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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

GUN VIOLENCE
RESTRAINING ORDER
AFTER EX PARTE PACKET

FORMS INCLUDED IN THIS PACKET	
What is Proof of Personal Service?	Judicial Council Form #GV-200-INFO
Proof of Personal Service	Judicial Council Form #GV-200
Gun Violence Restraining Order After Hearing	Judicial Council Form #GV-130
Request to Continue Court Hearing for Gun Violence Restraining Order	Judicial Council Form #GV-115

GV-200-INFO What Is "Proof of Personal Service"?

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 Gun Violence Restraining Order* (Form GV-100), the *Notice of Court Hearing* (Form GV-109), and the *Temporary Gun Violence 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 Gun Violence 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. A sheriff or marshal will serve the order at no cost to you.**

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

How to serve

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

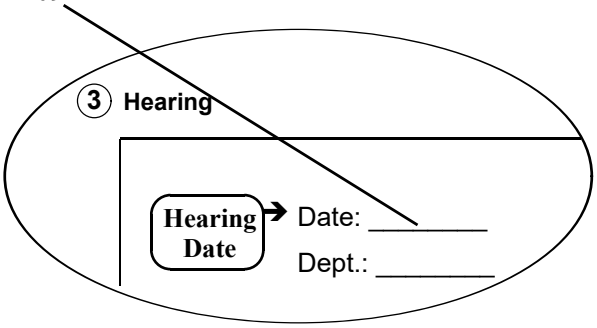
What if the person won't take the papers or tears them up?

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

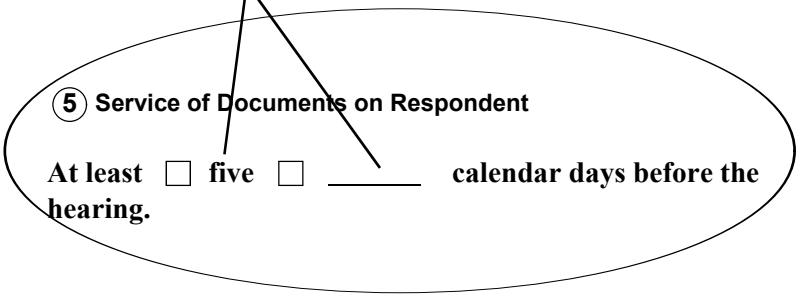
When do the orders have to be served?

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

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



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



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 Gun Violence Restraining Order*. If the court grants you a continuance, the *Temporary Gun Violence Restraining Order* (Form GV-110) will remain in effect until the new hearing date.

GV-200 Proof of Personal Service

Clerk stamps date here when form is filed.

1 Petitioner/Requesting Agency

Name: _____

2 Respondent/Restrained Person

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 / Restrained Person. (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 San Diego

- ☐ CENTRAL DIVISION, HALL OF JUSTICE
  330 W. BROADWAY, SAN DIEGO CA 92101
- ☐ EAST COUNTY DIVISION
  250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION
  325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION
  500 3RD AVE., CHULA VISTA, CA 91910

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-030, *Gun Violence Restraining Order After Hearing on EPO-002*
b. ☐ GV-100, *Petition for Gun Violence Restraining Order*
c. ☐ GV-109, *Notice of Court Hearing*
d. ☐ GV-110, *Temporary Gun Violence Restraining Order*
e. ☐ GV-116, *Order for Continuance and Notice of New Hearing Date*
f. ☐ GV-120, *Response to Petition for Gun Violence Restraining Order* (blank form)
g. ☐ GV-120-INFO, *How Can I Respond to a Petition for a Gun Violence Restraining Order?*
h. ☐ GV-130, *Gun Violence Restraining Order After Hearing*
i. ☐ GV-600, *Request to Terminate Gun Violence Restraining Order* (blank form)
j. ☐ GV-800, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (blank form)
k. ☐ Other *(specify):* _____

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

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*

GV-130 Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order

Clerk stamps date here when form is filed.

Petitioner must complete items (1) and (2) only.

(1) Petitioner

a. Your Full Name or Name of Law Enforcement Agency:

_____

I am:
- ☐ A family member of the Respondent.
- ☐ An officer of a law enforcement agency *(A petition may be filed in the name of the law enforcement agency in which the officer is employed).*
- ☐ An employer of the Respondent.
- ☐ A coworker of the Respondent.
- ☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months.

Fill in court name and street address:

Superior Court of California, County of San Diego

- ☐ CENTRAL DIVISION, HALL OF JUSTICE
  330 W. BROADWAY, SAN DIEGO CA 92101
- ☐ EAST COUNTY DIVISION
  250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION
  325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION
  500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

Case Number:

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 email. Law enforcement officer, give agency information.)*

Address: _____

City: _____ State: ____ Zip: _____ Telephone: _____

Email Address: _____ Fax: _____

(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: _____

(3) Expiration Date

The court will complete the rest of this form.

