JUDICIAL COUNCIL OF CALIFORNIA

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# INVITATION TO COMMENT

**SPR22-23**

**Title**
Protective Orders: Gun Violence Forms Implementing Assembly Bill 1057 and Senate Bill 538

**Proposed Rules, Forms, Standards, or Statutes**
Revise forms EPO-002, GV-009, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-116, GV-120, GV-120-INFO, GV-125, GV-130, GV-710, GV-730, GV-800, and GV-800-INFO

**Proposed by**
Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair

**Action Requested**
Review and submit comments by May 13, 2022

**Proposed Effective Date**
January 1, 2023

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## Executive Summary and Origin

The Civil and Small Claims Advisory Committee recommends the revision of 18 of the council's Gun Violence forms to implement statutory changes in Assembly Bill 1057 (Stats. 2021, ch. 682) and Senate Bill 538 (Stats. 2021, ch. 686) and to make other necessary changes to accurately reflect current law. Assembly Bill 1057 amends the definition of "firearms" for the purpose of gun violence restraining orders to include certain firearm parts. Senate Bill 538 permits parties and witnesses to attend hearings on gun violence restraining orders remotely. The proposal incorporates these new provisions into the council's forms and makes other minor changes to gun violence protective order forms.

## Background

In October 2021 the Legislature enacted two bills that significantly amended the statutory provisions governing gun violence restraining orders.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

First, Assembly Bill 1057 (Stats. 2021, ch. 682)[1] expanded the definition of "firearms" to include "a firearm precursor part," as defined in Penal Code section 16531,[2] for the purposes of gun violence restraining orders. (§ 16520(h), effective July 1, 2022.)[3] According to legislative analysis, the bill aims to include so-called ghost guns, or unserialized and untraceable firearms that can be bought online and assembled at home, with existing firearms and ammunition that can be seized and prohibited through a gun violence restraining order.

Second, Senate Bill 538 (Stats. 2021, ch. 686)[4] expands the provisions concerning gun violence restraining orders regarding electronic filing and remote appearances. Specifically, SB 538 provides that by July 1, 2023, courts that receive gun violence restraining order petitions "shall permit those petitions to be submitted electronically" and "shall develop local rules and instructions for electronic filing." (§ 18122.) Additionally, effective January 1, 2022, any "party or witness may appear remotely at the hearing on a petition for a gun violence restraining order" and courts must similarly develop local rules and instructions about doing so. (§ 18123.) Each superior court is required to post the requisite local rules and instructions to their website and also provide a staffed telephone number for the public to call for information.

## The Proposal

This proposal recommends the revision of gun violence restraining order forms. The changes are needed for the forms to conform to the provisions of AB 1057 and SB 538 and to update information on the forms regarding gender, disability, and those who may serve as interpreters. The proposed revised forms include the following:

- *Gun Violence Emergency Protective Order* (form EPO-002);
- *Notice of Court Hearing* (form GV-009);
- *Response to Gun Violence Emergency Protective Order* (form GV-020);
- *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO);
- *Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030);
- *Petition for Gun Violence Restraining Order* (form GV-100);
- *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO);
- *Notice of Court Hearing* (form GV-109);
- *Temporary Gun Violence Restraining Order* (form GV-110);
- *Order on Request to Continue Hearing* (form GV-116);

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[1] AB 1057 available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1057.

[2] All further statutory citations are to the Penal Code unless otherwise stated.

[3] While Penal Code section 16531 defines "firearm precursor part" as "a component of a firearm that is necessary to build or assemble a firearm" and is either "an unfinished receiver" or "an unfinished handgun frame," section 16520(b)(7) defines "firearm" to "include[ ] the frame or receiver of the weapon" for the purposes of gun violence restraining orders. Accordingly, once AB 1057 is effective the definition of firearms for gun violence restraining orders will include both finished and unfinished firearm frames and receivers.

[4] SB 538 available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB538.

- *Response to Petition for Gun Violence Restraining Order* (form GV-120);
- *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO);
- *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125);
- *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (GV-130);
- *Notice of Hearing on Request to Renew Gun Violence Restraining Order* (form GV-710);
- *Order on Request to Renew Gun Violence Restraining Order* (form GV-730);
- *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (GV-800), retitled *Proof of Surrender of Firearms and Firearm-Related Items*; and
- *How Do I Turn In, Sell, or Store My Firearms, Ammunition, or Magazines?* (form GV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?*

**Revisions relating to the definition of "firearms"**

***Explaining "firearm parts"***

Given the expanded definition of "firearms" under AB 1057, the committee recommends adding the term "firearm parts" and an explanation of that term to each form in this proposal where the prohibited items are listed. For example, the second paragraph of item 2 on proposed revised form EPO-002 includes the following language: "firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531."[5] The notices to the restrained person on page 2 of form EPO-002 contain similar language. Because finished receivers and frames are technically defined as "firearms" under section 16520(b)(7) and unfinished receives and frames are technically defined as "firearm *precursor* parts" under section 16520(h), all unfinished and finished receivers and frames are prohibited items for restrained parties under a gun violence restraining order. Including receivers and frames, whether finished or unfinished, as "firearm parts" on the form is clearer and more intuitive than trying to explain what a "precursor part" is and that a finished frame is technically not a firearm part, but a firearm itself.

Although almost all the forms in the proposal include the additional language in item 2 of EPO-002, there are a couple variations of the language. First, the information sheets in the proposal (forms GV-020-INFO, GV-100-INFO, GV-120-INFO, and GV-800-INFO) also use the nomenclature "ghost guns" in the explanation of "firearm parts." Additionally, three of the court order forms in the proposal (forms GV-030, GV-110, and GV-130) and three information sheets (forms GV-020-INFO, GV-100-INFO, and GV-800-INFO) provide the above explanation of "firearm parts" in a new subitem listing all "prohibited items" (firearms, firearm parts,

[5] Note that the first paragraph of item 2 does not contain similar added language because the text of the first paragraph is provided by section 18135, which was not amended by or in light of AB 1057. This is also true of the first paragraph in "Warning and Notices to the Restrained Party" on form GV-030 (§ 18180), the first paragraph in "Warning and Notices to the Respondent" on form GV-110 (§ 18160), the first paragraph in "Warning and Notices to the Respondent" on form GV-130 (§ 18180), and item 4c on form GV-730 (§ 18180). Minor modifications were made to such text on forms GV-030, GV-130, and GV-730 to better track the statutory language.

ammunition, and magazines). Subsequent mentions of the prohibited items in the forms refer to "the prohibited items" or "the prohibited items listed in item 6b [or 7b]" rather than listing firearms, firearm parts, ammunition, and magazines.

***Form GV-800***

The revisions to form GV-800, which for spacing reasons the committee is recommending be retitled *Proof of Surrender of Firearms and Firearm-Related Items*, contain revisions in addition to the ones described above regarding the inclusion of "firearm parts." The committee recommends reformatting the form so that all items that need to be completed by each user are listed together. That is to say, all the items that the restrained person completes are listed on pages 1 and 2, the item for a licensed gun dealer to complete is on page 3, and the item for law enforcement to complete is on page 4. The committee asks for comments on whether this reorganization is helpful for the various users, or whether having separate parallel items form gun dealers and law enforcement makes the form, now longer, more difficult to use.

The form otherwise retains all the notices and required information on the current form GV-800.[6] The committee also included check boxes on the form describing the status of each surrendered item—whether it is sold or stored, in the item for gun dealers; or whether stored or seized (i.e., not to be returned) in the item for law enforcement agencies.[7] The committee recommends minor revisions for clarity to item 4 on the proposed form, adding "or other proof" in item 4a, as restrained persons may file documents other than form GV-800 to prove they have obeyed the court's order. The committee also recommends eliminating the second question posed in item 8 on current form GV-800 as it is duplicative of the other requests for information. For ease of use, columns have been added to the corresponding information sheet, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?* (form GV-800-INFO).

**Revisions relating to remote appearances**

In addition to revisions to include "firearm parts" and an explanation of that term, revisions to gun violence restraining order forms are also needed to implement SB 538, which allows parties and witnesses to appear at hearings on gun violence restraining orders remotely. Accordingly, the committee recommends including additional information about remote appearances on the following forms: form EPO-002, the notice of hearing forms (GV-009 and GV-109), three information sheets (forms GV-020-INFO, GV-100-INFO, and GV-120-INFO), and the order on request to continue the hearing (form GV-116). All of those proposed revised forms explain that the parties may attend the hearing remotely and advise the parties to check the court's website for more information. Where space permits, those forms provide "phone and videoconference"

[6] Note that the Serial Number column heading in items 6f and 7f on form GV-800 now includes "if there is one" because firearm parts may not have serial numbers. Also note that items 6g and 7g include both "ammunition" and "magazines" because section 18100(b) includes a "magazine" in the definition of "ammunition"; combining these terms ensures that items 6 and 7 do not take up more than a single individual page, respectively.

