

What is a firearms restraining order?

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

Who can ask for a firearms restraining order?

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

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

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

What if I don't obey the temporary order?

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

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

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

Will I have to pay a filing fee?

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

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

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

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

Should I go to the court hearing?

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

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

1 **Petitioner**

a. Your Full Name: _____

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

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

c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer give agency information.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

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

Judicial Council of California, www.courts.ca.gov
 New January 2016 Mandatory Form
 Penal Code, § 18600 et seq.
 Approved by DOJ **Notice of Court Hearing (Gun Violence Prevention)** GV-109, Page 1 of 3 →

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

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

Can I bring a witness to the court hearing?

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

Do I need a lawyer?

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

How long does the order last?

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

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

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

What if I need help to understand English?

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

What if I am deaf or hard of hearing?

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

For help in your area, contact:

[Local information may be inserted.]