

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**W20-10**

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**Title**

Protective Orders: Duration and Categories of Petitioners for Gun Violence Restraining Orders; Relinquishment of Firearm Rights

**Action Requested**

Review and submit comments by February 11, 2020

**Proposed Effective Date**

September 1, 2020

**Proposed Rules, Forms, Standards, or Statutes**

Adopt form GV-125; revise forms EPO-002, GV-009, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, GV-600, GV-610, GV-620, GV-630, GV-700, and GV-710

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**Proposed by**

Civil and Small Claims Advisory Committee  
Hon. Ann I. Jones, Chair

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### Executive Summary and Origin

The Civil and Small Claims Advisory Committee recommends adopting 1 new gun violence restraining order (GVRO) form and revising 18 existing forms. These changes are needed to implement recent amendments in the Penal Code: [Assembly Bill 12](#) allows an officer to file a GVRO in the name of the officer's law enforcement agency and extends the duration of a GVRO to a maximum of five years; [Assembly Bill 61](#) allows an employer, coworker, or school administrator or teacher of a person believed to be dangerous to file a petition requesting a GVRO; and [Assembly Bill 1493](#) authorizes a person who is the subject of a GVRO to submit a form to the court voluntarily relinquishing his or her firearm rights.

### The Proposal

The Civil and Small Claims Advisory Committee proposes, effective September 1, 2010:

- Adopting new *Relinquishment of Firearm Rights* (form GV-125) to implement AB 1493, which amends the Penal Code to allow the subject of a petition to file a form relinquishing his or her firearm rights (Penal Code section 18105 requires the Judicial

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 It is circulated for comment purposes only.*

Council to “prescribe the form of the petitions and orders” to implement the gun violence restraining order statutes); and

- Implementing recent statutory changes legislated in AB 12, AB 61, and AB 1493 by revising the following forms:
  - *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)
  - *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)
  - *Gun Violence Restraining Order After Hearing* (form GV-130)
  - *Request to Terminate Gun Violence Restraining Order* (form GV-600)
  - *Notice of Hearing on Request to Terminate Gun Violence Restraining Order* (form GV-610)
  - *Response to Request to Terminate Gun Violence Restraining Order* (form GV-620)
  - *Order on Request to Terminate Gun Violence Restraining Order* (form GV-630),
  - *Request to Renew Gun Violence Restraining Order* (form GV-700)
  - *Notice of Hearing on Request to Renew Gun Violence Restraining Order* (form GV-710)

The proposed new and revised forms are attached at pages 12–61, and specific revisions to each of the GVRO forms are detailed below.

### **Changes to petitioner name to include law enforcement agency**

Assembly Bill 12 (Stats. 2019, ch. 724)<sup>1</sup> authorizes a law enforcement officer to bring a petition for a Gun Violence Restraining Order “in the name of the law enforcement agency in which the officer is employed.”<sup>2</sup> The purpose of this statutory change is to allow an officer to use the name of the officer’s law enforcement agency when filing a petition. That law enforcement agency’s name will appear in the case caption. The individual officer still must sign the form and declare

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<sup>1</sup> AB 61 incorporates additional changes to sections 18170 and 18190 of the Penal Code proposed by AB 12 to be operative only if this bill and AB 12 are enacted and this bill is enacted last, which is the order that the bills were chaptered and enrolled. AB 1493 incorporates the changes in Penal Code section 18175 from AB 12 and AB 61.

<sup>2</sup> Pen. Code, § 18109(b), eff. Jan. 1, 2020; oper. Sept. 1, 2020.

under penalty of perjury that the facts meet the statutory requirements for the restraining order. The proposed form revisions to implement the statute are described below:

- Form GV-009,<sup>3</sup> item 1b, “Name of law enforcement officer,” would be removed.
- Form GV-030, item 1b, “Name of law enforcement officer,” would be removed.
- Form GV-100, item 1a, “or Name of Law Enforcement Agency” would be added. Also, the language after the check box for “I am: A law enforcement officer” would be revised to read, “I am: An officer of a law enforcement agency (*if you listed your full name above, list the name of the law enforcement agency that employs you*).” This revision would allow the clerk to easily find and accurately enter the case name using the name of the petitioner, whether an individual or a law enforcement agency.
- Forms GV-109, GV-110, GV-130, GV-700, and GV-710, item 1a, “or name of law enforcement agency” would be added after “Your full name” and “A law enforcement officer employed by (*name of law enforcement agency*)” would be changed to “An officer of a law enforcement agency.”
- Form GV-120, item 1, would be revised to add “or law enforcement agency” after “Name of person.”
- Forms GV-600 and GV-610, item 2a, and form GV-630, item 2, would add “or Name of Law Enforcement Agency” after “Full Name.”
- Form GV-620, item 1a, “Your Name” would be changed to “Your Full Name or Name of Law Enforcement Agency” and “A law enforcement officer employed by (*name of law enforcement agency*)” to “An officer of a law enforcement agency.”

