

Judicial Council of California

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INVITATION TO COMMENT SPR15-13

Title	Action Requested
Civil Forms: Gun Violence Restraining Orders	Review and submit comments by June 17, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, GV-800-INFO	January 1, 2016
Proposed by	Contact
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	Bruce Greenlee, Legal Services 415 865-7698 bruce.greenlee@jud.ca.gov Anne M. Ronan, Legal Services 415-865-8933 anne.ronan@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee recommends the adoption of a group of new gun violence restraining order forms. The proposed new forms implement legislation effective January 1, 2016,¹ found at Penal Code section 18100 et seq. The statutes provide a civil process to obtain a court order requiring a person to surrender, and prohibiting him or her from possessing, firearms and ammunition before the person uses a firearm to commit a crime.² The Judicial Council is statutorily required to “prescribe the forms of the petitions and orders and any other documents required to implement the legislation.”³

Background

This legislation was motivated by a situation in Santa Barbara County in which law enforcement was advised of a person who possessed firearms and other weapons and was exhibiting unstable behavior. But because the person legally possessed the firearms and had not yet committed any

¹ See Assem. Bill 1014 (Stats. 2014, ch. 872).

² See Pen. Code, § 18100.

³ Pen. Code, § 18105.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

crime, law enforcement was powerless to intervene. The person subsequently went on a killing spree.

A gun violence restraining order is a written court order prohibiting a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. Despite the location of the statutes in the Penal Code, the process to obtain a gun violence restraining order is considered a civil proceeding.⁴

The Proposal

The Civil and Small Claims Advisory Committee proposes that the following 23 new Judicial Council forms be adopted in compliance with Penal Code section 18105:⁵

- EPO-002, *Firearms Emergency Protective Order*
- GV-100, *Petition for Firearms Restraining Order*
- GV-100-INFO, *Can a Firearms Restraining Order Help Me?*
- GV-109, *Notice of Court Hearing*
- GV-110, *Temporary Firearms Restraining Order*
- GV-115, *Request to Continue Court Hearing for Firearms Restraining Order*
- GV-116, *Notice of New Hearing Date*
- GV-120, *Response to Petition for Firearms Restraining Order*
- GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*
- GV-130, *Firearms Restraining Order After Hearing*
- GV-200, *Proof of Personal Service*
- GV-200-INFO, *What Is Proof of Personal Service?"*
- GV-250, *Proof of Service of Response by Mail*
- GV-600, *Request to Terminate Firearms Restraining Order*
- GV-610, *Notice of Hearing to Terminate Firearms Restraining Order*
- GV-620, *Response to Request to Terminate Firearms Restraining Order*
- GV-630, *Order on Request to Terminate Firearms Restraining Order*
- GV-700, *Request to Renew Firearms Restraining Order*
- GV-710, *Notice of Hearing to Renew Firearms Restraining Order*
- GV-720, *Response to Request to Renew Firearms Restraining Order*
- GV-730, *Order on Request to Renew Firearms Restraining Order*
- GV-800, *Proof of Firearms Turned In or Sold*
- GV-800-INFO, *How Do I Turn In or Sell My Firearms?*

There are two different paths to a gun violence restraining order. There is a “Temporary Emergency Gun Violence Restraining Order,”⁶ and there is an “Ex Parte Gun Violence

⁴ Pen. Code, § 18100.

⁵ For all of these forms except form EPO-002, *Firearms Emergency Protective Order*, the designator GV (Gun Violence) is used.

⁶ Pen. Code, § 18125 et seq.

Restraining Order.”⁷ The titles are particularly confusing because a “temporary” order may be issued ex parte,⁸ and an “ex parte” order is temporary.⁹ Therefore, the proposed forms do not use the statutory labels. Instead, what the statutes refer to as the Temporary Emergency Gun Violence Restraining Order is designated as the *Firearms Emergency Protective Order* (EPO-002), modeled after the current *Emergency Protective Order* (EPO-001). What the statutes refer to as the Ex Parte Gun Violence Restraining Order is designated as the *Temporary Firearms Restraining Order* (GV-110), modeled after the Temporary Restraining Order forms for other civil protective order proceedings (see e.g., CH-110).

There are three major differences between the “temporary” and “ex parte” orders. First, the temporary order may only be requested by a law enforcement officer, while the ex parte order may be requested by a law enforcement officer or an immediate family member (as defined).¹⁰ Second, the temporary order expires in 21 days with no procedure for extending it or making it “permanent;” the ex parte order also expires in 21 days, but provides for a hearing to be held within 21 days to issue a GV order with a duration of one year.¹¹ With the temporary order, before the 21 days are up, the law enforcement officer can petition for an order after hearing.¹²

The third difference is in the showing required to get the order. The temporary order requires a showing of *immediate and present danger*,¹³ while the ex parte order requires a showing of *a significant danger in the near future*.¹⁴

The temporary order may also be obtained by using the procedures to obtain an oral search warrant if time and circumstances do not permit the filing of a petition.¹⁵ Hence, the temporary order is a tool to be used by law enforcement in an emergency situation, when there is a perceived need to remove guns from someone acting erratically and aggressively and to prohibit him or her from possessing a firearm. If the restraining order is issued and the restrained party has not relinquished the firearm, then under the amendments to Penal Code section 1524(a)(14), a search warrant for the firearm can be issued.

