



California's Gun Violence Restraining Order:

FIDUCIARIES CAN SPEAK FOR SAFETY

"A client has become withdrawn and has shown signs of depression and paranoia. There are lots of guns on the property, and they are neither locked up nor properly secured. I'm concerned that he may injure himself or others. What can I do?"

"Family members of a client have become concerned that my client has grown delusional and violent towards them. As the conservator in charge of his estate, are there any tools I can recommend to the family?"

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 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. 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** may file a petition¹ for a GVRO. As a professional fiduciary, you cannot petition directly for a GVRO (unless you are conservator of the person). However, if a client 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 client's family member about the GVRO. In cases of immediate danger, law enforcement 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.*

BALANCING DUTY WITH DISCLOSURE AND PRIVACY CONCERNS

Whether you are a conservator of the person, conservator of the estate, a guardian, a trustee, or a combination of all of these, you have a duty to protect the health and well-being of your conservatee/ward/beneficiary. GVROs are a tool to prevent an act of gun violence. In some cases, it may make more sense to consult directly with a law enforcement officer or a court clerk and avoid consultation with the immediate family members in order to protect the privacy of your client.

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.

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.
- If a yearlong order is obtained, before it expires, a family member, household member, or law enforcement officer may petition 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-INFO² 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).
- If the dangerous person is subject to a conservatorship, the conservator may file for a GVRO.

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.

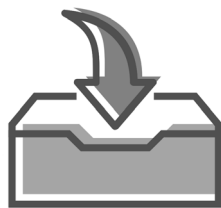


In a poll by Aging Life Care Association **over one-third** of professionals surveyed said they either frequently or sometimes found guns in their elder clients' homes*

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



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



Download tools for other professionals and household members at SpeakForSafety.org.



Work within your agency or organization to ensure that your colleagues 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.