### **Proposed new categories of petitioners**

Assembly Bill 61 (Stats. 2019, ch. 725) authorizes the following people, in addition to an immediate family member of the subject of the petition, to file a petition for an ex parte, one-year, or renewed GVRO:

- (B) An employer of the subject of the petition.
- (C) A coworker of the subject of the petition, if they had substantial and regular interactions with the subject ... and have obtained the approval of the employer.
- (D) An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, [with] approval of a school administrator or a school administration staff member with a supervisory role.

(Pen. Code, § 18150.)

Several forms have proposed revisions to list new categories of petitioners and the requirements for each; for example, a coworker must have substantial and regular interactions with the

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<sup>3</sup> Item 1a says “Law enforcement agency that applied for the Gun Violence Emergency Protective Order.” Although AB 12, was proposed but not passed at that time, the committee purposely included language that considered this legislation when the form was adopted on September 1, 2019.

proposed restrained person and also the employer’s approval to file the petition. To implement this statute, revisions are proposed to the following forms:

- Form EPO-002. On page 2, in the section “TO THE RESTRAINED PERSON,” “employer, coworker, teacher, or school administrator” would be added as people who can file for a more permanent restraining order.<sup>4</sup>
- Form GV-100. To item 1a, new categories of petitioners and information or instructions about them would be added: for an employer, the employer’s position and name of company; for a coworker who has had substantial and regular interactions with the respondent for at least one year and has obtained permission from his or her employer to file the petition, the name of company; and for an employee or teacher of a secondary or postsecondary school that the respondent has attended in the last six months—and who has obtained approval from a school administrator to file the petition—the name of the school. The committee considered whether to ask who gave the approval for the coworker and teacher to file the petition but decided that the information was more than what was required by the statute and that asking for the information could be a deterrent to filing.
- Form GV-100-INFO. For the question, “Can I get a GVRO against someone?” the answer would be revised to “You can ask for one if you are connected to the person you think is dangerous as:” followed by the new categories of petitioners. Some graphics would also be added to this form to make it more user-friendly, and check boxes would be added to the question, “What forms do I need to get the order?” to make this section a checklist and to break up some of the dense text space.
- Form GV-109. The language in item 1a would be simplified from the language used in GV-100 to list only the petitioner’s relationship to the respondent because the company or school name are requested on the original petition form.
- Form GV-110. To item 1a would be added the new categories of petitioners. The form would read in item 1a, with a check box next to each category, “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 six months.”
- Form GV-120-INFO. Under “Who can ask for a gun violence restraining order?” the other categories of individuals who can make such a request would be added. Some graphics would also be added to this form to make it more user-friendly and to break up some of the dense text space.
- Forms GV-130, GV-620, GV-700, and GV-710. To each item 1a, the new categories of petitioners would be added, with a check box next to each category, as follows: “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

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<sup>4</sup> The Spanish translation on form EPO-002 has not yet been revised but is in the process of being created.

teacher of a secondary or postsecondary school that the Respondent has attended in the last six months.”

### **Duration for GVRO and renewal of GVRO**

AB 12 also changes the duration of a GVRO to “a period of time between one to five years”<sup>5</sup> and changes the renewal of a GVRO from one year to “a duration of between one to five years.”<sup>6</sup> It also requires a court, in determining the duration of the GVRO, to consider the length of time that the threat of personal injury is likely to continue and to issue the order based on that determination.<sup>7</sup> Proposed revisions have been made to the following forms to include the change in duration:

- Form EPO-002. Item 4 would provide that the judge can make this order last for up to “five years.”
- Form GV-020-INFO. The sections “Should I go to the court hearing?” and “How long does the order last?” would be revised to state that the judge can extend the order for “up to five years.” Some graphics would be added to this form to make the form more user-friendly.
- Form GV-100. Item 7 would be revised to allow the petitioner to request a specific number of years, between one and five, for the restraining order to last. And a space would be provided for the petitioner to answer, “Why are you asking for this amount of time?” to provide information for the judge to make an informed decision about the duration of the GVRO in accordance with the statutory requirement that the judge consider the length of time that the person will pose a significant danger of causing personal injury to themselves or another person by possessing a firearm. Also, item 9 would be revised to include that the order will last “between one and five years.”
- Form GV-100-INFO. Under “How long does the order last?” the duration of time would be revised from “one year” to “one to five years,” and the renewal information in this same paragraph would state that it may be renewed for an additional “one to five years.”
- Form GV-110. The “Warnings and Notices to the Respondent” section would be revised to add that the GVRO can be valid for “a period of time between one and five years.”
- Form GV-120. The hearing box would be revised to include the time of “one to five years.” In item 4, a reference to item 5 would be revised to reference item 6, to correspond with the change in numbering of items in form GV-100.
- Form GV-120-INFO. Under the question “How long does the order last?” the answer would be revised to say that the GVRO can last for “one to five years.”
- Form GV-700. Item 3 would be revised to change “one year” to “between one and five years.”

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<sup>5</sup> Pen. Code, § 18170(a)(1), eff. Jan. 1, 2020; oper. Sept. 1, 2020.