In summary, law enforcement can seek a temporary order in an emergency or an ex parte order for danger in the near future. A family member can only seek an ex parte order. Either may seek an order after hearing.

⁷ Pen. Code, § 18150 et seq.

⁸ Pen. Code, § 18125(a).

⁹ Pen. Code, § 18155(c).

¹⁰ Compare Penal Code section 18125(a) with Penal Code section 18150(a).

¹¹ Compare Penal Code sections 18125–18140 (no provision for hearing after temporary order) with Penal Code section 18165 (hearing required after ex parte order). At the hearing, the petitioner must prove the grounds for the order by clear and convincing evidence. Pen. Code, § 18170(b).

¹² See Pen. Code, § 18170(a).

¹³ Pen. Code, § 18125(a)(1).

¹⁴ Pen. Code, § 18150(b)(1).

¹⁵ Pen. Code, § 18145(a)(2).

Scope of Forms

The advisory committee proposes a complete group of forms to cover all aspects of a gun violence restraining order proceeding, including proceedings to be held after the GV-130 Order After Hearing has been granted. The existence of similar forms for other protective order proceedings, particularly civil harassment, has made it possible to create corresponding gun violence forms without having to start from a blank page.

In addition to the initiating petition and orders discussed above, the committee believes that it is important to provide information to, and a form for use by, the respondent to respond to the petition (see GV-120, GV-120-INFO). There is a statutory provision for either party to request a continuance on a showing of good cause¹⁶ (see GV-115, GV-116). And there is a requirement for the issuance of a receipt on surrender or sale of firearms¹⁷ (see GV-800, GV-800-INFO). There are corresponding civil harassment forms for all of these functions, which have been used as form and format templates for the gun violence forms, with the content reflecting the gun violence statutes.

There is also a statutory process to renew a gun violence protective order before it expires.¹⁸ There are currently civil harassment forms for a request for renewal, notice of hearing, response, and order. Corresponding gun violence forms have been created for all of these functions (see GV-700, GV-710, GV-720, GV-730).

Finally, there is a statutory process for the respondent to request a hearing to terminate a gun violence restraining order.¹⁹ While there are currently no civil harassment form to request termination of the CH-130, *Order After Hearing*, the committee believes that the forms for renewal may be used as models for a termination proceeding. Therefore, the committee recommends the adoption of forms (1) to request termination (GV-600), (2) for a notice of hearing (GV-610), (3) for the petitioner's response to the request (GV-620), and (4) for the court's order either granting or denying termination (GV-630).

Alternatives Considered

The mandate from the Legislature is for the Judicial Council to provide forms for petitions and orders "and any other documents." "Any other documents" could perhaps have been read narrowly to provide only a few additional forms. As noted above, the advisory committee has elected to read this language broadly to provide forms for all aspects of the proceeding.

The committee considered two different formats for the emergency order (EPO-002). An option would be two separate forms, one for a petition and one for an order, in the standard plain-language format, similar to the GV-100 and GV-110. However, the committee preferred a single form modeled after the EPO-001, *Emergency Protective Order*, which has an application and

¹⁶ Pen. Code, § 18195.

¹⁷ Pen. Code, § 18120(b)(2).

¹⁸ Pen. Code, § 18190.

¹⁹ Pen. Code, § 18185.

order on a single page. The feeling was that the form would be used exclusively by law enforcement in the field in a potentially volatile situation and needed to be as simple and quick to fill out as possible.

Implementation Requirements, Costs, and Operational Impacts

There will be some training involved for court clerks and judicial officers regarding the new gun violence restraining order forms. Because forms are mandated by legislation, these costs and impact are unavoidable. Also, the process is substantially similar to other civil restraining order proceedings. Therefore, the forms will be familiar to court personnel, reducing the amount of time needed for training.

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?

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

- Would the proposal provide cost savings? If so please quantify.
- 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 2 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

1. Forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO, at pages 5–56.

FIREARMS EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)

1. RESTRAINED PERSON (insert name of subject): Sex: M F Ht.: Wt.: Hair color: Eye color: Race: Age: Date of birth:

2. TO THE RESTRAINED PERSON:

YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms or ammunition, you MUST IMMEDIATELY SURRENDER THEM IN A SAFE MANNER TO LAW ENFORCEMENT ON REQUEST. If no request has been made, you must surrender all firearms and ammunition in a safe manner to the control of your local law enforcement agency or sell them to a licensed gun dealer within 24 hours of being served with this order and file the original receipt with the Court listed in Item 3 below with within 48 hours. FAILURE TO TIMELY FILE THE RECEIPT IS A VIOLATION OF THIS ORDER.

