

## RUPRO ACTION REQUEST FORM

**RUPRO action requested:**        **Submit to JC (without circulating for comment)**

**RUPRO Meeting:**

**Title of proposal** (*include amend/revise/adopt/approve + form/rule numbers*):

Judicial Council Forms – Gun Violence Restraining Orders (adopt or approve revisions to new Judicial Council forms EPO-002, GV-100, GV-110, GV-120, GV-120-INFO, GV-130, GV-200, GV-800, and GV-800-INFO)

*Committee or other entity submitting the proposal:*

Civil and Small Claims Advisory Committee

*Staff contact (name, phone and e-mail):*

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*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Approved by RUPRO: December 10, 2014

Project description from annual agenda: Item 20: Gun Violence Restraining Orders. Develop forms for new civil restraining order procedure mandated by AB 1014.

*If requesting July 1 or out of cycle, explain:*

**Additional Information:** (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

At its meeting on September 8, 2015, the Judicial Council Rules and Projects Committee approved for adoption 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

Subsequently, staff became aware of Assembly Bill 950 (Stats 2015, ch. 205). This act amends gun violence statute Penal Code section 18120 and Penal Code section 29830 to provide that one against whom a gun violence restraining order has been issued may dispose of his or her firearms and ammunition by storing them with a licensed gun dealer for as long as the restraining order is in effect. Previously, the gun owner's options were only to surrender the firearms and ammunition to law enforcement or to sell them to a licensed dealer.

In light of AB 950, the Civil and Small Claims Advisory Committee proposes that the Judicial Council adopt or approve revisions to the following forms to allow disposal of firearms and ammunition by storing them with a licensed gun dealer:

1. Firearms Emergency Protective Order (including application) (form EPO-002)
2. Petition for Firearms Restraining Order (form GV-100)
3. Temporary Firearms Restraining Order (form GV-110)
4. Response to Petition for Firearms Restraining Order (form GV-120)
5. How Can I Respond to a Petition for Firearms Restraining Order? (information sheet) (form GV-120-INFO)
6. Firearms Restraining Order After Hearing (form GV-130)
7. Proof of Personal Service (form GV-200)
8. Proof of Firearms Turned in Sold, or Stored (form GV-800)
9. How Do I Turn In Sell, or Store My Firearms? (information sheet) (form GV-800-INFO)

The proposed drafts of all of the above forms are attached. A revised report to the Judicial Council is also attached with changes to reflect AB 950 tracked. The tracking will be removed before submission to the council.

AB 950 amends Penal Code section 18120 to provide that a person subject to a gun violence restraining order may dispose of his or her firearms and ammunition by: "transferring all firearms and ammunition to a licensed firearms dealer in accordance with Section 29830." Penal Code section 29830(a), as amended by AB 950, provides:

Any person who is prohibited from owning or possessing a firearm or ammunition pursuant to this article, or who is prohibited from owning or possessing a firearm or ammunition pursuant to any other law, may transfer or cause to be transferred, any firearm or firearms or ammunition in his or her possession, or of which he or she is the owner, to a firearms dealer licensed pursuant to Section 26700 to 26915, inclusive, for storage during the duration of the prohibition, if the prohibition on owning or possessing the firearm will expire on a date specified in the court order.

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The proposed revisions to the forms are required to reflect these changes.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

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Title	Agenda Item Type
Judicial Council Forms – Gun Violence Restraining Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt or approve new Judicial Council forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO	January 1, 2016
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	September 28, 2015
	Contact
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### Executive Summary

The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

### Recommendation

The Civil and Small Claims Advisory Committee proposes that, in order to implement the new Gun Violence Restraining Orders Act, the Judicial Council, effective January 1, 2016, adopt or

approve new forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO

## **Previous Council Action**

The Judicial Council periodically adopts for mandatory use or approves for optional use new or revised standard court forms, including restraining order forms. All forms included in this proposal are new.

## **Rationale for Recommendation**

### **The Legislation**

*Gun Violence Restraining Orders*<sup>1</sup>. Legislation, enacted in 2014 and operative January 1, 2016,<sup>2</sup> provides a process to obtain a court order requiring a person who poses an imminent significant danger of personal injury to himself, herself, or others to surrender—and prohibiting him or her from possessing—firearms and ammunition before the person uses a firearm to commit a crime. This legislation was motivated by a situation in Santa Barbara County in which relatives of a person exhibiting unstable behavior advised law enforcement that the person was armed and represented a danger to himself and others. But because the person legally possessed the firearms and had not yet committed any crime, the relatives and law enforcement were powerless to intervene. The person subsequently went on a killing spree.

A gun violence restraining order is a written court order prohibiting a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. Despite the location of the statutes in the Penal Code, the process to obtain a gun violence restraining order is considered a civil proceeding.<sup>3</sup>

The Judicial Council must prescribe the form of the petitions and orders and any other documents, and must promulgate any rules of court necessary to implement the new law.<sup>4</sup> This proposal primarily addresses the development of forms at this time.

### **The Project**

Drafting these forms was a project of the Civil and Small Claims Advisory Committee, Protective Orders Subcommittee, rather than of the Protective Orders Working Group (POWG),

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<sup>1</sup> See Pen. Code, § 18100 et seq.

<sup>2</sup> See Stats. 2014, ch. 872; AB 1014, sometimes referred to as “the Skinner Bill.” [This original legislation required that a person subject to a gun violence restraining order surrender all of his or her firearms and ammunition to a law enforcement agency or sell them to a licensed gun dealer. \(Pen. Code, § 18120.\) Additional later legislation \(AB 950; Stats. 2015, ch. 205\) amended Penal Code section 18120 to provide the alternative of storing firearms and ammunition with a licensed gun dealer.](#)

<sup>3</sup> Pen. Code, § 18100.

<sup>4</sup> Pen. Code, § 18105.

which is a joint body comprised of members of several advisory committees. The members of Civil and Small Claims assigned to the POWG reviewed the draft forms and approved them for the full committee, which now recommends that the Judicial Council adopt and or approve them.

The process for obtaining a gun violence restraining order is similar to that for other civil protective orders such as civil harassment.<sup>5</sup> Therefore, the current Judicial Council forms for civil harassment were used as templates to create the forms for gun violence restraining orders. With the exception of the Emergency Protective Order, the identifying letters “GV” were selected to refer to the forms that have been developed.

The complete list of forms proposed is as follows:

1. *Firearms Emergency Protective Order* (including application) (form EPO-002)
2. *Petition for Firearms Restraining Order* (form GV-100)
3. *Can a Firearms Restraining Order Help Me?* (information sheet) (form GV-100-INFO)
4. *Notice of Court Hearing* (form GV-109)<sup>6</sup>
5. *Temporary Firearms Restraining Order* (form GV-110)<sup>7</sup>
6. *Request to Continue Court Hearing for Firearms Restraining Order* (form GV-115)
7. *Notice of New Hearing Date* (form GV-116)
8. *Response to Petition for Firearms Restraining Order* (form GV-120)
9. *How Can I Respond to a Petition for Firearms Restraining Order?* (information sheet) (form GV-120-INFO)
10. *Firearms Restraining Order After Hearing* (form GV-130)<sup>8</sup>
11. *Proof of Personal Service* (form GV-200)<sup>9</sup>
12. *What Is “Proof of Personal Service”?* (information sheet) (form GV-200-INFO)
13. *Proof of Service by Mail* (form GV-250)
14. *Request to Terminate Firearms Restraining Order* (form GV-600)<sup>10</sup>
15. *Notice of Hearing on Request to Terminate Firearms Restraining Order* (form GV-610)
16. *Response to Request to Terminate Firearms Restraining Order* (form GV-620)
17. *Order on Request to Terminate Firearms Restraining Order* (form GV-630);
18. *Request to Renew Firearms Restraining Order* (form GV-700)<sup>11</sup>
19. *Notice of Hearing on Request to Renew Firearms Restraining Order* (form GV-710)<sup>12</sup>

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<sup>5</sup> See Code Civ. Proc., § 527.6.

<sup>6</sup> Pen. Code, § 18160.

<sup>7</sup> Pen. Code, § 18125 et seq.

<sup>8</sup> Pen. Code, § 18170 et seq.

<sup>9</sup> Pen. Code, § Pen. Code, § 18115(e)(1).

<sup>10</sup> Pen. Code, § 18180(b).

<sup>11</sup> Pen. Code, § 18190.

<sup>12</sup> Pen. Code, § 18190(b).

20. *Response to Request to Renew Firearms Restraining Order* (form GV-720)
21. *Order on Request to Renew Firearms Restraining Order* (form GV-730)
22. *Proof of Firearms Turned in, ~~or~~ Sold, or Stored* (form GV-800) <sup>13</sup>
23. *How Do I Turn In, ~~or~~ Sell, or Store My Firearms?* (information sheet) (form GV-800-INFO)
- 24.