<sup>6</sup> Pen. Code, § 18190(f)(1), eff. Jan. 1, 2020; oper. Sept. 1, 2020.

<sup>7</sup> Pen. Code, § 18175(d)(2), eff. Jan. 1, 2020; oper. Sept. 1, 2020.

- Form GV-710. In the “To the Respondent” section, the warning regarding duration for renewal would be revised from “one year” to “between one and five years.”

### **Request for termination of GVRO**

AB 12 also allows the restrained person to request a hearing annually to request termination of the GVRO.<sup>8</sup> Revisions consistent with the change have been proposed for the following forms:

- Forms GV-030 and GV-130. Under “Warnings and Notices to the Restrained Party” or “to the Respondent,” “per year” would be added after “you have the right to request one hearing,” to notify the restrained party of the right to request a termination once every year that the order is in effect.
- Form GV-600. The instruction “You may make only one request each year that the order is in effect” would be added. In item 3a, form GV-030 would be added to the list of orders that the court can terminate at this hearing. And in item 3c, a check box would be added that says, “I have requested the court to terminate the Order before, but my request was denied. It has been a year since I made my previous request.” The instructions following item 3 would be revised to say that the request to terminate can be made “one time each year” and “one time each year” for any renewal period. Item 3 would be revised to add that the item was “(continued from the prior page).”

### **Changes to gender terms**

AB 1493 (Stats. 2019, ch. 733) amended the language in Penal Code sections 18115 and 18175 to make it gender neutral. Although doing so is not required by the statute, the Rules and Projects Committee has asked advisory bodies to consider making such changes, and the advisory committee proposes the changes described below to the following forms:

- Form GV-020-INFO. Under the question “What is a *Gun Violence Emergency Protective Order* (form EPO-002)?” the answer text would change from “The person must surrender all guns, ammunition, and magazines that he or she currently owns” to “A person who is served with the order must surrender all guns, ammunition, and magazines that person currently owns.”
- Form GV-030. In item 5a(1), “himself or herself” would be revised to “themselves” and “his or her” to “their.” And item 6a(2) would be revised from “him or her” to “the officer.”
- Forms GV-030, GV-110, and GV-130. Under “Duties of Officer Serving This Order,” several items would be revised. The first bullet would be revised to remove the gender-specific terms and provide clear direction. The phrase, “Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control,” would be revised to, “Ask if the Restrained Person is in possession of any firearms, ammunition, or magazines or has custody or control of any that they have not turned in.” The second bullet in this section includes a direction to

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<sup>8</sup> Pen. Code, § 18180(b), eff. Jan. 1, 2020; oper. Sept. 1, 2020.

surrender firearms, ammunition, or magazines to “him or her.” This direction would be revised to state to “the officer.” The third bullet would remove all gendered terms by revising “that he or she has surrendered” to “that have been surrendered.” In the section “Duties of Agency on Surrender of Firearms, Ammunition, and Magazines,” in the third bullet, “him or her” would be revised to “that person.”

- Form GV-100 and form GV-110. Items 8 and 5, respectively, which are the sections for “No Fee to Serve (Notify) Restrained Person,” would be revised from “he or she will do it for free,” to “service will be free.”
- Form GV-100. Item 6a, “himself or herself,” would be revised to “themselves,” and “his or her” would be revised to “their.” Item 7, “Request for Gun Violence Restraining Order,” would be revised to remove “his or her” and add “of,” as follows: “I request that the court issue an order prohibiting Respondent from having custody or control of, owning . . . .” Also, “currently in his or her possession” would be revised to “Respondent currently possesses.” Item 10 would be revised to remove “against him/her,” leaving the sentence to read, “Has the Respondent been told that you were going to court to seek a TRO?”
- Form GV-100-INFO. Under “How will the person to be restrained know about the order?” “he or she does not” would be revised to “they do not.”
- Form GV-109. In item 4b(1), “himself, herself” would be revised to “themselves,” and “in his or her custody or control” would be revised to “having custody or control of.”
- Form GV-110. In item 4a(1), “himself or herself” would be revised to “themselves” and “his or her” to “their.” Item 6b(1) would be revised to change “him or her” to “the officer.” And under “Instructions for Law Enforcement,” in the third bullet under “Duties of Agency on Surrender of Firearms, Ammunition, or Magazine,” “him or her” would be revised to “that person.”
- Form GV-120. The last instruction before item 1 would be revised from “his or her” to “their.”
- Form GV-130. Item 6, “No Fee to Serve,” “he or she will do it for free” would be revised to “service will be free.” Also, under “Instructions for Law Enforcement,” in the third bullet under “Duties of Agency on Surrender of Firearms and Ammunition,” the phrase “him or her” would be revised to “that person.” And item 7b(1) would be revised to change “him or her” to “the officer.”
- Form GV-630. Item 4 would be revised to change “himself, herself” to “themselves” and “his or her” to “the Respondent’s.”

### **Hearing information**

Concerning form EPO-002, staff received a comment from a court suggesting that the hearing department be listed on form EPO-002 so respondents know where to go for their hearings. This field has been added to the form, and other text has been moved over to make space for this addition.