ON REQUEST OF ANY LAW ENFORCEMENT YOU MUST IMMEDIATELY SURRENDER ANY FIREARM AND AMMUNITION IN YOUR POSSESSION OR CONTROL

3. THIS ORDER WILL EXPIRE ON: TIME INSERT DATE OF 21st CALENDAR DAY DO NOT COUNT DAY THE ORDER IS GRANTED

(Name and address of court):

4. Reasonable grounds for the issuance of this Order exist, and a Firearm Emergency Protective Order (1) is necessary because Respondent 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 a firearm; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

To the Restrained Person: This order will last until the date and time noted above. You are required to surrender all firearms and ammunition 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, a firearm or ammunition while this order is in effect. However a more permanent gun violence restraining order may be obtained from the Court. You may seek 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.

5. Judicial officer (name): granted this Order on (date): at (time):

APPLICATION

6. Officer has a reasonable cause to believe: an Order (1) is necessary because Respondent poses an immediate danger of personal injury to the Restrained Person or another and (2) less restrictive alternatives have been ineffective or have been determined to be inadequate or inappropriate under the circumstances (give facts and dates; specify weapons—number, type and location):

7. Firearms were: 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.:

PROOF OF SERVICE

8. Person served (name): 9. I personally delivered copies of this Order to the person served as follows: Date: Time: Address:

10. At the time of service, I was at least 18 years of age. I am a California law enforcement officer.

11. My name, address, and telephone number are (this does not have to be server's home telephone number or address):

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)

(SIGNATURE OF SERVER)

**FIREARMS 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 or ammunition. (Penal Code, § 18125 et seq.) A violation is subject to a \$1,000 fine and imprisonment or both. Within 24 hours of receipt of this order, you must turn in your firearms to a law enforcement agency or sell them to a licensed firearms dealer until the expiration of this order. (Penal Code, § 18125 et seq.) Proof of surrender or sale must be filed with the court within 48 hours of receipt of this order.

Violation of this order is a misdemeanor punishable by a \$1,000 fine, six months in jail, or both. (Penal Code, § 18205 and § 19). This protective order shall be enforced by all law enforcement officers in the State of California who are aware of or shown a copy of the order. The terms and conditions of this order remain enforceable regardless of the acts of the parties; it may be changed only by order of the court.

Every person who owns or possesses a firearm or ammunition with knowledge that he or she is prohibited from doing so by a restraining order is guilty of a misdemeanor and shall be prohibited from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a five-year period, to commence upon the expiration of the existing gun violence restraining order. (Penal Code, § 18205.)

A la persona restringida: Tiene prohibido ser dueño de un arma de fuego, poseer, comprar o tratar de comprar, recibir o tratar de recibir u obtener un arma de alguna otra manera. (Código Penal, secciones 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 y encarcelamiento o ambos. Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego a una agencia del orden público o venderlas a un comerciante de armas autorizado hasta el vencimiento de esta orden. (Código Penal, secciones 18125 y siguientes). Dentro de las 48 horas de recibir esta orden, se tiene que presentar a la corte una prueba de haberlas entregado o vendido.

La violación de esta orden es un delito menor que podrá ser castigado con una multa de \$1000, seis meses de cárcel, o ambos. (Código Penal, secciones 18205 y 19). 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 (Código Penal, sección 13710(b)).

Toda persona que es dueña de o posee un arma de fuego o municiones sabiendo que una orden de restricción se lo prohíbe, será culpable de un delito menor y se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o intentar comprar o recibir un arma de fuego o municiones por un periodo de cinco años a partir del vencimiento de la orden de restricción actual de violencia con armas de fuego. (Código Penal, sección 18125.)

To the restrained person: This Firearms Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the reverse. You can seek to terminate this order before expiration by filing a request with the Court listed in Item 3. A more permanent restraining order may be sought from the court by a law enforcement officer or agency or by a family member. You may seek the advice of an attorney on any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

A la persona restringida: Esta orden de protección de emergencia de arma de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 al otro lado. Sin embargo, puede pedir dar fin a esta orden antes de su fecha de vencimiento al presentar una solicitud con la Corte indicada en el punto 3. Un agente o agencia del orden público o un familiar puede pedir que la corte emita una orden de restricción más permanente de la corte. Puede consultar con un abogado sobre cualquier asunto relacionado con esta orden. Debe consultar con el abogado oportunamente para que éste le pueda ayudar a responder a la orden.

To law enforcement: The Firearms Emergency Protective Order shall be served upon the restrained person by the officer if the restrained person can reasonably be located. A copy shall be filed with the court as soon as practicable after issuance. Also, the officer shall 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 Firearms 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.

