



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 family and household members, and law enforcement officers to obtain a court order to prevent an at-risk person from accessing guns ammunition, and magazines, and 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 one year depending on the type of order, and what the judge thinks is appropriate. A one-year GVRO can be renewed before it expires if the danger still exists.

WHO CAN REQUEST A GVRO AND HOW DO YOU GET ONE?

Family and household members* and law enforcement** officers 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.

**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 departments, police departments, and other law enforcement agencies.*

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.

¹<http://www.courts.ca.gov/documents/gv100.pdf>

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 a temporary emergency GVRO at any time if necessary, even if the court is closed.
- The petitioner of a GVRO should also be present at all court hearings to obtain a GVRO; learn more at: speakforsafety.org/obtain-a-gvro-family-household.
- 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-INFO² for more information or call 1-800-799-SAFE (7233).

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.**

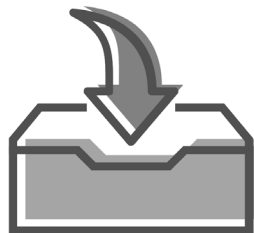


In a poll by Aging Life Care Association **over one-third** of professionals surveyed said they either frequently or sometimes found guns in their elder clients' homes*

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.

*Source: Aging Life Care Association: www.blog.aginglifecare.org/blog/is-there-a-gun-in-the-home

² <http://www.courts.ca.gov/documents/dv500info.pdf>

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.