



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 11, 2015

Title

Judicial Council Forms – Gun Violence
Restraining Orders

Agenda Item Type

Action Required

Effective Date

January 1, 2016

Rules, Forms, Standards, or Statutes Affected

Adopt or approve new Judicial Council 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

Date of Report

October 30, 2015

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Recommended by

Civil and Small Claims Advisory Committee
Hon. Patricia M. Lucas, Chair

Anne M. Ronan, 415-865-8933

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Executive Summary

The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council 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 to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

Recommendation

The Civil and Small Claims Advisory Committee proposes that, in order to implement the new Gun Violence Restraining Orders Act, the Judicial Council, effective January 1, 2016, adopt or

approve new 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

Previous Council Action

The Judicial Council periodically adopts for mandatory use or approves for optional use new or revised standard court forms, including restraining order forms. All forms included in this proposal are new.

Rationale for Recommendation

The Legislation

Gun Violence Restraining Orders¹. Legislation, enacted in 2014 and operative January 1, 2016,² provides a process to obtain a court order requiring a person who poses an imminent significant danger of personal injury to himself, herself, or others to surrender—and prohibiting him or her from possessing—firearms and ammunition before the person uses a firearm to commit a crime. This legislation was motivated by a situation in Santa Barbara County in which relatives of a person exhibiting unstable behavior advised law enforcement that the person was armed and represented a danger to himself and others. But because the person legally possessed the firearms and had not yet committed any crime, the relatives and law enforcement were 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.³

The Judicial Council must prescribe the form of the petitions and orders and any other documents, and must promulgate any rules of court necessary to implement the new law.⁴ This proposal primarily addresses the development of forms at this time.

The Project

Drafting these forms was a project of the Civil and Small Claims Advisory Committee, Protective Orders Subcommittee, rather than of the Protective Orders Working Group (POWG),

¹ See Pen. Code, § 18100 et seq.

² See Stats. 2014, ch. 872; AB 1014, sometimes referred to as “the Skinner Bill.” This original legislation required that a person subject to a gun violence restraining order surrender all of his or her firearms and ammunition to a law enforcement agency or sell them to a licensed gun dealer. (Pen. Code, § 18120.) Additional later legislation (AB 950; Stats. 2015, ch. 205) amended Penal Code section 18120 to provide the alternative of storing firearms and ammunition with a licensed gun dealer.

³ Pen. Code, § 18100.

⁴ Pen. Code, § 18105.

which is a joint body comprised of members of several advisory committees. The members of Civil and Small Claims assigned to the POWG reviewed the draft forms and approved them for the full committee, which now recommends that the Judicial Council adopt and or approve them.

The process for obtaining a gun violence restraining order is similar to that for other civil protective orders such as civil harassment.⁵ Therefore, the current Judicial Council forms for civil harassment were used as templates to create the forms for gun violence restraining orders. With the exception of the Emergency Protective Order, the identifying letters “GV” were selected to refer to the forms that have been developed.

The complete list of forms proposed is as follows:

1. *Firearms Emergency Protective Order* (including application) (form EPO-002)
2. *Petition for Firearms Restraining Order* (form GV-100)
3. *Can a Firearms Restraining Order Help Me?* (information sheet) (form GV-100-INFO)
4. *Notice of Court Hearing* (form GV-109)⁶
5. *Temporary Firearms Restraining Order* (form GV-110)⁷
6. *Request to Continue Court Hearing for Firearms Restraining Order* (form GV-115)
7. *Notice of New Hearing Date* (form GV-116)
8. *Response to Petition for Firearms Restraining Order* (form GV-120)
9. *How Can I Respond to a Petition for Firearms Restraining Order?* (information sheet) (form GV-120-INFO)
10. *Firearms Restraining Order After Hearing* (form GV-130)⁸
11. *Proof of Personal Service* (form GV-200)⁹
12. *What Is “Proof of Personal Service”?* (information sheet) (form GV-200-INFO)
13. *Proof of Service by Mail* (form GV-250)
14. *Request to Terminate Firearms Restraining Order* (form GV-600)¹⁰
15. *Notice of Hearing on Request to Terminate Firearms Restraining Order* (form GV-610)
16. *Response to Request to Terminate Firearms Restraining Order* (form GV-620)
17. *Order on Request to Terminate Firearms Restraining Order* (form GV-630);
18. *Request to Renew Firearms Restraining Order* (form GV-700)¹¹
19. *Notice of Hearing on Request to Renew Firearms Restraining Order* (form GV-710)¹²

⁵ See Code Civ. Proc., § 527.6.

⁶ Pen. Code, § 18160.

⁷ Pen. Code, § 18125 et seq.

⁸ Pen. Code, § 18170 et seq.

⁹ Pen. Code, § Pen. Code, § 18115(e)(1).

¹⁰ Pen. Code, § 18180(b).

¹¹ Pen. Code, § 18190.

¹² Pen. Code, § 18190(b).

- 20. *Response to Request to Renew Firearms Restraining Order* (form GV-720)
- 21. *Order on Request to Renew Firearms Restraining Order* (form GV-730)
- 22. *Proof of Firearms Turned in, Sold, or Stored* (form GV-800) ¹³
- 23. *How Do I Turn In, Sell, or Store My Firearms?* (information sheet) (form GV-800-INFO)

The proposed drafts of all the above forms are attached at pages 11–64.

Particular Issues

Format of Forms

The forms use the plain-language visual format. Because the Civil Harassment (CH) forms are in this format, using the CH forms as the template for the new GV forms saved a great amount of development time. The forms use plain language, but are not necessarily reduced to the reading level of many at self-represented parties.¹⁴

Title of Initiating Forms

While “Request” rather than “Petition” is used in some plain-language protective orders proceedings (see, e.g., CH-100, *Request for Civil Harassment Restraining Orders*), the committee has chosen to use the more standard “Petition.”

Identification of Parties

Despite the title, the GV orders do not fit the classic understanding of “restraining orders.” The protection provided is solely in the form of firearms surrender and firearm possession prohibition. There is no identifiable actual victim who might be viewed as a “protected person.” Therefore, the committee elected to use the traditional labels of “Petitioner” and “Respondent” rather than the labels that are used for the parties in other protective order proceedings (“Person to Be Protected” and “Person to Be Restrained”).

Emergency Protective Order and Temporary Restraining Order

Under the Penal Code, there are two different paths to a GV order. There is a “Temporary Emergency Gun Violence Restraining Order,¹⁵” and there is an “Ex Parte Gun Violence Restraining Order.¹⁶” The titles are particularly confusing because a “temporary” order may be

¹³ Pen. Code, § 18120(b).

¹⁴ There are two tiers to plain language. First, all legal writing should be in plain language, avoiding legalese and expressing matters in the clearest and least wordy manner possible. We always follow this standard in developing forms. Second, for some subject areas that are commonly used by self-represented persons, we sometimes attempt to reduce the reading level of the content to a high school or lower level.

¹⁵ Pen. Code, § 18125 et seq.

¹⁶ Pen. Code, § 18150 et seq.

issued ex parte,¹⁷ and an “ex parte” order is temporary.¹⁸ Therefore, the committee has elected not to use these labels. Instead, what the statutes refer to as the Temporary Emergency Gun Violence Restraining Order is the *Emergency Firearms Protective Order* (form EPO-002), modeled after the current *Emergency Protective Order* (form EPO-001). What the statutes refer to as the Ex Parte Gun Violence Restraining Order is the *Temporary Firearms Restraining Order* (GV-110), modeled after the temporary restraining order (TRO) forms for other civil protective order proceedings (see e.g., form 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).¹⁹ 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 consider whether a GV order with a duration of one year should be issued.²⁰

The third difference is in the showing required to get the order. The temporary order requires a showing of *immediate and present danger*,²¹ while the ex parte order requires a showing of *a significant danger in the near future*.²² With the temporary order, before the 21 days are up, the law enforcement officer can petition for an order after hearing.²³

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.²⁴ Hence, it would appear that 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.²⁵ If the restraining order is issued and the restrained party has not relinquished the firearm then under the amendments to Penal Code Section 1524(14), a search warrant for the firearms can be issued.

¹⁷ Pen. Code, § 18125(a).

¹⁸ Pen. Code, § 18155(c).

¹⁹ Compare Pen. Code, § 18125(a) with Pen. Code, § 18150(a).

²⁰ Compare Pen. Code, §§ 18125–18140 (no provision for hearing after temporary order) with Pen. Code, § 18165 (hearing required after ex parte order). At the hearing, the petitioner must prove the grounds for the order by clear and convincing evidence. See Pen. Code, § 18170(b).

²¹ Pen. Code, § 18125(a)(1).

²² Pen. Code, § 18150(b)(1).

²³ Pen. Code, § 18170(a).

²⁴ Pen. Code, § 18145(a)(2).

²⁵ Suggesting that maybe this order could be labeled “Emergency Temporary Restraining Order.” The ex parte order might be then be just “Temporary Restraining Order,” since it occupies the role of the TRO in other protective order proceedings.

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,

Continuances and Extending Temporary Orders

The gun violence legislation provides for a continuance on the motion of either party on a showing of good cause. Any temporary order remains in effect until the new hearing date.²⁶

Service by Mail of Order After Hearing

Other protective order statutes have a provision that the Order After Hearing may be served on the respondent by mail if he or she was not present at the hearing, was personally served with a TRO, and the order after hearing is the same as the TRO except for the expiration date.²⁷ The gun violence statutes do not include this provision; personal service is required if the respondent did not attend the hearing.²⁸ Therefore, no form corresponding to CH-260, *Service of Order After Hearing by Mail*, has been drafted.

Service of Papers for Termination and Renewal

The statutes provide processes by which the respondent can seek to terminate the order²⁹ and by which the petitioner can seek to renew the order before it expires.³⁰ The termination statute is completely silent on any service requirements for the request (proposed form GV-600) and the order on the request (proposed form GV-630). The renewal statute requires that an order of renewal (proposed form GV-730) be personally served on the respondent if he or she did not attend the hearing.³¹ Otherwise, the renewal statute is also silent on service requirements.

Given the statutory silence, the committee has elected to provide on the Notice of Hearing forms for both proceedings a two-checkbox option for service of the initiating forms on the opposing party. The court can either require personal service or permit service by mail.

For both proceedings, the committee has provided that service of the order is not required if the order was granted and the losing party was present at the hearing. For renewal, if the order is granted and the respondent did not attend, personal service is required per Penal Code section 18197. For termination, if the order was granted and the petitioner did not attend the hearing, the court may require personal service or allow service by mail. For both termination and renewal, if the order was denied and the petitioner did not attend, service by mail is sufficient.

²⁶ Pen. Code, § 18195.

²⁷ See, e.g., Code Civ. Proc., § 527.6(p)(2) on civil harassment.

²⁸ See Pen. Code, § 18197.

²⁹ See Pen. Code, § 18185.

³⁰ See Pen. Code, §

³¹ See Pen. Code, § 18197.

Comments, Alternatives Considered, and Policy Implications

Comments

The forms as proposed to be adopted or approved were posted for public comment from April 17, 2015, to June 17, 2015. Comments were received from only 10 different commentators, but the comments submitted were extensive. Most requested specific changes to specific items in specific forms. A chart showing the comments received and the committee's responses is attached at pages 65–131.

Two commentators objected to the number of forms. In the words of one: “There are so many forms that it will be extremely difficult for a person of average intelligence to navigate through the process, regardless of the plain language format. ... Fewer forms would reduce the amount of time spent both by the litigant and by court staff.”

The committee sees the role and use of standardized court forms differently. In addition to providing for petitions and orders, the gun violence statutes provide procedures for obtaining a continuance, renewing an order that is near expiration, and terminating the order. “Fewer forms would reduce the amount of time spent both by the litigant and by court staff” only if the lack of forms meant that these procedures and remedies were never pursued. If pursued, they would be more costly and time-consuming to initiate, defend, and adjudicate. Petitions and responses would still have to be drafted and filed; orders would still have to be issued.

Judicial Council forms benefit litigants, counsel, and ultimately the courts. They save time and money and make the presentation and defense of claims easier for everyone. Further, the forms proposed are similar to currently existing forms for other protective order procedures. Therefore, the committee believes that the number and specific types of forms recommended are appropriate to achieve the purposes of the legislation and to assist the public and the courts to effectively and efficiently implement it.

Alternatives

Format of Emergency Order

The committee considered two different formats for the emergency order. Staff drafted two separate forms, one for a petition and one for an order, in the standard plain-language format. However, the committee prefers a single form modeled after the EPO-001 *Emergency Protective Order*, which has an application and order on a single page. The conclusion 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. Also, the form must be in NCR triplicate format so that it may be served and filed and entered into the Department Justice (DOJ) Database and the California Law Enforcement Telecommunications System (CLETS).

Supporting Facts

For the temporary (ex parte) order and order after hearing, the statute provides a lengthy list of factors that the court must consider in deciding whether the grounds for the order have been proved.³² The petition (form GV-100) includes an “affidavit” item³³ for the petitioner to set forth the supporting facts. The facts need to address the statutory factors. The committee has elected not to list all the factors in the petition. An option is provided to incorporate the supporting facts in the TRO and Order After Hearing as the court’s findings in support of the orders.