With the revision of form EPO-002 to allow the officer to either list the follow-up court date if provided by the court or check the box that a notice of hearing would be sent to the restrained person, some forms need revising to reference the notice of hearing information from this form.

The following forms would be revised to include reference to the hearing listed on form EPO-002:

- Form GV-020. The hearing box would be revised to reference form EPO-002: “Write your hearing date, time, and place from the Notice of Hearing or form EPO-002 here.”
- Form GV-020-INFO. The section “Should I go to the court hearing?” would be revised to mention EPO-002: “Yes. You should go to court on the date listed on the *Notice of Hearing* or form EPO-002.”

### **New type of CLETS order for form GV-030**

The Department of Justice California Restraining and Protective Order System (CARPOS) division suggested adding a new GVRO type for form GV-030 to be able to distinguish between emergency protective orders and other types of GVROs in CARPOS. Thus, the footer of the form would be changed from “CLETS-OGV” to “CLETS-HGV.”

### **Minor form revisions**

On *Response to Gun Violence Emergency Protective Order* (form GV-020), item 3, the overflow paragraph would be moved to below the blank lines to conform to the format of the protective order forms in categories DV, EA, SV, and WV. In item 4, a technical mistake would be fixed to change the reference to item 6 in “I did not do anything described in item 6 of form EPO-002” to “item 7” to reflect a prior numbering change on the form EPO-002.

On GV-020-INFO, the first question would be revised to add the form number “(form EPO-002)” to provide more clarity to the self-represented litigant and because law enforcement refers to GVROs by form number.

To conform with Judicial Council internal editing and graphics requirements, the whole form name and form number would be added to the Clerk’s Certificate on the bottom of each of the following forms:

- GV-030
- GV-109
- GV-110
- GV-130
- GV-610
- GV-630
- GV-710

### **New form GV-125 and revised forms to implement AB 1493**

The committee recommends adopting a new form for relinquishment of firearm rights, rather than revising the existing response form, form GV-120, to include relinquishment. A standalone form to relinquish rights identifies its purpose, providing clarity to the clerk and judicial officer concerning necessary actions, which include removing the hearing from the calendar, entering the GVRO, and entering the relinquishment form promptly into CARPOS.

The proposed new form, *Relinquishment of Firearm Rights* (form GV-125), has instructions for filing, service, and a reference to the *Response to Petition for GVRO* (form GV-120) if the respondent wishes to contest the petition. Form GV-125 includes a notice about how and when respondents are required to surrender their guns, ammunition, and magazines. And it includes “Instructions to Clerk,” which details how to submit the proposed order to the judicial officer, how to issue a GVRO, the time frame, and how to submit the form to CARPOS. Item 3 includes a check box for the respondent to confirm understanding of and agreement with the following items:

- The respondent will give up rights to own, possess, or purchase guns, magazines, and ammunition for the time requested in the petition (between one and five years) or, if no time is specified, for one year.
- The respondent will not contest the petition.
- The petitioner can request to renew this order for one to five years.
- The respondent can request to terminate this order only once per year while it is in effect.

### **Revisions to other forms because of new *Relinquishment of Firearm Rights* (form GV-125)**

The advisory committee proposes changes to the following forms because of the creation of new form GV-125:

- Form GV-109. Under the section “To the Respondent,” in the first bullet, “respond to” would be changed to “oppose,” and a final bullet would be added saying, “If you do not oppose the petition and are willing to give up your firearm rights, complete and file a *Relinquishment of Firearm Rights* (form GV-125).”
- Form GV-120. The opening instructions would be revised to include a new instruction—“If you agree to a gun violence restraining order, use *Relinquishment of Firearm Rights* (form GV-125)”—to provide information to the respondent about the possibility of relinquishing the respondent’s firearm rights and the existence of a form to help the respondent do so. A current instruction would be revised by adding the qualifier, “If you do not agree to a gun violence restraining order,” in front of “fill out this form and take it to the court clerk.”
- Form GV-120-INFO. The following question and answer would be added: “What if I don’t oppose the Petition? If you agree to give up 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 form GV-125 and check the box for item 3a. 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.”

- Form GV-130:
  - The title would be revised to include an order on relinquishment of rights, as follows: *Gun Violence Restraining Order After Hearing or On Relinquishment of Firearm Rights*.
  - Item 4 would be revised to add a check box and new item 4c, “There was not a hearing because Respondent filed a *Relinquishment of Firearm Rights* (form GV-125).”
  - Item 5, Findings, would be revised to include a check box for item 5a (items 5b and 5c already have check boxes) and to add a new option, item 5d: “The Respondent filed *Relinquishment of Firearm Rights* (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, ammunition, or magazine or attempt to purchase or receive a firearm, ammunition, or magazine until (*expiration date*): \_\_\_\_\_.”
  - Item 8 would be revised to add new item 8c: “This is an order based on the Respondent’s filing a *Relinquishment of Firearm Rights* (form GV-125). The court will provide notice to all parties.”
  - “Instructions to Clerk” would be added, saying, “This order must be served on all parties by the court, if it is made following the filing of a *Relinquishment of Firearm Rights* (form GV-125.)”