The proposed drafts of all the above forms are attached at pages 11–62.

## **Particular Issues**

### ***Format of Forms***

The forms use the plain-language visual format. Because the Civil Harassment (CH) forms are in this format, using the CH forms as the template for the new GV forms saved a great amount of development time. The forms use plain language, but are not necessarily reduced to the reading level of many at self-represented parties.<sup>14</sup>

### ***Title of Initiating Forms***

While “Request” rather than “Petition” is used in some plain-language protective orders proceedings (see, e.g., CH-100, *Request for Civil Harassment Restraining Orders*), the committee has chosen to use the more standard “Petition.”

### ***Identification of Parties***

Despite the title, the GV orders do not fit the classic understanding of “restraining orders.” The protection provided is solely in the form of firearms surrender and firearm possession prohibition. There is no identifiable actual victim who might be viewed as a “protected person.” Therefore, the committee elected to use the traditional labels of “Petitioner” and “Respondent” rather than the labels that are used for the parties in other protective order proceedings (“Person to Be Protected” and “Person to Be Restrained”).

### ***Emergency Protective Order and Temporary Restraining Order***

Under the Penal Code, there are two different paths to a GV order. There is a “Temporary Emergency Gun Violence Restraining Order,<sup>15</sup>” and there is an “Ex Parte Gun Violence Restraining Order.<sup>16</sup>” The titles are particularly confusing because a “temporary” order may be issued ex parte,<sup>17</sup> and an “ex parte” order is temporary.<sup>18</sup> Therefore, the committee has elected

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<sup>13</sup> Pen. Code, § 18120(b).

<sup>14</sup> There are two tiers to plain language. First, all legal writing should be in plain language, avoiding legalese and expressing matters in the clearest and least wordy manner possible. We always follow this standard in developing forms. Second, for some subject areas that are commonly used by self-represented persons, we sometimes attempt to reduce the reading level of the content to a high school or lower level.

<sup>15</sup> Pen. Code, § 18125 et seq.

<sup>16</sup> Pen. Code, § 18150 et seq.

<sup>17</sup> Pen. Code, § 18125(a).

not to use these labels. Instead, what the statutes refer to as the Temporary Emergency Gun Violence Restraining Order is the *Emergency Firearms Protective Order* (form EPO-002), modeled after the current *Emergency Protective Order* (form EPO-001). What the statutes refer to as the Ex Parte Gun Violence Restraining Order is the *Temporary Firearms Restraining Order* (GV-110), modeled after the temporary restraining order (TRO) forms for other civil protective order proceedings (see e.g., form CH-110).

There are three major differences between the “temporary” and “ex parte” orders. First, the temporary order may only be requested by a law enforcement officer, while the ex parte order may be requested by a law enforcement officer or an immediate family member (as defined).<sup>19</sup> Second, the temporary order expires in 21 days with no procedure for extending it or making it “permanent.” The ex parte order also expires in 21 days, but provides for a hearing to be held within 21 days to consider whether a GV order with a duration of one year should be issued.<sup>20</sup>

The third difference is in the showing required to get the order. The temporary order requires a showing of *immediate and present danger*,<sup>21</sup> while the ex parte order requires a showing of *a significant danger in the near future*.<sup>22</sup> With the temporary order, before the 21 days are up, the law enforcement officer can petition for an order after hearing.<sup>23</sup>

The temporary order may also be obtained by using the procedures to obtain an oral search warrant if time and circumstances do not permit the filing of a petition.<sup>24</sup> Hence, it would appear that the temporary order is a tool to be used by law enforcement in an emergency situation, when there is a perceived need to remove guns from someone acting erratically and aggressively and to prohibit him or her from possessing a firearm.<sup>25</sup> If the restraining order is issued and the restrained party has not relinquished the firearm then under the amendments to Penal Code Section 1524(14), a search warrant for the firearms can be issued.

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<sup>18</sup> Pen. Code, § 18155(c).

<sup>19</sup> Compare Pen. Code, § 18125(a) with Pen. Code, § 18150(a).

<sup>20</sup> Compare Pen. Code, §§ 18125–18140 (no provision for hearing after temporary order) with Pen. Code, § 18165 (hearing required after ex parte order). At the hearing, the petitioner must prove the grounds for the order by clear and convincing evidence. See Pen. Code, § 18170(b).

<sup>21</sup> Pen. Code, § 18125(a)(1).

<sup>22</sup> Pen. Code, § 18150(b)(1).

<sup>23</sup> Pen. Code, § 18170(a).

<sup>24</sup> Pen. Code, § 18145(a)(2).

<sup>25</sup> Suggesting that maybe this order could be labeled “Emergency Temporary Restraining Order.” The ex parte order might be then be just “Temporary Restraining Order,” since it occupies the role of the TRO in other protective order proceedings.

In summary, law enforcement can seek a temporary order in an emergency or an ex parte order for danger in the near future. A family member can only seek an ex parte order. Either may seek an order after hearing,

### ***Continuances and Extending Temporary Orders***

The gun violence legislation provides for a continuance on the motion of either party on a showing of good cause. Any temporary order remains in effect until the new hearing date.<sup>26</sup>

### ***Service by Mail of Order After Hearing***

Other protective order statutes have a provision that the Order After Hearing may be served on the respondent by mail if he or she was not present at the hearing, was personally served with a TRO, and the order after hearing is the same as the TRO except for the expiration date.<sup>27</sup> The gun violence statutes do not include this provision; personal service is required if the respondent did not attend the hearing.<sup>28</sup> Therefore, no form corresponding to CH-260, *Service of Order After Hearing by Mail*, has been drafted.

### ***Service of Papers for Termination and Renewal***

The statutes provide processes by which the respondent can seek to terminate the order<sup>29</sup> and by which the petitioner can seek to renew the order before it expires.<sup>30</sup> The termination statute is completely silent on any service requirements for the request (proposed form GV-600) and the order on the request (proposed form GV-630). The renewal statute requires that an order of renewal (proposed form GV-730) be personally served on the respondent if he or she did not attend the hearing.<sup>31</sup> Otherwise, the renewal statute is also silent on service requirements.

Given the statutory silence, the committee has elected to provide on the Notice of Hearing forms for both proceedings a two-checkbox option for service of the initiating forms on the opposing party. The court can either require personal service or permit service by mail.

For both proceedings, the committee has provided that service of the order is not required if the order was granted and the losing party was present at the hearing. For renewal, if the order is granted and the respondent did not attend, personal service is required per Penal Code section 18197. For termination, if the order was granted and the petitioner did not attend the hearing, the court may require personal service or allow service by mail. For both termination and renewal, if the order was denied and the petitioner did not attend, service by mail is sufficient.

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<sup>26</sup> Pen. Code, § 18195.

<sup>27</sup> See, e.g., Code Civ. Proc., § 527.6(p)(2) on civil harassment.

<sup>28</sup> See Pen. Code, § 18197.

<sup>29</sup> See Pen. Code, § 18185.

<sup>30</sup> See Pen. Code, §

<sup>31</sup> See Pen. Code, § 18197.



## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

The forms as proposed to be adopted or approved were posted for public comment from April 17, 2015, to June 17, 2015. Comments were received from only 10 different commentators, but the comments submitted were extensive. Most requested specific changes to specific items in specific forms. A chart showing the comments received and the committee's responses is attached at pages 63–126.

Two commentators objected to the number of forms. In the words of one: “There are so many forms that it will be extremely difficult for a person of average intelligence to navigate through the process, regardless of the plain language format. . . . Fewer forms would reduce the amount of time spent both by the litigant and by court staff.”

The committee sees the role and use of standardized court forms differently. In addition to providing for petitions and orders, the gun violence statutes provide procedures for obtaining a continuance, renewing an order that is near expiration, and terminating the order. “Fewer forms would reduce the amount of time spent both by the litigant and by court staff” only if the lack of forms meant that these procedures and remedies were never pursued. If pursued, they would be more costly and time-consuming to initiate, defend, and adjudicate. Petitions and responses would still have to be drafted and filed; orders would still have to be issued.

Judicial Council forms benefit litigants, counsel, and ultimately the courts. They save time and money and make the presentation and defense of claims easier for everyone. Further, the forms proposed are similar to currently existing forms for other protective order procedures. Therefore, the committee believes that the number and specific types of forms recommended are appropriate to achieve the purposes of the legislation and to assist the public and the courts to effectively and efficiently implement it.

### **Alternatives**

#### ***Format of Emergency Order***

The committee considered two different formats for the emergency order. Staff drafted two separate forms, one for a petition and one for an order, in the standard plain-language format. However, the committee prefers a single form modeled after the EPO-001 *Emergency Protective Order*, which has an application and order on a single page. The conclusion was that the form would be used exclusively by law enforcement in the field in a potentially volatile situation, and needed to be as simple and quick to fill out as possible. Also, the form must be in NCR triplicate format so that it may be served and filed and entered into the Department Justice (DOJ) Database and the California Law Enforcement Telecommunications System (CLETS).

