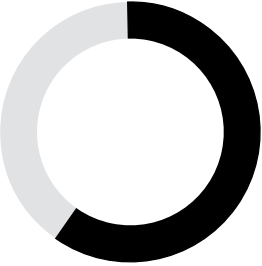
## DID YOU KNOW?

- 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.

**DID YOU KNOW?**

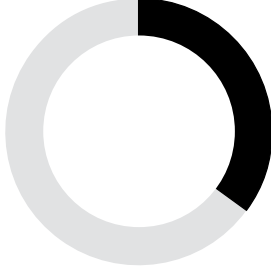


**More than half** of all gun deaths in California are suicides.

**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

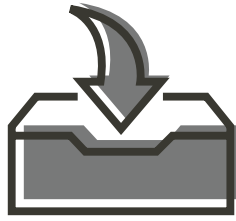
## MORE ABOUT GVROs AS A TOOL TO PREVENT GUN VIOLENCE

- [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.

