Judicial Council of California

Subject Details (With Text)

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Title

Protective Orders: Gun Violence Restraining Order Forms (Action Required)

Summary

The Civil and Small Claims Advisory Committee recommends revising various Judicial Council gun violence restraining order (GVRO) forms to reflect recently enacted legislative amendments that go into effect January 1, 2019. Senate Bill 1200 (Stats. 2018, ch. 898) prescribes that orders under Penal Code section 18100 et seq. must be referred to as gun violence restraining orders, expands the definition of ammunition to include a magazine, prohibits a filing fee for GVRO forms and documents, requires a law enforcement officer to make a specific request when serving a GVRO, and provides that parties do not need to pay the sheriff for service of a GVRO. The bill also requires a court hearing within 21 days of issuing an emergency protective order to determine if a restraining order after notice and hearing should be issued. The advisory committee recommends that the mandatory forms be revised effective January 1, 2019, so that the forms will be in compliance with the new laws when they become effective.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2019:

- EPO-002, *Gun Violence Emergency Protective Order;*
- GV-100, *Petition for Gun Violence Restraining Order;*
- GV-100-INFO, *Can a Gun Violence Restraining Order Help Me?;*
- GV-109, *Notice of Court Hearing;*
- GV-110, *Temporary Gun Violence Restraining Order;*
- GV-115, *Request to Continue Court Hearing for Gun Violence Restraining Order;*
- GV-116, *Order for Continuance and Notice of New Hearing Date;*
- GV-120, *Response to Petition for Gun Violence Restraining Order;*
- GV-120-INFO, *How Can I Respond to a Petition for a Gun Violence Restraining Order?;*
- GV-130, *Gun Violence Restraining Order After Hearing;*
- GV-200, *Proof of Personal Service;*

- GV-200-INFO, *What Is "Proof of Personal Service"?;*
- GV-250, *Proof of Service by Mail;*
- GV-600, *Request to Terminate Gun Violence Restraining Order;*
- GV-610, *Notice of Hearing on Request to Terminate Gun Violence Restraining Order;*
- GV-620, *Response to Request to Terminate Gun Violence Restraining Order;*
- GV-630, *Order on Request to Terminate Gun Violence Restraining Order;*
- GV-700, *Request to Renew Gun Violence Restraining Order;*
- GV-710, *Notice of Hearing on Request to Renew Gun Violence Restraining Order;*
- GV-720, *Response to Request to Renew Gun Violence Restraining Order;*
- GV-730, *Order on Request to Renew Gun Violence Restraining Order; and*
- GV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

All the forms are revised to reflect the legislative mandate under Penal Code section 18100 et seq. that the forms be referred to as gun violence restraining orders. Form EPO-002 is revised to reflect the new requirement that the court hold a hearing within 21 days of issuing an ex parte GVRO to determine whether an order should be issued after notice and hearing. Forms EPO-002, GV-100-INFO, GV-100, GV-110, GV-130, and GV-730 are also revised to reflect the expanded definition of ammunition to include a magazine, which is defined as any ammunition feeding device, and the amended mandated notice to the restrained party. The information sheets and the order forms are also amended to reflect the statute's new provisions eliminating filing fees and the parties for service of orders by the sheriff.