#### ***Supporting Facts***

For the temporary (ex parte) order and order after hearing, the statute provides a lengthy list of factors that the court must consider in deciding whether the grounds for the order have been proved.<sup>32</sup> The petition (form GV-100) includes an “affidavit” item<sup>33</sup> for the petitioner to set forth the supporting facts. The facts need to address the statutory factors. The committee has elected not to list all the factors in the petition. An option is provided to incorporate the supporting facts in the TRO and Order After Hearing as the court’s findings in support of the orders.

## **Policy implications**

### ***Possible Judicial Council–sponsored Legislation***

There are several anomalies about the statutes that perhaps should have or could have been done differently. The committee is considering proposing that the Judicial Council sponsor legislation to address these issues.

First there is the placement of the statutes in the Penal Code despite the express statement that the statutes establish “a civil restraining order process.” This procedure would seem to fit more logically in the Code of Civil Procedure with other civil restraining order statutes.<sup>34</sup>

There is the confusing nomenclature previously noted, by which a temporary order is issued ex parte and an ex parte order is temporary. The law would be clearer if the more traditional terms of “emergency order” and “temporary restraining order” had been used.

~~Other protective order statutes on firearms relinquishment were recently amended to provide for storage with a licensed gun dealer as a third option, to surrender to law enforcement, or sell to a dealer.<sup>35</sup> This storage option has not been included in the gun violence statutes.<sup>36</sup>~~

As noted above, the statutes provide a process by which the respondent can seek to terminate the order<sup>37</sup> and a process by which the petitioner can seek to renew an order that is about to terminate. For both proceedings, the manner of service of the initiating forms, whether personal or by mail, should be specified in the statute. Also, service requirements for the order should be clarified, whether it is granted or denied and whether or not a party attended the hearing.

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<sup>32</sup> See Pen. Code, §§ 18155(b), 18175(a).

<sup>33</sup> See Pen. Code, § 18155(a)(2).

<sup>34</sup> See Code Civ. Proc., §§ 527.6 (Civil Harassment), 527.8 (Workplace Violence), 527.85 (Private Post Secondary School Violence).

~~<sup>35</sup> See Code Civ. Proc., § 527.9.~~

~~<sup>36</sup> See Pen. Code, § 18120(b).~~

<sup>37</sup> See Pen. Code, § 18185.

The statutes provide expressly for the entry by law enforcement of proof of service forms into the California Restraining and Protective Order System (CARPOS).<sup>38</sup> However, there is no requirement that the orders themselves be entered.<sup>39</sup>

Several Penal Code statutes address violations of enumerated restraining or protective orders.<sup>40</sup> There should be consideration as to whether these statutes should be amended to include gun violence restraining orders.

### **Implementation Requirements, Costs, and Operational Impacts**

One commentator noted the anticipated implementation requirements for the courts listed below. It should be noted that the forms are required to implement recent legislation and training in the substantive changes resulting from the new laws is needed independent of the new forms.

- Self-Help Centers—Self-Help staff would require training, and forms would need to be available at the court’s Self-Help kiosks as well as printed at the Self-Help centers at the various court locations.
- Case management system—The court would need to add the filing types into the case management system. This process will take time to add the required documents, conduct testing, and for court management to approve the changes.
- Minute Order Codes (MOCS)—The court will need to add the MOCS codes that reflect the appropriate code language. This process could take a few weeks to add the codes, for testing, and for final management approval.
- Training case processing staff—The court will need to train case processing staff on how to file documents, where the hearings will take place, and understanding the timeliness of setting the hearings in accordance with the code timelines.
- Training courtroom clerks—Courtroom clerks will need to be trained as to including appropriate language in the minutes as well as knowing which MOCS codes to use. Courtroom clerks will need to create associated calendars. Further, the court may need to create MACROS related to this implementation and the courtroom clerks would need to be trained on this as well.

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<sup>38</sup> See Pen. Code, § 18115(e)(1).

<sup>39</sup> However, Penal Code section 18115(a) does require that the court notify the Department of Justice when a gun violence restraining order has been issued or renewed under this division no later than one court day after issuing or renewing the order.

<sup>40</sup> See Pen. Code, §§ 166(c) (contempt of court), 273.6 (punishment for violation of protective order), 836 (arrest without warrant),

- Procedures—Staff would need at least a few weeks to draft procedures for both case processing clerks as well as for courtroom clerks. Procedures that would require drafts include:
  - Civil: processing gun violence petitions, renewals, terminations, etc.;
  - Criminal: processing search warrants when firearms are not surrendered; and
  - Protective Order Unit: updating the DOJ CARPOS system.
  
- Communication with law enforcement—The court will need to coordinate a communication plan with law enforcement agencies to provide direction on the submission of Gun Violence Restraining Orders, any applicable renewals, and terminations.
  
- Protective Order Registry/WebDV and CARPOS—Protective Order Registry/WebDV will require modifications to allow entry to Gun Violence Restraining Orders and terminations. In addition, DOJ will need to modify CARPOS to allow for the entry of these orders into the system, as well as remove the existing “protected party” requirement.
  
- Docket codes—The court will need to create new docket codes for the filing of new petitions/forms and types of hearings.

**Attachments and Links**

1. Judicial Council forms at pages 11–62
2. Chart of comments on proposal SPR15-13 [this proposal] at pages 63–126

FIREARMS EMERGENCY PROTECTIVE ORDER

1. RESTRAINED PERSON (insert name of subject): \_\_\_\_\_

Sex:  M  F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

2. TO THE RESTRAINED PERSON (Also see important Warnings and Information on Page 2):

YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms or ammunition, you MUST IMMEDIATELY SURRENDER THEM IN A SAFE MANNER TO LAW ENFORCEMENT ON REQUEST. If no request has been made, you must surrender all firearms and ammunition in a safe manner to your local law enforcement agency or sell them to or store them with a licensed gun dealer within 24 hours of being served with this order. You must then file a receipt proving surrender, sale, or storage with the Court listed below within 48 hours, or if the court is closed, then on the next business day after the firearms are surrendered or sold. FAILURE TO TIMELY FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER .

(Name and address of court):

3. THIS ORDER WILL EXPIRE ON: \_\_\_\_\_ TIME \_\_\_\_\_

INSERT DATE OF 21st CALENDAR DAY DO NOT COUNT DAY THE ORDER IS GRANTED

4. Reasonable grounds for the issuance of this Order exist, and a Firearms Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

5. To the Restrained Person: This order will last until the expiration date and time noted above. You are required to surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. However a more permanent gun violence restraining order may be obtained from the court. You may seek advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

Judicial officer (name): \_\_\_\_\_ granted this Order on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

APPLICATION

6. Officer has a reasonable cause to believe that the grounds set forth in Item 4, above, exist. (state supporting facts and dates; specify weapons—number, type and location):

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

7.  Firearms were:  observed  reported  searched for  seized

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By: \_\_\_\_\_  
(PRINT NAME OF LAW ENFORCEMENT OFFICER)



(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Badge No.: \_\_\_\_\_

PROOF OF SERVICE

8. Person served (name): \_\_\_\_\_  
9. I personally delivered copies of this Order to the person served as follows: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Address: \_\_\_\_\_

10. At the time of service, I was at least 18 years of age.  I am a California law enforcement officer.

11. My name, address, and telephone number are (this does not have to be server's home telephone number or address):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME OF SERVER)



(SIGNATURE OF SERVER)



**FIREARMS EMERGENCY PROTECTIVE ORDER  
WARNINGS AND INFORMATION**

EPO-002

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**TO THE RESTRAINED PERSON:** You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition. (Pen. Code, § 18125 et seq.) A violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.)

Within 24 hours of receipt of this order, you must turn in your firearms to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48 hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use Form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for this purpose.

This Firearms Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front.

A law enforcement officer or agency or a family member may seek a more permanent restraining order from the court. However, you can seek to terminate this order or any more permanent order before expiration by filing a request with the court listed on the front.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

This protective order must be enforced by all law enforcement officers in the State of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

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**A la persona restringida:** Tiene prohibido ser dueño de un arma de fuego, poseer, comprar o tratar de comprar, recibir o tratar de recibir u obtener un arma de alguna otra manera. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 y encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego a una agencia del orden público o venderlas a o guardarlas con un comerciante de armas autorizado hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Dentro de las 48 horas de recibir esta orden, se tiene que presentar a la corte una prueba de haberlas entregado, vendido, o guardado. Se puede usar la forma GV-800 por este propósito.

Esta orden de protección de emergencia de arma de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 al otro lado.

