



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 the necessary paperwork and submitting them to the Superior court in the county where their person at risk resides. A judicial officer will then decide whether or not to approve or deny the petition. A client may also contact their local sheriff or police department about a dangerous situation and mention the GVRO. Law enforcement may consider filing a petition to request a GVRO, or, in cases of immediate danger, they may request an Emergency GVRO, which can be obtained with the oral approval of a judicial officer 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) Temporary GVROs also known as Temporary Firearms Restraining Orders, which last 21 days unless the order is terminated at the petitioner's request or at a court hearing; (2) GVROs obtained after the subject is notified of the petition and a court hearing has taken place; and (3) Emergency GVROs, which are available to law enforcement at any time of day and last 21 days. All orders prevent the subject of the order from accessing guns or ammunition and temporarily prohibit that person from purchasing or obtaining any new guns and/or ammunition. Only when the order expires or is terminated may firearms and ammunition be returned to the restrained person.

- (1) **A Temporary GVRO** may be obtained by family or household members and law enforcement officers. The petitioner must show that the subject poses "a significant danger" in the near future of committing violence to themselves or others. The petitioner must also show, through testimony or documented evidence, an increased risk for violence, and that the subject owns, possesses, or intends to purchase one or more firearms. For more information on these standards see: California Penal Code § 18155
- (2) **A One-Year GVRO** may be obtained after the subject is served a notice of the petition and the temporary order (if approved) and after a court hearing. A one-year GVRO may also be petitioned for separately from a temporary GVRO. During the scheduled hearing, the subject 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 see California Penal Code § 18175.
- (3) **An Emergency GVRO** may be requested by law enforcement at any time of day through a verbal or written request if the officer shows that the subject poses an immediate and present danger to themselves or others. For more information see California Penal Code § 18175.
- **Note: Please visit** <https://speakforsafety.org/obtain-a-gvro-family-household/> **for more detailed instructions.**

IMPORTANT FACTS ABOUT CALIFORNIA'S GVRO

- Courts report GVROs to the California Department of Justice and local district attorney within one court day of issuing a GVRO.
- If the petitioner is under 18, a guardian would need to file on their behalf (i.e., a parent or legal guardian).
- You can contact law enforcement directly for support. If necessary, they can file for an Emergency GVRO right away.
- The California Judicial Council and court system refers to GVROs as "Firearms Restraining Orders" or FROs.

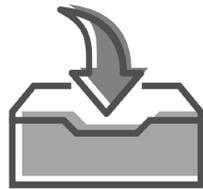
DID YOU KNOW?

- More than half of all gun deaths in California are suicides. (Source: CDC WONDER.)
- In 2016, there were 1,595 firearm-related suicides in California (CDC WONDER).
- A recent study out of Duke University examined the results of a similar law in Connecticut and estimated that for every 10 to 20 risk warrants issued, one suicide was prevented.

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



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.