



# 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 family or household members and law enforcement officers to obtain a court order that temporarily prohibits 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\*. 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.**

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

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 a superior court 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.*

## 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 the opportunity to heal or stabilize. However, if the order is violated, the subject is guilty of a misdemeanor crime. Only when the order expires or is terminated may firearms and ammunition be returned to the restrained person.

## TEMPORARY GVRO (LASTS 21 DAYS):

1. A petition for an ex parte GVRO (also known as an "ex parte GVRO") should be filed with the Superior Court in the county in which the person being restrained 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. Every Superior Court has self-help resources that can assist you.
2. The petitioner must file a form GV-100<sup>1</sup> as well as a form GV-110<sup>2</sup> 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. 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.
4. If a GVRO 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 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.**

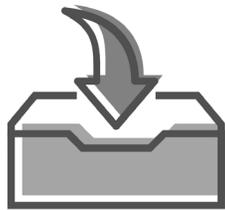
## GVRO ISSUED AFTER A NOTICE AND HEARING (LASTS ONE YEAR):

1. When a GVRO petition is filed the court will schedule and hold a hearing within 21 days to determine if a one-year GVRO should be issued.
2. Even if the court judge did not issue the temporary GVRO, the court will still schedule a hearing. At the hearing, the petitioner can provide evidence and ask for a one-year GVRO, and the judge may grant it.
3. A petitioner may ask for a one-year 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.
4. 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. If the court finds the petition met the burden above, the court will issue a one-year GVRO. The order goes into effect the day it was issued and terminates one year from that date, or at the request of the petitioner. See step 4. above.
6. 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.

### 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](http://SpeakForSafety.org).



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

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

<sup>2</sup> <http://www.courts.ca.gov/documents/gv110.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.