Un agente o agencia del orden público o un familiar puede pedir que la corte emita una orden de restricción más permanente de la corte. Sin embargo, puede pedir dar fin a esta orden antes de su fecha de vencimiento al presentar una solicitud con la Corte indicada en el punto 3 al otro lado.

Si está en violación de este orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o intentar comprar o recibir un arma de fuego o municiones por otro periodo de cinco años mas, a comenzar a partir del vencimiento de la orden de restricción actual de violencia con armas de fuego. (Código Penal, § 18205.)

Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

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**To law enforcement:** The Firearms Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. A copy must be filed with the court as soon as practicable after issuance. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this Temporary Firearms Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

Clerk stamps date here when form is filed.

Read *Can a Firearms Restraining Order Help Me?* (Form GV-100-INFO) before completing this form.

**1 Petitioner**

a. Your Full Name: \_\_\_\_\_

I am:  A family member of the Respondent  
 A law enforcement officer employed by  
 (name of law enforcement agency): \_\_\_\_\_

b. Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****2 Respondent**

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

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

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

**4 Venue**

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

a.  The Respondent lives in this county.b.  Other (specify): \_\_\_\_\_**Other Court Cases**

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

Yes  No If yes, on the next page, check each kind of case and give as much information as you know as to where and when each was filed:

**This is not a Court Order.**

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(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 Respondent?  
 Yes  No  I don't know *If yes, attach a copy if you have one.*

**5 Description of Respondent's Firearms**

*If you have reason to believe that the respondent is in possession of firearms, answer (a) or check (b).*

- a.  I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms and ammunition. *(Describe the number, types, and locations of any firearms and ammunition that you believe that the Respondent currently possesses or controls):*

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

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

**6 Grounds for Issuance of a Firearms Restraining Order**

I have reasonable cause to believe both of the following are true:

- a. The Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

**This is not a Court Order.**







**10**  **Request to Give Less Than Five Days' Notice**

*You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is "Proof of Personal Service"? Form GV-200, Proof of Personal Service, 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:

*Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Request to Give Less Than Five Days' Notice" for a title.*

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

**11** 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*

**This is not a Court Order.**

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer or a self-help center.

### What is a firearms restraining order?

It is a court order that prohibits someone from having any guns or ammunition. The person must surrender any guns and ammunition that he or she currently owns.

### Can I get a firearms restraining order against someone?

You can ask for one against a person who is an immediate family member. Immediate family members include (1) your spouse or domestic partner; (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; (3) your spouse's parents, children (your stepchildren), siblings, grandparents, and grandchildren; and (4) any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household. If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if he or she finds that the grounds exist.

### Will the order protect me in other ways, such as keeping the person from coming near me?

No, the only order the court can make is to force the person to not have firearms and ammunition. If you need personal protection from a family member, you should proceed under the Domestic Violence Protection Act. See Form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*, for information on how to proceed.

### Will I have to pay a filing fee to request the order?

Yes. If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

### What forms do I need to get the order?

You must fill out all of Form GV-100, *Petition for Firearms Restraining Order*, and Form CLETS-001, *Confidential CLETS Information*. You must also fill out items 1 and 2 on Form GV-109, *Notice of Court Hearing*, and items 1 and 2 on Form GV-110, *Temporary Firearms Restraining Order*.

### Where can I get these forms?

You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

### What do I need to do to get the order?

You must go to the superior court in the county where the person to be restrained lives. At the court, ask where you should file your request for a firearms restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) Give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form.

### How soon can I get the order?

You can ask for a *Temporary Firearms Restraining Order*, which will be effective right away if granted. The court may decide whether or not to grant the temporary order based only on the facts that you have stated in your petition. If so, the court will decide within 24 hours whether or not to make the temporary order. Sometimes the court will want to examine you personally under oath. The clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

If you don't ask for a temporary restraining order, you will have to wait until the hearing, at which the court will decide whether to make an order that will last for one year.

### How will the person to be restrained know about the order?

If the court issues a temporary restraining order, someone age 18 or older—**not you**—must personally “serve” (give) the person to be restrained a copy of the order. The server must then fill out Form GV-200, *Proof of Personal Service*, and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if he or she does not attend the hearing, then any order issued at the hearing must also be personally served. For help with service, ask the court clerk for Form GV-200-INFO, *What Is “Proof of Personal Service?”*.



**What do I have to prove to get the order?**

You will have to convince the judge that the person to be restrained poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

You will also have to convince the judge that a firearms restraining order is needed to prevent personal injury to the person to be restrained or to another person because less restrictive alternatives either have been tried and haven't worked, or are inadequate or inappropriate for the current circumstances.

**How can I convince the judge?**

You will need to give the judge specific information. You should tell the judge everything that you know about the firearms that the person to be restrained currently owns, including how many the person owns, the types, and where they are kept.

Then you will need to present facts to show that the person to be restrained is dangerous. This could be information about any threat of violence that the person to be restrained has made, any violent incident in which the person has been involved, or any crime of violence the person has committed. It could also be evidence that the person to be restrained has violated a protective order or abuses controlled substances or alcohol. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm or the recent acquisition of a firearm. Or it could be evidence that the person to be restrained has been identified by a mental health provider as someone prohibited from purchasing, possessing or controlling any firearms.

You should include all of this information in your Petition and also be prepared to present it to the judge at the hearing.

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you.

**Will I see the restrained person at the court hearing?**

If the person comes to the hearing, yes. If you are afraid, tell the court officer.

**Can I bring someone with me to court?**

Yes. You can bring someone to sit with you during the hearing, but that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

**Do I need to bring a witness to the hearing?**

Witnesses are not required, but it helps to have more proof than just your word. For example, consider bringing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, *Declaration*, for this purpose.)

**GV-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

**1 Petitioner**

a. Your Full Name: \_\_\_\_\_

I am:  A family member of the Respondent  
 A law enforcement officer employed by \_\_\_\_\_  
(name of law enforcement agency)

b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer give agency information.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**2 Respondent**  
 Full Name: \_\_\_\_\_

**3 Hearing** The court will complete the rest of this form.

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above: \_\_\_\_\_

**4 Temporary Firearms Surrender Order** (Any order granted ison Form GV-110, served with this notice.)

a. A Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Surrender Order*, is (check only one box below):  
 (1)  GRANTED until the court hearing.  
 (2)  DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 Rev. January 2016, Mandatory Form  
 Penal Code § 13100 et seq.  
 Approved by DOJ **Notice of Court Hearing (Gun Violence Prevention)** GV-109, Page 1 of 3



**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**How long does the order last?**

If the court makes a temporary order, it will last until your hearing date, which must be within 21 days of the date of the temporary order. If at the hearing the court issues a more permanent order, it will last for one year. It may be renewed for additional one-year periods.

**What if the restrained person does not obey the order?**

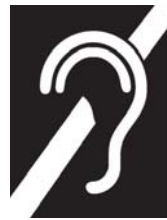
Call the police. The restrained person can be arrested and charged with a crime.

**Can I agree with the restrained person to terminate the order?**

No. Once the order is issued, only the judge can change or terminate it. The restrained person would have to file a request with the court to terminate the order.

**What if I need help to understand English?**

When you file your papers, ask your court's clerk or self-help center if your court will provide an interpreter for you at no cost. If not, you will have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is over age 18 to interpret for you.

**What if I am deaf or hard of hearing?**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

**For help in your area, contact:**

*[Local information may be inserted.]*

Clerk stamps date here when form is filed.

**1 Petitioner**

a. Your Full Name:

\_\_\_\_\_

- I am:  A family member of the Respondent
- A law enforcement officer employed by  
(name of law enforcement agency):

\_\_\_\_\_

b. Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**2 Respondent**

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

**3 Hearing**

*The court will complete the rest of this form.*

Name and address of court if different from above:

<b>Hearing Date</b>	→ Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____

**4 Temporary Firearms Restraining Order** (Any order granted is on Form GV-110, served with this notice.)

a. A Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Restraining Order*, is (check only one box below):

- (1)  **GRANTED** until the court hearing.
- (2)  **DENIED** until the court hearing. (Specify reasons for denial in b, below.)



b. Reasons for denial of a Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Restraining Order*, are:

- (1)  The facts as stated in Form GV-100 do not show that there is a substantial likelihood that both of the following are true:

Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.

A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

- (2)  Other (*as set forth*):  Below  On Attachment 4b(2).

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

**5 Service of Documents on Respondent**

At least  five  \_\_\_\_\_ calendar days before the hearing, a law enforcement officer or someone age 18 or older—and not a party to the action—must personally give (serve) a court file-stamped copy of this Form GV-109 to the Respondent, along with a copy of all the forms indicated below:

- a. GV-100, *Petition for Firearms Restraining Order* (file-stamped)
- b.  GV-110, *Temporary Firearms Restraining Order* (file-stamped) **IF GRANTED**
- c. GV-120, *Response to Petition for Firearms Restraining Order* (blank form)
- d. GV-120-INFO, *How Can I Respond to a Request for a Firearms Restraining Order?*
- e. GV-250, *Proof of Service of Response by Mail* (blank form)
- f.  Other (*specify*): \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

**To the Petitioner in 1 :**

- The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. Form GV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form GV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the Respondent in time, you may ask for a later hearing date, which will give you more time to serve the documents. Use Form GV-115, *Request to Continue Court Hearing for Firearms Restraining Order*.