Policy implications

Possible Judicial Council–sponsored Legislation

There are several anomalies about the statutes that perhaps should have or could have been done differently. The committee is considering proposing that the Judicial Council sponsor legislation to address these issues.

First there is the placement of the statutes in the Penal Code despite the express statement that the statutes establish “a civil restraining order process.” This procedure would seem to fit more logically in the Code of Civil Procedure with other civil restraining order statutes.³⁴

There is the confusing nomenclature previously noted, by which a temporary order is issued ex parte and an ex parte order is temporary. The law would be clearer if the more traditional terms of “emergency order” and “temporary restraining order” had been used.

As noted above, the statutes provide a process by which the respondent can seek to terminate the order³⁵ and a process by which the petitioner can seek to renew an order that is about to terminate. For both proceedings, the manner of service of the initiating forms, whether personal or by mail, should be specified in the statute. Also, service requirements for the order should be clarified, whether it is granted or denied and whether or not a party attended the hearing.

The statutes provide expressly for the entry by law enforcement of proof of service forms into the California Restraining and Protective Order System (CARPOS).³⁶ However, there is no requirement that the orders themselves be entered.³⁷

³² See Pen. Code, §§ 18155(b), 18175(a).

³³ See Pen. Code, § 18155(a)(2).

³⁴ See Code Civ. Proc., §§ 527.6 (Civil Harassment), 527.8 (Workplace Violence), 527.85 (Private Post Secondary School Violence).

³⁵ See Pen. Code, § 18185.

³⁶ See Pen. Code, § 18115(e)(1).

³⁷ However, Penal Code section 18115(a) does require that the court notify the Department of Justice when a gun violence restraining order has been issued or renewed under this division no later than one court day after issuing or renewing the order.

Several Penal Code statutes address violations of enumerated restraining or protective orders.³⁸ There should be consideration as to whether these statutes should be amended to include gun violence restraining orders.

Implementation Requirements, Costs, and Operational Impacts

One commentator noted the anticipated implementation requirements for the courts listed below. It should be noted that the forms are required to implement recent legislation and training in the substantive changes resulting from the new laws is needed independent of the new forms.

- Self-Help Centers—Self-Help staff would require training, and forms would need to be available at the court’s Self-Help kiosks as well as printed at the Self-Help centers at the various court locations.
- Case management system—The court would need to add the filing types into the case management system. This process will take time to add the required documents, conduct testing, and for court management to approve the changes.
- Minute Order Codes (MOCS)—The court will need to add the MOCS codes that reflect the appropriate code language. This process could take a few weeks to add the codes, for testing, and for final management approval.
- Training case processing staff—The court will need to train case processing staff on how to file documents, where the hearings will take place, and understanding the timeliness of setting the hearings in accordance with the code timelines.
- Training courtroom clerks—Courtroom clerks will need to be trained as to including appropriate language in the minutes as well as knowing which MOCS codes to use. Courtroom clerks will need to create associated calendars. Further, the court may need to create MACROS related to this implementation and the courtroom clerks would need to be trained on this as well.
- Procedures—Staff would need at least a few weeks to draft procedures for both case processing clerks as well as for courtroom clerks. Procedures that would require drafts include:
 - Civil: processing gun violence petitions, renewals, terminations, etc.;
 - Criminal: processing search warrants when firearms are not surrendered; and
 - Protective Order Unit: updating the DOJ CARPOS system.

³⁸ See Pen. Code, §§ 166(c) (contempt of court), 273.6 (punishment for violation of protective order), 836 (arrest without warrant),

- Communication with law enforcement—The court will need to coordinate a communication plan with law enforcement agencies to provide direction on the submission of Gun Violence Restraining Orders, any applicable renewals, and terminations.
- Protective Order Registry/WebDV and CARPOS—Protective Order Registry/WebDV will require modifications to allow entry to Gun Violence Restraining Orders and terminations. In addition, DOJ will need to modify CARPOS to allow for the entry of these orders into the system, as well as remove the existing “protected party” requirement.
- Docket codes—The court will need to create new docket codes for the filing of new petitions/forms and types of hearings.

Attachments and Links

1. Judicial Council forms at pages 11–62
2. Chart of comments on proposal SPR15-13 [this proposal] at pages 65–131

EPO-002

LAW ENFORCEMENT CASE NUMBER:

FIREARMS EMERGENCY PROTECTIVE ORDER**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** (Also see important Warnings and Information on Page 2):

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 your local law enforcement agency or sell them to or store them with a licensed gun dealer **within 24 hours** of being served with this order. You must then **file a receipt proving surrender, sale, or storage with the Court listed below within 48 hours**, or if the court is closed, then on the next business day after the firearms are surrendered or sold. **FAILURE TO TIMELY FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

(Name and address of court): _____

3. THIS ORDER WILL EXPIRE ON: _____**TIME** _____

INSERT DATE OF 21st CALENDAR DAY
DO NOT COUNT DAY THE ORDER IS GRANTED

4. Reasonable grounds for the issuance of this Order exist, and a Firearms Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm; **and** (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

5. **To the Restrained Person:** This order will last until the expiration 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.**

Judicial officer (name): _____

granted this Order on (date): _____

at (time): _____

APPLICATION

6. Officer has a reasonable cause to believe that the grounds set forth in Item 4, above, exist. (state supporting 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**

12
EPO-002

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

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

This Firearms Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front.

A law enforcement officer or agency or a family member may seek a more permanent restraining order from the court. However, you can seek to terminate this order or any more permanent order before expiration by filing a request with the court listed on the front.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

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

A la persona restringida: Tiene prohibido ser dueño de un arma de fuego, poseer, comprar o tratar de comprar, recibir o tratar de recibir u obtener un arma de alguna otra manera. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 y encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego a una agencia del orden público o venderlas a o guardarlas con un comerciante de armas autorizado hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Dentro de las 48 horas de recibir esta orden, se tiene que presentar a la corte una prueba de haberlas entregado, vendido, o guardado. Se puede usar la forma GV-800 por este propósito.

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.

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. 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 al otro lado.

Si está en violación de este orden de restricción, 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 otro periodo de cinco años mas, a comenzar a partir del vencimiento de la orden de restricción actual de violencia con armas de fuego. (Código Penal, § 18205.)

Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

To law enforcement: The Firearms Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. A copy must be filed with the court as soon as practicable after issuance. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this Temporary 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.

GV-100**Petition for Firearms Restraining Order**

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

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: _____ 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:

| | <u>Kind of Case</u> | <u>Filed in (County/State)</u> | <u>Year Filed</u> | <u>Case Number (if known)</u> |
|-----|--|--------------------------------|-------------------|-------------------------------|
| (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

If you have reason to believe that the respondent is in possession of 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 information 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 both of the following are true:

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.



- ☐ Below
- ☐ On the attached Form MC-031, *Attached Declaration*

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write “Attachment 9—Request for Immediate Temporary Order” for a title.

Case Number: **10** ☐ **Request to Give Less Than Five Days' Notice**

You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is "Proof of Personal Service"? Form GV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

- ☐ *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 or a self-help center.

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

Will 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. See Form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*, for information on how to proceed.

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

Yes. 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?”*.

GV-100-INFO Can a Firearms Restraining Order Help Me?

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 threat of violence that the person to be restrained has made, any violent incident in which the person has been involved, or any crime of violence the person has committed. It could also be evidence that the person to be restrained has violated a protective order or abuses controlled substances or alcohol. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm or the recent acquisition of a firearm. Or it could be evidence that the person to be restrained has been identified by a mental health provider as someone prohibited from purchasing, possessing or controlling any firearms.

You should include all of this information in your Petition and also be prepared to present it to the judge at the hearing.

Do I have to go to court?

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

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

Do I need to bring a witness to the hearing?

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

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

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

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: _____
 Date: _____ Time: _____
 Dept.: _____ Room: _____

4 Temporary Firearms Surrender 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 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 2015, Mandatory Form
 Penal Code, § 13700 et seq.
 Approved by DOJ

**Notice of Court Hearing
 (Gun Violence Prevention)**

GV-109, Page 1 of 3



Do I need a lawyer?

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

How long does the order last?

If the court 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 additional one-year periods.

What if the restrained person does not obey the order?

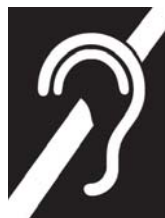
Call the police. The restrained person can be arrested and charged with a crime.

Can I agree with the restrained person to terminate the order?

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

What if I need help to understand English?

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

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.)

For help in your area, contact:

[Local information may be inserted.]

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:**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: _____

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.)

Case Number:

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 show that there is a substantial likelihood that both of the following are true:

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.

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

- (2) ☐ Other (*as set forth*): ☐ Below ☐ On Attachment 4b(2).

5 Service of Documents on Respondent

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

- a. GV-100, *Petition for 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 at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. Form GV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form GV-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the Respondent in time, you may ask for a later hearing date, which will give you more time to serve the documents. Use Form GV-115, *Request to Continue Court Hearing for Firearms Restraining Order*.



Case Number:

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 by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms 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

GV-110**Temporary Firearms Restraining Order***Petitioner must complete items ① and ② only.**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: _____

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.**

☐ Having examined ☐ Petitioner ☐ and other witnesses under oath,
☐ Having considered the declarations of ☐ Petitioner ☐ and other witnesses under penalty of perjury,

- and/or for the reasons set forth below.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

- This is a Court Order.**

Case Number: **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. The court has received credible information that you own or possess one or more firearms that have not been surrendered or sold. 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; or (3) storing all of your firearms and ammunition with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item **3** is in effect.
 - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms have been turned in, sold, or stored. (*You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

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 or storing them with 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 termination or 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

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Temporary 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.

GV-115**Request to Continue Court Hearing
for Firearms Restraining 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

Fill in case number:

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 reasons as 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.

GV-116**Notice of New Hearing Date**

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

Fill in case number:

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 unless both parties were in court at the time the continuance was granted. 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 a *Temporary Firearms Restraining Order* (Form GV-110) was issued, 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's Certificate
[seal]

(Clerk will fill out this part.)

—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

GV-120**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 by Mail.*)

Fill in court name and street address:

Superior Court of California, County ofSee *Petition* for case number and fill in:**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: _____

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

Hearing Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

If a Temporary Firearms Restraining Order was issued, you must obey it until the hearing. At the hearing, the court may make an order against you for one 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.



Case Number: **6 Surrender of Firearms and Ammunition**

If a *Temporary Firearms Restraining Order* (Form GV-110) was issued, you cannot own or possess any guns, other firearms, or ammunition. (See item ⑤ of Form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, 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, Sold, or Stored* 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 or stored them with a licensed gun dealer.

A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

7 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)_____
Lawyer's signature

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

Date: _____

Type or print your name_____
Sign your name

GV-120-INFO**How Can I Respond to a Petition for Firearms Restraining Order?****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. 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.

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, sell, or store 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 temporary order?

The police can arrest you. You can go to jail and pay a fine.

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

If you disagree with the order that the Petitioner is asking for, fill out Form GV-120, *Response to Petition for 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.

Will I have to pay a filing fee?

Yes. 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.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form GV-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out Form GV-250, *Proof of Service by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

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: _____

2 Respondent
 Full Name: _____

3 Hearing

The court will complete the rest of this form.

Hearing Date * Date: _____ Time: _____
 Dept.: _____ Room: _____
 Name and address of court if different from above: _____

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, Mandatory Form
 Penal Code, § 18150 et seq.
 Approved by DOJ

**Notice of Court Hearing
 (Gun Violence Prevention)**

GV-109, Page 1 of 3



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

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

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. (You can use Form MC-030, *Declaration*, for this purpose.)

Do I need a lawyer?

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

How long does the order last?

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

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

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

What if I need help to understand English?

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

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five 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.]

GV-130**Firearms Restraining Order After Hearing**

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.

a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____.
(Name of judicial officer): _____ made the orders at the hearing.

(1) ☐ The Petitioner (3) ☐ The lawyer for the Petitioner (name): _____

(2) ☐ The Respondent (4) ☐ The lawyer for the Respondent (name): _____

- (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.

[illegible]

This is a Court Order.

6 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 dispose of all of your firearms and ammunition within 24 hours of receiving notice of 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; or (3) storing all of your firearms and ammunition with a licensed gun dealer for as long as this Order is in effect.
 - (2) Within 48 hours of receiving this Order, or if the court is closed, then on the next business day, file a receipt with the court that proves that your guns or firearms have been turned in, sold, or stored. (*You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

7 Service of Order on Respondent

- a. ☐ The Respondent personally attended the hearing. No other proof of service is needed. The clerk has provided the Respondent with a blank copy of Form GV-600, *Request to Terminate Firearms Restraining Order*.
- b. ☐ The Respondent did not attend the hearing. The Respondent must be personally served with a court file-stamped copy of this Order and a blank copy of Form GV-600, *Request to Terminate Firearms Restraining Order*, by a law enforcement officer or someone age 18 or older -- **and not a party to the action.**

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 punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, 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

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The respondent was informed of the Order by an officer.
- Item 7a is checked.

This is a Court Order.

Case Number:

Instructions for Law Enforcement*(continued)*

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *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.

