

Gun Violence Restraining Orders: Preventing Predictable Gun Tragedies

NeverAgainCA

What is a Gun Violence Restraining Order (GVRO)?

A GVRO is a civil court order that *temporarily* prevents someone who is at risk of harming themselves or others from possessing, purchasing or accessing firearms, ammunition and magazines (ammunition feeding devices). When a judge grants a GVRO, the restrained individual must surrender all guns, ammunition and magazines during the period of the order. *If you feel you are in immediate danger, call 911 or the Police for help, which may include asking the Court for an Emergency GVRO.*

Why are GVROs Important?

Family and household members are often the first to notice that loved ones are in danger of harming themselves or others. Gun Violence Restraining Orders (GVROs)....

Prevent Suicide

Suicide is often an impulsive act, with half of survivors spending 10 minutes or less to make the decision to commit suicide. 85% of suicide attempts using a gun end in death, compared to 5% without a gun. Research has found that by removing this lethal means of suicide, one life is saved for every 10-11 GVROs.

Prevent Mass Shootings at Schools and Other Homicides

A recent study found that almost 80% of mass shooters displayed warning signs before their attacks. GVROs provide a legal tool to intervene and remove access to firearms, preventing gun tragedies at schools, workplaces, churches/synagogues/mosques, and other community settings.

Prevent Unintentional Shootings in Homes of Distressed Individuals

GVROs may protect children, family and friends from accidental home shootings by removing guns from unstable individuals who fail to safely secure them.

Provide At-Risk Individuals with Safe Paths to Treatment

By removing firearms, GVROs enable distressed individuals to access treatment and services to address the root causes of their crisis. In one state, 44% of those restrained by GVROs received psychiatric treatment.

What are the 3 GVROs that can be Issued in California?

1. **Emergency (ex parte) GVRO**, where law enforcement contacts a Superior Court judge at any time of the day or night for an immediate order that remains in effect for up to 21 days. Ex parte means the person considered at risk (called the Respondent) is not notified before the judge's order.
2. **Temporary (ex parte) GVRO**, where law enforcement or a family or household member petitions Superior Court for a temporary, ex parte order to be granted within 24 hours; valid for up to 21 days. In September 2020, employers, co-workers, teachers, and school staff and administrators can also petition for GVROs.
3. **GVRO After Notice and Hearing**, requiring a court hearing where the judge considers evidence from the Petitioner and the Respondent. After reviewing the evidence, a judge may approve a GVRO for up to 1 year. In September 2020, judges will be able to impose a GVRO for a period of 1 to 5 years.

Who can Currently Request a GVRO?

- Law Enforcement
- Spouse or Domestic Partner
- Parent, Child, Grandparent or anyone related by blood or marriage (including step-relatives)
- Any person who regularly lives in the home of an at-risk individual, now or within the last 6 months

How do I Obtain a GVRO?

Emergency GVRO

If you feel there is immediate danger to you, others, or the person with firearms, call 911 or the Police to request their intervention and protection, including asking a judge for an Emergency GVRO.

Temporary GVRO (labeled “Temporary GVRO” by Superior Court & “Ex Parte GVRO” in State Penal Code)

If family members, household members or law enforcement are concerned that an individual poses a significant danger to themselves or the public in the near future before a hearing can be scheduled, they can petition the Superior Court to issue a Temporary GVRO without notifying the Respondent or holding a full hearing. If the order is approved, you can ask local law enforcement to serve the papers and remove the firearms. Do not ask a family member or friend to serve the papers, or try to do it yourself, because it can be very dangerous.

Step 1. Fill Out Your Court Forms and Prepare to File.

Forms are available in San Diego Superior Court’s “GVRO Petitioner Packet” at:

<https://tinyurl.com/GVRO-Petitioner-Packet>

The Court’s Self-Help Center at the Central Courthouse in San Diego may assist you with the forms.

Step 2. File Your GVRO Forms in the Civil Business Office of a County Superior Court.

<https://tinyurl.com/GVRO-Where-To-File>

There are no filing fees. Whether or not the Temporary order is approved, the judge sets a hearing date to review the petition. If you don’t speak English well, ask the Clerk for an interpreter at the hearing.

Step 3. If Your Temporary GVRO is Approved, Have Your Papers Served on the Restrained Person.

The restrained person must turn in all guns, ammunition and magazines to law enforcement, or store them with or sell them to a licensed gun dealer. New purchases of guns or ammunition are immediately prohibited. Ask Police to enforce removal if it fails to occur within 24 hours.

GVRO Issued After Notice and Hearing

Step 1. Prepare for Your Court Hearing for a 1-year GVRO.

Complete and submit the petition and forms (see website above) for the 1-year GVRO. At the hearing, evidence must be presented by law enforcement or by you to show why the individual poses a danger. Examples of dangerous behavior are listed in the Petitioner Packet (above), such as threats or prior acts of violence. A Respondent can contest the GVRO and can be represented by an attorney, as can you.

Step 2. Follow-up After the Court Hearing.

If the Court decides the individual poses a danger, a GVRO will be issued for 1 year. Have the order served and follow up with law enforcement if it isn’t honored. You can ask to renew the year-long GVRO within 3 months before it expires, but this requires another hearing to establish continuing risk. When the GVRO expires or is terminated, firearms, ammunition and magazines are returned to the owner.

Are GVROs “No Contact” Orders?

No, GVROs do not legally stop someone from having contact with the person/persons who requested the GVRO. For information about Domestic Violence and other Restraining Orders, visit: www.courts.ca.gov/1260.htm

RESOURCES

Emergency
911

Suicide Prevention
1-800-273-8255, Text Home to 741741

San Diego Police Department Locations & Phones
City: www.sandiego.gov/police/contact
County: www.sdsheriff.net/contact_locations.html

San Diego Superior Court Self-Help Centers & Clinics
www.sdcourt.ca.gov
Click on ‘General Info’ & ‘Self-Help Center’

San Diego Family Justice Center
<https://www.sandiego.gov/sandiegofamilyjusticecenter>

NeverAgainCA
<https://neveragainca.org>

Brady Campaign to Prevent Gun Violence
<https://www.bradyunited.org/>

Moms Demand Action for Gun Sense in America
<https://momsdemandaction.org/>