**To the Respondent:**

- If you want to respond to the *Petition for Firearms Restraining Order* in writing, file Form GV-120, *Response to Petition for Firearms Restraining Order* and have someone age 18 or older—**not you**—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. Form GV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to a licensed gun dealer, any firearms and ammunition that you own or possess. If issued, the order will last for one year.



**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk’s Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk’s Certificate*  
*[seal]*

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

Clerk, by \_\_\_\_\_, Deputy



Clerk stamps date here when form is filed.

Petitioner must complete items ① and ② only.

**① Petitioner**

a. Your Full Name:

\_\_\_\_\_

I am:  A family member of the Respondent  
 A law enforcement officer employed by  
(name of law enforcement agency):

\_\_\_\_\_

b. Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Respondent**

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

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

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

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

Relationship to Petitioner: \_\_\_\_\_

The court will complete the rest of this form.

**③ Expiration Date**

This Order expires at the end of the hearing scheduled for the date and time below:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**

4 Findings

- Having examined  Petitioner  and other witnesses under oath,
- Having considered the declarations of  Petitioner  and other witnesses under penalty of perjury,

a. The court finds that there is a substantial likelihood that both of the following are true:

- (1) Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.
- (2) A temporary gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

b.  The court has received credible information that Respondent owns or possesses one or more firearms.

c.  The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

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See the attached Form MC-025, *Attachment*

**This is a Court Order.**



**5 Order Prohibiting All Firearms and Ammunition**

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition.
- b. The court has received credible information that you own or possess one or more firearms that have not been surrendered or sold. You must:
  - (1) Surrender all firearms and ammunition in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms and ammunition to him or her, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all of your firearms and ammunition within 24 hours of being served with this order. You may do so by either: (1) surrendering all of your firearms and ammunition in a safe manner to the local law enforcement agency; or (2) selling all of your firearms and ammunition to a licensed gun dealer; or (3) storing all of your firearms and ammunition with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item **3** is in effect.
  - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms have been turned in, sold, or stored. (You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

**6** Number of pages attached to this Order, if any: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer***Warnings and Notices to the Respondent**

**This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with the Order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.**

**Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.**

**This is a Court Order.**

---

## After You Have Been Served With a Temporary Order

- Obey the order by turning in your firearms and ammunition to a law enforcement agency or selling them to **or storing them with** a licensed gun dealer.
- Read Form GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*, to learn how to respond to this Order.
- If you want to respond, fill out Form GV-120, *Response to Petition for Firearms Restraining Order*, and file it with the court clerk.
- You must have Form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form GV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make a firearms restraining order against you that lasts for one year. Tell the judge why you disagree with the order requested.

## Instructions for Law Enforcement

### Duties of Officer Serving This Order

The officer who serves this order on the Respondent must do the following:

- Order the Respondent to immediately surrender all firearms and ammunition to him or her.
- Issue a receipt to the Respondent for all firearms and ammunition that he or she has surrendered.
- Complete a proof of personal service and file it with the court. You may use Form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

### Duties of Agency on Surrender of Firearms and Ammunition

The law enforcement agency that has received surrendered firearms and ammunition must do the following:

- Retain the firearms and ammunition until the termination or expiration of this Order or of any other firearms restraining order issued by the court.
- On the expiration of this Order or of any later firearms restraining order issued by the court, return the firearms and ammunition to the respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms or ammunition that are not claimed are subject to the requirements of section 34000.

**This is a Court Order.**



**Instructions for Law Enforcement**  
*(continued)*

- If someone other than the Respondent claims title to any of the firearms or ammunition surrendered, determine whether that person is the lawful owner. If so, return the firearms and ammunition to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850).

**Enforcing This Order**

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Temporary Firearms Restraining Order* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Temporary Firearms Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**1 Party Seeking Continuance**

a. Full Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Other Party**

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

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

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

**3 Request to Continue Hearing**

I ask the court to continue the hearing currently scheduled for (date): \_\_\_\_\_

a.  A Temporary Firearms Restraining Order (Form GV-110) was issued on (date): \_\_\_\_\_  
Please attach a copy of the order.

b. I request that the hearing be continued because (check one or both):

(1)  The Respondent could not be served before the hearing date.

(2)  Other reason as stated:  below  on Attachment 3b(2)

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


c. (1)  This is the first request for a continuance.

(2)  The hearing has previously been continued \_\_\_\_\_ times.

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

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

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

 \_\_\_\_\_  
Sign your name

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Party seeking continuance complete items ①, ②, and ③a.

**① Party Seeking Continuance**

a. Full Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**② Other Party**

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

**③ New Hearing Date**

a. A hearing in this case is currently set for (date): \_\_\_\_\_ at (time): \_\_\_\_\_

b. The court orders a new hearing date:

- (1)  at the request of the Petitioner
- (2)  at the request of the Respondent
- (3)  in its discretion

c. Because:

- (1)  the Respondent could not be served before the current hearing date.
- (2)  the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3)  for the reasons stated  below  on Attachment 3c

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

**④ Order for Continuance and Notice of Hearing**

The court hearing on the *Petition for Firearms Restraining Order (Form GV-100)* is continued and rescheduled:

Name and address of court if different from above:

**Hearing Date**

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

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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



**5 Service of Order**

A copy of this Order must be served by the requesting party on the other party at least \_\_\_\_ days before the hearing unless both parties were in court at the time the continuance was granted. A copy of Form GV-100, *Petition for Firearms Restraining Order*, and Form GV-110, *Temporary Firearms Restraining Order*, must also be served on the Respondent if they were not previously served and a proof of service filed with the court before the original hearing date.

**Warning and Notice to the Respondent:**

**If a *Temporary Firearms Restraining Order* (Form GV-110) was issued, it remains in full force and effect until the new hearing date. You must continue to obey it until the end of the hearing.**

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

\_\_\_\_\_  
*Judicial Officer***Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

*Clerk's Certificate*  
[seal]

**—Clerk's Certificate—**

I certify that this *Notice of New Hearing Date* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy



Clerk stamps date here when form is filed.

**Use this form to respond to the *Petition* (Form GV-100)**

- Read *How Can I Respond to a Petition for Firearms Restraining Order?* (Form GV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Petitioner or to his or her lawyer. (*Use Form GV-250, Proof of Service by Mail.*)

**1 Petitioner**

Name of person seeking order (*see Form GV-100, item 1*):

\_\_\_\_\_

**2 Respondent**

a. Your Name: \_\_\_\_\_

Your Lawyer (*if you have one for this case*):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail.*)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**3 Firearms Restraining Order**

I do not agree to the order requested in the Petition.

**4 Denial**

I did not do anything described in item 6 of Form GV-100.

**5 Justification or Excuse**

If I did some or all of the things that the Petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5—Justification or Excuse" as a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

See Petition for case number and fill in:

**Case Number:**

\_\_\_\_\_

Be prepared to present your opposition at the hearing. Write your hearing date, time, and place from Form GV-109 item 3 here:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**If a Temporary Firearms Restraining Order was issued, you must obey it until the hearing.** At the hearing, the court may make an order against you for one year.



6 Surrender of Firearms and Ammunition

If a Temporary Firearms Restraining Order (Form GV-110) was issued, you cannot own or possess any guns, other firearms, or ammunition. (See item 5 of Form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, and ammunition in your immediate possession or control within 24 hours of being served with Form GV-110. You must file a receipt with the court. You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.

- a. I do not own or control any guns, other firearms, or ammunition.
b. I have turned in my guns, other firearms, and ammunition to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer.
A copy of the receipt is attached. has already been filed with the court.

7 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

**What is a firearms restraining order?**

It is a court order that prohibits someone from having any guns or ammunition. The person must surrender any guns and ammunition that he or she currently owns.

**Who can ask for a firearms restraining order?**

The petition must have been filed by a law enforcement officer or an immediate family member of yours. Immediate family members include (1) your spouse or domestic partner; (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; (3) your spouse’s parents, children (your stepchildren), siblings, grandparents, and grandchildren; and (4) any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

**I've been served with a *Petition for Firearms Restraining Order*. What do I do now?**

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Firearms Restraining Order* prohibiting you from having any firearms and ammunition, and requiring you to surrender, **sell, or store** any firearms and ammunition that you currently own or possess. You must obey the order until the hearing.

**What if I don't obey the temporary order?**

The police can arrest you. You can go to jail and pay a fine.