[7] The committee asks for comments on whether these terms are useful, appropriate, and can be completed at the time the receipt is prepared.

as examples of remote attendance and also provide a link to the Find Your Court webpage on the California Courts website.[8] Conforming changes, such as using "attend" in lieu of "go to" the hearing and referencing the ability to file papers electronically were also made to the applicable information sheets.[9]

### Other revisions

#### *Gender*

The forms in the proposal that collect identifying information about the restrained party also contain minor revisions relating to gender. Specifically, item 1 on form EPO-002 and item 2 on forms GV-030, GV-110, and GV-130 all refer to "gender" as opposed to "sex" and provide a "nonbinary" option and check box. Such revisions are consistent with the Department of Justice procedures to register a protective order into the law enforcement database known as CLETS (California Law Enforcement Telecommunications System).

#### *Interpreters*

The current language about interpreters on forms GV-020-INFO, GV-100-INFO, and GV-120-INFO is outdated, stating that somebody over age 18 and not involved in the case may serve as an interpreter. However, interpreters must be certified or registered. (Gov. Code, § 68561.) The committee thus recommends that those forms contain the following information regarding interpreters after a sentence directing filers to ask the clerk if an interpreter is available: "You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, see *www.courts.ca.gov/selfhelp-interpreter.htm*." The URL provided in the proposed text links to the "Court Interpreters" webpage on the California Courts website, which is translated into several languages that are accessible via links at the top of the webpage.

#### *Disability*

Several forms within this proposal also contain an outdated item with regard to requests for accommodations. Form MC-410, *Request for Accommodations by Persons with Disabilities and Response*, is now titled *Disability Accommodation Request*. The name of the form has been updated on forms GV-109 and GV-116. Additionally, the committee proposes broadening the language on the applicable information sheets in the proposal (GV-020-INFO, GV-100-INFO, and GV-120-INFO) to include reference to "disabilities" as opposed to just hearing disabilities,

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[8] Note that while the relevant information about attending hearings remotely is on the first page of forms GV-009 and GV-109, the committee recommends including such information on page 3 of form GV-116. The committee found it important to retain the existing information about temporary restraining orders on the first page of form GV-116 and accordingly there was insufficient space to also include information about attending hearings remotely.

[9] The committee worked with the Family and Juvenile Law Advisory Committee in implementing the new statutory provisions, together developing the text to describe precursor parts, the proof of surrender forms, and the new instructions relating to remote appearances, in order to ensure that the text regarding these points on DV forms (relating to restraining orders to stop domestic violence) parallels the text on the GV forms. That advisory committee proposal with these and other revisions to various DV forms is circulating for comment at the same time as this one.

and to also reference the information sheet about requesting court accommodations, *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

## Alternatives Considered

Because AB 1057 and SB 538 made significant and substantial changes to the procedures and definitions concerning gun violence restraining orders, the committee determined it must act and that taking no action would be inappropriate. The committee also determined it would be inappropriate to not take action to update the information regarding interpreters on the forms.

In addition to this proposal, the committee considered only minor revisions to form GV-800 to add "firearm parts" and the explanation of the term without reformatting it. However, the committee concluded that the reformatted form would be easier to understand by the various users of the form.

In proposing revisions relating to remote appearances, the committee also considered including space for the clerk to fill in information for the local court website and phone number with information about remote attendance on forms GV-009 and GV-109. The committee determined, however, that doing so would add significant additional burdens to the clerk's office and offer little additional value as compared to instructing litigants to go to the court's website via the statewide webpage.

## Fiscal and Operational Impacts

Most of the impacts arising from these new laws—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statutes, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the revised forms are intended to assist courts in dealing with the impact of the legislation by explaining the meaning of "firearm parts" on the forms and directing litigants to check the court's website for more information about remote appearances.

### Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are the check boxes in items 6 and 7 of form GV-800 for the status of each surrendered item (sold, stored, or seized) helpful? Are "sold," "stored," and "seized" the correct statuses or are there other, preferable terms?
- Is the reorganization of form GV-800, so that there are now separate items to be completed by gun dealers (item 6) and law enforcement agencies (Item 7), rather than one item that could be completed by either, helpful? Or is a shorter form preferable?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Forms EPO-002, GV-009, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-116, GV-120, GV-120-INFO, GV-125, GV-130, GV-710, GV-730, GV-800, and GV-800-INFO, at pages 8–58
2. Link A: Assembly Bill 1057, *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1057*
3. Link B: Senate Bill 538, *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB538*

**EPO-002**

# GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

LAW ENFORCEMENT CASE NUMBER:

1. **RESTRAINED PERSON** *(insert name):* _____

**Address:** _____

_____

Gender: ☐ M ☐ F ☐ Nonbinary Ht.: _____ Wt.: _____ Hair color: _____

Eye color: _____ Race: _____ Age: _____ Date of birth: _____

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

2. **TO THE RESTRAINED PERSON**

*(Also see important Warnings and Information on page 2)*:

**You are required to surrender all firearms, ammunition, and magazines 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, any firearm, ammunition, or magazine while this order is in effect.** However a more permanent gun violence restraining order may be obtained from the court. 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.

**If you have any firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines you MUST IMMEDIATELY SURRENDER THEM** if asked by a police officer. If a police officer does not ask you to surrender the items, within 24 hours of getting this order, you must take them to a police station or a licensed gun dealer to sell or store them and must file a receipt with the court proving that this has been done. You have 48 hours to file a receipt with the court shown to the right. **If you do not file a receipt within 48 hours you have violated this order and can go to jail.**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

3. **This order will last until:** _____ **Time** _____

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

4. **Court Hearing** ☐ A court hearing will be set within 21 days.

☐ A court hearing will take place at the court above on: Date: _____ Time/Dept: _____

**You must attend the court hearing if you do not want this restraining order against you. You may attend the hearing remotely (check your court's website for instructions). At the hearing, the judge can make this order last for up to five years.**

5. Reasonable grounds for the issuance of this order exist, and a Gun Violence 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 any firearms, firearm parts, ammunition, or magazines; **and** (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

6. Judicial officer *(name):* granted this order on *(date):* at *(time):*

## APPLICATION

7. Officer has a reasonable cause to believe that the grounds set forth in item 5, above, exist *(state supporting facts and dates; specify weapons—number, type and location):*

_____

_____

_____

_____

8. ☐ Firearms (including parts) were ☐ observed ☐ reported ☐ searched for ☐ seized.

☐ Ammunition (including magazines) was ☐ 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: _____

Address: _____

## PROOF OF SERVICE

9. I personally delivered copies of this Order to the restrained person name in item 1.

Date of service: _____ Time of service: _____ Address:

10. At the time of service, I was at least 18 years of age.

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/LAW ENFORCEMENT OFFICER) (SIGNATURE OF SERVER)

# WARNINGS AND INFORMATION

**TO THE RESTRAINED PERSON: You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm, a firearm part (any receiver, frame, or unfinished receiver/frame), ammunition, or a magazine. (Pen. Code, §§ 16531 & 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 all items listed above 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 Surrender of Firearms and Firearm-Related Items*.**

**This Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer-term order should be issued. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use Form GV-020, *Response to Gun Violence Emergency Protective Order.* A family member, employer, coworker, teacher, or school administrator may also seek a more permanent restraining order from the court.**

**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, firearm part (any receiver, frame, or unfinished receiver/frame), ammunition, or magazine for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, §§ 16531 & 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.**

**A LA PERSONA RESTRINGIDA:** Tiene prohibido ser dueño de, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, componentes de armas de fuego (todo recibidor, armazón, o recibidor/armazón inacabado), municiones o cargadores. (Código Penal, §§ 16531 & 18125, y siguientes). Una violación de esta orden es un delito menor que está sujeta a una multa de $1000 o encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar todos los artículos indicados arriba a una agencia del orden público o venderlos a un comerciante de armas autorizado, o almacenarlos con el mismo hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado dentro de las 48 horas de recibir esta orden, o el próximo día hábil, si el periodo de 48 horas termina un día en que está cerrada la corte. También tiene que presentar el recibo a la agencia del orden público que le hizo la entrega legal de esta Orden. Se puede usar el formulario GV-800, *Prueba de entrega de armas de fuego y artículos relacionados*, por este propósito.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 de la primera página. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo. Si la fecha y la hora no se indican en el punto 4 de la primera página, recibirá un aviso con la fecha y la hora de la audiencia por correo a la dirección residencial indicada en la primera página. Si desea responder a esta orden por escrito, tiene que usar el formulario GV-020, *Respuesta a la orden de protección de emergencia de armas de fuego*. Un miembro de su familia, su empleador, un colega del trabajo, un maestro o profesor, o administrador educativo también puede solicitar al tribunal una orden de restricción más permanente.

