

**SPEAK FOR**

**SAFETY**

# California's Gun Violence Restraining Order:

## HEALTH/MENTAL HEALTH PROVIDERS CAN SPEAK FOR SAFETY

"A patient who is an avid gun owner has made threats of violence to his neighbors and has admitted to me during one of our appointments that he has thought about harming them. What can I do to help keep those around him safe?"

"As a primary care physician, I have a close relationship with many of my patients. Recently I spoke with a patient who was distressed that her son, who has attempted suicide in the past, recently purchased a handgun. When she asked him to give the gun to her he refused. What other options does she have to ensure he stays safe?"

### 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 to prevent an at-risk person from accessing guns or ammunition, and that temporarily prohibits that person from purchasing or obtaining any new guns and/or ammunition. 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. Only when the order expires or is terminated may firearms and ammunition be returned to the restrained person. A one-year GVRO can be renewed before it expires if a judge finds that 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<sup>1</sup> to obtain a GVRO with the Superior Court where the subject of the petition resides. As a health provider, you cannot petition directly for a GVRO. However, if a patient 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 consider contacting your local sheriff or police department, or advising a patient's family member about the GVRO. Educating patients and families about the GVRO can help reduce the potential for danger when a gun is present in the home of someone who is at risk of harming themselves or others.

*\*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 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.

<sup>1</sup> <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 must be present at all court hearings to obtain a GVRO.
- If the court issues a one-year order, within three months before its expiration the petitioner may file a request for the renewal of a GVRO with the court if the subject of the GVRO is still a risk to him or herself or others.
- 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-INFO<sup>2</sup> for more information.
- If the petitioner is under 18, a guardian would need to file on their behalf (i.e., a parent or legal guardian).

### 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 examined the results of a similar law in Connecticut and estimated that for every **10 to 20 orders** removing firearms issued, at least one suicide was prevented.

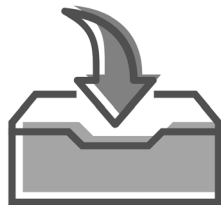


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### HOW CAN I SPREAD THE WORD ABOUT THE GVRO TO SPEAK FOR SAFETY?



Contact your local Superior Court office and ask if they have heard of the GVRO.



Download tools for other professionals and household members at [SpeakForSafety.org](http://SpeakForSafety.org).



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

<sup>2</sup> <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.