**What if I don't agree with what the order says?**

If you disagree with the order that the Petitioner is asking for, fill out Form GV-120, *Response to Petition for Firearms Restraining Order*, before your hearing date and file it with the court. You can get the form from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find it at your local courthouse or county law library.

**Will I have to pay a filing fee?**

Yes. If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

**Do I have to serve the other person with a copy of my response?**

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form GV-120 to the person who asked for the order (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail must fill out Form GV-250, *Proof of Service by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

**Should I go to the court hearing?**

Yes. You should go to court on the date listed on Form GV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can extend the order against you for up to one year without hearing from you.

**GV-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

**1 Petitioner**

a. Your Full Name: \_\_\_\_\_

I am:  A family member of the Respondent  
 A law enforcement officer employed by \_\_\_\_\_  
(name of law enforcement agency)

b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer give agency information.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Superior Court of California, County of \_\_\_\_\_  
 Court file in case number when form is filed.  
 Case Number: \_\_\_\_\_

**2 Respondent**  
 Full Name: \_\_\_\_\_

**3 Hearing**  
*The court will complete the rest of this form.*  
 Name and address of court if different from above:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**4 Temporary Firearms Surrender Order** (Any order granted upon Form GV-110, served with this notice.)  
 a. A Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Surrender Order*, is (check only one box below):  
 (1)  GRANTED until the court hearing.  
 (2)  DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, [www.courts.ca.gov](http://www.courts.ca.gov)  
 New January 2016 Mandatory Form  
 Penal Code, § 18150 et seq.  
 Approved by DOJ

**Notice of Court Hearing**  
 (Gun Violence Prevention)

GV-109, Page 1 of 3



**Will I see the person who asked for the order at the court hearing?**

Yes. Assume that the person who is asking for the order will attend the hearing. It is probably best not to talk to him or her unless the judge or that person's attorney says that you can.

**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. (You can use Form MC-030, *Declaration*, for this purpose.)

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**How long does the order last?**

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide whether to issue a firearms restraining order that can last for one year.

**Can I agree with the protected person to terminate the order?**

No. Once the order is issued, only the judge can change or terminate it. You would have to file a request with the court to terminate the order.

**What if I need help to understand English?**

When you file your papers, ask your court's clerk or self-help center if your court will provide an interpreter for you at no cost. If not, you will have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is over age 18 to interpret for you.

**What if I am deaf or hard of hearing?**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

**For help in your area, contact:**

[Local information may be inserted.]

Clerk stamps date here when form is filed.

Petitioner must complete items ① and ② only.

**① Petitioner**

a. Your Full Name:

\_\_\_\_\_

- I am:  A family member of the Respondent
- A law enforcement officer employed by  
(name of law enforcement agency):

\_\_\_\_\_

b. Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Respondent**

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

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

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

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

Relationship to Petitioner: \_\_\_\_\_

The court will complete the rest of this form.

**③ Expiration Date**

This Order expires at:

(Time): \_\_\_\_\_  a.m.  p.m.  midnight on (Date): \_\_\_\_\_

If no expiration date is written here, this Order expires one year from the date of issuance.

**This is a Court Order.**



**4 Hearing**

- a. There was a hearing on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_.  
 (Name of judicial officer): \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
- (1)  The Petitioner      (3)  The lawyer for the Petitioner      (name): \_\_\_\_\_  
 (2)  The Respondent      (4)  The lawyer for the Respondent      (name): \_\_\_\_\_

**5 Findings**

- a. The court finds by clear and convincing evidence that both of the following are true:
- (1) Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.
- (2) A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- b.  The court has received credible information that the Respondent owns or possesses one or more firearms.
- c.  The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

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See the attached Form MC-025, Attachment

**This is a Court Order.**



**6 Order Prohibiting All Firearms and Ammunition**

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition.
- b. You must:
- (1) Surrender all firearms and ammunition in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms and ammunition to him or her, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must dispose of all of your firearms and ammunition within 24 hours of receiving notice of this order. You may do so by either: (1) surrendering all of your firearms and ammunition in a safe manner to the local law enforcement agency; or (2) selling all of your firearms and ammunition to a licensed gun dealer; or (3) storing all of your firearms and ammunition with a licensed gun dealer for as long as this Order is in effect.
  - (2) Within 48 hours of receiving this Order, or if the court is closed, then on the next business day, file a receipt with the court that proves that your guns or firearms have been turned in, sold, or stored. (You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

**7 Service of Order on Respondent**

- a.  The Respondent personally attended the hearing. No other proof of service is needed. The clerk has provided the Respondent with a blank copy of Form GV-600, *Request to Terminate Firearms Restraining Order*.
- b.  The Respondent did not attend the hearing. The Respondent must be personally served with a court file-stamped copy of this Order and a blank copy of Form GV-600, *Request to Terminate Firearms Restraining Order*, by a law enforcement officer or someone age 18 or older -- **and not a party to the action.**

**8** Number of pages attached to this Order, if any: \_\_\_\_\_

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

\_\_\_\_\_  
Judicial Officer

**Warnings and Notices to the Respondent**

**This Order is valid until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this Order is in effect. Pursuant to section 18185, you have the right to request one hearing to terminate this Order at any time during its effective period. You may seek the advice of an attorney as to any matter connected with the order.**

**This is a Court Order.**

**Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.**

## **Instructions for Law Enforcement**

### **Duties of Officer Serving This Order**

The officer who serves this Order on the Respondent must do the following:

- Order the Respondent to immediately surrender all firearms and ammunition to him or her.
- Issue a receipt to the Respondent for all firearms and ammunition that he or she has surrendered.
- Complete a proof of personal service and file it with the court. You may use Form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

### **Duties of Agency on Surrender of Firearms and Ammunition**

The law enforcement agency that has received surrendered firearms and ammunition must do the following:

- Retain the firearms and ammunition until the expiration of this order or of any other firearms restraining order issued by the court.
- On the expiration of this order or of any later firearms restraining Order issued by the court, return the firearms and ammunition to the Respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms or ammunition that are not claimed are subject to the requirements of section 34000.
- If someone other than the Respondent claims title to any of the firearms or ammunition surrendered, determine whether that person is the lawful owner. If so, return the firearms and ammunition to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850).

### **Enforcing This Order**

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The respondent was informed of the Order by an officer.
- Item 7a is checked.

**This is a Court Order.**





**Instructions for Law Enforcement**

*(continued)*

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Firearms Restraining Order After Hearing* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Firearms Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**1 Petitioner**

Name: \_\_\_\_\_

**2 Respondent**

Name: \_\_\_\_\_

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be the Petitioner unless the Petitioner is a law enforcement officer.
- Give a copy of all documents checked in **4** to the Respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the Petitioner.



Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**PROOF OF PERSONAL SERVICE**

**4** I personally gave the Respondent a copy of the forms checked below:

- a.  GV-100, *Petition for Firearms Restraining Order*
- b.  GV-109, *Notice of Court Hearing*
- c.  GV-110, *Temporary Firearms Restraining Order*
- d.  GV-116, *Notice of New Hearing Date*
- e.  GV-120, *Response to Petition for Firearms Restraining Order* (blank form)
- f.  GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*
- g.  GV-130, *Firearms Restraining Order After Hearing*
- h.  GV-600, *Request to Terminate Firearms Restraining Order* (blank form)
- i.  GV-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- j.  Other (specify): \_\_\_\_\_

**5** I personally gave copies of the documents checked above to the Respondent:

- a. On (date): \_\_\_\_\_ b. At (time): \_\_\_\_\_  a.m.  p.m.
- c. At this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_ \_\_\_\_\_  
 Type or print server's name      Server to sign here

### What is “service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Firearms Restraining Order* (Form GV-100), the *Notice of Court Hearing* (Form GV-109), and the *Temporary Firearms Restraining Order* (Form GV-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the respondent (the person to be prohibited from having guns).

**These forms cannot be served by mail; they must be given to the respondent personally.**

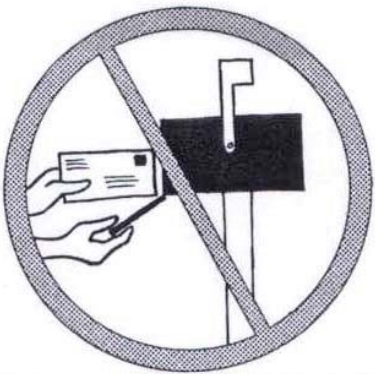
Service lets the respondent know:

- Why you are asking for a Firearms Restraining Order;
- The hearing date;
- How to respond.

### Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- No hearing can be held to extend the order for a year unless the respondent was served and knows about the hearing.

