

HOW TO USE A GUN VIOLENCE RESTRAINING ORDER TO SAVE LIVES

IF YOU OR A LOVED ONE IS ACTIVELY EXPERIENCING A CRISIS AND AT IMMINENT RISK OF SELF-HARM OR HARM TO OTHERS, CALL 911.

This document provides a general overview¹ for filing a Gun Violence Restraining Order. For official information on the application process, please refer to the <https://tinyurl.com/californiacourts> website. Filing a request for a Gun Violence Restraining Order is free and forms are accessible on <https://tinyurl.com/californiacourts> and at your [local Superior Court](#), which may have a self-help center to provide additional guidance.

To get started, first determine if you are an "eligible petitioner." These are Californians who legally qualify to file a request for a Gun Violence Restraining Order. Eligible petitioners include the following categories of people related to or close to a firearm owner who may harm themselves or others:



A family member or loved one related by blood, marriage or adoption



Anyone who is a current household member/roommate



A coworker



An individual who has a child in common or who has a dating relationship with the person in crisis



Law enforcement, including California peace officers



A teacher or employee at a middle school, high school, college or university

If you do not feel comfortable filing a request for a Gun Violence Restraining Order yourself or do not qualify as an eligible petitioner, you can inform law enforcement that you are concerned about someone who may harm themselves or others. An officer may investigate and file a petition, or request an immediate, emergency Gun Violence Restraining Order, if they find that grounds exist.



STEP 1

FILL OUT YOUR COURT PAPERS AND PREPARE TO FILE

- There are five forms that need to be completed to file a request for a Gun Violence Restraining Order. They can be found at your [local Superior Court](#) or online at <https://tinyurl.com/californiacourts>.
- Make sure to include the following:
 - Why you are asking for the order
 - Why you think the person is at risk of self-harm or harm to others
 - Interactions with the individual
 - Other forms of intervention and prevention methods that have been tried but did not work

IMPORTANT: Petitioners do not need to include their personal address in court paperwork. Use a separate mailing address if you do not want it seen by the person in crisis.

Check if your local Superior Court's self-help center assists with the Gun Violence Restraining Order process; it may be able to review your paperwork before you proceed. Free legal help might also be available at CalBar.ca.gov.

You need at least three (3) copies of all forms during this process: one for you, one for the person in crisis and one original copy for the court.



STEP 2

FILE YOUR COURT PAPERS WITH THE CLERK

- Once you have filled out all your forms, take them to your local Superior Court to file the request for the order. Filing must be done in-person.
 - File in the county where the person in crisis lives or the county where any threats or injuries happened.
 - You can find the clerk's office here: <https://tinyurl.com/findmycourt>
 - There is no filing fee.



STEP 3

GET YOUR PAPERS BACK FROM THE CLERK

- Once you turn in your court papers, a judge will review them.
 - You will need to pick up your court papers after they're reviewed.
- If the judge signs the form, this means you have a Temporary Gun Violence Restraining Order, which is in effect for 21 days.
 - If you need to extend the order, you must appear on the court date set by the judge to consider issuing an order lasting 1-to-5 years.

- If the judge does not issue a temporary Gun Violence Restraining Order before your court date, the judge can still grant a restraining order at the court hearing. You must appear on your court date for the judge to grant a longer restraining order.



STEP 4

ARRANGE FOR THE TEMPORARY GUN VIOLENCE RESTRAINING ORDER TO BE SERVED TO THE PERSON IN CRISIS

- If approved by the judge, you must have someone serve a copy of the temporary order to the person in crisis. You are not allowed to serve the order.
- Serving a Gun Violence Restraining Order can be dangerous. It is recommended that a law enforcement official, such as a California peace officer, do it.
 - The officer will temporarily remove all the person's guns, magazines and ammunition when serving the court papers.
 - The individual will not be able to legally purchase any guns, ammunition or magazines while the order is in place.



STEP 5

PREPARE FOR YOUR COURT HEARING

- After 21 days, if you can choose to extend the Gun Violence Restraining Order for 1-to-5 years, or if you were initially denied the order, you can expect the following at the court hearing:
 - The judge will ask you and the person in crisis to state your names.
 - The judge will hear from both sides.
 - Have evidence and witnesses ready to testify.
 - The judge will decide to either grant or deny the order.



STEP 6

AFTER YOUR COURT HEARING

- If the request for a 1-to-5-year Gun Violence Restraining Order is approved by the judge, complete the [GV-130](#) form, submit it to the court, and arrange for the court papers to be served to the person in crisis.
- If the judge gives you a new court date, make sure you appear on that date to continue seeking a Gun Violence Restraining Order.
- If the judge does NOT approve your request, there are more resources available to you at <https://tinyurl.com/afterhearing> such as:
 - Call 211 for local social service resources.
 - Call 988 for the National Suicide Prevention Line.
 - Call 1-800-799-7233 for the National Domestic Violence Hotline.

- Contact local law enforcement if you continue to be afraid the person may harm themselves or others.



INFORMATION ON RENEWALS AND EXPIRING GUN VIOLENCE RESTRAINING ORDERS

- If at the end of the initial order you are still concerned and want the Gun Violence Restraining Order to stay in place, you have to ask the court to “renew” it, which can keep the order in place another 1-5 years. To request a renewal, you must fill out two court forms: a [GV-700](#) and [GV-710](#) along with a copy of your GV-130.
- A more detailed step by step process and links to all forms can be found at <https://www.courts.ca.gov/33681.htm>
- When the Gun Violence Restraining Order expires, the person who received the order can contact the courts to reobtain their firearms if desired. More information on this process can be found on <https://tinyurl.com/afterGVRO>

To find the necessary documents and/or more information on each step of the process, please visit the California Courts website at <https://tinyurl.com/californiacourts>.