GV-200**Proof of Personal Service**

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

Fill in case number:

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-116, *Notice of New Hearing Date*
- e. ☐ GV-120, *Response to Petition for Firearms Restraining Order* (blank form)
- f. ☐ GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*
- g. ☐ GV-130, *Firearms Restraining Order After Hearing*
- h. ☐ GV-600, *Request to Terminate Firearms Restraining Order* (blank form)
- i. ☐ GV-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- j. ☐ 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.

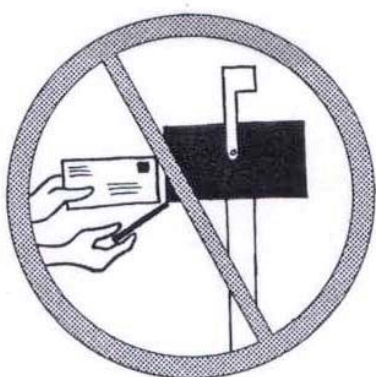
Service lets the respondent know:

- 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.

GV-200-INFO What Is “Proof of Personal Service?”

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 ☐ _____ calendar 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 to 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* (Form GV-110) will remain in effect until the new hearing date.

GV-250**Proof of Service by Mail**

Clerk stamps date here when form is filed.

1 Petitioner

Full Name: _____

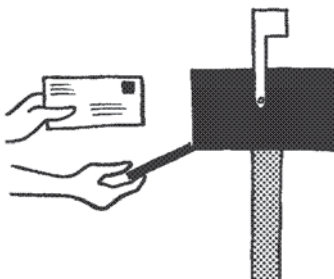
2 Respondent

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 a party to the case.
- 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

Fill in case number:

Case Number:**4 PROOF OF SERVICE BY MAIL**

I am 18 years of age or older and not a party to this case. I live or am employed in the county where the mailing took place. I mailed the ☐ Petitioner ☐ Respondent 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

GV-600**Request to Terminate Firearms Restraining Order**

Clerk stamps date here when form is filed.

1 Respondent

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Petitioner**

- a. Full Name: _____
- b. Address (if known): _____
 City: _____ State: _____ Zip: _____

3 ☐ Request to Terminate Restraining Order

- a. I ask the court to terminate the
☐ *Firearms Restraining Order After Hearing* (Form GV-130)
☐ *Order on Request to Renew Firearms Restraining Order* (Form GV-730)
 because (give reasons below):
☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3 —Reasons to Terminate Order" for a title. You may use Form MC-025, Attachment.
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- b. ☐ A copy of the current order is attached.

This is not a Court Order.

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 restraining 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.

GV-610**Notice of Hearing on Request 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

Fill in case number:

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 unless terminated by the court.**Hearing
Date** →
 Date: _____ Time: _____
 Dept.: _____ Room: _____

Name and address of court if different from above:

To the Respondent:**④ Service**Someone age 18 or older—**not you**—must serve a copy of the following forms on the Petitioner:

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

This is a Court Order.

Case Number:

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

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

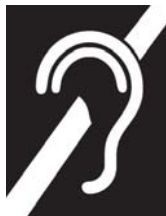
Date: _____

Judicial Officer

To the Petitioner:

If you wish to make a written response to this request to terminate the current firearms restraining order, you may fill out Form GV-620, *Response to Request to Terminate 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 by Mail*, with the court before the hearing.

Request for Accommodations



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

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing on Request to Terminate Firearms Restraining Order* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

GV-620**Response to Request to Terminate
Firearms Restraining 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 ② 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

Fill in case number:

Case Number:

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

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

① 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: _____

② Respondent

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

③ Response

- a. ☐ I do not oppose termination of the order.
- b. ☐ I oppose termination of the order for the following reasons (specify below):
- ☐ 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 by Mail*. Have the person who did the mailing sign the original. Take the completed Proof of Service form back to the court clerk or bring it with you to the hearing.

GV-630**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

Fill in case number:

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): _____

④ Findings

- ☐ The court finds that there is no longer clear and convincing evidence that:

Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition; and

This is a Court Order.

Case Number: _____

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

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

5 Order on Request to Terminate

The request to terminate the *Firearms Restraining Order After Hearing* (Form GV-130), originally issued on (date): _____ ☐ and most recently renewed on (date): _____, is:

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

To the Prevailing Party:

6 Service of Order

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

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

Date: _____

Judicial Officer

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order on Request to Terminate 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.

GV-700**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

Fill in case number:

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): _____
 (If the order has already expired, you must file a new petition.)

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.

GV-710**Notice of Hearing on Request 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

Fill in case number:

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.

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

This is a Court Order.

Case Number: _____

To the Petitioner:**④ Service on Respondent**

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

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

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

Date: _____

*Judicial Officer***To the Respondent:**

At the hearing, the judge can renew the current restraining order for 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 by Mail*, with the court before the hearing or bring it with you to 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 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—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing on Request to Renew 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.

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 by Mail* with the court.

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.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from Form GV-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 you for another year.



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.

GV-730**Order on Request to Renew
Firearms Restraining Order**

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: _____

② Respondent

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): _____

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:

This is a Court Order.



4 Order on Request for Renewal

The request to renew the attached *Firearms Restraining Order After Hearing* (Form 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): _____ ☐ a.m. ☐ p.m. or ☐ 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* (Form 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: If this Order is renewed, it 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.

Case Number:

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**—The Respondent attended the hearing. **No further service is required.**
- ☐ **Order Granted**—The Respondent did not attend the hearing. **Personal service is required.** 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 Denied—Service by Mail**—If the Petitioner did not attend the hearing, 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**(Clerk will fill out this part.)***—Clerk's Certificate—***Clerk's Certificate*
[seal]

I certify that this *Order on Request to Renew Firearms Restraining Order* is a true and correct copy of the original on file in the court.

This is a Court Order.

GV-800**Proof of Firearms Turned In, Sold,
or Stored**

Clerk stamps date here when form is filed.

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

Fill in case number:

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 selling them to or storing them with 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**.

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
Badge Number _____

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 or stored them with you.

The firearms listed in **6** were:☐ sold to me ☐ stored with 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

Case Number:

After the form is signed, file it with the court clerk and with the law enforcement agency that served you with the gun violence restraining order. Keep a copy for yourself. Failure to file a receipt with the court and with the law enforcement agency is a violation of this order.

For help, read Form GV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

6 Firearms

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

- ☐ Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "GV-800, Item 6—Firearms Turned In, Sold, or Stored" 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, sold, or stored those other firearms? ☐ Yes ☐ No

If yes, check one of the boxes below:

- a. ☐ I filed a *Proof of Firearms Turned In, Sold, or Stored* 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

GV-800-INFO How Do I Turn In, Sell, or Store My Firearms?

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 24 hours:
 - Turn them in to your local law enforcement agency; or
 - Sell them to a licensed firearms dealer.
 - Store them with a licensed firearms dealer.



3 How do I sell or store 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 surrender 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 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 Do I have to prove that I have turned in, sold, or stored my firearms?

Yes. Within 48 hours you must file a receipt with the court and the law enforcement agency showing that you have surrendered your firearms to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use Form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for this purpose.

9 Questions?

Call your local law enforcement agency.

(Insert local information here.)

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| List of All Commentators, Overall Positions on the Proposal, and General Comments | | | | |
|--|---|-----------------|---|--|
| | Commentator | Position | Comment | Committee Response |
| 1. | California Judges Association By Joan P. Weber, President | NI | See attached letter. | We agree that training of bench officers support staff is necessary. The working group proposes to help support education programs through CJER. |
| 2. | Deborah Coel Operations Analyst Superior Court of Orange County | AM | See comments on specific provisions below. | Responses are below with comments. |
| 3. | Christine Copeland Commissioner Superior Court of Santa Clara County | AM | Opening comments: I read the legislation until my eyes started to cross and same with forms- whoever worked on all of these brand-new forms for a brand-new law should be commended. It's the weirdest restraining order ever because no one person or persons gets protection, and no one is restrained in the traditional sense. My comments below may likely indicate that I didn't read the legislation closely enough or understand the forms well enough, so I may have over-commented. See comments on specific provisions below. | Responses are below with comments. |
| 4. | Educational Fund to Stop Gun Violence Josh Horwitz Executive Director | AM | I am emailing on behalf of the Educational Fund to Stop Gun Violence and have attached our Executive Director, Josh Horwitz's comments on the Civil Forms: Gun Violence Restraining Order which were proposed on April 17, 2015. The Educational Fund to Stop | Responses are below with comments. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| List of All Commentators, Overall Positions on the Proposal, and General Comments | | | | |
|--|---|-----------------|---|--|
| | Commentator | Position | Comment | Committee Response |
| | | | <p>Gun Violence (“Ed Fund”) is a non-profit organization founded in 1978 that seeks to reduce gun violence through research, education, and strategic engagement.</p> <p>We agree generally with the proposals made, but recommend making the changes we have outlined in the attached document.¹</p> | |
| 5. | Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC). | A | The JRS agrees with the proposed changes, but requests that the Civil and Small Claims Committee consider how to simplify the process for obtaining gun violence restraining orders, especially in regard to implementation. | The process for obtaining gun violence protective orders has been established by the Legislature in Penal Code section 18100 et seq. The Civil and Small Claims Advisory Committee cannot change a process established by statute. |
| 6. | National Rifle Association and California Rifle and Pistol Association C.D. Michel, Senior Counsel and Joseph A. Silvosio III | AM | <p>We write on behalf of the National Rifle Association (NRA), the California Rifle and Pistol Association (CRPA), and the hundreds of thousands of individual members of those associations in California, as well as numerous individual firearm manufacturers, dealers, and owners in California.</p> <p>This letter provides comments on the 23 proposed Judicial Council forms, known as the</p> | Responses are below with comments. |

¹ Summary of statutory provisions omitted

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| List of All Commentators, Overall Positions on the Proposal, and General Comments | | | | |
|--|---|-----------------|---|------------------------------------|
| | Commentator | Position | Comment | Committee Response |
| | | | Civil Forms: Gun Violence Restraining Orders, and address whether the proposed forms appropriately address their stated purpose pursuant to Penal Code ' 18100 et seq. ² | |
| 7. | Orange County Bar Association By Ashleigh Aitken, President Newport Beach | A | Agree with proposed changes. | No response is necessary. |
| 8. | Superior Court of Los Angeles County Janet Garcia Court Manager | AM | See comments on specific provisions below. | Responses are below with comments. |
| 9. | Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | AM | See comments on specific provisions below. | Responses are below with comments. |
| 10. | Superior Court of San Diego County Michael M. Roddy, Executive Officer | AM | See comments on specific provisions below. | Responses are below with comments. |

² Summary of statutory provisions omitted

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

COMMENTS APPLICABLE TO MULTIPLE FORMS

| Commentator | Comment | Committee Response |
|--|---|--|
| Deborah Coel Operations Analyst Superior Court of Orange County | The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | The committee agrees with this comment and has changed this instruction to direct the person filing the form to fill in the case number in all forms after the initiating form. |
| Educational Fund to Stop Gun Violence Josh Horwitz Executive Director | [T]he Temporary Gun Violence Restraining Order and the Gun Violence Restraining Order are variously referred to throughout the forms as a “protective order,” “protection order,” or “restraining order.” We recommend that the orders be referred consistently throughout the forms as a “Temporary Gun Violence Restraining Order,” and “Gun Violence Restraining Order.” | The decision to call the EPO-002 a “protective” order was intentional to conform to the EPO-001. Otherwise, the forms use “restraining order” consistently per the statutes. “Protection order” is always wrong and has been changed in the one form where it was found. “Protective order” has been changed to “restraining order” wherever it was found, other than in form EPO-002. |
| Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC). | This process involves numerous forms. The JRS would appreciate CSAC considering how the number of related forms can be reduced to still achieve the statutory objectives. | The gun violence statutes, in addition to providing for petitions and orders, provide procedures for obtaining a continuance, renewing an order that is near expiration, and terminating the order. All of these procedures are easier to pursue, defend, and adjudicate if there are standardized forms that litigants, counsel, and courts can use. Judicial Council forms benefit litigants, counsel, and ultimately the courts. They save time and money and make the presentation and defense of claims easier for everyone. Further, the forms proposed are similar to currently existing forms for other protective order procedures. Therefore, the committee believes that the number and specific types of forms recommended are appropriate to achieve the purposes of the legislation and to assist the public and the courts to effectively and efficiently implement it. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