Si contraviene esta orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o tratar de comprar o recibir un arma de fuego, componentes de armas de fuego (todo recibidor, armazón, o recibidor/armazón inacabado), municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego más permanente. (Código Penal, §§ 16531 & 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.

**To law enforcement:** The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, firearm parts, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable, but not later than three court days, after issuance, so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. 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 Gun Violence 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.



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

# GV-009 Notice of Court Hearing

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

## 1 Requesting Agency or Officer

*(A petition may be filed in the name of the law enforcement agency in which the officer is employed)*

Law enforcement agency or officer who applied for the *Gun Violence Emergency Protective Order:* _____

## 2 Restrained Person

Full Name: _____

Address: _____

_____

_____

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number.*

**Case Number:**

## 3 Hearing

A *Gun Violence Emergency Protective Order* (form EPO-002) having been served on the Restrained Person, the court will hold a hearing at the time and place below to determine if a longer-term gun violence restraining order should be issued.

**Hearing Date** → Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____

_____

_____

You may attend your hearing remotely, such as by phone or videoconference. For more information go to the court's website for the county listed above. To find the court's website, go to *www.courts.ca.gov/find-my-court.htm*.

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause, and that a true copy of the *Notice of Court Hearing (Gun Violence Prevention)* (form GV-009) was mailed first class, postage fully prepaid, in a sealed envelope, addressed as shown below, and that the notice was mailed at *(place)*: , California, on *(date)*:

Date: Clerk, by _____, Deputy

Name and address of law enforcement officer and agency

Name and address of Restrained Person



**For your protection and privacy, please press the Clear This Form button after you have printed the form.**

Print this form | Save this form | Clear this form

# GV-020 Response to Gun Violence Emergency Protective Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**2/9/2022**

**Not approved by the Judicial Council**

**Use this form if you do not want the court to extend the *Gun Violence Emergency Protective Order* for a period of time between 1 - 5 years.**

1. Read *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO) to protect your rights.
2. Fill out this form and take it to the filing window at the court.
3. Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the law enforcement agency that applied for the *Gun Violence Emergency Protective Order* (form EPO-002). *(Use,* Proof of Service by Mail *form GV-025).*

*Fill in court name and street address:*

**Superior Court of California, County of**

## 1 Requesting Agency or Officer

*(A petition may be filed in the name of the law enforcement agency in which the officer is employed.)*

_____

*See Notice of Hearing for case number and fill in:*

**Case Number:**

## 2 Restrained Person

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. You do not have to give telephone, fax, or email address.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Be prepared to tell the court at the hearing why you don't agree. Write your hearing date, time, and place from the Notice of Hearing or *Gun Violence Emergency Protective Order* (form EPO-002) here:

**Hearing Date** → Date: _____ Time: _____

Dept.: _____ Room: _____

**You must obey the *Gun Violence Emergency Protective Order* until the expiration date.** At the hearing, the court may make an order against you for a period of time between 1−5 years.

## 3 Gun Violence Restraining Order

☐ I do not agree that a gun violence restraining order should be extended for 1−5 years *(explain)*:

_____

_____

_____

_____

_____

_____

_____

☐ *Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use form MC-025,* Attachment.

Case Number:

## 4 ☐ Denial, Justification, or Excuse

☐ I did not do anything described in item 7 of form EPO-002.

☐ If I did some of the things stated in the Gun Violence Emergency Protective Order, my actions were justified or excused for the following reasons *(explain):*

☐ *Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 4–Denial, Justification, or Excuse" as a title. Use form MC-025,* Attachment.

## 5 Surrender of Firearms, Firearm Parts, Ammunition, and Magazines

**A *Gun Violence Emergency Protective Order* (form EPO-002) was issued against you. You cannot own or possess any guns, other firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines. You must surrender any of these items in your possession to law enforcement when they ask you to do so. If not asked, you must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any of the above listed items in your immediate possession or control within 24 hours of being served with form EPO-002. You must file a receipt with the court and the law enforcement agency. You may use *Proof of Surrender of Firearms and Firearm-Related Items* (form GV-800) for the receipt.**

a. ☐ I do not own or control any guns, other firearms, firearm parts, ammunition, or magazines.

b. ☐ I have turned in my guns, other firearms, firearm parts, ammunition, and magazines 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 and the law enforcement agency.

## 6 Number of pages attached to this form, if any: _____

Date: _____

_____ ▶ _____
*Lawyer's name (if any)* *Lawyer's signature*

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

Date: _____

_____ ▶ _____
*Type or print your name* *Sign your name*



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# GV-020-INFO How Can I Respond to a Gun Violence Emergency Protective Order?

## What is a *Gun Violence Emergency Protective Order* (form EPO-002)?

It is a court order requested by law enforcement that prohibits someone from having any of the following prohibited items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame, or unfinished receiver/frame as defined in Penal Code Section 16531, also called "ghost guns";
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must surrender all prohibited items listed above that they currently own.

## Who can ask for a gun violence emergency protective order?

The gun violence emergency protective order must have been requested by a law enforcement officer and was issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

## I've been served with a *Gun Violence Emergency Protective Order* (form EPO-002) and a *Notice of Court Hearing*. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* or form EPO-002 tells you when to appear for court and where the court is located. If you want to attend the hearing remotely, such as by phone or videoconference, check your local court's website for instructions and availability. Follow the *Gun Violence Emergency Protective Order* (form EPO-002) prohibiting you from having any prohibited items listed above and requiring you to surrender, sell, or store any prohibited items that you currently own or possess. You must obey the order until the expiration date on the form.

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

## What if I don't obey the emergency protective order?

The police can arrest you. You can go to jail and pay a fine. You may also be prohibited for a longer period of time from having access to firearms, ammunition, and other items.

## What if I don't want the order to be extended?

If you disagree with the order that has been issued and do not want the court to extend it for a longer time, fill out *Response to Gun Violence Emergency Protective Order* (form GV-020), before your hearing date. File the form with the court and serve it on the requesting law enforcement agency. You can get the form from legal publishers or on the Internet at *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?

No.

## 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 the completed *Response to Gun Violence Emergency Protective Order* (form GV-020) to the law enforcement agency that issued the *Gun Violence Emergency Protective Order* (form EPO-002). (This is called "service by mail.")

The person who serves the form by mail must fill out *Proof of Service by Mail* (form GV-025). Have the person who did the mailing sign the original form GV-025. Take the completed form back to the court clerk or bring it with you to the hearing.

# GV-020-INFO How Can I Respond to a Gun Violence Emergency Protective Order?

## Should I attend the court hearing?

Yes. You should attend the hearing listed on the *Notice of Court Hearing* or the *Gun Violence Emergency Protective Order* (form EPO-002). You can do so remotely, such as by telephone or videoconference, or go to court in person. If you do not attend the hearing, the judge can extend the order against you for a period of time between 1–5 years without hearing from you.

## Can I attend the court hearing remotely, such as by telephone or videoconference?

Yes. Remote appearances are permitted for parties and witnesses. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find at www.courts.ca.gov/find-my-court.htm.

## 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 *Declaration* (form MC-030) 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?

The *Gun Violence Emergency Protective Order* (form EPO-002) will last until the expiration date listed on the front of the form in item 3. The court will decide at the hearing whether to issue a gun violence restraining order that can last for a period of time between 1–5 years.

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

It's possible the law enforcement officer may appear at the court hearing.

