

## What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any firearms (guns), firearm parts (also called “ghost guns”), ammunition, or magazines (any ammunition feeding device). This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). The person must turn in, sell, or store all such items that the person currently owns. The person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items and obeying these orders, please see

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

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

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

The petition must have been filed by a:

- Law enforcement officer or 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,
- An immediate family member of yours,
- A roommate,
- Somebody in a dating relationship with you, or
- Somebody who shares a child with you.

“Immediate family member” is defined to include people who are not blood relatives. The definition includes (1) your spouse or domestic partner; (2) you or your spouse’s parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; and (3) you or your spouse’s aunts, uncles, nieces, nephews, first and second cousins, great-grandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

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

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



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

If you disagree with the order that the Petitioner is asking for, fill out *Response to Petition for Gun Violence Restraining Order* (form ) before your hearing date and file it with the court. You can get the form from legal publishers or from the California Courts website at . You also may be able to find it at your local courthouse or county law library.

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

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

## Will I have to pay a filing fee?

No.

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

Yes. Have someone age 18 or older—not you—mail a copy of completed *Response to Petition for Gun Violence Restraining Order* (form GV-120) to the person who asked for the order (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail must fill out *Proof of Service by Mail* (form ). 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.



## Should I attend the court hearing?

Yes. You should attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109). If you do not attend the hearing, the judge can extend the order against you for a period between one and five years without hearing from you.

<b>GV-109 Notice of Court Hearing</b>	
Petitioner must complete items ① and ② only.	
① Petitioner	
Your Full Name or Name of Law Enforcement Agency:	
I am:	
<input type="checkbox"/> A family member of the respondent. <input type="checkbox"/> An officer of a law enforcement agency. <input type="checkbox"/> An employee of the respondent. <input type="checkbox"/> A coworker of the respondent. <input type="checkbox"/> An employee or teacher of a secondary or postsecondary school that the respondent has attended in the last 6 months. <input type="checkbox"/> A roommate of the respondent. <input type="checkbox"/> A person who has a dating relationship with the respondent. <input type="checkbox"/> A person who has a child in common with the respondent.	
Clerk stamps date here when form is filed.	
Fill in court name and street address: Superior Court of California, County of _____	
Court file in case number when form is filed. Case Number: _____	
② Respondent	
Full Name: _____ The court will complete the rest of this form.	
③ Hearing	
Hearing Date:	Date: _____ Time: _____ Room: _____
Name and address of court if different from above:	
You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to <a href="http://www.courts.ca.gov/find-my-court.htm">www.courts.ca.gov/find-my-court.htm</a> .	
To the person in ②:	
<ul style="list-style-type: none"> <li>If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.</li> <li>If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.</li> </ul>	
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 <i>Petition for Gun Violence Restraining Order</i> (Form GV-100) is checked only one box below: <input type="checkbox"/> GRANTED until the court hearing. <input type="checkbox"/> DENIED until the court hearing. (Specify reasons for denial in b, below.)	
Judicial Council of California, 2020-2021 Rev. January 1, 2020. Modified January 1, 2021 Penal Code § 11130 et seq. Approved by DCJ	
Notice of Court Hearing (Gun Violence Prevention)	
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You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here:

**Information about the process is also available online.**

## How long does the order last?

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

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

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

## Can I bring a witness to the court hearing?

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

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

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



## What if I need help to understand English?

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

## What if I have a disability?

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

## For help in your area, contact:

[Local information may be inserted.]