COMMENTS APPLICABLE TO MULTIPLE FORMS

| Commentator | Comment | Committee Response |
|--|---|--|
| National Rifle Association and California Rifle and Pistol Association C.D. Michel, Senior Counsel and Joseph A. Silvos III | <p>Regarding Forms EPO-002, <i>Firearms Emergency Protective Order</i>, GV-110, <i>Temporary Firearms Restraining Order</i>; and GV-130, <i>Firearms Restraining Order After Hearing</i>:</p> <p>The instructions for law enforcement under the section entitled Enforcing This Order must be amended to include a directive for entering the acquisition of firearms into the Automated Firearms System (AFS). Pursuant to Penal Code section 11106, law enforcement officers must enter information regarding the acquisition of firearms into AFS upon taking possession of firearms. This directive will work to aid the Department of Justice in maintaining accurate records of persons prohibited from possessing or owning firearms.</p> <p>For example:</p> <p>Pursuant to Penal Code § 11106, law enforcement officers enforcing this order <u>must enter all information pertaining to the acquisition of any and all firearms derived from the enforcement of this order into the Automated Firearms System.</u></p> | <p>Penal Code section 11106(b) requires the Attorney General to permanently keep and properly file and maintain all information reported to the Department of Justice under various firearms-related statutes and to maintain a registry of this information. The statute does not impose a mandatory duty on law enforcement officers and agencies to enter information pertaining to the acquisition of firearms derived from the enforcement of protective orders into the registry.</p> <p>Additionally, these forms are not intended to provide comprehensive guidance to law enforcement officers about all of their duties with respect to firearms, but only to implement the new GV act. The committee assumes that law enforcement officers will receive training on and be aware of any other firearm-related responsibilities that they may have.</p> <p>Therefore, the committee does not believe that the proposed language should be added to the gun violence order forms.</p> |
| Superior Court of Los Angeles County Janet Garcia Court Manager | <p>[All forms] calling for [the filing party's] address... provide for the applicant (whether petitioner or respondent) to have a confidential address. While it may be advisable for the petitioner to have a confidential address, the GVRO legislation did not make provision for this and there appears to be no reason for a respondent to have a confidential address.</p> | <p>All protective order forms allow for a mailing address. No protective order or other statute or rule of court requires that a party provide a home address on a pleading or paper. All that is required is that there be some address at which the party agrees to accept service. This address may be a home address, a mailing address, or an attorney address. It is proper for these forms to advise the parties of the option of using an</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| COMMENTS APPLICABLE TO MULTIPLE FORMS | | |
|---|---|---|
| Commentator | Comment | Committee Response |
| | | address that will minimize security concerns. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | The following forms do not include a Clerk's Certificate section: •GV-610 Notice of Hearing to Terminate Firearms RO •GV-630 Order on Request to Terminate Firearms RO •GV-710 Notice of Hearing to Renew Firearms RO •GV-730 Order on Request to Renew Firearms RO | The committee does not feel that a Clerk's Certificate is essential as it may be made by stamp. However, a Clerk's Certificate has been added to forms for which space is available without increasing the number of pages. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | This form uses multiple titles for the party which may cause confusion. The Court recommends using only one title in this form. | The committee assumes that this comment refers to the form's using both "Restrained Person" and "Respondent." In response, the form has been changed to consistently refer to "Restrained Person." |
| | Item #2: reflects filing of the original receipt of firearm sale with the court within 48 hours. If an order is made on a weekend or holiday, it will be impossible to file proof with the court within 48 hours. The Court recommends rewording to reflect the filing timeline as, "within 48 hours or if the court is closed then the next business day after firearm is surrendered." | This language has been added to Item 2. |
| | Item #3: Increase the size of the Court address field. Larger courts have multiple civil divisions and the forms should accommodate the inclusion of the division information. | One additional line has been added by deleting the box under Item 1, which warns of the obligation to surrender firearms to law enforcement on demand. This language is repetitive of language in Item 1. |
| | Item #4: The Court recommends striking the word "Respondent" and replacing it with the word "Restrained Person." [Item 6] | Item 6 has been revised to remove the reference to "Respondent." |
| | Item #6: The Court recommends striking the word "Respondent" and replacing it with the word "Restrained Person". Thus, the sentence should read: "Officer has a reasonable cause to believe: an Order (1) is necessary because <i>Restrained Person</i> poses an immediate danger of personal injury to himself / herself or another and..." | See response above |
| | Page 2, paragraph 1: First paragraph on page two of the form orders restrained person to file proof of surrender or receipt. | The referenced text is now the second paragraph on page 2 of the form. The gun violence statutes all refer |
| | | |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
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| Commentator | Comment | Committee Response |
| | This is inconsistent with item #2, which orders the receipt to be filed. The Court recommends adding option of filing the proof of surrender (not just the receipt) into item #2. | to filing a “receipt” (see Pen.Code, § 18120(b)(2)), so this language has been retained. Use of form GV-800, <i>Proof of Firearms Turned in or Sold</i> , is optional. A reference to the form has been added to page 2. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Page 1 uses “Respondent” and “Restrained Person” ; but page 2 uses “Restrained Person”-it may be confusing to use different terms | Please see committee response to similar comment above. |
| | Item 7- Could we have a box to check that says “None reported”? This shows officer did her due diligence in asking about firearms (parenthetically, I have the same request on the EPO-001 at item 10 but that form is not up for revisions) | A report of firearms is what triggers this process. “None reported” would mean that there are no grounds to issue an order. |
| | At bottom of page 1 where it says to keep one copy for the court, if no GV request is filed, does the court have any duty to keep the EPO-002 , and if so, where and for how long? | The question of retention of papers is beyond the scope of the committee’s charge to develop forms. |
| National Rifle Association and California Rifle and Pistol Association C.D. Michel Senior Counsel | Form EPO-002 may only be utilized by law enforcement officers. To avoid mistakes in enforcement and the potential for law enforcement overreaching, the form needs to contain clear, unambiguous language detailing the specific prerequisite circumstances that must exist before law enforcement officers can seek a Firearms Emergency Protective Order. | The committee does not believe that this is necessary. Law enforcement will be trained on what to do and how to avoid mistakes. That is not the function of a form. |
| | 1. Section 2 and Reverse Section 2, regarding notice to the restrained person, should include language informing a restrained person of how to terminate this order. While one sentence pertaining to the | The committee does not see any need to emphasize this sentence on the right to request termination. The statutory warning (see Pen. Code, §18135) on the front of the form advises the restrained person to consult an attorney. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
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| Commentator | Comment | Committee Response |
| | <p>termination of this order is buried towards the bottom of the second page in a small, indistinguishable font, this advisory should also be included in this section on the first page in a bold-type font and underlined.</p> <p>This will serve to provide the restrained person with notice of their rights, beyond merely advising them that they can hire an attorney.</p> <p>For example:</p> <p>YOU CAN SEEK TO TERMINATE THIS ORDER BEFORE EXPIRATION BY FILING A REQUEST WITH THE COURT LISTED IN ITEM 3.</p> <p>Additionally, the sentence pertaining to the termination of this order, located on the second page should also be in a bold-type font and underlined. This would provide the respondent with easily identifiable information and notice that they have and can assert their rights under the law.</p> | |
| | <p>[T] he Notice to Law Enforcement located on the bottom of the second page should include additional, unequivocal language in a bold-type font reiterating that this order is only to be utilized as a method of last resort, and only when other less restrictive alternatives have proven ineffective.</p> <p>For example:</p> | <p>The committee does not believe that there is any reason to state the law in the form.</p> |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
|--|---|---|
| Commentator | Comment | Committee Response |
| | <p><u>THIS FORM MUST BE USED ONLY WHERE THERE IS EVIDENCE OF LESS RESTRICTIVE ALTERNATIVES BEING UTILIZED AND SHOWN TO BE INEFFECTIVE, INADEQUATE, OR INAPPROPRIATE PRIOR TO THE ISSUANCE OF THIS ORDER.</u></p> | |
| | <p>2. Section 4</p> <p>Section numbers 4 and 6 pertaining to reasonable grounds for issuance of this order should be in a bold-type and large font. This makes it clear to law enforcement officers that both of these prerequisites must exist to establish reasonable grounds for issuance of this order.</p> <p>Alternatively, should the entirety of section 4 not be in a bold-type and large font, then the connective term and connecting items 1 and 2 should be in a bold-type font and underlined to highlight that both prerequisites must exist before issuance of this order is permitted.</p> <p>Again, this order is a method of last resort. Pursuant to Penal Code § 18125, less restrictive alternatives must be attempted and determined to be ineffective or otherwise inadequate or inappropriate by a judicial officer before this order can be utilized.</p> <p>Unless this is emphasized, the GVRO process can be abused. Every effort should be made to make certain that anyone seeking a GVRO, and anyone issuing a GVRO, is aware of this</p> | <p>The committee does not believe that the use of capital letters, bold face fonts, and underlining to emphasize certain aspects of the legislation is a proper function of a form.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
|--|--|---------------------------|
| Commentator | Comment | Committee Response |
| | <p>requirement.</p> <p>Therefore, item number 2 in section 4 indicating less restrictive alternatives as being ineffective should be underlined and made to stand out to, so that it is clearly understood use of EPO-002 is a method of last resort.</p> <p>For example:</p> <p>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 <u>ineffective or have been determined to be inadequate or inappropriate under the circumstances.</u></p> <p>Additional and unequivocal language should also be included to reinforce this restriction.</p> <p>For example:</p> <p>THIS FORM MUST BE USED ONLY WHERE THERE IS EVIDENCE OF LESS RESTRICTIVE ALTERNATIVES BEING UTILIZED AND SHOWN TO BE INEFFECTIVE, INADEQUATE, OR INAPPROPRIATE PRIOR TO THE ISSUANCE OF THIS ORDER.</p> | |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
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| Commentator | Comment | Committee Response |
| | <p>3. Section 6</p> <p>Section 6, indicating that reasonable cause exists for a law enforcement officer's belief that the issuance of this order is necessary, should use alternative language. The code requires for the law enforcement officer to assert, and the judicial officer to find that reasonable cause exists. Cal. Pen. Code ' 18125(a). "An Officer [having] a reasonable cause to believe..." is not a phrase used in any related statute, and is not the only catalyst for the issuance of EPO-002. Rather a judicial officer must also find there is reasonable cause to believe both items 1 and 2 of section 6 before a Firearms Emergency Protective Order is issued. To suggest otherwise, such as EPO-002 currently does, is a misstatement of the law. Leaving the language as is would undermine the legislative intent for application of a GVRO because it would purport to allow for a law enforcement officer's unfettered discretion in determining whether less restrictive alternatives were ineffective or otherwise inadequate to warrant the issuance of this order.</p> <p>Section 6 should be amended to make clear that there needs to be dual findings of both items 1 and 2, by a law enforcement officer and a judicial officer, before this order can be issued.</p> <p>For example:</p> <p>THIS APPLICATION WILL NOT BE GRANTED UNLESS A JUDICIAL OFFICER ALSO FINDS REASONABLE CAUSE TO BELIEVE THE ABOVE INFORMATION.</p> | <p>Item 6 is the Application, not the order. The committee does not believe that the form suggests that the officer's reasonable belief is sufficient. The proposed additional language is not needed.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
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| Commentator | Comment | Committee Response |
| | Section 6 also fails to provide enough space for law enforcement officer to fill in crucial and required information. Unlike GV-100 which provides over a dozen lines (and the ability of the petitioner to add attached documents), the EPO-002 provides only three lines for a law enforcement officer to write-in this information. This is insufficient space considering the importance of this requirement. | |
| | Similarly to the issues with Section 4, Section 6 includes the connective term “and,” connecting items 1 and 2 in a bold-type font. But this term should also be underlined as well to make sure law enforcement officers understand that both items must be present before EPO-002 can be used. | As with item 4 above, the committee does not believe that any emphasis on the second requirement is needed in item 6. |
| | Section 6 also fails to provide enough space for law enforcement officer to fill in crucial and required information. Unlike GV-100 which provides over a dozen lines (and the ability of the petitioner to add attached documents), the EPO-002 provides only three lines for a law enforcement officer to write-in this information. This is insufficient space considering the importance of this requirement. | The committee understands the problem and had made a few minor spacing changes to provide a few extra lines. But as noted above, this form must be limited to a single page. Penal Code section 18135(d) imposes a textual requirement of information that must be given to the respondent (Item 5). It is impossible to include this text and also provide more lines for the officer’s statement of facts in Item 6. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | The form uses the terms "respondent" and "restrained person" interchangeably. Substitute "Person to be restrained" in the officer's portion (application). | Please see committee response to similar comment above. |
| | There is insufficient space for the officer to complete the application. It is anticipated this section may require a lengthy | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
|---|--|--|
| Commentator | Comment | Committee Response |
| | declaration. | |
| | Page 1, [name of judicial officer granting order]: capital “O” for officer | Judicial Council Forms standards do not require a capital letter here. |
| | Page 1, #6, respondent or restrained person? | Please see committee response to similar comment above. |
| | Page 2, paragraph 1, line 5, period after closed parentheses. | The citations within the form have been made consistent by placing the period inside of the closed parenthesis. |
| | Page 2, paragraph 4, How do they accomplish this without case # from the court? | The committee cannot respond because the comment is unclear about what the “this” is to be accomplished. |
| | Is it necessary to attach a copy of the EPO if the court did not receive a copy? | There is no requirement that the EPO be attached to any subsequent filing. |
| | Does this require a hearing? | There is no hearing with regard to the issuance of an EPO. |
| | Does the court order return the guns? | Assuming that the comment refers to the expiration of the EPO and no TRO is issued, Penal Code section 18120(c)(1) provides that “Upon expiration of any order, any firearms or ammunition shall be returned to the restrained person in accordance with the provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.” |
| | If there is another RO, does the court relate/consolidate? | The committee believes that the consolidation statutes would permit, though not require, consolidation of multiple protective order proceedings. |
| Superior Court of Orange County by Family Law Operations | Item #2 reflects filing of the original receipt of firearm sale with the court within 48 hours. If an order is made on a | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM EPO-002: FIREARMS EMERGENCY PROTECTIVE ORDER | | |
|--|---|---|
| Commentator | Comment | Committee Response |
| Managers and Juvenile Court Operations Managers | weekend or holiday, it will be impossible to file proof with the court within 24 hours. We recommend rewording to reflect the filing timeline as, “within one business day after firearm is surrendered.” | |