*Don't serve it by mail!*



### Who can serve?

Any law enforcement officer may serve the respondent, even if the petition was filed by a law enforcement officer. **It is recommended that you ask a law enforcement officer to serve the forms because of the potential for gun violence.**

However, service may also be by any person who is at least 18 years old and not a party to the action. That means that if the petitioner is a family member rather than a law enforcement officer, that person may not serve the forms on the respondent. You may use a process server. A “registered process server” is a business that you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

### How to serve

Ask the server to:

- Make personal contact with the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form GV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

### What if the person won’t take the papers or tears them up?

- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up. Service is still complete.



**When do the orders have to be served?**

It depends. To know the exact date, you have to look at two things on Form GV-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form GV-109.

③ Hearing

Hearing Date → Date: \_\_\_\_\_  
Dept.: \_\_\_\_\_

Next, look at the number of days in item ⑤ on page 2 of Form GV-109.

⑤ Service of Documents on Respondent

At least  five  \_\_\_\_\_ calendar days before the hearing.

Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date. If nothing is checked or written in ⑤, you must serve the orders at least five days before the hearing.

**Who signs the *Proof of Personal Service*?**

Only the person who serves the forms can sign Form GV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

**What do I do with the completed *Proof of Personal Service*?**

If someone other than a law enforcement officer serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

**What happens if I can't get the orders served before the hearing date?**

You will need to ask the court to “continue” (postpone and reschedule) the hearing until after you are able to have the respondent served. Fill out and file Form GV-115, *Request to Continue Court Hearing for Firearms Restraining Order*. If the court grants you a continuance, the *Temporary Firearms Restraining Order* (Form GV-110) will remain in effect until the new hearing date.

Clerk stamps date here when form is filed.

**1 Petitioner**

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

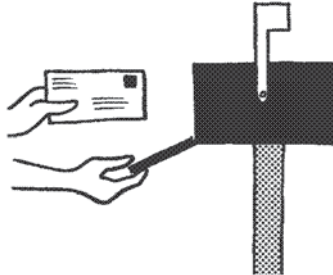
**2 Respondent**

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

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be a party to the case.
- Mail a copy of all documents checked in **4** to the person in **1**.
- Complete and sign this form and give it to the person in **2**.



Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**4 PROOF OF SERVICE BY MAIL**

I am 18 years of age or older and not a party to this case. I live or am employed in the county where the mailing took place. I mailed the  Petitioner  Respondent a copy of all documents checked below:

- a. Form GV-120, *Response to Petitioner for Firearms Restraining Orders*
- b.  Other (*specify*): \_\_\_\_\_

**5** I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (*name*): \_\_\_\_\_
- b. To this address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- c. On (*date*): \_\_\_\_\_ Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

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

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

\_\_\_\_\_  
Type or print server's name

\_\_\_\_\_  
Server to sign here

Clerk stamps date here when form is filed.

**1 Respondent**

- a. Full Name: \_\_\_\_\_
- b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_
- 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 e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Petitioner**

- a. Full Name: \_\_\_\_\_
- b. Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3  Request to Terminate Restraining Order**

- a. I ask the court to terminate the
  - Firearms Restraining Order After Hearing* (Form GV-130)
  - Order on Request to Renew Firearms Restraining Order* (Form GV-730)

because (give reasons below):

- Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 3 —Reasons to Terminate Order” for a title. You may use Form MC-025, Attachment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- b.  A copy of the current order is attached.

**This is not a Court Order.**



- c.  I have not previously requested that the court terminate the Order.  
 The Order has been renewed. I have not previously requested that the court terminate the Order since it was renewed.

*(You may only request termination of a firearms restraining order once during the initial period while the order is in effect and once during any period of renewal. If the court denies your request, you may not request termination again unless the order is renewed for another year.)*

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

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

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



\_\_\_\_\_  
*Sign your name*

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Respondent completes items ① and ②.

**① Respondent**

- a. Full Name: \_\_\_\_\_
- b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_
- 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 e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**② Petitioner**

- a. Full Name: \_\_\_\_\_
- b. Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**③ Court Hearing**

The judge has set a court hearing date. Court will fill in box below.

**The current restraining order stays in effect unless terminated by the court.**

**Hearing  
Date** →

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name and address of court if different from above:  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**To the Respondent:**

**④ Service**

Someone age 18 or older—**not you**—must serve a copy of the following forms on the Petitioner:

- GV-600, Request to Terminate Firearms Restraining Order;
- GV-610, Notice of Hearing on Request to Terminate Firearms Restraining Order (this form); and
- GV-620, Response to Request to Terminate Firearms Restraining Order (blank copy).

**This is a Court Order.**





- The forms must be personally served on the Petitioner \_\_\_\_\_ days before the hearing.
- The forms may be served by mail on the Petitioner or the Petitioner's attorney \_\_\_\_\_ days before the hearing.

The person who serves the forms must fill out either Form GV-200, *Proof of Personal Service*, or Form GV-250, *Proof of Service by Mail*. Have the person who served sign the original. Take the completed proof-of-service form back to the court clerk for filing or bring it with you to the hearing. For help with personal service, see Form GV-200-INFO, *What is "Proof of Personal Service"?*.

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

\_\_\_\_\_  
*Judicial Officer*

**To the Petitioner:**

If you wish to make a written response to this request to terminate the current firearms restraining order, you may fill out Form GV-620, *Response to Request to Terminate Firearms Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**— mail a copy of it to the other party at the address in ① at least \_\_\_\_\_ days before the hearing. Also file Form GV-250, *Proof of Service by Mail*, with the court before the hearing.

**Request for Accommodations**



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Notice of Hearing on Request to Terminate Firearms Restraining Order* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
 [seal]

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

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**Use this form to respond to the *Request to Terminate  
Firearms Restraining Order (Form GV-600)*.**

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Respondent at the address in **(2)** below. Use Form GV-250, *Proof of Service of Response by Mail*.

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**1 Petitioner**

a. Your Name: \_\_\_\_\_

- I am:  A family member of the Respondent.  
 A law enforcement officer employed by  
 (name of law enforcement agency): \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Respondent**

Name: \_\_\_\_\_

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

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

**3 Response**

- a.  I do not oppose termination of the order.
- b.  I oppose termination of the order for the following reasons (specify below):
- Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3b—Reasons Not to Terminate" for a title. You may use Form MC-025, Attachment.

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

The court will consider your response at the hearing. Write your hearing date, time, and place from Form GV-610 item **(3)** here.

**Hearing Date** → Date: \_\_\_\_\_  
 Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_



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

\_\_\_\_\_  
*Lawyer's name, if you have one*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

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

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

▶ \_\_\_\_\_  
*Sign your name*

**To the Petitioner:**

Have someone age 18 or older—**not you**—mail a copy of this completed Form GV-620 to the Respondent or to the Respondent's lawyer, if any. This is called "service by mail." The person who serves the form by mail must fill out Form GV-250, *Proof of Service by Mail*. Have the person who did the mailing sign the original. Take the completed Proof of Service form back to the court clerk or bring it with you to the hearing.

**Order on Request to Terminate  
Firearms Restraining Order**

Clerk stamps date here when form is filed.

Prevailing party completes items ① and ②. If the Order is granted, the Respondent is the prevailing party. If the Order is denied, the Petitioner is the prevailing party.

**① Respondent**

- a. Full Name: \_\_\_\_\_
- b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_
- 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 e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**② Petitioner**

- Full Name: \_\_\_\_\_
- Address (if known): \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**③ Hearing**

There was a hearing on (date): \_\_\_\_\_ at time: \_\_\_\_\_  a.m.  p.m. Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
(Name of judicial officer): \_\_\_\_\_ made the orders at the hearing.

These people were at the hearing:

- a.  The Petitioner
- b.  The Respondent
- c.  The lawyer for the Petitioner (name): \_\_\_\_\_
- d.  The lawyer for the Respondent (name): \_\_\_\_\_

**④ Findings**

The court finds that there is no longer clear and convincing evidence that:

Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition; and

**This is a Court Order.**



A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

There remains clear and convincing evidence that grounds continue to exist to support the order.

**5 Order on Request to Terminate**

The request to terminate the *Firearms Restraining Order After Hearing* (Form GV-130), originally issued on (date): \_\_\_\_\_  and most recently renewed on (date): \_\_\_\_\_, is:

- a.  **GRANTED.** The order is terminated as of (date of hearing) \_\_\_\_\_
- b.  **DENIED.** The order and expiration date remain in effect.

**To the Prevailing Party:**

**6 Service of Order**

If service is required, someone age 18 or older—**not you**—must serve a copy of this order on the other party. If a party is represented, you are required to serve the attorney instead of the party.

- Order Granted**—The Petitioner attended the hearing. **No further service is required.**
- Order Granted**—The Petitioner did not attend the hearing. **Service is required:** This Order:
  - Must be personally served on the Petitioner within \_\_\_\_\_ days of the date of this Order.
  - May be served by mail on the Petitioner within 5 days of the date of this Order.
- Order Denied**—If the Petitioner did not attend the hearing -- **Service by Mail:** The Petitioner may be served with this Order by mail.