## What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

## What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, *How to Request a Disability Accommodation for Court.*

## For help in your area, contact:

*[Local information may be inserted.]*

# GV-030 Gun Violence Restraining Order After Hearing on EPO-002

*The court will complete this form.*

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

## 1 Requesting Agency or Officer

*(A petition may be filed in the name of the law enforcement agency in which the officer is employed.)*

Law enforcement agency or officer that applied for the Gun Violence Emergency Protective Order: _____

## 2 Restrained Person

Full Name: _____

Lawyer *(if there is one for this case):*

Name: _____ State Bar No.: _____

Firm Name: _____

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email 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:**

## Description of Restrained Person

Gender: ☐ M ☐ F ☐ Nonbinary Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address: _____

City: _____ State: _____ Zip: _____

## 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.

## 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 attended the hearing:

(1) ☐ The officer or representative of the Requesting Agency _____

(2) ☐ The Restrained Person ☐ Lawyer for the Restrained Person *(name):* _____

**This is a Court Order.**

Case Number:

## 5 Findings

a. ☐ The court finds by clear and convincing evidence that the following are true:

(1) The Restrained Person poses a significant danger of causing personal injury to themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines.

(2) A gun violence restraining order is necessary to prevent personal injury to the Restrained Person 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.

(3) ☐ The court has received credible information that the Restrained Person owns or possesses one or more firearms, firearm parts, ammunition, or one or more magazines.

(4) ☐ The facts as stated in the *Gun Violence Emergency Protective Order* (form EPO-002) and supporting documents submitted at the time of the hearing, which are incorporated here by reference, and for the reasons set forth below, establish sufficient grounds for the issuance of this Order.

☐ See the attached *Attachment* (form MC-025)

b. ☐ A gun violence restraining order is not being issued for the reasons below:

**This is a Court Order.**

## 6 Order Prohibiting All Firearms, Firearm Parts, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.

b. Prohibited items are:

(1) Firearms, including any handgun, rifle, shotgun, and assault weapon;

(2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531);

(3) Ammunition; and

(4) Magazines (ammunition feeding devices).

c. You must surrender all prohibited items in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all prohibited items to the officer, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these prohibited items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item 4 is in effect.

d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. *(You may use* Proof of Surrender of Firearms and Firearm-Related Items *(form GV-800) 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.**

e. ☐ **Order dissolving (terminating) *Gun Violence Emergency Protective Order*.**

The court dissolves (terminates) the *Gun Violence Emergency Protective Order* (form EPO-002) originally issued on *(date):* _____ as of *(date of hearing):* _____.

## 7 Service of Order on the Restrained Person

a. ☐ The Restrained Person attended the hearing. No other proof of service is needed. The clerk has provided the Restrained Person with a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600), if a restraining order was granted.

b. ☐ The Restrained Person did not attend the hearing. The Restrained Person must be personally served with a court file-stamped copy of this order and a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600), if a restraining order was granted.

8 Number of pages attached to this Order, if any: _____

Date: _____ _____
*Judicial Officer*

## Warnings and Notices to the Restrained Party

**To the restrained person: This order will last until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines 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, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order 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, any prohibited items listed in item 6b, above, for a period of up to 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 Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any of those items that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been 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, Firearm Parts, Ammunition, and Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the prohibited items to the Restrained Person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Restrained Person claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person 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 Restrained Person had notice of the order. Consider the Restrained Person "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file;
- The Restrained Person was informed of the order by an officer; or
- Item 7a is checked, the Restrained Person attended the hearing.

## 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 *Gun Violence Restraining Order After Hearing on EPO-002* 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 *Gun Violence Restraining Order After Hearing on EPO-002 (CLETS-HGV)* (form GV-030) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

**This is a Court Order.**



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# GV-100 Petition for Gun Violence Restraining Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

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

## 1 Petitioner

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

_____

I am:

☐ A family member of the Respondent.

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

_____

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

_____

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

_____

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

_____

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

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

Firm Name: _____ State Bar No.: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

## 2 Respondent

Full Name: _____ Age: _____

Address *(if known):* _____

City: _____ State: _____ Zip: _____

**This is not a Court Order.**

Case Number:

## 3 Venue

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

a. ☐ The Respondent lives in this county.

b. ☐ Other *(specify):* _____

## 4 Other Court Cases

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

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

| Kind of Case | Filed in *(County/State)* | Year Filed | Case Number *(if known)* |
|---|---|---|---|
| (1) ☐ Civil Harassment | | | |
| (2) ☐ Domestic Violence | | | |
| (3) ☐ Divorce, Nullity, Legal Separation | | | |
| (4) ☐ Paternity, Parentage, Child Custody | | | |
| (5) ☐ Elder or Dependent Adult Abuse | | | |
| (6) ☐ Eviction | | | |
| (7) ☐ Workplace Violence | | | |
| (8) ☐ Criminal | | | |
| (9) ☐ 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, Firearm Parts, Ammunition, or Magazines

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

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

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

**This is not a Court Order.**

Case Number:

## 6 Grounds for Issuance of a Gun Violence 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 themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, a firearm part (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or a magazine.

b. 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.

c. The facts supporting the above statements are set forth:

☐ Below

☐ On *Attached Declaration* (form MC-031).

## 7 Request for Gun Violence Restraining Order

I request that the court issue an order prohibiting Respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines. I further request that Respondent be ordered to immediately surrender all firearms, firearm parts, ammunition, and magazines currently in their possession to a law enforcement officer or to sell those items to or store them with a licensed gun dealer.

a. I request the order above for _____ years. (*Please include a number of years between one and five years.)*

b. I am asking for this amount of time because:

**This is not a Court Order.**

Case Number:

## 8 No Fee to Serve (Notify) Restrained Person

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

## 9 Request for Hearing

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

## 10 ☐ Temporary Gun Violence Restraining Order

I request that a Temporary Gun Violence Restraining Order (TGV) be issued against the Respondent to last until the hearing. I am presenting *Temporary Restraining Order* (form GV-110) for the court's signature together with this Petition.

Has the Respondent been told that you were going to court to seek a TGV?

☐ Yes ☐ No *(If you answered no, explain why below):*

☐ Reasons stated in Attachment 10.

## 11 ☐ Request to Give Less Than Five Days' Notice of Hearing

*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. (See* What Is "Proof of Personal Service"? *(form GV-200-INFO).* Proof of Personal Service *(form GV-200) may be used to show the court that the papers have been served.)*

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

☐ Reasons stated in Attachment 11.

**12** 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.**



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

# GV-100-INFO Can a Gun Violence Restraining Order Help Me?

DRAFT 3/10/2022
Not approved by the Judicial Council

**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 gun violence restraining order?

It is a court order that temporarily prohibits someone from having any of the following items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including finished or unfinished receivers and frames, also called "ghost guns";
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must surrender any prohibited items listed above that that person currently owns. The police will come and remove the items or the person can store them with a licensed gun dealer while the restraining order is in effect. The restrained person also cannot buy any of the prohibited items during this time.

## Can I get a gun violence restraining order against someone?

You can ask for one if you are connected to the person you think is dangerous as:

- An immediate family member;
- An employer;
- A coworker who has substantial and regular interactions with the person and has worked with them for at least a year. You must have permission from your employer to ask for the restraining order;
- An employee or teacher at a school that the person has attended in the last six months, where you have permission from a school administrator or staff member who has a supervisorial role; and/or
- A law enforcement officer or law enforcement agency.

Immediate family members include:

- Your spouse or domestic partner;
- Your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent;
- Your spouse's parents, children (your stepchildren), siblings, grandparents, and grandchildren; and
- 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 grounds exist.

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

No.

## 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 the prohibited items listed above. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO) for information on how to proceed. For information on other civil restraining orders, please see *www.courts.ca.gov/selfhelp-abuse.htm.*

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

You must fill out the following forms:

- *Petition for Gun Violence Restraining Order* (form GV-100);
- *Confidential CLETS Information* (form CLETS-001);
- *Notice of Court Hearing* (form GV-109), items 1 and 2 only; and
- *Temporary Gun Violence Restraining Order* (form GV-110), items 1 and 2 only.

You may need other local forms. Ask your self-help center or visit your court's website.

## Where can I get these forms?

You can get the forms from legal publishers or on the Internet at *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 file your papers with the superior court in the county where the person to be restrained lives. Check online or ask the court how to file your request for a gun violence restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) File your forms electronically or give your forms to the clerk of the court. The court 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 Gun Violence 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. If you file in person, 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 a period of time between 1–5 years.

## 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 *Proof of Personal Service* (form GV-200) 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 they do 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 *What Is "Proof of Personal Service"?* (form GV-200-INFO). Note: A sheriff or marshal can serve the order for free.

## 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.

## 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 any of the prohibited items listed on page 1.

You will also have to convince the judge that a gun violence 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, firearm parts, ammunition, or magazines that the person to be restrained currently owns, including how many the person owns, the types, and where they are kept.