| | First paragraph on page two of the form orders [respondent] to file proof of surrender or receipt. This is inconsistent with item #2, which orders the receipt to be filed. We recommend adding option of filing the proof of surrender (not just the receipt). | Please see committee response to similar comment above. |
| | “Respondent” and “restrained person” is used interchangeably, which may create confusion. See item #6 and first paragraph on page two of the form. | Please see committee response to similar comment above. |
| | Expand the court address field. Large size courts have multiple civil divisions and the forms should accommodate the inclusion of the division information. | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100: PETITION FOR FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Page 1 - item 1- since the “family member” definition per PC code here is a bit unusual in that it includes someone (unrelated) who has lived in the home last 6 months, it would be useful to flag people here to see form GV-100-INFO for definition of family member. | The information on the form preceding says to read GV-100 INFO. Also, Item 1 is a caption item. It should not be augmented beyond the necessary information. |
| | Item 2 uses “Respondent;” if it is decided to use the term “restrained person” instead for sake of consistency, then change term. | Form EPO-002 consistently uses “Restrained Person.” All other forms consistently use “Respondent.” |
| | Item 2- add gender and DOB fields. | The petitions in all civil protective order proceedings do not require respondent identifying information. This information is collected on the CLETS form, which is not a public record. Law enforcement does not use the petition in order to determine the identity of the respondent. |
| | Page 3 item 7- isn’t there an option to store firearms with a CA licensed gun dealer? | The gun violence statutes do not include the option to store firearms with a licensed dealer as a means of surrender. |
| | Page 4 item 10 – insert “calendar” after “five” and before “days” in first sentence. | The committee agreed and has made this change. |
| Educational Fund to Stop Gun Violence Josh Horwitz Executive Director | GV-100, the Petition for Firearms Restraining Order form, requests that the petitioner “[d]escribe the number, types, and locations of any firearms and ammunition that [he or she] believe that the Respondent currently possesses or controls.” The petition further provides that petition set forth facts to support the following assertions: a. The Respondent poses a significant danger in the near | Assuming that “all the enumerated factors” in the comment are those found in Penal Code section 18155(b)(1) and (2): this is a lengthy list. Including them all would create a very imposing and user unfriendly form. The committee does not believe that the factors need to be in the petition. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100: PETITION FOR FIREARMS RESTRAINING ORDER | | |
|---|---|---|
| Commentator | Comment | Committee Response |
| | <p>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.</p> <p>b. A gun firearms 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.</p> <p>The Ed Fund recommends that the petition, GV-100, list all of the enumerated factors and provide space beneath each factor for the petitioner to set forth the facts supporting each factor. We also recommend that, in addition to listing the code section for the protective orders referenced in the factors, to provide the common names for the various protective orders.</p> | |
| National Rifle Association and California Rifle and Pistol Association C.D. Michel Senior Counsel | Because Form GV-100 can be used by either law enforcement officers or immediate family members of the respondent, it must contain clear, unambiguous language understandable by laypersons. Immediate family members of the respondent likely will have no sophistication or knowledge of civil proceedings or related terminology. | Plain language is the committee's goal. |
| | Section 1, pertaining to the petitioners information, should include a clear definition of the phrase "family member" in parenthesis and an italicized font in a similar fashion to the specification for a law enforcement agency that is also | Please see committee response to similar comment above.. The first sentence on the form advises the user to read GV-100 INFO. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100: PETITION FOR FIREARMS RESTRAINING ORDER | | |
|---|---|---|
| Commentator | Comment | Committee Response |
| | <p>included on the form. Because the phrase “immediate family” is clearly defined in Penal Code § 18150(a)(2), and excludes all other members of the respondent’s family, then this indication should be clearly identified so unqualified people do not attempt to use the form.</p> <p>For example:</p> <p>(A family member includes any spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.)</p> <p>The form indicates “I am a family member of the Respondent.” But it fails to include a qualifying statement of which specified family members are legally permitted to petition for a GVRO. As a matter, lay people viewing GV-100 have no reason to think that legally excluded family members could not petition for a GVRO. If this language is not included, courts will receive petitions from persons not eligible to file them.</p> | |
| | <p>Section 6 should be highlighted again, as discussed above, relating to the A less restrictive alternative.</p> <p>For example:</p> <p>A gun firearms restraining order (1) is necessary to prevent personal injury to Respondent or to another person because <u>(2)</u></p> | <p>As noted above with regard to Form EPO-002, the committee does not believe that this emphasis is needed.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100: PETITION FOR FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| | <u>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.</u> | |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, #3, [Venue]: How do we place this on Case Cover Sheet? What are the other reasons/examples? | The gun violence statutes do not include any venue provisions; therefore, Code of Civil Procedure section 395 controls. The committee cannot say with certainty that venue must be in the county of the respondent's residence in all cases. Therefore, an option for "other" (venue) is appropriate. |
| | Page 3, c., case number should be added. | The committee does not understand this comment. Item 6c is on page 3 is for supporting facts. There would appear to be no relevance of the case number. |
| | Page 3, #9, line 3, move check box up to c. "Check here is there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 9-Request for Immediate Temporary Order" for a title. | The committee also does not understand this comment. There is no "c" for Item 9. |
| | Page 4, [Item 10] line 4, period after closed parentheses. | The only closed parenthesis in this item is at line 3. The material within is a complete sentence, so the period goes inside. |
| | Page 4, line 6, add "and case number". | Again, the committee does not understand the comment. Page 4, line 6 would seem to be in Item 10. But nowhere in Item 10 would the words "and case number" be relevant. |
| Superior Court of San Diego County Michael M. Roddy, Executive | Page 3 item 6b states, "A gun firearms restraining order"; however, the word "gun" is redundant and should be removed. | The committee agrees and has removed the word "gun." |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100: PETITION FOR FIREARMS RESTRAINING ORDER | | |
|---|----------------|---------------------------|
| Commentator | Comment | Committee Response |
| Officer | | |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100-INFO: CAN A FIREARMS RESTRAINING ORDER HELP ME? | | |
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| Commentator | Comment | Committee Response |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Page 1: Under “Can I get a firearms....” (2 nd paragraph) for “step” relationships, should we specify that the marriage has to be a current one (so current “step” relationship)? | <p>“Step” relationships arise from relation by “affinity” per Penal Code sections 422.4(b)(3) and 18135(a)(2)). First degree affinity includes stepchildren and stepparents. There is no limitation of a current marriage, though it may be that if the marriage though which the step relationships arise is terminated, so are the relationships. Second degree affinity includes one’s <i>spouse’s</i> grandparent or grandchild. Therefore, there is a marriage requirement in second degree affinity. It is theoretically possible for a grandparent or grandchild of a former spouse to mistakenly file for a gun violence restraining order.</p> <p>However, the committee does not believe that this possibility is of sufficient significance to address in the INFO sheet.</p> |
| | Under “Will the order protect me”- where we say to file form DV-100, maybe we should instead say “see DV-500-INFO for what forms you will need.” | The committee agreed and has made this revision. |
| | 2 nd column “What do I need to do to get the order?”- I may have glanced over it in the statute(s), but I couldn’t find a venue requirement. | <p>See response above re: the venue item in GV-100.</p> <p>There is no venue requirement in the gun violence statutes.</p> <p>GV-100-INFO does direct the petitioner to file in the court of the respondent’s residence without mentioning any other possibility for venue. But because any other</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100-INFO: CAN A FIREARMS RESTRAINING ORDER HELP ME? | | |
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| Commentator | Comment | Committee Response |
| | | basis for venue is uncertain and likely to be rarely used, the committee believes that the direction to file in the county of the respondent's residence is appropriate. To suggest a theoretical alternative would be more confusing than helpful. |
| | 2 nd column "How will the person to be restrained...."- re: personal service requirement, doesn't PC 18197 qualify after-hearing service requirement to if restrained person can be "reasonably located"? | Penal Code section 18197 applies and requires personal service on the respondent if he or she did not attend the hearing. This requirement is clearly stated in the last paragraph on page 1 of the form, which also cross refers to Form GV-200-INFO, <i>What Is Proof of Personal Service?</i> |
| | Page 2- first column under "Will I see the restrained person at the court hearing?"- Second sentence isn't correct- there is nothing to make us assume that the responding party is not permitted to talk to the applicant (unless a DV, CH, CPO, or other type of RO is in effect and that separate order prohibits contact/communication). | The committee agreed with the comment and has removed this language from the form. |
| | 2 nd column under "Do I need to bring a witness..." I know we encourage this in other INFO sheets, but why set expectations that the court is going to give any weight at all to hearsay declarations or letters. I think we should take this out. | The committee made only a very minor change to the wording of this section. The committee believes that the petitioner should be encouraged to marshal his or her evidence despite any possible issues of admissibility. |
| | Anywhere within the INFO page- would it be worthwhile to mention the legal standard of proof is Clear and Convincing? Just thought this might be helpful since we'll all be new to this for a while. | Clear and convincing evidence is a legal term of art. The committee does not believe that it will have much meaning to the petitioner. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100-INFO: CAN A FIREARMS RESTRAINING ORDER HELP ME? | | |
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| Commentator | Comment | Committee Response |
| Educational Fund to Stop Gun Violence Josh Horwitz Executive Director | Additionally, we recommend that the petition form or the accompanying form, GV-100-INFO, state that “recent” is defined as within the six months prior to the date the petition was filed. | <p>This definition of “recent” appears in Penal Code section 18155(b)(3), which is the lengthy list of factors that the court is to consider in deciding whether there is clear and convincing evidence supporting the order. “Recent” is an element of some of the factors.</p> <p>The committee does not believe that it is important to include all of the factors in the INFO sheet. It would increase the length of the form considerably and make it less user friendly. It would be difficult to express many of the factors in plain English.</p> |
| | <p>On GV-100-INFO, under the heading “How can I convince the judge?” the Ed Fund recommends that the second paragraph be revised to read:</p> <p>“Then you will need to present facts to show that the person to be restrained is dangerous. This could be information about <u>any threat of violence the person to be restrained has made</u>, any violent incident in which the person has been involved, or any crime of violence the person has committed. <u>It could also be evidence of the violation of a protective order, documentary evidence of abuse of controlled substances or alcohol by the person to be restrained. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm or the recent acquisition of a firearm by the person to be</u></p> | <p>The committee agreed that the “How can I convince the judge?” section could benefit from the proposed additional language, and has revised it along the lines suggested. There is, however, evidence in the legislative history that a history of mental health problems is relevant. Therefore, the last sentence has not been deleted.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100-INFO: CAN A FIREARMS RESTRAINING ORDER HELP ME? | | |
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| Commentator | Comment | Committee Response |
| Superior Court of Los Angeles County Janet Garcia Court Manager | restrained. It could also be evidence of any erratic or irrational behavior tending to indicate that the person suffers from a mental illness.” | |
| | We also recommend that the Judicial Council add a section to GV-100-INFO that reads “What if I don’t have the relationship necessary to petition for a GVRO?” and advise such persons that they may discuss their concerns with a law enforcement officer who, upon investigation of the situation, may petition for a GVRO. | The committee agreed that the suggested information is valuable. It has been added to the “Can I get a firearms restraining order against someone?” section rather than as a new section. |
| | The form should use the "service" explanation in the new DV-400-INFO, page 3, paragraphs 13-20. | The Judicial Council has not yet approved or adopted Form DV-400-INFO. The committee believes that the information on service included in Form GV-200-INFO, <i>What Is “Personal Service?”</i> , is sufficient. |
| | Given the circumstances under which these petitions are anticipated to be brought, consider a warning about the danger of anyone other than law enforcement serving the petition or orders. | This warning is given in Form GV-200-INFO, “ <i>What Is Proof of Personal Service?</i> ” GV-100-INFO cross refers to GV-200-INFO. |
| | The form indicates that witness statements under oath, photos, medical reports, etc. will be accepted by the court. Because the Evidence Code applies in a GVRO proceeding, the informational language in new DV-520 INFO is more appropriate. | Please see committee response to similar comment above. The language suggested from Form DV-520-INFO is: “You can bring documents or witnesses to help support your case. Provide the other party with a copy of all documents or witness statements. Your witnesses can |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100-INFO: CAN A FIREARMS RESTRAINING ORDER HELP ME? | | |
|--|---|--|
| Commentator | Comment | Committee Response |
| | | <p>write their statements about what they saw or heard, signed under penalty of perjury. They can use Form MC-030, <i>Declaration</i>, or a sheet of paper titled “Declaration.”</p> <p>The committee believes that the DV language, though different, is not appreciably better than the proposed GV language.</p> |
| | Page 1, question 4, remove “if you can afford to pay” . | The committee agreed and has made this deletion. |
| | Page 1, question 4 [filing fee], Law enforcement too? | This form really is not directed at law enforcement petitioners; the committee does not think it necessary to address the issue. |
| | Page 1, question 7, line 1, capitalize “superior court” and underline “restrained” . | Judicial Council forms format standards do not capitalize “superior court” when the reference is generic, rather than to a particular court. The committee does not see a need to underline “restrained.” |
| | Page 3, question 4, Free interpreter per new law? | New law expands the availability of free interpreter services, but does not guarantee it. The section “What if I need help to understand English?” already advises the petitioner to inquire about the availability of interpreter services. The committee has made a minor revision to the text of this section to reference a possible self-help center. |
| | Page 2, question 5 [Can I bring somebody with me to court?], line 2, change [from “hearing. But”] to “hearing, but” | The committee agreed and has made this change. |
| | Page 3, question 3 [Can I agree with the restrained person to | The committee agreed and has made this change. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-100-INFO: CAN A FIREARMS RESTRAINING ORDER HELP ME? | | |
|---|--|--|
| Commentator | Comment | Committee Response |
| | terminate the order?], line 3, change “cancel” to “terminate.” | |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | Page 2 “Will I see the restrained person at the court hearing? section: It appears this portion was copied from the Civil TRO form. It states “...that person does not have the right to speak with you.” There is no TRO protecting the petitioner, but rather restricting respondent’s access to firearms and ammo. This section should be removed. | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