Read *Can a Firearms Restraining Order Help Me? (Form GV-100-INFO)* before completing this form.**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: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

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, on the next page, check each kind of case and give as much information as you know as to where and when each was filed:***This is not a Court Order.**

Case Number: _____

Kind of Case	Filed in (<i>County/State</i>)	Year Filed	Case Number (<i>if known</i>)
(1) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(2) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4) <input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(8) <input type="checkbox"/> Criminal	_____	_____	_____
(9) <input type="checkbox"/> Other (<i>specify</i>):	_____	_____	_____

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

Answer (a) or check (b).

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

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

6 Grounds for Issuance of a Firearms Restraining Order

I have reasonable cause to believe the following:

a. The Respondent 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 a firearm.

This is not a Court Order.



10 **Request to Give Less Than Five Days' Notice**

You must have your papers personally served on Respondent at least five 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:

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Request to Give Less Than Five Days' Notice" for a title.

11 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.

What is a firearms restraining order?

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

Can I get a firearms restraining order against someone?

You can ask for one against a person who is an immediate family member. 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.

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 and ammunition. If you need personal protection from a family member, you should proceed under the Domestic Violence Protection Act. File Form DV-100.

Will I have to pay a filing fee to request the order?

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

What forms do I need to get the order?

You must fill out all of Form GV-100, *Petition for Firearms Restraining Order*, and Form CLETS-001, *Confidential CLETS Information*. You must also fill out items 1 and 2 on Form GV-109, *Notice of Court Hearing*, and items 1 and 2 on Form GV-110, *Temporary Firearms Restraining Order*.

Where can I get these forms?

You can get the forms from legal publishers or on the Internet at 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 firearms 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 Firearms 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 he or she does 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?”*.



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 a firearm.

You will also have to convince the judge that a firearms 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 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 violent incident in which the person has been involved, or any crime of violence that the person has committed. It could also be evidence of any erratic or irrational behavior tending to indicate that the person suffers from a mental illness.

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. But that person does not have the right to speak to you. 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, you can bring:

- 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.)

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.

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

1 Petitioner

a. Your Full Name: _____

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

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

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

Superior Court of California, County of _____

Court 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 Firearms Surrender Order (Any order granted ison Form GV-110, served with this notice.)

a. A Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Surrender Order*, is (check only one box below):
 (1) GRANTED until the court hearing.
 (2) DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov
 New January 2016, Mandatory Form
 Penal Code § 18670 et seq.
 Approved by DOJ **Notice of Court Hearing**
(Gun Violence Prevention) GV-109, Page 1 of 3



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 year. It may be renewed for a longer period of time,

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 cancel the order?

No. Once the order is issued, only the judge can change or cancel it. The restrained person would have to file a request with the court to cancel the order.

For help in your area, contact:

[Local information may be inserted.]

What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You may 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 for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

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 Firearms Restraining Order (Any order granted is on Form GV-110, served with this notice.)

a. A Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms 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 Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Restraining Order*, are:

- (1) The facts as stated in Form GV-100 do not sufficiently show that a firearms restraining order is necessary.
- (2) Other (*as set forth*): Below On Attachment 4b(2).

5 Service of Documents on Respondent

At least five _____ 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 Firearms Restraining Order* (file-stamped)
- b. GV-110, *Temporary Firearms Restraining Order* (file-stamped) **IF GRANTED**
- c. GV-120, *Response to Petition for Firearms Restraining Order* (blank form)
- d. GV-120-INFO, *How Can I Respond to a Request for a Firearms Restraining Order?*
- e. GV-250, *Proof of Service of Response by Mail* (blank form)
- f. Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner in 1 :

- The court cannot make an order after 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 Firearms Restraining Order*.



To the Respondent:

- If you want to respond to the *Petition for Firearms Restraining Order* in writing, file Form GV-120, *Response to Petition for Firearms 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 of Response 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 a licensed gun dealer, any firearms and ammunition that you own or possess. If issued, the order will last for one year.

**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 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* 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: _____

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: _____
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.

5 Order Prohibiting All Firearms and Ammunition

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition.
- b. You must:
 - (1) Surrender all firearms and ammunition 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 to him or her, 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 within 24 hours of being served with this order. You may do so by either: (1) surrendering all of your firearms and ammunition in a safe manner to the local law enforcement agency; or (2) selling all of your firearms and ammunition to a licensed gun dealer.
 - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms have been turned in or sold. (*You may use Form GV-800, Proof of Firearms Turned In or Sold, 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.**

6 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Respondent

This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms and ammunition 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, a firearm or ammunition 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 one year. 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 or ammunition 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 your firearms and ammunition to a law enforcement agency or selling them to a licensed gun dealer.
- Read Form GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*, to learn how to respond to this Order.
- If you want to respond, fill out Form GV-120, *Response to Petition for Firearms 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. 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 firearms restraining order against you that lasts for one year. 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 Respondent must do the following:

- Order the Respondent to immediately surrender all firearms and ammunition to him or her.
- Issue a receipt to the Respondent for all firearms and ammunition that he or she has 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 and ammunition must do the following:

- Retain the firearms and ammunition until the expiration of this Order or of any other firearms restraining order issued by the court.
- On the expiration of this Order or of any later firearms 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 or ammunition 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 or ammunition surrendered, determine whether that person is the lawful owner. If so, return the firearms and ammunition to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with Section 33850).