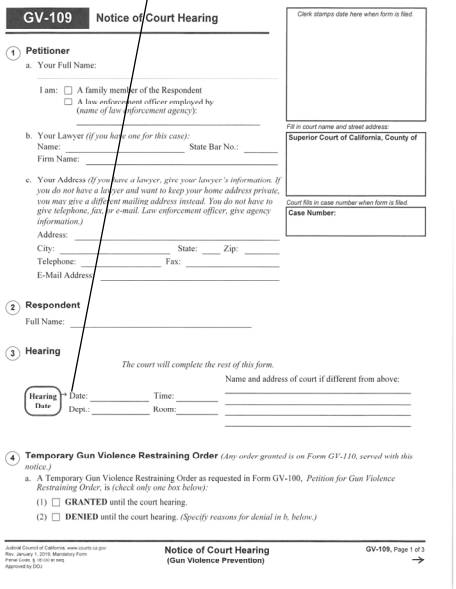
Then you will need to present facts to show that the person to be restrained is dangerous. This could be information about any threat of violence that the person to be restrained has made, any violent incident in which the person has been involved, or any crime of violence the person has committed. It 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.

# GV-100-INFO Can a Gun Violence Restraining Order Help Me?

## Do I have to attend a court hearing?

Yes. Attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109).



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:

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:
Hearing Date
Date: Time:
Dept.: Room:

4 Temporary Gun Violence Restraining Order (Any order granted is on Form GV-110, served with this notice.)
a. A Temporary Gun Violence Restraining Order as requested in Form GV-100, *Petition for Gun Violence 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.)

Notice of Court Hearing (Gun Violence Prevention) GV-109, Page 1 of 3

You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: *www.courts.ca.gov/find-my-court.htm*.

## Can someone attend the hearing with me?

Yes. Someone can sit with you during the hearing, but that person cannot speak for you to the 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, emails, 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 *Declaration* (form MC-030) for this purpose.)

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

If the person attends the hearing, yes. If you are afraid, tell the court.

## 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 to five years. It may be renewed for an additional one to five years.

## 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 the clerk if a court interpreter is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to *www.courts.ca.gov/selfhelp-interpreter.htm*.

## What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see MC-410-INFO, *How to Request a Disability Accommodation for Court.*

## For help in your area, contact:

*[Local information may be inserted.]*



Print this form Save this form

# GV-109 Notice of Court Hearing

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*Petitioner must complete items (1) and (2) only.*

## (1) Petitioner

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

_____

I am:
- ☐ A family member of the Respondent.
- ☐ An officer of a law enforcement agency.
- ☐ An employer of the Respondent.
- ☐ A coworker of the Respondent.
- ☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months.

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 email. Law enforcement officer, give agency information.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email 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: _____

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

## (3) Hearing

**Hearing Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____

_____

_____

You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to www.courts.ca.gov/find-my-court.htm.

## (4) Temporary Gun Violence Restraining Order *(Any order granted is on form GV-110, served with this notice.)*

a. A Temporary Gun Violence Restraining Order as requested in *Petition for Gun Violence Restraining Order* (form GV-100) 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.)*

4 b. Reasons for denial of a Temporary Gun Violence Restraining Order as requested in *Petition for Gun Violence Restraining Order* (form GV-100) 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 themself or another person by having custody or control of, owning, purchasing, possessing, or receiving firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines.

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 stated):* ☐ 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 Gun Violence Restraining Order* (file-stamped)
b. ☐ GV-110, *Temporary Gun Violence Restraining Order* (file-stamped) **IF GRANTED**
c. GV-120, *Response to Petition for Gun Violence Restraining Order* (blank form)
d. GV-120-INFO, *How Can I Respond to a Petition for a Gun Violence Restraining Order?*
e. GV-250, *Proof of Service by Mail* (blank form)
f. GV-125, *Consent to Gun Violence Restraining Order and Surrender of Firearms* (blank form)
g. ☐ Other *(specify):* _____

Date: _____

_____
*Judicial Officer*

Case Number:

## 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. *Proof of Personal Service* (form GV-200) may be used.
- For information about service, read *What Is "Proof of Personal Service"?* (form GV-200-INFO).
- 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 *Request to Continue Court Hearing for Gun Violence Restraining Order* (form GV-115).

## To the Respondent:

- If you want to oppose the *Petition for Gun Violence Restraining Order* (form GV-100) in writing, file *Response to Petition for Gun Violence Restraining Order* (form GV-120) 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. *Proof of Service by Mail* (form GV-250), 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, attend 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 or store with, a licensed gun dealer, any firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines that you own or possess. If issued, the order will last for one year.
- If you do not oppose the petition and are willing to give up your firearm rights, complete and file a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

### 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* for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

### —Clerk's Certificate—

I certify that this *Notice of Court Hearing* (form GV-109) is a true and correct copy of the original on file in the court.

*Clerk's Certificate*

Date: _____

*[seal]*

Clerk, by _____, Deputy



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

# GV-110 Temporary Gun Violence Restraining Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*Petitioner must complete items (1) and (2) only.*

## (1) Petitioner

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

_____

I am:
- ☐ A family member of the Respondent
- ☐ An officer of a law enforcement agency
- ☐ An employer of the Respondent
- ☐ A coworker of the Respondent
- ☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months

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 email. Law enforcement officer, give agency information.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email 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:

Gender: ☐ M ☐ F ☐ Nonbinary 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 themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines.

(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, firearm parts, ammunition, or magazines.

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 for the reasons stated below.

☐ See the attached *Attachment* (form MC-025).

## 5 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, service will be free.

**This is a Court Order.**

## 6 Order Prohibiting All Firearms, Firearm Parts, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.

b. Prohibited items are:

(1) Firearms, including any handgun, rifle, shotgun, and assault weapon;

(2) Firearm parts, including any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531;

(3) Ammunition; and

(4) Magazines (ammunition feeding devices).

c. The court has received credible information that you own or possess one or more prohibited items that have not been surrendered or sold. You must surrender all prohibited items in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all prohibited items to the officer, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these prohibited items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them 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.

d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. *(You may use* Proof of Surrender of Firearms and Firearm-Related Items *(form GV-800) 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 Number of pages attached to this Order, if any: _____

Date: _____ _____

*Judicial Officer*

## Warnings and Notices to the Respondent

**To the restrained person: This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms, ammunition, and magazines 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, any firearm, ammunition, or magazines 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 a period between one and five years. 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, any prohibited items listed in item 6b, above, 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 all firearms, firearm parts, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read *How Can I Respond to a Petition for Gun Violence Restraining Order?* (form GV-120-INFO) to learn how to respond to this Order.
- If you do not oppose the petition, fill out *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) and file it with the court clerk.
- If you disagree with the petition, fill out *Response to Petition for Gun Violence Restraining Order* (form GV-120) 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 *Proof of Service of Response by Mail* (form GV-250). 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 *Declaration* (form MC-030) 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*. 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 attend the hearing. You and your witnesses may attend the hearing remotely (check with your court for instructions).
- At the hearing, the judge can make a gun violence restraining order against you that lasts between one to five years. 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 Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been 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, Firearm Parts, Ammunition, or Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the termination or expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this Order or of any later gun violence restraining order issued by the court, return the prohibited items to the respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.

## This is a Court Order.

## Instructions for Law Enforcement

*(continued)*

- If someone other than the Respondent claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person 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; or
- The officer sees a filed copy of form GV-125.

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

*Clerk's Certificate*
*[seal]*

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Temporary Gun Violence Restraining Order (CLETS-TGV)* (form GV-110) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

**This is a Court Order.**



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

# GV-116 Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

Complete items (1) and (2) only.

(1) **Petitioner:** _____

(2) **Respondent:** _____

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

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

## (3) Next Court Date

a. ☐ The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Gun Violence Restraining Order* (form GV-110) or *Gun Violence Emergency Protective Order* (form EPO-002) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

_____

b. ☐ The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See (4)–(8) for more information.

**New Court Date** → Date: _____ Time: _____ Dept.: _____ Room: _____

Name and address of court, if different from above:

_____

_____

_____

## (4) Temporary Gun Violence Restraining Order or Gun Violence Emergency Protective Order

a. ☐ **There is no *Temporary Gun Violence Restraining Order* (TRO) in this case** because:

(1) ☐ A TRO was not previously granted by the court.