FORM GV-109: NOTICE OF COURT HEARING

| Commentator | Comment | Committee Response |
|---|---|---|
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 2, item 4b. Perhaps add a few rejection reasons: b(3) insufficient relationship between applicant and restrained person; b(4) venue in this county is improper; (if, in fact, there is a venue requirement; see comment above re: form GV-100-INFO above | The committee did not believe that any more possible grounds were needed given that “other” is provided for. |
| | Item 5- after “five” add “calendar” to specify 5 calendar days | The committee agreed and has made this addition. |
| | First bullet point paragraph at bottom section under “To the Petitioner in 1” block: The court cannot make an order “after”- get rid of “after” and instead say “at.” | The committee agreed and has made this change. |
| | Page 3- first bullet point- should we specify 2 calendar days service deadline, or does the statute(s) not specify? | The gun violence statutes do not specify any time for service of the response. |
| | Under 5 th bullet, we just have sell or turn in, but what about 3 rd option effective 7/1/14- store with CA licensed gun dealer? | The gun storage option was added by legislation passed and signed after the forms were posted for comment. This form (and other forms) was then revised to add the option for storage. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 2, (2), Is there another form? | The committee does not understand to what the comment refers. On page 2, there is Item 4b(2), which is the open text field for “other” grounds for denying a TRO. The reference to “another form” is not clear. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

FORM GV-110: TEMPORARY RESTRAINING ORDER

| Commentator | Comment | Committee Response |
|--|---|--|
| Deborah Coel Operations Analyst Superior Court of Orange County | Item #5(b)(2): This section orders respondent to file receipt that proves firearms have been turned in or sold. The Court recommends inserting option of filing the GV800. | This language is currently stated in the parenthetical: “(You may use <i>Form GV-800</i> , Proof of Firearms Turned In or Sold, <i>for the receipt</i> .)” |
| | [T]here may be instances where the firearm may have already been surrendered (e.g., Firearm Emergency Protective Order) and therefore item #5(b)(2) would not apply. The Court recommends adding #5(b)(3) with a selection box to reflect, “Respondent previously surrendered all firearms.” The Court is concerned that there may be confusion that other firearms may need to be surrendered and may create errors in CARPOS. | The committee agreed that this possibility should be addressed. But instead of a new 5b(3), the committee has added language at Item 5b (before subitems (1) and (2)). |
| | Page 4, 4th bullet: This should reflect serving the <i>Response to Petition for Firearms Restraining Order</i> (GV-120) after it has been filed with the court. | Bullet point 3 instructs the respondent to file the response with the court. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 3- under item 5(b)(c)- again, 3 rd option re: gun storage with CA licensed gun dealer should be added. | Please see committee response to similar comment above. |
| | Page 4- first section, first bullet- again, mention gun storage option | Please see committee response to similar comment above. |
| | 4 th bullet- mention at least 2 calendar days before. | Please see committee response to similar comment above. |
| | 5 th bullet point- as per above re: setting unrealistic expectations: we shouldn’t let litigants believe judicial officers will rely on hearsay declarations. | The committee does not believe that the respondent should be deterred from marshaling his or her evidence because of possible inadmissibility. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-110: TEMPORARY RESTRAINING ORDER | | |
|---|--|--|
| Commentator | Comment | Committee Response |
| | Page 5- first bullet first section: LEA returning firearm to a third party could create an access issue if that third person lives with or associates with restrained person in GV order. | The committee understands that this could be true, but the statute provides for it. |
| National Rifle Association and California Rifle and Pistol Association C.D. Michel Senior Counsel | Because Form GV-110 must be completed by a judge and then disseminated to both the Petitioner and Respondent, it should contain clear, unambiguous language in lay terms instructing the parties on how to comply with the order, as well as to law enforcement officers enforcing this order. | Clear and unambiguous language is the committee's objective. |
| | <p>Section 5 entitled "Order Prohibiting All Firearms and Ammunition" must be amended to provide adequate notice to the Respondent, so that effective compliance may be ensured. Particularly, section 5(b)(2) notifies the Respondent that he or she must file a receipt with the court and law enforcement agency that served him or her with the order, showing that the firearms were turned in or sold. Cal Pen Code ' 18120(b)(2)(A) and (B).</p> <p>Even though Respondent is notified in a bold-type and all capitalized font that failing to file the receipt constitutes a violation of the order, there is otherwise nothing to indicate to the Respondent that he or she must file the receipt at two different locations (if the order was serve by law enforcement) in order to be in compliance.</p> <p>The language notifying the Respondent that the receipt must be filed at both the court and the law enforcement agency who served him or her with the order should be in a bold font and</p> | The committee believes that Item 5(b)(2) adequately tells the respondent what to do. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

FORM GV-110: TEMPORARY RESTRAINING ORDER

| Commentator | Comment | Committee Response |
|--|---|---|
| | otherwise made to stand out. | |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, 2. Move “Date of Birth” to second line and “Race” to first line | The committee sees no need to make this change. |
| | [Item 4] on page 2 are to be completed by court re reason for the issuance of an order. Legibility of handwritten orders is often questioned by law enforcement. Is it acceptable to attach a typed minute order? | The committee believes that each court should decide whether to attach a minute order at Item 4c. |
| | Page 2 [Item 4]: Do “b” and “c” always get checked off? | If something is not an option and must be included, no check box is provided. The presence of a check box means that the matter may or may not apply. |
| | Page 4, line 3, remove “,” after “?”. | Form titles are always set off with commas before and after. |
| | Page 5, add case name to top of form? | The case name is not included in the header on any subsequent page of any form. |
| | Page 5, line 6, change “Pen” to “Penal”. | Code abbreviations are used in parentheses. |
| | Page 5, line 12, change “restrained person” to “Respondent”. | This error has been fixed. |
| | For Gun Violence Restraining Order Exparte Request:-Will the court require Notice to be given or a finding of good cause that was not given? | Nothing in the gun violence statutes requires that any effort be made to alert the respondent that somebody is seeking an order against him or her. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Page 3, item #5(b)(2) orders respondent to file receipt that proves firearms have been turned in or sold. Recommend inserting option of filing the GV800. | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-110: TEMPORARY RESTRAINING ORDER | | |
|---|--|---|
| Commentator | Comment | Committee Response |
| | There may be instances where the firearm may have already been surrendered (e.g., Firearm Emergency Protective Order) and therefore item #5(b)(2) would not apply. Recommend adding #5(b)(3) with a selection box to reflect, “Respondent previously surrendered firearm.” Otherwise, there may be confusion that other firearms may need to be surrendered and may create errors in CARPOS. | Please see committee response to similar comment above. |
| | If a firearm restraining order is made on a weekend or holiday, it will be impossible to file proof with the court within 24 hours. We recommend rewording to reflect the filing timeline as, “within one business day after firearm is surrendered.” | Please see committee response to similar comment above. for EPO-002 |
| | Page 4, 4th bullet should reflect serving the <i>Response to Petition for Firearms Restraining Order</i> (GV-120) after is has been filed with the court. | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-115: REQUEST TO CONTINUE COURT HEARING FOR FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | The committee agrees and had made this change. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, 3b(2), on Attachment 3b, Use minute order? | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-116: NOTICE OF NEW HEARING DATE | | |
|---|--|---|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | The committee agreed and has made this change. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | RE page 2 – The statement “If you were served with a temporary firearms Restraining Order...” This language is misleading. The language implies that the temporary restraining order will not remain in effect until the continued hearing date. | While the committee is not sure why the commentator considers the language misleading, it has changed “If you were served with a <i>Temporary Firearms Restraining Order</i> ” to “If a <i>Temporary Firearms Restraining Order</i> was issued,”. |
| | If at the court’s discretion, is GV-116 necessary? | The form gives all parties notice of the new hearing date when a continuance is granted. The parties need to know the new hearing date regardless of how the continuance came about. |
| | Add Date, Clerk, by Deputy. | The form currently includes a Clerk’s Certificate. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-120: RESPONSE TO PETITION FOR FIREARMS RESTRAINING ORDER | | |
|--|---|--|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | The committee agreed and has made this change. The respondent should be able to get the case number from the papers served. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 1- in the box for hearing information: take out the word “additional” as that implies the RO has already been in effect for one year, which is not the case unless there is a renewal. | The committee agreed and has deleted “additional.” |
| | Page 2- item 6- gun storage is a 3 rd option? | The gun storage option was added by legislation passed and signed after the forms were posted for comment. This form (and other forms) was then revised to add the option for storage. |
| National Rifle Association and California Rifle and Pistol Association C.D. Michel, Senior Counsel and Joseph A. Silvos III | Item 6 requires the restrained person to inform the court (by checking a box) that they either do not own or control firearms or ammunition or that their firearms were turned in to law enforcement or sold to a firearm dealer. This form is signed under penalty of perjury. If, for whatever reason, the restrained person failed to comply with the court order, the form requires a respondent to supply to the court, under penalty of perjury, potentially incriminating information as part of his or her response to the application of the GVRO. In light of the Fifth Amendment concerns relating to this | These two checkboxes appear on all protective order response forms, including the domestic violence forms. The issue raised by this comment will be referred back to the Protective Orders Working Group (POWG) for possible reconsideration. The POWG has members from several advisory committees, including the Civil and Small Claims Advisory Committee. In 2012, the POWG was charged with revising and harmonizing the statutes and forms for the various protective order proceedings. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-120: RESPONSE TO PETITION FOR FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| | section it should be removed. | The POWG considered the Fifth Amendment implications of form items requiring the respondent to disclose whether or not s/he had complied with firearms surrender requirements in a temporary restraining order. The POWG decided that an item asking directly whether the respondent continued to own guns should be removed because of Fifth Amendment concerns. The POWG, however, did not believe that the failure to check a box constituted an admission of continued gun ownership. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | GV 120 [hearing information box] says "present the Response at the hearing." The informational form inconsistently instructs to serve by mail. | The committee has reworded this instruction so that it does not suggest that prior service by mail is not needed. |
| | Page 2, Interpreter fees? | Assuming that this comment refers to the possibility of a free interpreter, it is addressed above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-120-INFO: HOW CAN I RESPOND TO A PETITION FOR FIREARMS RESTRAINING ORDER? | | |
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| Commentator | Comment | Staff Proposed Response |
| Christine Copeland Commissioner Superior Court of Santa Clara County | 2 nd paragraph re: “Who can ask...” refer to GV-100-INFO for definition of immediate family member | The committee would not refer the respondent to the GV-100-INFO for this information. However, it has been added to the section “Who can ask for a firearms restraining order?” |
| | Last paragraph right column on page 1- “How long does the order last” There is a typo- see 2 nd sentence “decide to whether....” | This error has been fixed. |
| | Page 2, second blurb “Will I see the person...” I don’t think we should be saying that parties cannot talk to each other, as no TRO from a GV request would deal with no contact (a GV order only orders relinquishment, and not stay away, no contact, etc.). | The form does not say that the respondent cannot talk to the petitioner. It says not to talk to him or her. The committee believes that this remains good advice despite the lack of a TRO imposing compulsory silence. The language has been softened to suggest that it is “probably best” not to talk to the petitioner. |
| | 3 rd paragraph- as per above, I am against encouraging parties to bring hearsay declarations. | Please see committee response to similar comment above. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | As in GV 100, the form suggests hearsay will be accepted. The new DV 520 INFO form is more correct. | Please see committee response to similar comment above. |
| | GV 120 says "present the response at the hearing." The informational form inconsistently instructs to serve by mail. | Please see committee response to similar comment above. |
| | Page 1, No indication of fees or fee waiver. | The committee has added the section “Will I have to pay a filing fee?” |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-120-INFO: HOW CAN I RESPOND TO A PETITION FOR FIREARMS RESTRAINING ORDER? | | |
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| Commentator | Comment | Staff Proposed Response |
| | Page 2, Interpreter fees? | Please see committee response to similar comment above. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | Page 2 “Will I see the person who asked for the order at the person at hearing? Section: It states “Do not talk to him or her unless the judge or the person’s attorney says that you can.” Again, there is no stay away order in place; therefore, there is no need for this section. | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-130: FIREARMS RESTRAINING ORDER AFTER HEARING | | |
|---|---|---|
| Commentator | Comment | Committee Response |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 2- add 4(d), or add to already existing 4(c) to allow the TRO to remain in effect pending the next court date. | There is actually no need to be concerned with a continued hearing and extension of the TRO if an order after hearing is being issued. Therefore, the committee has removed Item 4c (providing for a continuance and new hearing date) from the form. If the hearing is continued without an order being issued, then Form GV-116 should be used. |
| | Item 6(b)(2): if the restrained person was in court when the relinquishment order was made, why do they have to be served with the order before the 48 hour relinquishment requirement takes effect? | The committee agreed with this comment. It has replaced “being served with” the order as the trigger for the relinquishment time period with “receiving notice of” the order. The committee also has changed “you must surrender all of your firearms” to “you must dispose of all of your firearms.” |
| | Last section of that page under “Warnings and Notice” – nit picky point: After the first “this” we have “order” with a big “O”. The very last word is “order” with a small “o”. | The word “order” has been consistently capitalized whenever the text refers to the order itself. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Item 7 needs a provision for explanation of service by law enforcement. | The committee has construed this comment to suggest that the form include an option to require service by law enforcement. This addition has been made. |
| | Sections on page 2 are to be completed by court re reason for the issuance of an order. Legibility of handwritten orders is often questioned by law enforcement. Is it acceptable to attach a typed minute order? | Please see committee response to similar comment above. |
| | Page 1, (2): Respondent, move “age” to first line and “weight” to second line. | The committee sees no advantage in this suggestion. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-130: FIREARMS RESTRAINING ORDER AFTER HEARING | | |
|--|---|--|
| Commentator | Comment | Committee Response |
| | Page 2, 4b, line 4 [additional persons present], Is clerk supposed to do this? | Per the instructions on page 1, “[t]he court will complete the rest of this form.” |
| | Page 2, 4c, Why is [checkbox for continuance] an option on GV-130? | As noted above, the committee agrees that an order after hearing should not provide for a continuance. |
| | Page 3, add case name to top of form? | Please see committee response to similar comment above. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Page two, item #4 should caution users to, “Ensure the continuance date is before the expiration date of the Gun Violence Emergency Protection Order, if one exists.” | Penal Code section 18195 keeps the TRO in place until the continued hearing date. But as noted above, the committee has removed the checkbox to continue the hearing at Item 4c from the form. |
| | If a firearm restraining order is made on a weekend or holiday, it will be impossible to file proof with the court within 24 hours. We recommend rewording to reflect the filing timeline as, “within one business day after firearm is surrendered.” | 24 hours is the time allowed to dispose of the firearms; 48 hours are allowed to file the receipt. Item 6b(2) has been revised to account for the end of the 48-hour period falling on a day when the court is closed. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