Enforcing This Order

Before enforcing this Order, the law enforcement officer must first determine if the Respondent had notice of the order. Consider the Respondent “served” (given notice) if (Pen. Code, § 836(c)(2)):

- 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.

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

The provisions in this Temporary Firearms 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 will fill out this part.)**Clerk's Certificate**[seal]***—Clerk's Certificate—**

I certify that this *Temporary Firearms Restraining Order* 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.

1 Party Seeking Continuance

a. Full 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: _____

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 Other Party

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing

I ask the court to continue the hearing currently scheduled for (date): _____

a. A Temporary Firearms Restraining Order (Form GV-110) was issued on (date): _____
Please attach a copy of the order.

b. I request that the hearing be continued because (check one or both):

(1) The Respondent could not be served before the hearing date.

(2) Other for the reasons stated below on Attachment 3b(2)

c. (1) This is the first request for a continuance.

(2) The hearing has previously been continued _____ times.

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.

Party seeking continuance complete items ①, ②, and ③a.

① Party Seeking Continuance

a. Full 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: _____

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 Other Party

Full Name: _____

③ New Hearing Date

a. A hearing in this case is currently set for (date): _____ at (time): _____

b. The court orders a new hearing date:

- (1) at the request of the Petitioner
- (2) at the request of the Respondent
- (3) in its discretion

c. Because:

- (1) the Respondent could not be served before the current hearing date.
- (2) the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) for the reasons stated below on Attachment 3c

④ Order for Continuance and Notice of Hearing

The court hearing on the *Petition for Firearms Restraining Order (Form GV-100)* is continued and rescheduled:

Name and address of court if different from above:

Hearing Date

Date: _____ Time: _____

Dept.: _____ Room: _____



5 Service of Order

A copy of this Order must be served by the requesting party on the other party at least ____ days before the hearing. A copy of Form GV-100, *Petition for Firearms Restraining Order*, and Form GV-110, *Temporary Firearms Restraining Order*, must also be served on the Respondent if they were not previously served and a proof of service filed with the court before the original hearing date.

Warning and Notice to the Respondent:

If you were served with a *Temporary Firearms Restraining Order* (Form GV-110), it remains in full force and effect until the new hearing date. You must continue to obey it until the end of the hearing.

Date: _____

Judicial Officer**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 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
[seal]

—Clerk's Certificate—

I certify that this *Notice of New Hearing Date* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

Response to Petition for Firearms Restraining Order

Clerk stamps date here when form is filed.

Use this form to respond to the *Petition* (Form GV-100)

- Read *How Can I Respond to a Petition for Firearms Restraining Order?* (Form GV-120-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 Petitioner or to his or her lawyer. (*Use Form GV-250, Proof of Service of Response by Mail.*)

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner

Name of person 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: _____

Present your Response and any 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 you were served with a Temporary Firearms Restraining Order, you must obey it until the hearing. At the hearing, the court may make an order against you for an additional year.

3 Firearms Restraining Order

I do not agree to the order requested in the Petition.

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 below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5—Justification or Excuse" as a title.



6 Surrender of Firearms and Ammunition

If you were served with Form GV-110, *Temporary Firearms Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item 5 of Form GV-110.) You must sell to a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, and ammunition 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 or Sold*, for the receipt.

- a. I do not own or control any guns, other firearms, or ammunition.
- b. I have turned in my guns, other firearms, and ammunition to a law enforcement officer or agency, or sold them to 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 firearms restraining order?

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

Who can ask for a firearms restraining order?

The petition must have been filed by a law enforcement officer or an immediate family member of yours.

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

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

What if I don't obey the 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?

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

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 of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

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

GV-109 Notice of Court Hearing

Clerk stamps date here when form is filed

1 Petitioner

a. Your Full Name: _____

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

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

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

Superior Court of California, County of _____
 Court file 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: _____
 Date: _____ Time: _____
 Dept.: _____ Room: _____

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

Judicial Council of California, www.courts.ca.gov
 New January 2016, Modified Form
 Penal Code, § 13100 et seq.
 Approved by DOJ

Notice of Court Hearing (Gun Violence Prevention)

GV-109, Page 1 of 3 →

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 to whether to issue a firearms restraining order that can last for one year.



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.

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. Do not 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 for this.

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

No. Once the order is issued, only the judge can change or cancel it. You would have to file a request with the court to cancel 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 may have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is over age 18 to interpret for you.

What if I am deaf or hard of hearing?

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

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

*Petitioner must complete items ① and ② only.***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: _____

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:***(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.

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 Petitioner (3) The lawyer for the Petitioner *(name)*: _____
 - (2) The Respondent (4) The lawyer for the Respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 4.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

5 Findings

- a. The court finds by clear and convincing evidence that both of the following are true:
 - (1) Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing or receiving a firearm or ammunition.
 - (2) 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.
- b. The court has received credible information that the Respondent owns or possesses one or more firearms.
- c. The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

See the attached Form MC-025, *Attachment*

This is a Court Order.



