



California's Gun Violence Restraining Order :

ATTORNEYS CAN SPEAK FOR SAFETY

"A client's family is concerned that their father, who has shown signs of depression and paranoia, may harm himself or their mother. There are lots of guns on the property, and they are neither locked up nor properly secured. What options do they have?"

"One of my clients is a 91-year-old man who is showing signs of dementia. He lives alone with no family nearby and I know that he keeps two loaded guns in his home. Because of his increasingly impaired judgment I am very worried that a dangerous accident could happen."

A NEW LAW CAN HELP!

California's Gun Violence Restraining Order (GVRO) gives law enforcement officers and family members a way to prevent gun violence through an expedient and civil process. If there is a strong likelihood that someone is at risk of harming themselves or others, a family or household member* or law enforcement** may petition the local Superior Court clerk for a GVRO that can last from 21 days up to one year.

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

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

As an attorney, you have an opportunity to advise or assist a client in obtaining a GVRO. A client may obtain a GVRO for a loved one or household member they are concerned about by filling out a petition and filling out the necessary paperwork. A client can also contact their local sheriff or police department about a dangerous situation and ask them to obtain a GVRO. In cases of immediate danger, law enforcement may request an emergency GVRO, which can be obtained at any time of day, even if the court is closed.

A CIVIL ACTION

The GVRO is a civil procedure, not a criminal one. The goal is to ensure safety and allow the subject of the GVRO an opportunity to heal or stabilize. However, if the order is violated, the subject 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.

HOW TO FILE A GVRO

There are three types of GVROs: (1) Emergency GVROs, which are available to law enforcement at any time of day and last 21 days (2) Temporary GVROs, which last 21 days unless the order is terminated at the petitioner's request or at a court hearing; and (3) GVROs obtained after the subject is notified of the petition and a court hearing has taken place. All orders prevent the restrained person from accessing guns, ammunition, and magazines, and temporarily prohibit that person from purchasing or obtaining any new guns, ammunition, or magazines*. Only when the order expires or is terminated may firearms and ammunition be returned to the restrained person.

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

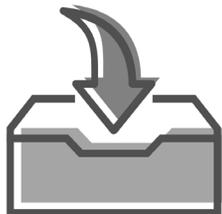
- **Emergency GVRO (Last 21 days, law enforcement only)** An emergency GVRO, also known as an EPO-002, can be obtained by law enforcement if there is reasonable cause to believe that the person to be restrained poses an immediate and present danger to themselves or others. To obtain an emergency GVRO a law enforcement officer can make a verbal request to a local Superior Court judge or judicial officer handling emergency orders even if it is not during normal court hours. Emergency orders are generally requested over the phone and then memorialized on a form EPO-002. If an emergency order is issued, law enforcement must request that the restrained person surrender all guns, ammunition, and magazines to the officer and the person must comply. For more information on these standards see: California Code, Penal Code – PEN § 18125.
- **Temporary GVRO (Last 21 Days)** A temporary GVRO may be obtained by family or household members and law enforcement officers by petitioning the superior court in the county in which the person to be restrained resides. Temporary orders last 21 days unless terminated by the court. 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). It is recommended that petitioners review form GV-100-INFO before filling out their petition. When filling out the forms, the petitioner should include specific information for the judge about why a restraining order is necessary. [California Code, Penal Code – PEN § 18150]
- **One-year GVRO** A one-year GVRO may be obtained after the respondent is served a notice of the petition and temporary order (if issued), and after a hearing is held. After filing a GVRO petition using form GV-100 a hearing will be scheduled with the court within 21 days to determine if a one-year GVRO should be issued. The petitioner must attend the hearing for a one-year GVRO to be granted. During the scheduled hearing, the respondent will be allowed to respond to the order and petition, and the judge may ask for further evidence and testimony to determine if there are grounds to issue a one-year order. One-year GVROs may be renewed before they expire if the judge finds the subject to be an ongoing danger to themselves or others. For more information on these standards see California Code, Penal Code – PEN § 18175
- **Note:** As of 2019, all filing fees for petitioning for or responding to a GVRO have been eliminated, as are fees associated with serving GVROs (via SB-1200).

Please visit <https://speakforsafety.org/obtain-a-gvro-family-household/> for more detailed instructions.

HOW CAN I SPREAD THE WORD ABOUT THE GVRO



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



Download our resources at SpeakForSafety.org.



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