FORM GV-200: PROOF OF PERSONAL SERVICE

| Commentator | Comment | Committee Response |
|--|--|--|
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | The committee agreed and has revised this instruction. |
| | The Court recommends adding to item #4, “Notice of New Hearing Date (GV-116), if applicable.” | The committee agreed and has made this addition. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Should we add to item 4 GV-115 and/or GV-116 check boxes? | As addressed above, the committee has added GV-116. There is no available space to add any more forms. GV-115 will have to be an “Other” under 4i. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 3, bullet 1, add “and not a party”. | This point is made by “Not be the Petitioner unless the Petitioner is a law enforcement officer.” |
| | Page 1, section 6. Why “type of print server’s name” if it is on first line. | This is the standard way that a signature block for service is presented. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Item #4, recommend adding, “Notice of New Hearing Date (GV-116), if applicable.” | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-200-INFO: WHAT IS “PROOF OF PERSONAL SERVICE?” | | |
|---|--|--|
| Commentator | Comment | Committee Response |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 2, segment under the circled examples- can we insert “calendar” after five and before days? | The committee has made this revision. |
| | Do we also need to mention form GV-116? | This form is about <i>how</i> to serve, not <i>what</i> to serve. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Given the circumstances under which these petitions are anticipated to be brought, there should be a warning about the danger of anyone other than law enforcement serving the orders. | The form currently states: “It is recommended that you ask a law enforcement officer to serve the forms because of the potential for gun violence.” This language has been elevated to bold face font. |
| | Page 1, paragraph 1, line 4, add “over the age of 18 and not a party to the case”. | This is stated in the “Who can serve?” paragraph: “However, service may also be by any person who is at least 18 years old and not a party to the action.” |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-250: PROOF OF SERVICE OF RESPONSE BY MAIL | | |
|---|---|--|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | Many other GV forms reference GV-250 as being a form that can be utilized by both the Petitioner and the Respondent. The Court recommends deleting #3, Notice to Server, the third bullet, which states “Not the Respondent” and replace it with “Not be a party to this proceeding.” That way, the form can be used by both parties. | The committee agreed with the comment and has revised the form to allow for use by either party. |
| | Additionally, #4, Proof of Service By Mail, the Court recommends adding the word “Respondent” into the third sentence. Thus, the sentence would read, “I mailed the Petitioner / Respondent a copy of all documents checked below:...” | As addressed above, this addition has been made. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 4, line 1, change “proceeding” to case/action. | The committee has changed the word to “case.” |
| | Under Section 6, Below Name: Add Type or print server’s name. | The committee sees no reason to make this change. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-600: REQUEST TO TERMINATE FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | Item #3(a): The Court recommends adding, “...or Order on Request to Renew Firearm Restraining Order (GV-730), as this may also be terminated.” | The committee agreed with the comment and has added checkboxes for GV-130 and GV-730. |
| | Further, page 2, the paragraph in italics references a “protective order”. To be consistent, the Court recommends deleting “protective order” and replacing it with “restraining order”. | The committee has made this correction. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | I’m not clear: can only a restrained person file this, or can the person or LEA who initiated case file to terminate before one year expiration? | The gun violence statutes only provide for a motion to terminate by the respondent. The committee considers it unlikely that a law enforcement agency would ever be involved in a decision to terminate. If the family member and respondent agree to termination, the respondent should file the motion. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 3b. Does [the current order] have to be attached? | The checkbox indicates that it is optional. While it certainly should be attached, it’s not required, and the respondent might not have a copy. |
| | Page 2, what do we do if they file the [Request to Terminate] more than one time? | Though not expressly addressed in the statutes, presumably the court would simply deny the petition. |
| | Is the request to terminate going to serve as the initiating | Any request to terminate the order would be a |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-600: REQUEST TO TERMINATE FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| | document? | subsequent filing in the case initiated by law enforcement or a family member. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Item #3(a) recommend inserting, "...or Order on Request to Renew Firearm Restraining Order (GV-730)", as this may also be terminated. | As addressed above, the committee agrees. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-610:NOTICE OF HEARING TO TERMINATE FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | The paragraph entitled “To the Petitioner:”, the last sentence tells the Petitioner to use form GV-250. Currently, GV-250 is only for use by the Respondent. This will cause confusion for the Petitioner and should be remedied. The Court recommended in 2f GV-250, to modify GV-250 to allow both parties to use the form. Should that recommendation be rejected the Court recommends deleting the reference to GV-250 and instruct the Petitioner to use POS-030. | As addressed above, GV-250 has been revised for use by either party. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 1 item 4: too bad there is no like requirement per FC 6345(d) and DV cases: in those, if a restrained person seeks to do away with the RO, service of the motion has to be by personal delivery. Does GV legislation allow mail service? If so, how many days before the hearing (usual CCP 1005 requirement of 16 court days + 5 calendar days ahead)? | Penal Code section 18185, the termination statute, does not address service of motions to terminate. Civil harassment statutes require personal service. (See Code Civ. Proc, § 527.6(j)(3).) Because personal service is highly preferable to ensure that the petitioner has notice of the motion, the committee has provided checkboxes by which the court may require personal service or allow service by mail. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | This form indicates that a request to terminate can be served by mail. In the proposed DV forms, the request to terminate, if brought by the restrained person, generally must be served personally (See SPR 15-16 and proposed forms therein). This is a sound policy to assure that the protected person in fact has | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-610:NOTICE OF HEARING TO TERMINATE FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| | notice of the request to terminate. | |
| | Page 1, section 2, move “Court will fill in box” up. | The committee sees no need to do this. |
| | Page 2, Date: Why is this a box? | The date field on page 2 is for the date of the court’s signature on the form. There is no box. |
| | Page 2, move 2 nd paragraph [To the Petitioner] up above date and Judicial Officer below 2 nd paragraph. | These kinds of instructions usually go after the form itself. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | The following forms do not include a Clerk’s Certificate section: •GV-610 Notice of Hearing to Terminate Firearms RO | A clerk’s certificate has been added. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-620: RESPONSE TO REQUEST TO TERMINATE FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | This form instructs the Petitioner to use form GV-250. Currently, GV-250 is only for use by the Respondent. This will cause confusion for the Petitioner and should be remedied. The Court recommended in 2.f GV-250, to modify GV-250 to allow both parties to use the form. Should that recommendation be rejected, the Court recommends deleting the reference to GV-250 and instruct the Petitioner to use POS-030. | Please see committee response to similar comment above.. Form GV-250 has been modified to permit use by both petitioner and respondent. |
| | Page 1, should section 1 [Respondent information] and 2 [Petitioner information] be in reverse order? | The committee agreed that they should be switched. Because this form is for use by the petitioner, the petitioner should be first. |
| | Page 2, information regarding proof of service is on first page already. | Because there is ample space on page 2, the committee sees no harm in repeating the information on both pages. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-630: ORDER ON REQUEST TO TERMINATE FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 3, line 2, add stamp next to <i>name of judicial officer</i> . | Item 3 asks for the name of the judicial officer who presided at the hearing. The committee does not understand the relation of a stamp to this information. |
| | Page 1, section 3, last check box [additional persons present], add “clerk to attach if applicable?” | The committee does not believe that this additional language is needed. |
| | Page 2, add clerk’s certificate and seal. | Because there is room on page 2, the committee has added the clerk’s certificate and space for the seal. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | The following forms do not include a Clerk’s Certificate section: •GV-630 Order on Request to Terminate Firearms RO | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-700:REQUEST TO RENEW FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | The Court recommends adding a note, “If your Gun Violence Restraining Order has expired, a new Petition for Firearm Restraining Order (GV-100) must be filed.” | The committee agreed and has added this instruction. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | item 3(b) does law allow for more than one renewal after the initial one year duration? My reading is you can get the first order after hearing for one year, and then it is subject to renewal for just one more year. I am not clear if I am reading that correctly and/or am not clear if repeat renewals are allowed (i.e. can you get a one year order for 10 years straight?). | See Penal Code section 18190(f). Multiple renewals are permitted: “subject to further renewal by further order of the court.” |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 3. How many times? | Please see committee response to similar comment above.. There is no limit on the number of renewals. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Recommend adding, “If your Gun Violence Restraining Order has expired, a new Petition for Firearm Restraining Order (GV-100) must be filed.” | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-700:REQUEST TO RENEW FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
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SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-710: NOTICE OF HEARING TO RENEW FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 2 the placement for judge’s signature is a little weird/hard to find. | The committee agreed and has moved the court signature line up to before the “To the Respondent” box. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 3, line 1, bold “Court will fill in box below” . | The text is italicized. The committee believes that is sufficient emphasis. |
| | Page 1, box below section 3, first line: add “until the end of the hearing.” After effect. | Even though the proposed addition is accurate, the committee is concerned that it might be misconstrued as meaning that once the hearing was over, the order is no longer in effect. |
| | Page 2, clerk’s certificate is missing at the end of the form. | A clerk’s certificate has been added. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | The following forms do not include a Clerk’s Certificate section: GV-710 Notice of Hearing to Renew Firearms RO | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-720: RESPONSE TO REQUEST TO RENEW FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | In the Hearing Date box, there is a word missing from the last sentence. The sentence should read: “At the hearing, the court can extend the order against you for another year.” | This error has been fixed. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | page 1 in the dialog box below the case number box has a typo: a missing word after against and before for. | Please see committee response to similar comment above. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 2, There is already a bullet on 1 st page regarding proof of service. Is it necessary again? | Because there is ample space on page 2, the committee sees no harm in repeating the information on both pages. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-730: ORDER ON REQUEST TO RENEW FIREARMS RESTRAINING ORDER | | |
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| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | Page 2: The Court recommends separating the findings from the orders. Otherwise, this may cause confusion when entering orders into CARPOS. | The committee does not believe that there will be any problem with CARPOS. The actual order remains the Order After Hearing on Form GV-130. This order just extends the effective date for a year. That information is clearly noted in Item 4. |
| | Page 3: The Court recommends adding a 4th selection box to reflect: “Service is not required because petitioner and respondent were present in court.” | The service item has been revised to state that if the respondent was present, no further service is required. (See Pen. Code, § 18187.) The petitioner’s presence is not relevant if the order is granted. If renewal is denied and the petitioner was not present at the hearing, the form now provides for service by mail. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 3, Is the clerk responsible for attaching the names of other people present? | The committee has removed this item from the form. |
| | Page 2, section 4a, enter 1 line after ammunition. | This comment would appear to be a request for more space between 4a(1) and 4a(2). The committee does not think that more space is needed. |
| | Page 3, Will judge or clerk need to review the previous order thoroughly in order to determine whether the respondent appeared at the original Firearms Hearing. May take longer to process. | The committee has removed reference to appearance at the original hearing as a factor to determine what manner of service is required. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-730: ORDER ON REQUEST TO RENEW FIREARMS RESTRAINING ORDER | | |
|--|--|--|
| Commentator | Comment | Committee Response |
| | Page 3, bottom, missing Clerk's certificate missing. | A clerk's certificate has been added. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Page two, item #4, under the denial section, it should reference item #4 of a previous Renewal Orders (GV-730) for instances where prior renewals exist. | A checkbox indicating that the order has previously been renewed has been added to Item 4. |
| | Page two, recommend separating sections for the findings and orders. Otherwise, this may cause confusion when entering orders into CARPOS. | Please see committee response to similar comment above. |
| | Page three, add a fourth selection box to reflect, "Service is not required because petitioner and respondent were present in court." | Please see committee response to similar comment above. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | The following forms do not include a Clerk's Certificate section: •GV-730 Order on Request to Renew Firearms RO | Please see committee response to similar comment above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-800:PROOF OF FIREARMS TURNED IN OR SOLD | | |
|--|---|--|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Case Number Box The Court recommends deleting the sentence in italics above the Case Number box, “Court fills in case number when form is filed” as the Case Number should be completed by the party filing the form on all subsequent filings. | This change has been made. |