### **Alternatives Considered**

The committee considered creating two additional new forms but, after discussion, opted to revise existing forms. To implement AB 1493, the committee considered amending response form GV-120 and the related information sheet, and it reviewed drafts of revised forms. After consideration, the committee recommends creating a new *Relinquishment of Firearm Rights* (form GV-125). A stand-alone form to relinquish rights identifies its purpose, providing clarity to the clerk and judicial officer concerning necessary actions—removing the hearing from the calendar, entering the GVRO, and entering the relinquishment form into CARPOS. The committee also considered creating a new order form, *GVRO on Relinquishment of Firearm Rights*, but decided to revise existing order form GV-130. Revising form GV-130 is easier for CARPOS and CLETS programming and enforcement, and using a revised form GV-130 when respondents voluntarily relinquish their firearms rights, as well as when hearings are contested, appears workable.

### **Fiscal and Operational Impacts**

Training on the procedures for proposed new form GV-125 and the way the revised forms implement this form will be necessary for clerks, judicial officers, and court legal services and self-help offices. New training materials and internal procedures may need to be developed. Existing training material for clerks, judicial officers, and law enforcement officers will need to be revised to implement the use of the revised forms.

### **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 forms easy for users, especially self-represented litigants, to understand?
- Do you have any suggestions for improving their usability or readability?

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

- 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 three 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-120, GV-120-INFO, GV-125, GV-130, GV-600, GV-610, GV-620, GV-630, GV-700, and GV-710 at pages 12 to 61

EPO-002  
GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

LAW ENFORCEMENT CASE NUMBER:

1. RESTRAINED PERSON (insert name): \_\_\_\_\_  
Address: \_\_\_\_\_

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

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

You 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, ammunition, and magazines, you MUST IMMEDIATELY SURRENDER THEM if asked by a police officer. If a police officer does not ask you to surrender any of the above, 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.

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 go to the court hearing if you do not want this restraining order against you. 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, 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 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)

Clerk stamps date here when form is filed.

DRAFT Not approved by the Judicial Council 11/07/19

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

# GUN VIOLENCE EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

EPO-002

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

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

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, ammunition, or magazine for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

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

**A LA PERSONA RESTRINGIDA:** Tiene prohibido ser dueño de un arma de fuego, municiones o cargadores, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden 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 sus armas de fuego, municiones y cargadores 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. Se puede usar el formulario GV-800, *Prueba de entrega, venta o almacenamiento de armas de fuego, municiones y cargadores*, 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, 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, § 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, 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 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.

Clerk stamps date here when form is filed.

**1 Requesting Agency**

a. Law enforcement agency that applied for the Gun Violence  
Emergency Protective Order: \_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number.

**Case Number:**

**2 Restrained Person**

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

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

**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.

<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> <b>Hearing Date</b> </div>	Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____ _____ _____

Name and address of court if different from above:

**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
[ ]	[ ]

Clerk stamps date here when form is filed.

**Use this form if you do not want the court to extend the Gun Violence Emergency Protective Order for a longer period.**

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

Fill in court name and street address:

**Superior Court of California, County of**

See Notice of Hearing for case number and fill in:

**Case Number:**

**1 Requesting Agency**

\_\_\_\_\_

**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 e-mail address.)

Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Be prepared to present your opposition at the hearing. Write your hearing date, time, and place from the Notice of Hearing or 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 one year.

**3 Gun Violence Restraining Order**

I do not agree that a gun violence restraining order should be issued because:

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

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.



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*):

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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 Guns, Ammunition, and Magazines

**A Gun Violence Emergency Protective Order (form EPO-002) was issued. You cannot own or possess any guns, other firearms, ammunition, or magazines. You must surrender any of these items in your possession to law enforcement when they ask you to do so. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any other guns, other firearms, ammunition, or magazines 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 Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800) for the receipt.**

- a.  I do not own or control any guns, other firearms, ammunition, or magazines.
- b.  I have turned in my guns, other firearms, 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.

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*

### 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 guns, ammunition, or magazines (any ammunition feeding device). A person who is served with the order must surrender all guns, ammunition, and magazines that person currently owns.



### 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 in court and where the court is located. Follow the *Gun Violence Emergency Protective Order* (form EPO-002) 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 expiration date on the form.

### What if I don't obey the emergency protective 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 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](http://www.courts.ca.gov). You also may be able to find it at your local courthouse or county law library.

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

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.

### Should I go to the court hearing?

Yes. You should go to court on the date listed on the *Notice of Court Hearing* or form EPO-002. If you do not go to the hearing, the judge can extend the order against you for up to five years without hearing from you.



**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 **up to five 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 your court's clerk or [self-help center](#) if your court will provide an interpreter. To request an interpreter, you may use form INT-300. You should also check your local court's website via Find My Court for additional information on how to request an interpreter for a civil matter. If an interpreter is not available for your court date, you should ask someone who is over age 18 to interpret for you.

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

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

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

*[Local information may be inserted.]*

Clerk stamps date here when form is filed.

