



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 or ammunition, and temporarily prohibits that person from purchasing or obtaining any new guns and/or ammunition. 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.

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 subject of the petition within the last six months.*

***Includes sheriff's 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 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.

EX PARTE GVRO (LASTS 21 DAYS):

1. A petition for an ex parte GVRO¹ (also known as a Temporary Firearms Restraining Order) should be filed with the Superior Court in the county in which the person being restrained (the subject) resides. Ex parte GVROs last 21 days unless the order is terminated at your request or at a court hearing.
2. Every county Superior Court has self-help resources that can assist you.
3. A judge or judicial officer must find that there is a substantial likelihood the subject poses a “significant danger, in the near future” 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 not appropriate for the person, or have been ineffective.
4. Upon issuance of an order, the subject must be served a copy of the order by a law enforcement officer or a professional process server. If law enforcement serves the order, the subject must immediately surrender his or her firearms and ammunition 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):

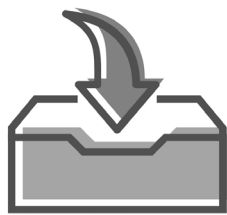
1. When an ex parte GVRO is issued, the court will schedule and hold a hearing within 21 days of the date of issuance to determine if a one-year GVRO should be issued.
2. Even if the court judge did not issue an ex parte GVRO, the petitioner can still go to the court hearing and ask for a one-year GVRO. The judge may grant it at the court hearing.
3. A petitioner may apply for a one-year GVRO separately from the ex parte GVRO using a form GV-100. If this is done, the subject of the order must still be notified of the hearing and the petition.
4. During the hearing the subject has the opportunity to respond to the order, and the petitioner must prove by clear and convincing evidence that the subject 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.
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 subject is still a risk to him/herself or others.

Note: For more information, and for a full list of forms, visit speakforsafety.org/obtain-a-gvro-family-household.

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.

¹ <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.