| | Will CARPOS need to be updated when a GV-800 (Proof of Firearms Turned in or Sold) form is filed with the Court? | The question of CARPOS requirements is beyond the scope of the committee’s charge to develop forms. |
| | In #3, To the Respondent, the first sentence references the word “surrender” twice. The Court recommends deleting the second reference to the word “surrendering” in the first sentence and replacing it with the word “selling”. Thus, the sentence should read “The court has ordered you to surrender all of your firearms and ammunition by turning them in to law enforcement or selling them to a licensed gun dealer.” | The committee agreed and has made this change. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Does the firearm storage with CA-licensed gun dealer option not exist as it does in other RO types effective 7/1/14? | The gun storage option was added by legislation passed and signed after the forms were posted for comment. This form (and other forms) was then revised to add the option for storage. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Page 1, section 4, badge #? | A field for the officer’s badge number has been added. |
| | Page 2, section 7, does the court need to set a further hearing for proof of turn in? | No further hearing on failure to file receipt is provided for or required by statute. If the respondent fails to comply, then there is a violation of the order. |
| Superior Court of Orange County | Will CARPOS need to be updated when a GV-800 (Proof of | Please see committee response to similar comment |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| FORM GV-800:PROOF OF FIREARMS TURNED IN OR SOLD | | |
|---|---|---------------------------|
| Commentator | Comment | Committee Response |
| by Family Law Operations Managers and Juvenile Court Operations Managers | Firearms Turned in or Sold) form is filed with the Court? | above. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Form GV-800-INFO: HOW DO I TURN IN OR SELL MY FIREARMS? | | |
|--|---|--|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Item #2 should reflect 24 hours, not 48 hours. | The committee agreed with the comment and has made this change. |
| | The Court recommends adding requirement to file proof with the court regarding sale/surrender. | The committee agreed with the comment and has added a new question on proof of surrender. |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Does the firearm storage with CA-licensed gun dealer option not exist as it does in other RO types effective 7/1/14? | The gun storage option was added by legislation passed and signed after the forms were posted for comment. This form (and other forms) was then revised to add the option for storage. |
| National Rifle Association and California Rifle and Pistol Association C.D. Michel, Senior Counsel and Joseph A. Silvos III | Pursuant to Penal Code § 16520, a “firearm” for purposes of a GVRO includes “antique firearms’.” Quite often those with firearm restrictions are unaware that they are also restricted from possessing antique firearms, since these instruments are not considered “firearms” for purposes of firearm transactions. Because this form is considered to be informative and disseminated to restrained persons, then such pertinent information must be included to ensure their compliance under the law. | Penal Code section 16520(d) provides that under specific enumerated statutes, "firearm" does not include an unloaded antique firearm. The gun violence statutes are not yet among the enumerated statutes. Because this statute does not clearly make antique firearms “firearms” within the meaning of the gun violence statutes, the committee does not believe that that INFO sheet should address antique firearms. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | Item #2 should reflect 24 hours, not 48. | Please see committee response to similar comment above. |
| | We recommend adding requirement to file proof with the court regarding sale/surrender. | Please see committee response to similar comment above. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Amend Rule 3.1152 | | |
|---|--|---|
| Commentator | Comment | Committee Response |
| Christine Copeland Commissioner Superior Court of Santa Clara County | Enhance CRC 3.1152 to specify that court can grant restrained person one continuance if good cause exists? Or does GV-115 form take care of the issue? | Penal Code section 18195 provides for a continuance to either party on a showing of good cause. Rule 3.1152 conforms to this statutory provision. The committee does not believe that one continuance for the respondent as a matter of right is necessary. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: Does the proposal appropriately address the stated purpose? | | |
|--|--|---|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | The intended purpose of this proposal is to implement Penal Code section 18100 et seq. through the use of civil gun violence restraining order forms. The Court believes that the proposed forms sufficiently provide the mechanism for law enforcement and the public to obtain a restraining order while maintaining due process. The proposed forms function in a manner that will help to ensure that an individual who presents a danger to himself / herself or to society will not have access to firearms. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Yes, the proposal appropriately addresses the stated purpose. Because the forms are similar to other restraining order forms, the time needed for training court staff will not be substantial. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | The proposal addresses the stated purpose. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | The proposal addresses the stated purpose but in such a way that will require EXTENSIVE training (both initially and ongoing) to staff who must convey the information to the public. There are so many forms that it will be extremely difficult for a person of average intelligence to navigate through the process, regardless of the plain language format. We currently see the average Civil Harassment Restraining | The committee appreciates this response to the specific questions in the invitation to comment. But as noted above, the committee believes that all the forms serve a useful purpose and will facilitate initiating, defending, and adjudicating these proceedings. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: Does the proposal appropriately address the stated purpose? | | |
|--|---|---------------------------|
| Commentator | Comment | Committee Response |
| | Order plaintiff spend several hours attempting to complete those forms, even with considerable assistance. Fewer forms would reduce the amount of time spent both by the litigant and by court staff. | |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: Would the proposal provide cost savings? If so please quantify. | | |
|---|---|---|
| Commentator | Comment | Staff Proposed Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | The Court does not believe that implementing the new forms will result in a cost savings to the Court. In fact, the Court will incur costs in the form of procedure drafting, training of staff and judicial officers, updating the case management system, and processing, including but not limited to, renewals and terminations. Further, the Court will have to enter the orders into the DOJ CARPOS system. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | No. On the contrary, the proposal creates work in family law and criminal cases. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | There is no anticipated cost savings. This legislation will create a new workload in processing Gun Violence Restraining Orders, renewals and terminations. There is also a new workload in entering these orders into the DOJ CARPOS system. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | No cost savings would be realized; however, a cost expenditure would occur in order to staff the business offices where these would be filed and the courtrooms where they will be heard. There is also a cost to train said staff. There is also the cost to order/maintain forms and the cost to modify our electronic case management system. | The committee appreciates this response to the specific questions in the invitation to comment. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. | | |
|---|--|---|
| Commentator | Comment | Staff Proposed Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | <p>The following list describes the anticipated implementation requirements for the Court:</p> <ul style="list-style-type: none"> •Self Help: Self Help staff would require training, forms would need to be available at the Court’s Self Help kiosks as well as printed at the Self-Help centers at the various Court locations. •Case Management System: The Court would need to add the filing types into the case management system. This process could take a few weeks for our Court Technology Dept to add the required documents, conduct testing, and for Court management to approve the changes. •Minute Order Codes (MOCS): The Court will need to add the MOCS codes that reflect the appropriate code language. This process could take a few weeks for the Court Technology Dept to add the codes, for testing, and for final management approval. •Training case processing staff: The Court will need to train case processing staff in the following ways: how to file documents, where the hearings will take place, understanding the timeliness of setting the hearings in accordance with the code timelines. Training could take place in the form of large group classes or smaller group sessions. | The committee particularly appreciates this detailed response to the specific questions in the invitation to comment. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. | | |
|---|---|--------------------------------|
| Commentator | Comment | Staff Proposed Response |
| | <ul style="list-style-type: none"> •Training courtroom clerks: Courtroom clerks will need to be trained as to including appropriate language in the minutes as well as knowing which MOCS codes to utilize. Courtroom clerks will need to create calendars associated. Further, the Court may need to create MACROS related to this implementation and the courtroom clerks would need to be trained on this as well. •Procedures: Staff would need at least a few weeks to draft procedures for both case processing clerks as well as for courtroom clerks. Procedures that would require drafts include: <ul style="list-style-type: none"> oCivil: processing Gun Violence petitions, renewals, terminations, etc.; oCriminal: processing search warrants when firearms are not surrendered; and oProtective Order Unit: updating the DOJ CARPOS system. •Communication with law enforcement: The Court will need to coordinate a communication plan with law enforcement agencies to provide direction on the submission of Gun Violence Restraining Orders, any applicable extensions, and terminations. •Protective Order Registry/WebDV and CARPOS: Protective Order Registry/WebDV will require modifications to allow | |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. | | |
|---|---|---|
| Commentator | Comment | Staff Proposed Response |
| | entry to Gun Violence Restraining Orders and terminations. In addition, DOJ will need to modify CARPOS to allow for the entry of these orders into the system, as well as remove the existing ‘protected party’ requirement. •Docket codes: The Court will need to create new docket codes for the filing of new petitions/forms and types of hearings. | |
| Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) | Regarding operational impact on the trial courts, staff will need to be trained. The time spent training staff will vary based on the area of litigation. As an example, criminal staff may need training not only on processing forms, but also on learning the case management system used to enter restraining orders. Case management systems will also need to be modified to include new codes. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of Los Angeles County Janet Garcia Court Manager | Staff will need to be trained. The time spent training staff will vary based on the area of litigation. As an example, criminal staff may need training not only processing forms, but also learning the CMS used to enter restraining orders. The CMS will also need to be modified to include new codes. | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations | <ul style="list-style-type: none"> • Procedures will need to be created/revised and training will be required for: <ul style="list-style-type: none"> ○ Civil staff processing Gun Violence petitions, renewals, etc. | The committee appreciates this response to the specific questions in the invitation to comment. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. | | |
|---|---|---|
| Commentator | Comment | Staff Proposed Response |
| Managers | <ul style="list-style-type: none"> ○ Criminal staff processing search warrants when firearms are not surrendered; and ○ Protective Order Unit staff updating the DOJ CARPOS system. <ul style="list-style-type: none"> ● Communication will need to be coordinated with law enforcement agencies to provide direction on the submission of Gun Violence Restraining Orders, any applicable extensions, and terminations. ● System changes will be required for the Protective Order Registry/WebDV to allow entry to Gun Violence Restraining Orders and terminations. In addition, DOJ will need to modify CARPOS to allow for the entry of these orders into their system, as well as remove the existing “protected party” requirement. <p>New docket codes will need to be created for the filing of these new petitions/forms and new hearing types will need to be created.</p> | |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | See answer to number 2, above. | The committee appreciates this response to the specific questions in the invitation to comment. |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: - The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? | | |
|---|---|--|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | Due to the significant changes that the Court needs to address, the Court requests six months to implement the changes associated with the new legislation. In addition to the court specific implementation noted in section c above, the DOJ will need to provide the Court with direction regarding entry of the new order type into CARPOS. | <p>The committee appreciates this response to the specific questions in the invitation to comment.</p> <p>It should be noted that the forms are required to implement recent legislation, and training in the substantive changes resulting from the new laws will be needed independent of the new forms. It is preferable to have the forms in place for use on the effective date of the statutes, even if training takes time.</p> |
| Superior Court of Orange County by Family Law Operations Managers and Juvenile Court Operations Managers | This legislation introduces significant changes to the courts. Courts need to await direction from DOJ regarding entry of the new order type into CARPOS. Once clarification/direction is received, changes to local Protective Order Registries/WebDV could be made. Therefore, we recommend a six-month timeframe to implement these changes. | <p>The committee appreciates this response to the specific questions in the invitation to comment.</p> |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | At least 6-8 months would be needed to implement such a change. | <p>The committee appreciates this response to the specific questions in the invitation to comment.</p> <p>It should be noted that the forms are required to implement recent legislation, and training in the substantive changes resulting from the new laws will be needed independent of the new forms. It is preferable to have the forms in place for use on the effective date of the statutes, even if training takes time.</p> |

SPR15-13

Civil Forms: Gun Restraining Orders (amend rule 3.1152, and 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, and GV-800-INFO)

| Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: How well would this proposal work in courts of different sizes? | | |
|---|--|---|
| Commentator | Comment | Committee Response |
| Deborah Coel Operations Analyst Superior Court of Orange County | The Court believes that this proposal should work well for courts of all sizes | The committee appreciates this response to the specific questions in the invitation to comment. |
| Superior Court of San Diego County Michael M. Roddy, Executive Officer | Costs and impact would be larger in a court with a large civil filing volume. | The committee appreciates this response to the specific questions in the invitation to comment. |