Draft 11/07/19

*The court will complete this form.***1 Requesting Agency**

- a. Law enforcement agency that applied for the Gun Violence  
Emergency Protective Order: \_\_\_\_\_  
\_\_\_\_\_

**2 Restrained Person**

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

- b. Lawyer (if there is one for this case):

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

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

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:****Description of Restrained Person**Sex:  M  F 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 were at 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.**



**6 Order**a.  **Order Prohibiting All Firearms, Ammunition, and Magazines**

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

b.  **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 personally 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**

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, any firearms, ammunition, or magazines while this Order is in effect. Pursuant to section 18185, you have the right to request one hearing **per year** 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 firearm, ammunition, or magazine 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 firearms, ammunition, or magazines or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender all firearms, ammunition, and magazines to the officer.
- Issue a receipt to the Restrained Person for all firearms, ammunition, and magazines 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, Ammunition, and Magazines**

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines 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 firearms and ammunition to the Restrained Person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.
- If someone other than the Restrained Person claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, and magazines 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) (Gun Violence Prevention)* (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.**

**Petition for Gun Violence Restraining Order**

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

Clerk stamps date here when form is filed.  
  
DRAFT - Not approved by  
Judicial Council 11/07/19

**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 (If you listed your full name above, list 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 post secondary 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 e-mail. Law enforcement officer, give agency information.)

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**2 Respondent**

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

**This is not a Court Order.**



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:

Table with 4 columns: Kind of Case, Filed in (County/State), Year Filed, Case Number (if known). Rows include Civil Harassment, Domestic Violence, Divorce, Nullity, Legal Separation, Paternity, Parentage, Child Custody, Elder or Dependent Adult Abuse, Eviction, Workplace Violence, Criminal, and 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, Ammunition, or Magazines

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

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

Multiple horizontal lines for describing firearms, ammunition, or magazines.

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

This is not a Court Order.





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

If you want the sheriff or marshal to serve (notify) the restrained person about the orders, service will be 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 Restraining Order**

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

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

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

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

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.**

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 prohibits someone from having any guns, ammunition, or magazines (ammunition feeding devices). The person must surrender all guns, ammunition, and magazines that he or she currently owns. The police will come and remove the guns 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 guns, ammunition, or magazines 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:

1. An immediate family member,
2. An employer,
3. A coworker, who works with the person regularly for at least a year, and you have permission from your employer to ask for this restraining order,
4. An employee or teacher at a school that the person has attended in the last six months, and you have permission from a school administrator or a school administration staff who has a supervisory role.

Immediate family members include:

- (1) your spouse or domestic partner;
- (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent;
- (3) your spouse's parents, children (your stepchildren), siblings, grandparents, and grandchildren; and
- (4) any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if he or she finds that the grounds exist.

### Will 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 firearms, ammunition, or magazines. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See Form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*, for information on how to proceed.

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

You must fill out the following forms:

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

### Where can I get these forms?

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

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

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



### How soon can I get the order?

You can ask for a *Temporary 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. The clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

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

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



If the court issues a temporary restraining order, someone age 18 or older—**not you**—must personally “serve” (give) the person to be restrained a copy of the order. The server must then fill out Form GV-200, *Proof of Personal Service*, and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if **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 Form GV-200-INFO, *What Is “Proof of Personal Service?”*  
Note: A sheriff or marshal can serve the order at no cost to you.

### 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 firearms, ammunition, or magazines.

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, 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.

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

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

**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 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.

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

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

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

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

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

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

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

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

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



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

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

*[Local information may be inserted.]*

*Petitioner must complete items ① and ② only.*

*Clerk stamps date here when form is filed.*

**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 co-worker of the Respondent  
 An employee or teacher of a secondary or post secondary 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 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.)



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

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

Respondent poses a significant danger of causing personal injury to **themselves**, or another person by having custody or control of, owning, purchasing, possessing, or receiving firearms, 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 set forth*):  Below  On Attachment 4b(2)

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

**5 Service of Documents on Respondent**

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

- a. GV-100, *Petition for 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.  Other (*specify*): \_\_\_\_\_

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

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



**To the Petitioner in 1:**

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

**To the Respondent:**

- If you want to **oppose** the *Petition for Gun Violence Restraining Order* in writing, file Form GV-120, *Response to Petition for Gun Violence Restraining Order* and have someone age 18 or older—**not you**—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. Form GV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms, 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 *Relinquishment of Firearm Rights* (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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

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

*Clerk's Certificate*

[seal]

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

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

Clerk stamps date here when form is filed.

Petitioner must complete items ① and ② only.

**① Petitioner**

a. Your Full Name 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 co-worker of the Respondent  
 An employee or teacher of a secondary or post secondary 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 e-mail. Law enforcement officer, give agency information.)

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Respondent**

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

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
 Home Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Relationship to Petitioner: \_\_\_\_\_

The court will complete the rest of this form.

