

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

### What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any 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 has substantial and regular interactions with the person, and has worked with them for at least a year. You must have permission from your employer to ask for 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; and/or
5. A law enforcement officer or law enforcement agency.

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 *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO) for information on how to proceed. For information on other civil restraining orders, please see [www.courts.ca.gov/selfhelp-abuse.htm](http://www.courts.ca.gov/selfhelp-abuse.htm).

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

You must fill out the following forms:

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

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

### Where can I get these forms?

You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](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 a period of time between 1-5 years.

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



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

### Do I need a lawyer?

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

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

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

**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, emails, or telephone messages

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

**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.

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

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

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



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

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

*[Local information may be inserted.]*