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.

Case Number:

4 Hearing

a. ☐ There was a hearing *(date):* _____ at *(time):* _____ in Dept.: _____ Room: _____.

(Name of judicial officer): _____ made the orders at the hearing.

b. ☐ These people were at the hearing.

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

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

c. ☐ There was not a hearing because Respondent filed a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

5 Findings

a. The court finds by clear and convincing evidence that the following are true:

(1) Respondent poses a significant danger of causing personal injury to themselves, or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.

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

b. ☐ The court has received credible information that the Respondent owns or possesses one or more firearms, ammunition, or one or more magazines.

c. ☐ The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order. And/or for the reasons stated below.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ See the attached *Attachment* (form MC-025).

d. ☐ The Respondent filed *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The court finds that Respondent agreed not to have in Respondent's custody or control, own, purchase, possess, or receive a firearm, ammunition, or magazine or attempt to purchase or receive a firearm, ammunition, or magazine until: *(expiration date)* _____.

This is a Court Order.

6 No Fee to Serve

If the sheriff or marshal serves this order, service will be free.

7 Order Prohibiting All Firearms, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine (any ammunition feeding device).

b. You must:

(1) Surrender all firearms and ammunition, including magazines, 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, including magazines, to the officer, 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, including magazines, within 24 hours of being served with this Order. You may do so by:

a. surrendering all of your firearms and ammunition, including magazines, in a safe manner to the local law enforcement agency; or
b. selling all of your firearms and ammunition, including magazines, to a licensed gun dealer; or
c. storing all of your firearms and ammunition, including magazines, with a licensed gun dealer for as long as this Order is in effect.

(2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms and ammunition have been turned in, sold, or stored. *(You may use* Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored (form GV-800) *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.**

8 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 *Request to Terminate Gun Violence Restraining Order* (form GV-600).

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 *Request to Terminate Gun Violence Restraining Order* (form GV-600) by a law enforcement officer or someone age 18 or older, **and not a party to the action.**

c. ☐ This is an order based on the Respondent's filing a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The court will provide notice to all parties.

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

Date: _____

_____
Judicial Officer

This is a Court Order.

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, ammunition, and magazines 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, any firearm, ammunition, or magazines while this Order is in effect. Under section 18185, you have the right to request one hearing per year to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the 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, any firearm, ammunition, or magazines 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 Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any firearms, ammunition, or magazines or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all firearms, ammunition, and magazines.
- Issue a receipt to the Restrained Person for all firearms, ammunition, and magazines that have been 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, ammunition, or magazines must do the following:

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

This is a Court Order.

Instructions for Law Enforcement

(continued)

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 8a or 8c is checked.

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 *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other existing protective order(s) remain in effect.

Instructions to Clerk

This order must be served on all parties by the court, if it is made following the filing of a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order (CLETS-OGV)* (form GV-130) 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 Gun Violence Restraining Order

Clerk stamps date here when form is filed.

Instructions: Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form **GV-009**, **GV-109**, or **GV-110**) or *Gun Violence Emergency Protective Order* (form **EPO-002**).

Fill in court name and street address:

Superior Court of California, County of San Diego

- ☐ CENTRAL DIVISION, HALL OF JUSTICE
  330 W. BROADWAY, SAN DIEGO CA 92101
- ☐ EAST COUNTY DIVISION
  250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION
  325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION
  500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

Case Number:

1 My Information

a. My name is: _____

b. I am the:

(1) ☐ **Petitioner** (family member of respondent, law enforcement officer/law enforcement agency) *(skip to 2)*.

(2) ☐ **Respondent** *(give your contact information below)*.

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: _____

City: _____ State: ____ Zip: _____

My contact information *(optional)*:

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information *(skip if you do not have one)*:

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About My Case

a. The other party in this case is *(full name)*: _____

b. I have a court date currently scheduled for *(date)*: _____

This is not a Court Order.

Case Number:

3 Why does the court date need to be rescheduled?

a. ☐ I could not get the papers served before the court date. I need more time to have the respondent personally served.

b. ☐ I am either the petitioner or the respondent. I request the the court reschedule the court date for these reasons:

_____

_____

_____

_____

_____

_____

_____

4 Is a Temporary Gun Violence Restraining Order or Gun Violence Emergency Protective Order in effect?

☐ Yes. Date the order was made, if known: _____
Please attach a copy of the order if you have one.

☐ No.

☐ I don't know.

Notice: If the court date is rescheduled, the *Temporary Gun Violence Restraining Order* (form **GV-110**) or *Gun Violence Emergency Protective Order* (form **EPO-002**) will remain in effect until the end of the new court date, unless otherwise ordered by the court.

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

Date: _____

_____
Lawyer's name, if you have one

▶ _____
Lawyer's signature

This is not a Court Order.

Clear This Packet