**③ Expiration Date**

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

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

**This is a Court Order.**





**6 Order Prohibiting All Firearms, Ammunition, and Magazines**

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

**7** 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 of time **between one to 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, a firearm, ammunition, or magazine 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, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read Form GV-120-INFO, *How Can I Respond to a Petition for Gun Violence Restraining Order?*, to learn how to respond to this Order.
- If you do not oppose the petition and are willing to give up your firearm rights, fill out Form GV-125, *Relinquishment of Firearm Rights*, and file it with the court clerk.
- If you disagree with the petition, fill out Form GV-120, *Response to Petition for Gun Violence Restraining Order*, and file it with the court clerk.
- You must have Form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form GV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make a 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 firearms, ammunition, or magazines or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender all firearms, ammunition, and magazines to the officer.
- Issue a receipt to the Restrained Person for all firearms, ammunition, and magazines 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, Ammunition, or Magazines

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines 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 firearms, ammunition, or magazines to the respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.

**This is a Court Order.**



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

- If someone other than the Respondent claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, or magazines 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.

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 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) (Gun Violence Prevention)* (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.**

Clerk stamps date here when form is filed.

DRAFT 10/31/19

**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 a gun violence restraining order, use *Relinquishment of Firearm Rights* (form GV-125).
- If you do not agree to a gun violence restraining order, 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 form GV-250, Proof of Service by Mail.*)

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

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

**Hearing Date**

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

**If a Temporary 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 form MC-025, Attachment.



**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 form MC-025, Attachment.

**6** **Surrender of Guns, Ammunition, and Magazines**

If a *Temporary Gun Violence Restraining Order* (form GV-110) was issued, you cannot own or possess any guns, other firearms, 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, any guns, other firearms, ammunition, or magazines in your immediate possession or control within 24 hours of being served with form GV-110. You must file a receipt with the court. You may use form GV-800, *Proof of Firearms Turned In, Sold, or Stored for the receipt*.

- a.  I do not own or control any guns, other firearms, ammunition, or magazines.
- b.  I have turned in my guns, other firearms, 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*

**What is a gun violence restraining order?**

It is a court order that 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* tells you when to appear in court. There may also be a *Temporary Gun Violence Restraining Order* 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 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.

**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 Gun Violence Restraining Order*, before your hearing date and file it with the court. You can get the form from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find it at your local courthouse or county law library.

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

If you agree to give up your rights to own, possess, and buy guns, ammunition, and magazines for the time period requested in the petition, which is between one to five years, then you can fill out form GV-125, and check the box for item 3a. Make sure you take it to the court clerk and file it, and 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.

**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 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.



### 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 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: \_\_\_\_\_

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, 2016. Mandatory Form  
 Penal Code § 18610.4(a) (4)  
 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.)

### 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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

### For help in your area, contact:

[Local information may be inserted.]

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

Clerk stamps date here when form is filed.

DRAFT 12/05/19

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 e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail 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 guns, 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.



**4 Surrender of Guns, Ammunition, and Magazines**

- After you file this form, the court will issue a *Gun Violence Restraining Order After Hearing or On Relinquishment of Firearm Rights* (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, ammunition, or magazines. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, ammunition, or magazines in your immediate possession or control within 48 hours of filing this form. You must file a receipt with the court. You may use form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.

- a.  I do not own or control any guns, other firearms, ammunition, or magazines.
- b.  I have turned in my guns, other firearms, 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 this form *Relinquishment of Firearm Rights* (GV-125), the clerk must submit the proposed order, *Gun Violence Restraining Order After Hearing or On Relinquishment of Firearm Rights* (form GV-130), to the judicial officer, as 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 shall 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 submit this form directly 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*

**Relinquishment of Firearm Rights  
(Gun Violence Prevention)**

Clerk stamps date here when form is filed.

*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 co-worker of the Respondent  
 An employee or teacher of a secondary or post secondary 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 e-mail. Law enforcement officer, give agency information.)

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

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

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

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

**② Respondent**

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

Description: \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
 Home Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Relationship to Petitioner: \_\_\_\_\_

**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.**





**6 No Fee to Serve**

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

**7 Order Prohibiting All Firearms, Ammunition, and Magazines**

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

**8 Service of Order on Respondent**

- a.  The Respondent personally attended the hearing. No other proof of service is needed. The clerk has provided the Respondent with a blank copy of Form GV-600, *Request to Terminate Gun Violence Restraining Order*.
- b.  The Respondent did not attend the hearing. The Respondent must be personally served with a court file-stamped copy of this Order and a blank copy of Form GV-600, *Request to Terminate Gun Violence Restraining Order*, 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 filing a *Relinquishment of Firearm Rights* (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

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, any firearm, ammunition, or magazines while this Order is in effect. Pursuant to section 18185, you have the right to request one hearing per year 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 firearm, ammunition, or magazines 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 firearms, ammunition, or magazines or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender all firearms, ammunition, and magazines to the officer.
- Issue a receipt to the Restrained Person for all firearms, ammunition, and magazines 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 and Ammunition

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines 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 firearms and ammunition to the Respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.
- If someone other than the Respondent claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, and magazines 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 9a 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* 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.

