

Clerk stamps date here when form is filed.

Read *Can a Gun Violence Restraining Order Help Me?* (form before completing this form.)

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner**

a. Your Full Name or Name of Law Enforcement Agency:

I am:

- A family member of the respondent.
- An officer of a law enforcement agency (*A petition may be filed in the name of the law enforcement agency in which the officer is employed. If you wrote your full name above, write the name of the law enforcement agency that employs you:*)

An employer of the respondent (*your position and name of company*):

A coworker of the respondent. I have had substantial and regular interactions with the respondent for at least one year and I have obtained the approval of my employer to file this petition (*name of company*):

An employee or teacher of a secondary or postsecondary school that the respondent has attended in the last 6 months. I have obtained the approval of a school administrator to file this petition (*name of the school*):

A roommate of the respondent. I currently live with the respondent or lived with the respondent within the past six months and have had substantial and regular interactions with the respondent for at least one year.

A person who has a dating relationship with the respondent.

A person who has a child in common with the respondent. I have had substantial and regular interactions with the respondent for at least one year.

b. Your Lawyer (*if you have one for this case*): Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

c. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email. Law enforcement officer, give agency information.*)

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**2 Respondent**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address (*if known*): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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**3 Venue**

Why are you filing in this county? (Check all that apply):

- a.  The respondent lives in this county.
- b.  Other (specify): \_\_\_\_\_

**4 Other Court Cases**

a. Are you aware of any other court cases, civil or criminal, involving the respondent?

- Yes  No *If yes, check each kind of case and give as much information as you know as to where and when each was filed:*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(8)	<input type="checkbox"/> Criminal	_____	_____	_____
(9)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to the respondent?

- Yes  No  I don't know *If yes, attach a copy if you have one.*

**5 Description of Respondent's Firearms (Guns), Firearm Parts, Ammunition, or Magazines**

Answer 5a or check 5b if you have reason to believe that the respondent is in possession of firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

a.  I am informed, and on that basis believe, that the respondent currently possesses or controls the following firearms, firearm parts, ammunition, or magazines (describe the number, types, and locations of any of those items that you believe that the respondent currently possesses or controls):

	<u>Types of firearms (guns), firearm parts, ammunition or magazines</u>	<u>How many or what amount?</u>	<u>Location, if known</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

b.  I am informed, and on that basis believe, that the respondent currently possesses or controls firearms, firearm parts, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those items.

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**6 Reasons a Gun Violence Restraining Order is Needed**

Explain why a gun violence restraining order is needed. This explanation should include: (1) how the respondent poses a danger to themselves or others by having a firearm (gun), a firearm part (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), ammunition, or a magazine; and (2) whether other less restrictive alternatives to a gun violence restraining order have been tried and found to be ineffective, or why other less restrictive alternatives have been determined to be inadequate or inappropriate for the current circumstances. If any of the following have occurred, you should include information about them:

- Threats or acts of violence or physical force by the respondent.
- Violation of a protective order by the respondent.
- The respondent being convicted of illegally possessing a firearm (gun).
- The respondent being arrested for a felony offense.
- The unlawful and reckless use, display, or brandishing of a firearm (gun) by the respondent.
- Recent criminal offenses by the respondent that involve illegal drugs or alcohol.
- Recent acquisition of firearms (guns), ammunition, other deadly weapons, or body armor by the respondent.
- Any other evidence of an increased risk for violence by the respondent.

The facts supporting the above statements are set forth:

Below  On *Attached Declaration* (form \_\_\_\_\_).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7 Request for Gun Violence Restraining Order**

I request that the court issue an order prohibiting the respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I further request that the respondent be ordered to immediately surrender (turn in, sell, or store) all firearms, firearm parts, ammunition, and magazines currently in their possession to a law enforcement officer or to sell those items to or store them with a licensed gun dealer.

- a. I request the order above for \_\_\_\_\_ years. (*Please include a number of years between one and five years.*)  
b. I am asking for this amount of time because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8 No Body Armor**

If an order is granted, the respondent will be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

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**9 No Fee to Serve (Notify) Restrained Person**

*If you want the sheriff or marshal to serve (notify) the restrained person about the orders, they will do it for free.*

**10 Request for Hearing**

I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last between one and five years.

**11 Temporary Gun Violence Restraining Order**

I request that a temporary gun violence restraining order be issued against the respondent to last until the hearing. I am presenting *Temporary Gun Violence Restraining Order* (form \_\_\_\_\_) for the court's signature together with this Petition.

Has the respondent been told that you were going to court to seek a temporary gun violence restraining order?

- Yes  No *(If you answered no, explain why below):*
- Reasons stated in Attachment 11.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12 Request to Give Less Than Five Days' Notice of Hearing**

*You must have your papers personally served on the respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (See What Is "Proof of Personal Service"? (form \_\_\_\_\_). Proof of Personal Service (form \_\_\_\_\_) may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

- Reasons stated in Attachment 12.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

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