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

\_\_\_\_\_  
*Judicial Officer*

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Order on Request to Terminate Firearms Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**Request to Renew Firearms Restraining Order**

Clerk stamps date here when form is filed.

**1 Petitioner**

a. Your Full Name: \_\_\_\_\_

- I am:  A family member of the Respondent  
 A law enforcement officer employed by  
 (name of law enforcement agency): \_\_\_\_\_

b. Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Respondent**

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

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

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

**3 Request to Renew Restraining Order**

I ask the court to renew the *Firearms Restraining Order After Hearing* (Form GV-130) for an additional period of one year. A copy of the order is attached.

a. The order currently will end on (date): \_\_\_\_\_  
(If the order has already expired, you must file a new petition.)

- b.  This is my first request to renew the order.  
 The order has been renewed \_\_\_\_\_ times.

c. I ask the court to renew the order because (explain below):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Reasons to Renew Order" for a title. You may use Form MC-025, Attachment.

\_\_\_\_\_

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

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

Type or print your name



Sign your name

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Petitioner completes items ① and ②.

**① Petitioner**

a. Your Full Name: \_\_\_\_\_

I am:  A family member of the Respondent  
 A law enforcement officer employed by  
(name of law enforcement agency): \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail. Law enforcement officer, give agency information.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**② Respondent**

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

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

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

**③ Court Hearing**

The judge has set a court hearing date. Court will fill in box below.

**The current restraining order stays in effect.**

**Hearing  
Date** →

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

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is a Court Order.**



**To the Petitioner:**

**4 Service on Respondent**

Someone age 18 or older—**not you**—must serve a copy of the following forms on the Respondent

- GV-700, *Request to Renew Firearms Restraining Order*;
- GV-710, *Notice of Hearing on Request to Renew Firearms Restraining Order* (this form);
- GV-720, *Response to Request to Renew Firearms Restraining Order* (blank copy);

- The forms must be personally served on the Respondent \_\_\_\_\_ days before the hearing.
- The forms may be served by mail on the Respondent or the Respondent's attorney \_\_\_\_\_ days before the hearing.

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

\_\_\_\_\_  
*Judicial Officer*

**To the Respondent:**

At the hearing, the judge can renew the current restraining order for another year. You *must* continue to obey the current restraining order. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* continue to obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out Form GV-720, *Response to Request to Renew Firearms Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the Petitioner at the address in ① at least \_\_\_\_\_ days before the hearing. Also file Form GV-250, *Proof of Service by Mail*, with the court before the hearing or bring it with you to the hearing.



**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Notice of Hearing on Request to Renew Firearms Restraining Order* is a true and correct copy of the original on file in the court.

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

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**



**Use this form to respond to the *Request to Renew Firearms Restraining Order (Form GV-700)*.**

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Petitioner at the address in ① below. Then file Form GV-250, *Proof of Service by Mail* with the court.

Clerk stamps date here when form is filed.

**① Petitioner** (From Form GV-700, item ①)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fill in court name and street address:  
**Superior Court of California, County of**

**② Respondent**

a. Your Name: \_\_\_\_\_  
 Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

Fill in case number:  
**Case Number:**

b. 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 e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form GV-710 item ③ here.

**Hearing Date** → Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**You must continue to obey the current restraining order until the hearing. At the hearing, the court can extend the order against you for another year.**

**③ Response**

- a.  I do not oppose renewal of the order.
- b.  I oppose renewal of the order for the following reasons (specify below):
- Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3b—Reasons Not to Renew" for a title. You may use Form MC-025, Attachment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Case Number: \_\_\_\_\_

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

\_\_\_\_\_  
*Lawyer's name, if you have one*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

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

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

▶ \_\_\_\_\_  
*Sign your name*

**To the Respondent:**

Have someone age 18 or older—**not you**—mail a copy of this completed Form GV-720 to the Petitioner or to the Petitioner's lawyer, if any. This is called "service by mail." The person who serves the form by mail must fill out Form GV-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

**Order on Request to Renew  
Firearms Restraining Order**

Clerk stamps date here when form is filed.

Prevailing party completes items ① and ②. If the Order is granted, the Petitioner is the prevailing party. If the Order is denied, the Respondent is the prevailing party.

**① Petitioner**

a. Your Full Name: \_\_\_\_\_

I am:  A family member of the Respondent  
 A law enforcement officer employed by  
 (name of law enforcement agency): \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****② Respondent**

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

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

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

**③ Hearing**There was a hearing on (date): \_\_\_\_\_ at time: \_\_\_\_\_  a.m.  p.m. Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

(Name of judicial officer): \_\_\_\_\_ made the orders at the hearing.

These people were at the hearing:

a.  The Petitionerb.  The Respondentc.  The lawyer for the Petitioner (name): \_\_\_\_\_d.  The lawyer for the Respondent (name): \_\_\_\_\_**This is a Court Order.**

**4 Order on Request for Renewal**

The request to renew the attached *Firearms Restraining Order After Hearing* (Form GV-130), originally issued on (date): \_\_\_\_\_, is:

- DENIED.** The attached order expires as stated in item ③ of the order.
- GRANTED.** The attached order is renewed for one year and will now expire:

on (date): _____ at (time): _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. or <input type="checkbox"/> midnight
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If no expiration date is written here, the order expires one year from the date of the hearing in item ③.

- a. The court finds by clear and convincing evidence that both of the following are true:
  - (1) Respondent continues to pose a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.
  - (2) A gun violence restraining order remains necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- b.  The facts as stated in the *Request to Renew Firearms Restraining Order* (Form GV-700) and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

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See the attached Form MC-025, *Attachment*

- c. **To the Respondent: If this Order is renewed, it will last until the date and time noted above. If you have not done so already, you must surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. Pursuant to section 18185, you have the right to request one hearing to terminate this Order at any time during its effective period. You may seek the advice of an attorney as to any matter connected with the Order.**

**This is a Court Order.**



**To the Prevailing Party:**

**5 Service of Order**

Someone age 18 or older—**not you**—must serve a copy of this order on the other party.

- Order Granted**—The Respondent attended the hearing. **No further service is required.**
- Order Granted**—The Respondent did not attend the hearing. **Personal service is required.** The Respondent must be personally served with this Order. *(After the Respondent has been served, file Form GV-200, Proof of Personal Service with the court clerk. For help with service, read Form GV-200-INFO, What is "Proof of Personal Service"?.)*
- Order Denied—Service by Mail**—If the Petitioner did not attend the hearing, the Petitioner may be served with this Order by mail. *(After the Petitioner has been served, the person doing the mailing should fill out Form POS-030, Proof of Service by First-Class Mail—Civil. File the form with the court clerk. For help with service by mail, read the Information Sheet on page 2 of Form POS-030.)*

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

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**

Clerk stamps date here when form is filed.

**1 Party Seeking Continuance**

a. Full Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

Firm Name: \_\_\_\_\_

b. 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 e-mail.)

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Other Party**

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

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

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

**3 Request to Continue Hearing**

I ask the court to continue the hearing currently scheduled for (date): \_\_\_\_\_

a.  A Temporary Firearms Restraining Order (Form GV-110) was issued on (date): \_\_\_\_\_  
Please attach a copy of the order.

b. I request that the hearing be continued because (check one or both):

(1)  The Respondent could not be served before the hearing date.

(2)  Other reasons as stated:  below  on Attachment 3b(2)

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


c. (1)  This is the first request for a continuance.

(2)  The hearing has previously been continued \_\_\_\_\_ times.

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

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

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

 \_\_\_\_\_  
Sign your name

**This is not a Court Order.**

**1 What is a firearm?**

A firearm is a:

- Handgun • Rifle
- Shotgun • Assault weapon

**If you own or have any firearms or ammunition you must:**

- 2** • If demanded, give them to the law enforcement officer when he or she serves you with the court order requiring surrender; otherwise, within 24 hours:
- Turn them in to your local law enforcement agency; or
  - Sell them to a licensed firearms dealer.
  - Store them with a licensed firearms dealer.

**3 How do I sell or store my firearms?**

Find a California licensed firearms dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

**4 How do I surrender my firearms to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Take a copy of the court order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

**5 If I turn my firearms in to law enforcement, how long will they keep them?**

As long as any firearms restraining order against you remains in effect.

**6 After I give my firearms to law enforcement, can I change my mind?**

Yes. You are allowed to sell them to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearms that you are selling.

**7 Do I have to pay the law enforcement agency to keep my firearm?**

You may have to pay the agency for keeping your firearms. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Do I have to prove that I have turned in, sold, or stored my firearms?**

Yes. Within 48 hours you must file a receipt with the court and the law enforcement agency showing that you have surrendered your firearms to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use Form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for this purpose.

**9 Questions?**

Call your local law enforcement agency.

*(Insert local information here.)*