**Instructions to Clerk**

This order must be served on all parties by the court, if it is made following the filing of a *Relinquishment of Firearm Rights* (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 On Relinquishment of Firearm Rights (CLETS-OGV)* (*Gun Violence Prevention*) (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.**



**3**  **Request to Terminate Restraining Order** *(continued from the prior page)*

- b.  A copy of the current order is attached.
- c.  I have not previously requested that the court terminate the Order.
  - I have requested the court to terminate the Order before but it was denied. It has been a year since I made my previous request.
  - The Order has been renewed. I have not previously requested that the court terminate the Order since it was renewed.

*(You may only request termination of a gun violence restraining order one time each year while the order is in effect and one time each year during any period of renewal. If the court denies your request, you may not request termination again for another year.)*

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

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

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

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

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Respondent **must** complete items ① and ② **only**.

**① Respondent**

- a. Full Name: \_\_\_\_\_
- b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_
- c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**② Petitioner**

- a. Full Name **or name of law enforcement agency:** \_\_\_\_\_
- b. Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**③ Court Hearing**

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

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

**Hearing Date** →

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

**To the Respondent:**

**④ Service**

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

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

**This is a Court Order.**



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

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

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

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

**To the Petitioner:**

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

**Request for Accommodations**



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

(Clerk will fill out this part.)

**—Clerk's Certificate—**

I certify that this *Notice of Hearing on Request to Terminate Gun Violence Restraining Order (Gun Violence Prevention)* (Form GV-610) is a true and correct copy of the original on file in the court.

Clerk's Certificate  
[seal]

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

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

**This is a Court Order.**

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

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

Clerk stamps date here when form is filed.

**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 co-worker of the Respondent  
 An employee or teacher of a secondary or post secondary 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: \_\_\_\_\_

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

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

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

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

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

Fill in court name and street address:

**Superior Court of California, County of**  
\_\_\_\_\_  
\_\_\_\_\_

Fill in case number:

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

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

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

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

**② Respondent**

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

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

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



**3 Response**

- a.  I do not oppose termination of the order.
- b.  I oppose termination of the order for the following reasons (*specify below*):

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Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3b—Reasons Not to Terminate" for a title. You may use Form MC-025, Attachment.

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

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

▶ \_\_\_\_\_  
*Lawyer's signature*

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

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

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

▶ \_\_\_\_\_  
*Sign your name*

**To the Petitioner:**

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

**Order on Request to Terminate  
Gun Violence Restraining Order**

Clerk stamps date here when form is filed.

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

**① Respondent**

- a. Full Name: \_\_\_\_\_
- b. Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_
- c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**② Petitioner**

- Full Name or name of law enforcement agency: \_\_\_\_\_
- Address (if known): \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**③ Hearing**

- There was a hearing on (date): \_\_\_\_\_ at time: \_\_\_\_\_  a.m.  p.m. Dept.: \_\_\_\_\_ Room: \_\_\_\_\_
- (Name of judicial officer): \_\_\_\_\_ made the orders at the hearing.
- These people were at the hearing:
  - a.  The Petitioner
  - b.  The Respondent
  - c.  The lawyer for the Petitioner (name): \_\_\_\_\_
  - d.  The lawyer for the Respondent (name): \_\_\_\_\_

**④ Findings**

- The court finds that there is no longer clear and convincing evidence that: Respondent poses a significant danger of causing personal injury to **themselves**, or another person by having in **the respondent's** custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines; and

**This is a Court Order.**



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

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

**5 Order on Request to Terminate**

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

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

**To the Prevailing Party:**

**6 Service of Order**

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

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

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

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

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Order on Request to Terminate Gun Violence Restraining Order (Gun Violence Prevention)* (Form **GV-630**) is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
*[seal]*

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

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

**This is a Court Order.**



c. I ask the court to renew the gun violence restraining order because *(explain below)*:

Multiple horizontal lines for providing an explanation.

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

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.**

**Request to Renew Gun  
Violence Restraining Order  
(Gun Violence Prevention)**

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

*Clerk stamps date here when form is filed.*

**DRAFT NOT APPROVED BY  
JUDICIAL COUNCIL 10/23/19**

*Petitioner completes items ① and ② .*

**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 co-worker of the Respondent  
 An employee or teacher of a secondary or post secondary 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 e-mail. Law enforcement officer, give agency information.)*

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

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

Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**② Respondent**

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

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

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

**③ Court Hearing**

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

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

**Hearing Date** →

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

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

Name and address of court if different from above:

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

**This is a Court Order.**



**To the Petitioner:**

**4 Service on Respondent**

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

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

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

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

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

**To the Respondent:**

At the hearing, the judge can renew the current restraining order for a period **between one to 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 Form GV-720, *Response to Request to Renew Gun Violence Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the Petitioner at the address in **1** at least \_\_\_\_\_ days before the hearing. Also file Form GV-250, *Proof of Service by Mail*, with the court before the hearing or bring it with you to the hearing.

**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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Notice of Hearing on Request to Renew Gun Violence Restraining Order (Gun Violence Prevention)* (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.**