(2) ☐ The court terminates (cancels) the previously granted TRO because: _____

_____

b. ☐ **A *Temporary Gun Violence Restraining Order* (form GV-110) is still in full force and effect** because:

(1) ☐ The court extends the order previously granted on *(date)*: _____

It now expires on *(date)*: _____

*(If no date is listed, the TRO expires at the end of the court date listed in 3b.)*

c. ☐ **A *Gun Violence Emergency Protective Order* (form EPO-002) is still in full force and effect.**

(1) ☐ The court extends the order previously granted on *(date)*: _____

It now expires on *(date)*: _____

*(If no date is listed, the TRO expires at the end of the court date listed in 3b.)*

**Warning and Notice to the Restrained Party:** If (4) b or c is checked, a gun violence restraining order has been issued against you. You must follow the orders until they expire.

d. ☐ Other *(specify)*: _____

**This is a Court Order.**

Case Number:

## 5 Reason Court Date Is Rescheduled

a. ☐ There is good cause to reschedule the court date *(check one)*:

(1) ☐ The protected party has not served the restrained party.

(2) ☐ Other: _____

_____

_____

b. ☐ The court reschedules the court date on its own motion.

## 6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

| a. ☐ **Petitioner/Requesting Agency** | b. ☐ **Respondent/Restrained party** | c. ☐ **Court** |
|---|---|---|
| (1) ☐ You do not have to serve the respondent/restrained party because they or their lawyer were at the court date or agreed to reschedule the court date. | (1) ☐ You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date. | (1) ☐ Further notice is not required. |
| (2) ☐ You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form GV-109, item 5, by *(date)*: _____ | (2) ☐ You must have the petitioner personally served with a copy of this order by *(date)*: _____ | (2) ☐ The court will mail a copy of this order to all parties by *(date)*: _____ |
| (3) ☐ You must serve the respondent/restrained party with a copy of this order. This can be done by mail. You must serve by *(date)*: _____ | (3) ☐ You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by *(date)*: _____ | (3) ☐ Other: _____ |
| (4) ☐ Other: _____ | (4) ☐ Other: _____ | |

**This is a Court Order.**

Case Number:

## 7 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

## 8 Remote Appearances

You may attend your hearing listed in item 3 remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to *www.courts.ca.gov/find-my-court.htm*.

## 9 ☐ Other Orders

_____

_____

_____

_____

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.htm for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

### Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

### —Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Hearing (EPO-002 or Temporary Restraining Order) (CLETS-EGV or CLETS-TGV)* (form GV-116) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

**This is a Court Order.**



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

# GV-120 Response to Petition for Gun Violence Restraining Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**2/9/2022**

**Not approved by the Judicial Council**

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

- Read *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO) to protect your rights.
- If you agree to the Petition for a gun violence restraining order filed against you, use *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) to agree to a voluntary gun violence restraining order.
- If you do not agree to the gun violence restraining order filed against you, fill out this form and take it to the filing window at the court.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Petitioner or to their lawyer. *(Use* Proof of Service by Mail *(form GV-250).)*

*Fill in court name and street address:*

**Superior Court of California, County of**

*See Petition for case number and fill in:*

**Case Number:**

## (1) Petitioner

Name of person or law enforcement agency 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 email.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Be prepared to tell the court at the hearing why you don't agree. Write your hearing date, time, and place from form GV-109 item (3) here:

**Hearing Date** → Date: _____ Time: _____

Dept.: _____ Room: _____

**If a Temporary Gun Violence Restraining Order was issued, you must obey it until the hearing.** At the hearing, the court may make an order against you for one to five years.

## (3) Gun Violence Restraining Order

☐ I do not agree to the order requested in the Petition because:

_____

_____

_____

_____

_____

_____

_____

_____

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use* Attachment *(form MC-025).*

Case Number:

## 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 for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5–Justification or Excuse" as a title. You may use* Attachment *(form MC-025).*

## 6 Surrender of Firearms, Firearms Parts, Ammunition, and Magazines

**If a *Temporary Gun Violence Restraining Order* (form GV-110) was issued, you cannot own or possess any guns, other firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines. (See item 6 of form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency or officer, any of those items 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 *Proof of Surrender of Firearms and Firearm-Related Items* (form GV-800) for the receipt.**

a. ☐ I do not own or control any guns, other firearms, firearm parts, ammunition, or magazines.

b. ☐ I have turned in my guns, other firearms, firearm parts, ammunition, and magazines 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*



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# GV-120-INFO How Can I Respond to a Petition for a Gun Violence Restraining Order?

**DRAFT 3/10/2022 Not approved by the Judicial Council**

## What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any guns, firearm parts, including finished or unfinished receivers and frames, also called "ghost guns," ammunition, or magazines (any ammunition feeding device). The person must surrender all such items that the person currently owns.

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

Read the papers served on you very carefully. The *Notice of Court Hearing* (form GV-109) tells you when to appear in court. There may also be a *Temporary Gun Violence Restraining Order* (form GV-110) prohibiting you from having any guns, firearm parts, ammunition, or magazines and requiring you to surrender, sell, or store any such items that you currently own or possess. You must obey the order until the hearing.

## Who can ask for a gun violence restraining order?

The petition must have been filed by a:

- Law enforcement officer or law enforcement agency,
- An employer,
- A coworker who has had "regular interactions" with you for at least a year,
- A teacher or employee of a school that you have attended in the last 6 months, or
- An immediate family member of yours.

Immediate family member is defined by this law to include people who are not blood relatives. The definition includes (1) your spouse or domestic partner; (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; (3) your spouses 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.

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

The police can arrest you. You can go to jail and pay a fine. You could lose access to firearms and other items for a longer period of time.

## 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 *Response to Petition for Gun Violence Restraining Order* (form GV-120) 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.* You also may be able to find it at your local courthouse or county law library.

## What if I don't oppose the Petition?

If you agree to give up your access to firearms and your rights to own, possess, and buy guns, firearm parts, ammunition, and magazines for the time period requested in the petition, which is between one and five years, then you can fill out *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) and check the box for item 4a. Make sure you take it to the court clerk and file it, and then mail it to the person or law enforcement agency that applied for the petition. The court will issue the gun violence restraining order before the hearing and remove the hearing from the calendar. You do not have to go to your court date, and the court will mail you a copy of the order. Make sure you check with the court to see if you have to show up for your court date.

## Will I have to pay a filing fee?

No.

## 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 *Response to Petition for Gun Violence Restraining Order* (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 *Proof of Service by Mail* (form GV-250). 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.

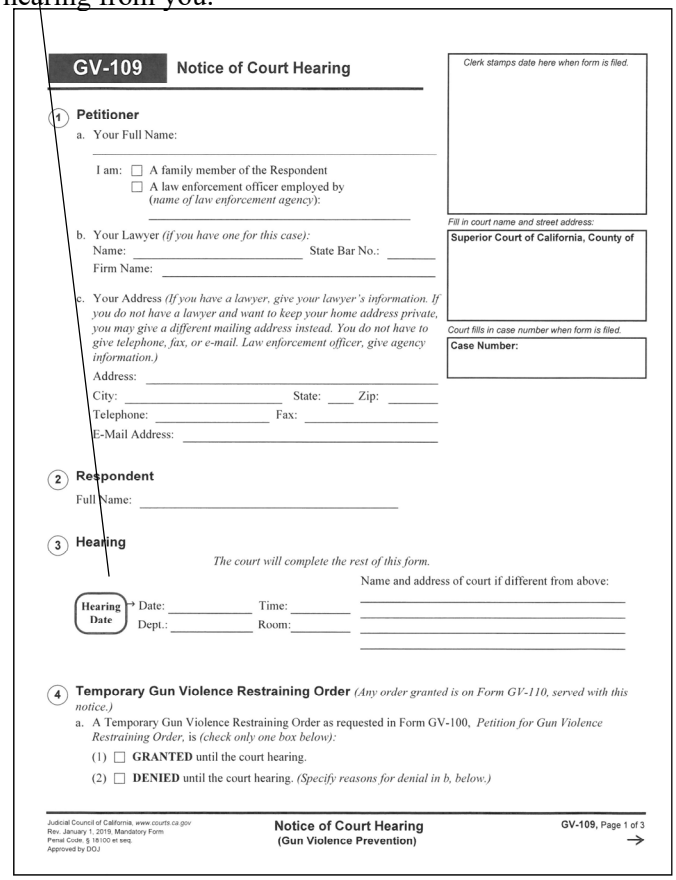
# GV-120-INFO How Can I Respond to a Petition for a Gun Violence Restraining Order?

