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

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any guns, ammunition, or magazines (any ammunition feeding device). The person must surrender all guns, ammunition, and magazines that he or she 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, ammunition, or magazines and requiring you to surrender, sell, or store any guns, ammunition, or magazines 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 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, 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.

Do I need a lawyer?

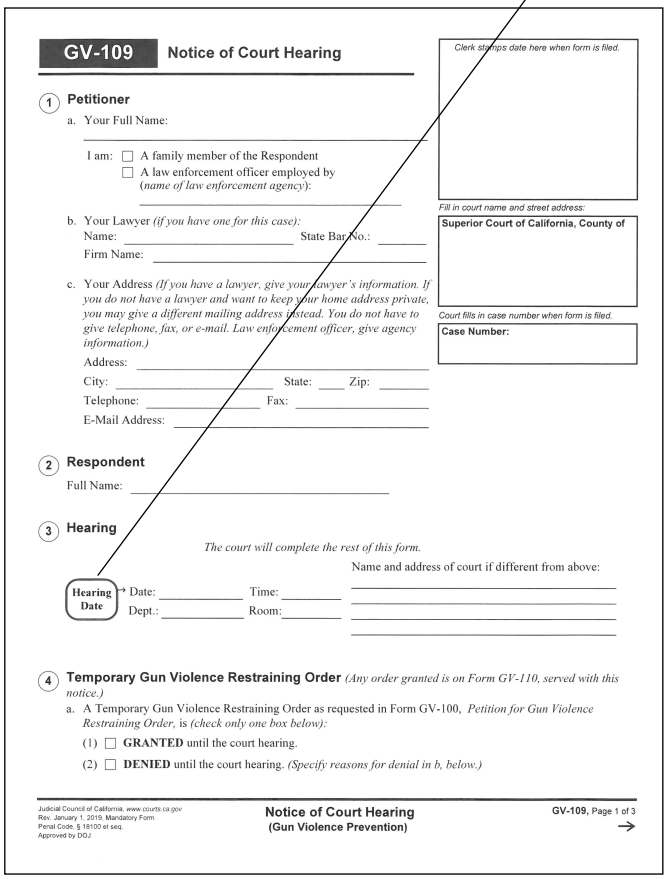
Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

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

Should I go to the court hearing?

Yes. You should go to court on the date listed on *Notice of Court Hearing* (form GV-109). If you do not go to 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.
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.*)

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)
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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 your courts 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.]

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