6 Order to Prohibiting All Firearms and Ammunition

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition.
- b. You must:
- (1) Surrender all firearms and ammunition 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 to him or her, 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 within 24 hours of being served with this order. You may do so by either: (1) surrendering all of your firearms and ammunition in a safe manner to the local law enforcement agency; or (2) selling all of your firearms and ammunition to a licensed gun dealer.
 - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your guns or firearms have been turned in or sold. (*You may use Form GV-800, Proof of Firearms Turned In or Sold, 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 Service of Order on Respondent

- a. The Respondent personally attended the hearing. No other proof of service is needed.
- b. The Respondent did not attend the hearing. The Respondent must be personally served with this Order.

8 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

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 and ammunition 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, a firearm or ammunition while this order is in effect. Pursuant to section 18185, you have the right to request one hearing to terminate this order at any time 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. 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 or ammunition 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 Respondent must do the following:

- Order the Respondent to immediately surrender all firearms and ammunition to him or her.
- Issue a receipt to the Respondent for all firearms and ammunition that he or she has 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 and ammunition must do the following:

- Retain the firearms and ammunition until the expiration of this order or of any other firearms restraining order issued by the court.
- On the expiration of this order or of any later firearms 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 or ammunition 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 or ammunition surrendered, determine whether that person is the lawful owner. If so, return the firearms and ammunition to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with Section 33850).

Enforcing This Order

Before enforcing this Order, the law enforcement officer must first determine if the Respondent had notice of the order. Consider the Respondent "served" (given notice) if (Pen. Code, § 836(c)(2)):

- 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 7a is checked.

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.

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

The provisions in this *Firearms 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.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Firearms Restraining Order After Hearing* 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.

1 Petitioner

Name: _____

2 Respondent

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be the Petitioner unless the Petitioner is a law enforcement officer.
- Give a copy of all documents checked in **4** to the Respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the Petitioner.



Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

PROOF OF PERSONAL SERVICE

4 I personally gave the Respondent a copy of the forms checked below:

- a. GV-100, *Petition for Firearms Restraining Order*
- b. GV-109, *Notice of Court Hearing*
- c. GV-110, *Temporary Firearms Restraining Order*
- d. GV-120, *Response to Petition for Firearms Restraining Order* (blank form)
- e. GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*
- f. GV-130, *Firearms Restraining Order After Hearing*
- g. GV-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the Respondent:

- a. On (*date*): _____ b. At (*time*): _____ a.m. p.m.
- c. At this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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 server's name

Server to sign here

What is “service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Firearms Restraining Order* (Form GV-100), the *Notice of Court Hearing* (Form GV-109), and the *Temporary Firearms Restraining Order* (Form GV-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the respondent (the person to be prohibited from having guns).

These forms cannot be served by mail; they must be given to the respondent personally.

Service lets the respondent know:

- Why you are asking for a Firearms Restraining Order;
- The hearing date;
- How to respond.

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- No hearing can be held to extend the order for a year unless the respondent was served and knows about the hearing.

Don't serve it by mail!

**Who can serve?**

Any law enforcement officer may serve the respondent, even if the petition was filed by a law enforcement officer. It is recommended that you ask a law enforcement officer to serve the forms because of the potential for gun violence.

However, service may also be by any person who is at least 18 years old and not a party to the action. That means that if the petitioner is a family member rather than a law enforcement officer, that person may not serve the forms on the respondent. You may use a process server. A “registered process server” is a business that you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

How to serve

Ask the server to:

- Make personal contact with the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form GV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

What if the person won’t take the papers or tears them up?

- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up. Service is still complete.



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form GV-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form GV-109.

③ Hearing

Hearing Date	Date: _____
	Dept.: _____

Next, look at the number of days in item ⑤ on page 2 of Form GV-109.

⑤ Service of Documents on Respondent

At least five _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date. If nothing is checked or written in ⑤ you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form GV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than a law enforcement officer serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

What happens if I can't get the orders served before the hearing date?

You will need ask the court to “continue” (postpone and reschedule) the hearing until after you are able to have the respondent served. Fill out and file Form GV-115, *Request to Continue Court Hearing for Firearms Restraining Order*. If the court grants you a continuance, the *Temporary Firearms Restraining Order* (GV-110) will remain in effect until the new hearing date.

Clerk stamps date here when form is filed.

1 Petitioner

Full Name: _____

2 Respondent

Your Full Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be the Respondent.
- Mail a copy of all documents checked in **4** to the person in **1**.
- Complete and sign this form and give it to the person in **2**.



Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 PROOF OF SERVICE BY MAIL

I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the Petitioner a copy of all documents checked below:

- a. Form GV-120, *Response to Petitioner for Firearms Restraining Orders*
- b. Other (*specify*): _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (*name*): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (*date*) _____ Mailed from: City: _____ State: _____

6 Server's Information

Name: _____ Telephone: _____
 Address: _____
 City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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 server's name

Server to sign here

Case Number:

- c. I have not previously requested that the court terminate the Order.
 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 firearms protective order once during the initial period while the order is in effect and once during any period of renewal. If the court denies your request, you may not request termination again unless the order is renewed 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.

**Notice of Hearing to Terminate
Firearms Restraining Order**

Clerk stamps date here when form is filed.

Respondent completes items ① and ②.

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

Court fills in case number when form is filed.

Case Number:

② Petitioner

- a. Full Name: _____
- 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 until the end of the hearing.

**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 at least _____ days before the hearing. Service may be by mail to the Petitioner or to the Petitioner's lawyer.

- GV-600, Request to Terminate Firearms Restraining Order;
- GV-610, Notice of Hearing to Terminate Firearms Restraining Order (this form);
- GV-620, Response to Request to Terminate Firearms Restraining Order (blank copy);

This is a Court Order.



The person who serves the form by mail should fill out Form POS-030, *Proof of Service by First-Class Mail—Civil*. 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. For help with service by mail, see the Information Sheet on page 2 of Form POS-030.

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 Firearms 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 of Response 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.)

This is a Court Order.

**Use this form to respond to the *Request to Terminate
Firearms 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 ① below. Use Form GV-250, *Proof of Service of Response by Mail*.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

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: _____

① Respondent

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____

② Petitioner

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

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: _____

③ Response

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



Case Number:

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 of Response 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.

**Order on Request to Terminate
Firearms 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

Court fills in case number when form is filed.

Case Number:**② Petitioner**

- Full Name: _____
- 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): _____
- Additional persons present are listed on Attachment 3.

This is a Court Order.

To the Prevailing Party:

4 Order on Request to Terminate

The request to terminate the attached *Firearms Restraining Order After Hearing*, originally issued on (date): _____ and most recently renewed on (date): _____, is:

- a. **GRANTED**. The attached order expired on the date of the hearing in item **3** above.
- b. **DENIED**. The current expiration date remains in effect.

5 Service of Order

Have someone age 18 or older—**not you**—mail a copy of this completed Form GV-630 to the other party or that party's lawyer at the address on page 1. The person who serves the form by mail should fill out Form POS-030, *Proof of Service by First-Class Mail—Civil*. Have the person who did the mailing sign the original. Then file the completed Form POS-030 with the court clerk. For help with service by mail, see the Information Sheet on page 2 of Form POS-030.

Date: _____

Judicial Officer

This is a Court Order.

Request to Renew Firearms Restraining Order

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: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Renew Restraining Order

I ask the court to renew the *Firearms Restraining Order After Hearing* (Form GV-130) for an additional period of one year. A copy of the order is attached.

a. The order currently will end on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times.

c. I ask the court to renew the order because (explain below):

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.

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.

**Notice of Hearing to Renew
Firearms Restraining Order**

Clerk stamps date here when form is filed.

Petitioner completes items ① and ②.

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):

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

Court fills in case number when form is filed.

Case Number:

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 at least _____ days before the hearing.

- GV-700, *Request to Renew Firearms Restraining Order*;
 - GV-710, *Notice of Hearing to Renew Firearms Restraining Order* (this form);
 - GV-720, *Response to Request to Renew Firearms Restraining Order* (blank copy);
- The Respondent did not file a response to the original Petition and did not attend the hearing at which the *Firearms Restraining Order After Hearing* (Form GV-130) was granted. The Respondent must be personally served with the above forms. (*After the Respondent has been served, file Form GV-200, Proof of Personal Service, with the court clerk. For help with service, read Form GV-200-INFO, What Is “Proof of Personal Service”?*)
- The Respondent filed a Response to the original Petition and/or attended the hearing at which the *Firearms Restraining Order After Hearing* (Form GV-130) was granted. The Respondent may be served with the above forms by mail. (*After the Respondent has been served, the person doing the mailing should fill out Form POS-030, Proof of Service by First-Class Mail—Civil. File the form with the court clerk. For help with service by mail, read the Information Sheet on page 2 of Form POS-030.*)

To the Respondent:

At the hearing, the judge can renew the current restraining order for another year. 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 Firearms 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 of Response by Mail*, with the court before the hearing.

Date: _____

Judicial Officer**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 for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

This is a Court Order.

Use this form to respond to the *Request to Renew Firearms Restraining Order (Form GV-700)*.

- 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 Petitioner at the address in ① below. Then file Form GV-250, *Proof of Service of Response by Mail* with the court.

Clerk stamps date here when form is filed.

Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form GV-710 item ③ here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

You must continue to obey the current restraining order until the hearing. At the hearing, the court can extend the order against for another year.

① Petitioner (From Form GV-700, item ①)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

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 Response

- a. I do not oppose renewal of the order.
- b. I oppose renewal of the order for the following reasons (specify below):
- 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 Renew" for a title. You may use Form MC-025, Attachment.