## 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.

## Should I attend the court hearing?

Yes. You should attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109). If you do not attend the hearing, the judge can extend the order against you for a period between one and five years 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:

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.*
Hearing Date → Date: Time:
Dept.: Room:
Name and address of court if different from above:

4 Temporary Gun Violence Restraining Order *(Any order granted is on Form GV-110, served with this notice.)*
a. A Temporary Gun Violence Restraining Order as requested in Form GV-100, *Petition for Gun Violence 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.)*

Judicial Council of California, www.courts.ca.gov
Rev. January 1, 2019, Mandatory Form
Penal Code, § 18100 et seq.
Approved by DOJ

Notice of Court Hearing
(Gun Violence Prevention)

GV-109, Page 1 of 3 →

You can attend the hearing by remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: www.courts.ca.gov/find-my-court.htm.

## 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 gun violence restraining order that can last for one to five years.

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

Assume that the person who is asking for the order will attend the hearing. It is probably best not to talk to them 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 *Declaration* (form MC-030) for this purpose.)

## 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 the clerk if a court interpreter is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to *www.courts.ca.gov/selfhelp-interpreter.htm*.

## What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, *How to Request a Disability Accommodation for Court.*

## For help in your area, contact:

*[Local information may be inserted.]*



Print this form Save this form

# GV-125 Consent to Gun Violence Restraining Order and Surrender of Firearms

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*Use this form if you have been served with a* Petition for Gun Violence Restraining Order *(form GV-100) and you want to agree to voluntarily give up your firearm rights without a court hearing.*

- 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 their lawyer. *(Use* Proof of Service by Mail (form GV-250)*.)*
- If you do not agree to a gun violence restraining order, use *Response to Petition for Gun Violence Restraining Order* (form GV-120) to tell the court you oppose a gun violence restraining order.

*Fill in court name and street address:*

**Superior Court of California, County of**

*See Petition for case number and fill in:*

**Case Number:**

## 1 Petitioner

Name of person or law enforcement agency 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 email.)*

Address: _____
City: _____ State: ____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

## 3 Gun Violence Restraining Order

☐

- By checking this box and signing this form, I agree to give up my right to own, possess, or purchase firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), magazines, and ammunition for the time requested in the petition (between one to five years) or, if no time is specified, then for one year.
- I am not contesting the petition.
- I understand that the petitioner can request to renew this order for one to five years.
- I understand that I can only request to terminate this order once per year while it is in effect.

Case Number:

## 4 Surrender of Firearms, Firearm Parts, Ammunition, and Magazines

- **After you file this form, the court will issue a *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-130) and send it to you and the petitioner in the mail.**
- **This form will be listed in the statewide California Restraining and Protective Order System, where it will be accessible to all law enforcement.**
- **You cannot own or possess any guns, other firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, those items in your immediate possession or control within 48 hours of filing this form. You must file a receipt with the court. You may use *Proof of Surrender of Firearms and Firearm-Related Items* (form GV-800) for the receipt.**

a. ☐ I do not own or control any guns, other firearms, firearm parts, ammunition, or magazines.

b. ☐ I have turned in my guns, other firearms, firearm parts, ammunition, and magazines 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.

### Instructions to Clerk

- On the filing of *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125), submit the proposed order, *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-130) to the judicial officer, because the court must issue the order at least five court days before the scheduled hearing, or if this form is filed within five court days before the scheduled hearing, the court must issue, without any hearing, the gun violence restraining order, as soon as possible.
- Within one business day of issuance of the order, submit this form directly into the California Restraining and Protective Order System (CARPOS) or to law enforcement to enter into CARPOS within one business day of receipt from the court.

Date: _____

_____ ▶ _____
*Lawyer's name (if any)* *Lawyer's signature*

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

Date: _____

_____ ▶ _____
*Type or print your name* *Sign your name*



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# GV-130 Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*Petitioner must complete items (1) and (2) only.*

## (1) Petitioner

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

_____

I am:
- ☐ A family member of the Respondent.
- ☐ An officer of a law enforcement agency *(A petition may be filed in the name of the law enforcement agency in which the officer is employed).*
- ☐ An employer of the Respondent.
- ☐ A coworker of the Respondent.
- ☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months.

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

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 email. Law enforcement officer, give agency information.)*

Address: _____

City: _____ State: ____ Zip: _____ Telephone: _____

Email Address: _____ Fax: _____

## (2) Respondent

Full Name: _____

Description:

Gender: ☐ M ☐ F ☐ Nonbinary Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address *(if known)*: _____

City: _____ State: _____ Zip: _____

Relationship to Petitioner: _____

## (3) Expiration Date

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

***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 *(date):* _____ at *(time):* _____ in Dept.: _____ Room: _____.

*(Name of judicial officer):* _____ made the orders at the hearing.

b. ☐ These people attended the hearing.

(1) ☐ The Petitioner (3) ☐ The lawyer for the Petitioner *(name):* _____

(2) ☐ The Respondent (4) ☐ The lawyer for the Respondent *(name):* _____

c. ☐ There was not a hearing because Respondent filed a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

## 5 Findings

a. The court finds by clear and convincing evidence that the following are true:

(1) Respondent poses a significant danger of causing personal injury to themselves, or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines.

(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, firearm parts, ammunition, or one or more magazines.

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 stated below.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ See the attached *Attachment* (form MC-025).

d. ☐ The Respondent filed *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The court finds that Respondent agreed not to have in Respondent's custody or control, own, purchase, possess, or receive a firearm, firearm part, ammunition, or magazine or attempt to purchase or receive those items until: *(expiration date)* _____.

**This is a Court Order.**

## 6 No Fee to Serve

If the sheriff or marshal serves this order, service will be free.

## 7 Order Prohibiting All Firearms, Firearm Parts, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.

b. Prohibited items are:

(1) Firearms, including any handgun, rifle, shotgun, and assault weapon;

(2) Firearm parts, including any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531;

(3) Ammunition; and

(4) Magazines (ammunition feeding devices).

c. You must surrender all prohibited items in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all prohibited items to the officer, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these prohibited items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order is in effect.

d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. *(You may use* Proof of Surrender of Firearms and Firearm-Related Items *(form GV-800) 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.**

## 8 Service of Order on Respondent

a. ☐ The Respondent attended the hearing. No other proof of service is needed. The clerk has provided the Respondent with a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600).

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 *Request to Terminate Gun Violence Restraining Order* (form GV-600) by a law enforcement officer or someone age 18 or older, **and not a party to the action.**

c. ☐ This is an order based on the Respondent's filing of a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The court will provide notice to all parties.

9 Number of pages attached to this Order, if any: _____

Date: _____

_____
*Judicial Officer*

**This is a Court Order.**

## Warnings and Notices to the Respondent

**To the restrained person: 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, ammunition, and magazines 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, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the 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, any prohibited items listed in item 7b, above, 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 Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 7b, above, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. The officer 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, Firearm Parts, Ammunition and Magazines

The law enforcement agency that has received surrendered prohibited items listed in item 7b, above, must do the following:

- Retain the prohibited items until the expiration of this order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining Order issued by the court, return the prohibited items to the Respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Respondent claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

## This is a Court Order.

## Instructions for Law Enforcement

*(continued)*

### 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 8a or 8c is checked.

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 *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other existing protective order(s) remain in effect.

### Instructions to Clerk

This order must be served on all parties by the court, if it is made following the filing of a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

*(Clerk will fill out this part.)*

### —Clerk's Certificate—

*Clerk's Certificate*
*[seal]*

I certify that this *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order (CLETS-OGV)* (form GV-130) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

**This is a Court Order.**



**For your protection and privacy, please press the Clear This Form button after you have printed the form.**

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# GV-710 Notice of Hearing on Request to Renew Gun Violence Restraining Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*Respondent completes items (1) and (2). Court completes items (3) and (4).*

## (1) Petitioner

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

_____

I am:
- ☐ A family member of the Respondent.
- ☐ An officer of a law enforcement agency *(a petition may be filed in the name of the law enforcement agency in which the officer is employed).*
- ☐ An employer of the Respondent.
- ☐ A coworker of the Respondent.
- ☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months.

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

Name: _____ State Bar No.: _____

Firm Name: _____

*Fill in court name and street address:*

**Superior Court of California, County of**

*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 email. Law enforcement officer, give agency information.)*

Address: _____

City: _____ State: _____ Zip: _____ Fax: _____

Telephone: _____ Email: _____

## (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.**

Name and address of court if different from above:

**Hearing Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

_____

_____

_____

You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to *www.courts.ca.gov/find-my-court.htm*.