Case Number: _____

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 Respondent:

Have someone age 18 or older—**not you**—mail a copy of this completed Form GV-720 to the Petitioner or to the Petitioner'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 of Response 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.

**Order on Request to Renew
Firearms Restraining Order**

Clerk stamps date here when form is filed.

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

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): _____

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: _____

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: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

③ HearingThere 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): _____
 Additional persons present are listed on Attachment 3.

This is a Court Order.

4 Order on Request for Renewal

The request to renew the attached *Firearms Restraining Order After Hearing* (GV-130), originally issued on (date): _____, is:

- DENIED.** The attached order expires as stated in item ③ of the order.
- GRANTED.** The attached order is renewed for one year and will now expire:

on (date): _____ at (time): _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. or <input type="checkbox"/> midnight
--

If no expiration date is written here, the order expires one year from the date of the hearing in item ③.

- a. The court finds by clear and convincing evidence that both of the following are true:
 - (1) Respondent continues to pose a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing or receiving a firearm or ammunition.
 - (2) A gun violence restraining order remains 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.
- b. The facts as stated in the *Request to Renew Firearms Restraining Order* (GV-700) and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

See the attached Form MC-025, *Attachment*

c. To the Respondent: This Order will last until the date and time noted above. If you have not done so already, you must surrender all firearms and ammunition 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, a firearm or ammunition while this order is in effect. Pursuant to section 18185, you have the right to request one hearing to terminate this Order at any time 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.



To the Prevailing Party:**5 Service of Order**

Someone age 18 or older—**not you**—must serve a copy of this order on the other party.

- Order Granted—Personal Service Required:** Respondent did not file a Response to the original Petition and did not attend either the hearing at which the original *Firearms Restraining Order After Hearing* (Form GV-130) was granted or the hearing at which this Order was granted. The Respondent must be personally served with this Order. *(After the Respondent has been served, file Form GV-200, Proof of Personal Service, with the court clerk. For help with service, read Form GV-200-INFO, What Is “Proof of Personal Service”?)*

- Order Granted—Service by Mail:** The Respondent filed a Response to the original Petition or to this Petition to Renew, and/or attended either the hearing at which the original *Firearms Restraining Order After Hearing* (Form GV-130) was granted or the hearing at which this Order was granted. The Respondent may be served with this Order by mail. *(After the Respondent has been served, the person doing the mailing should fill out Form POS-030, Proof of Service by First-Class Mail—Civil. File the form with the court clerk. For help with service by mail, read the Information Sheet on page 2 of Form POS-030.)*

- Order Denied—Service by Mail:** The Petitioner may be served with this Order by mail. *(After the Petitioner has been served, the person doing the mailing should fill out Form POS-030, Proof of Service by First-Class Mail—Civil. File the form with the court clerk. For help with service by mail, read the Information Sheet on page 2 of Form POS-030.)*

Date: _____

*Judicial Officer***This is a Court Order.**

1 Petitioner

Name: _____

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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**3 To the Respondent**

The court has ordered you to surrender all of your firearms and ammunition by turning them in to law enforcement or surrendering them to a licensed gun dealer. You may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item **4** or **5** and item **6**. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form GV-800-INFO, *How Do I Turn in or Sell My Firearms?*

4 To Law Enforcement

Fill out items **4** and **6** of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in **6** were turned in on:Date: _____ at: _____ a.m. p.m.To: _____
*Name and title of law enforcement agent*_____
*Name of law enforcement agency*_____
Address

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

▶ _____
Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items **5** and **6** of this form. Keep a copy and give the original to the person who sold you the firearms.

The firearms listed in **6** were sold to me on:Date: _____ at: _____ a.m. p.m.To: _____
*Name of licensed gun dealer*_____
License number _____
*Telephone*_____
Address

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

▶ _____
Signature of gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "GV-800, Item 6—Firearms Turned In or Sold," for a title. Include make, model, and serial number of each firearm.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? Yes No
If you answered yes, have you turned in or sold those other firearms? Yes No


If yes, check one of the boxes below:

- a. I filed a *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): _____
- b. I am filing the proof for those firearms along with this proof.
- c. I have not yet filed the proof for the other firearms. (Explain why not):
 Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper and write "Attachment 7c" for a title.

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

1 What is a firearm?

A firearm is a:

- Handgun • Rifle
- Shotgun • Assault weapon

If you own or have any firearms or ammunition you must:

- 2** • If demanded, give them to the law enforcement officer when he or she serves you with the court order requiring surrender; otherwise, within 48 hours:
- Turn them in to your local law enforcement agency; or
 - Sell them to a licensed firearms dealer.



3 How do I sell my firearms?

Find a California licensed firearms dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearms to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the court order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearms in to law enforcement, how long will they keep them?

As long as any firearms restraining order against you remains in effect.

6 After I give my firearms to law enforcement, can sell them later if I change my mind?

Yes. You are allowed to sell them to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearms that you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearms. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
(Insert local information here.)