**This is a Court Order.**

Case Number:

## 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

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

a. ☐ The forms must be personally served on the Respondent _____ days before the hearing.

b. ☐ The forms may be served by mail on the Respondent or the Respondent's lawyer _____ days before the hearing.

Date: _____ _____

*Judicial Officer*

## To the Respondent:

At the hearing, the judge can renew the current restraining order for between one and five years. 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 *Response to Request to Renew Gun Violence Restraining Order* (form GV-720). 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 *Proof of Service by Mail* (form GV-250) with the court before the hearing or bring it with you to the hearing.

**Requests 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 proceeding. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Disability Accommodation Request* (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 Gun Violence Restraining Order* (form GV-710) is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

**This is a Court Order.**



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# GV-730 Order on Request to Renew Gun Violence Restraining Order

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*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.*

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

## (1) Petitioner

a. Your Full Name: _____

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: _____

## (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 attended the hearing:

a. ☐ The Petitioner
b. ☐ The Respondent
c. ☐ The lawyer for the Petitioner *(name):* _____
d. ☐ The lawyer for the Respondent *(name):* _____

**This is a Court Order.**

Case Number:

## 4 Order on Request for Renewal

The request to renew the attached *Gun Violence 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)*: _____ ☐ a.m. ☐ p.m. or ☐ midnight

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 firearms, firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), ammunition, or magazines.

(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 Gun Violence 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.

_____

_____

_____

_____

_____

_____

_____

☐ See the attached Form MC-025, *Attachment*

c. **To the restrained person: 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, ammunition, and magazines 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, ammunition, or magazine, while this order is in effect. Pursuant to section 18185, you have the right to request one hearing on an annual basis 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.**

Case Number:

## 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*

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate [seal]*

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

## This is a Court Order.



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

# GV-800 Proof of Surrender of Firearms and Firearm-Related Items

*Clerk stamps date here when form is filed.*

**DRAFT**

**3/10/2022**

**Not approved by the Judicial Council**

*This form may be used to prove that the restrained party has surrendered all firearm and firearm-related items to a licensed gun dealer or law enforcement. The form should be completed as follows:*

- The restrained person fills out pages 1 and 2.
- If any firearms or related items were surrendered to a licensed gun dealer, the dealer should fill out page 3.
- If any firearms or related items were surrendered to law enforcement, the law enforcement agency should fill out page 4.

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

## 1 Petitioner/Requesting Agency

Name: _____

## 2 Respondent/Restrained Party

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 To the Respondent/Restrained Person

The court has ordered you to surrender all of your firearms, firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, by turning them in to law enforcement or by selling them to or storing them with a licensed gun dealer. You may use this form to prove to the court that you have obeyed its orders. Ask the law enforcement officer to complete item 6 or the licensed gun dealer to complete item 7.

After the form is signed, make two copies. File the original with the court clerk. File a copy with the law enforcement agency that served you with the gun violence restraining order. Keep a copy for yourself. Failure to file a receipt with the court and with the law enforcement agency is a violation of the court's order.

For help filling out this form, read *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?* (form DV-800-INFO).

| Case Number: |
|---|
| |

**4** Do you have, own, possess, or control any other firearms, firearm parts, ammunition, or magazines besides the items listed in **6** or **7**? ☐ Yes ☐ No

*If yes, check one of the boxes below:*

a. ☐ I filed a *Proof of Surrender of Firearms and Firearm-Related Items* (form GV-800) or other proof for those items with the court on *(date):* _____

b. ☐ I am filing the proof for those firearms, firearm parts, ammunition, or magazines along with this proof.

c. ☐ I have not yet filed the proof for the other firearms, firearm parts, ammunition, or magazines. *(Explain why not):*

☐ *Check here if there is not enough space below for your answer. Use form MC-025 and write "Attachment 4c" for a title.*

_____

_____

_____

_____

_____

_____

_____

**5** **Your 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*

Case Number:

## 6 For Licensed Gun Dealer

a. Name of Licensed Gun Dealer: _____

b. License number: _____

c. Address: _____

d. Telephone number: _____ Email address: _____

e. Date of transfer: _____ at: _____ ☐ a.m. ☐ p.m.

f. **Firearms and firearm parts**

| | Make | Model | Serial Number, if there is one | Sold | Stored |
|---|---|---|---|---|---|
| (1) | | | | ☐ | ☐ |
| (2) | | | | ☐ | ☐ |
| (3) | | | | ☐ | ☐ |
| (4) | | | | ☐ | ☐ |
| (5) | | | | ☐ | ☐ |
| (6) | | | | ☐ | ☐ |
| (7) | | | | ☐ | ☐ |
| (8) | | | | ☐ | ☐ |

g. **Ammunition and magazines**

| | Brand | Type | Amount | Sold | Stored |
|---|---|---|---|---|---|
| (1) | | | | ☐ | ☐ |
| (2) | | | | ☐ | ☐ |
| (3) | | | | ☐ | ☐ |
| (4) | | | | ☐ | ☐ |
| (5) | | | | ☐ | ☐ |
| (6) | | | | ☐ | ☐ |
| (7) | | | | ☐ | ☐ |
| (8) | | | | ☐ | ☐ |

☐ Check this box if you need more space or to use a separate document to list firearms, firearm parts, ammunition, or magazines. Write "GV-800, item 6" at the top, and attach it to this form.

h. I declare under penalty of perjury under the laws of the State of California that the information listed in 6 is true and correct.

Date: _____

_____ _____

*Type or print your name* *Signature of licensed gun dealer*

Case Number:

## 7 For Law Enforcement

a. Name of Law Enforcement Agency: _____

b. Name of Law Enforcement Agent: _____

c. Address: _____

d. Telephone number: _____ Email address: _____

e. Date of transfer: _____ at: _____ ☐ a.m. ☐ p.m.

f. **Firearms and firearm parts**

| | Make | Model | Serial Number, if there is one | Stored | Seized |
|---|---|---|---|---|---|
| (1) | | | | ☐ | ☐ |
| (2) | | | | ☐ | ☐ |
| (3) | | | | ☐ | ☐ |
| (4) | | | | ☐ | ☐ |
| (5) | | | | ☐ | ☐ |
| (6) | | | | ☐ | ☐ |
| (7) | | | | ☐ | ☐ |
| (8) | | | | ☐ | ☐ |

g. **Ammunition and magazines**

| | Brand | Type | Amount | Stored | Seized |
|---|---|---|---|---|---|
| (1) | | | | ☐ | ☐ |
| (2) | | | | ☐ | ☐ |
| (3) | | | | ☐ | ☐ |
| (4) | | | | ☐ | ☐ |
| (5) | | | | ☐ | ☐ |
| (6) | | | | ☐ | ☐ |
| (7) | | | | ☐ | ☐ |
| (8) | | | | ☐ | ☐ |

☐ Check this box if you need more space or to use a separate document to list firearms, firearm parts, ammunition, or magazines. Write "GV-800, item 7" at the top, and attach it to this form.

h. I declare under penalty of perjury under the laws of the State of California that the information listed in 7 is true and correct.
Date: _____

_____ ▶ _____

*Type or print your name* *Signature of law enforcement agent*

# GV-800-INFO How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?

**DRAFT**
**3/10/2022**
**Not approved by the Judicial Council**

## What items do I need to turn in?

You must surrender all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called "ghost guns");
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips; and
- Magazines (any ammunition feeding device, whether fixed or removable).

## When must I turn in the prohibited items?

Immediately if law enforcement asks you for the items.

Otherwise, within 24 hours you must do one of the following:

- Turn in the items listed above to your local law enforcement agency;
- Sell the items to a licensed firearms dealer; or
- Store the items with a licensed firearms dealer.

## How do I sell the prohibited items?

Find a licensed firearms dealer in your area or use the internet to find "Firearms Dealers" in your area. Make sure the dealer is licensed.

## How do I surrender the above items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.
**Do not** bring firearms to court.

## If I turn in the prohibited items to law enforcement, how long will they keep them?

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

## After I give the prohibited items 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.

## Do I have to pay the law enforcement agency to keep the prohibited items?

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

## Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court and the law enforcement agency showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Proof of Surrender of Firearms and Firearm-Related Items* (form GV-800), for this purpose.

## Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

## For help in your area, contact:

*[Local information may be inserted.]*



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