

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**GUN VIOLENCE
RESTRAINING ORDER
RESPONDENT PACKET**



FORMS INCLUDED IN THIS PACKET

| | |
|--|------------------------------------|
| How Can I Respond to a Petition for Gun Violence Restraining Order? | Judicial Council Form #GV-120-INFO |
| Response to Petition for Gun Violence Restraining Order | Judicial Council Form #GV-120 |
| Consent to Gun Violence Restraining Order and Surrender of Firearms | Judicial Council Form #GV-125 |
| Additional Page Attach to Judicial Council Form or Other Court Paper | Judicial Council Form #MC-020 |
| Proof of Service by Mail | Judicial Council Form #GV-250 |
| How Do I Turn In, Sell, or Store My Firearms? | Judicial Council Form #GV-800-INFO |
| Proof of Firearms Turned In or Sold | Judicial Council Form #GV-800 |

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any firearms (guns), firearm parts (also called “ghost guns”), ammunition, or magazines (any ammunition feeding device). This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). The person must turn in, sell, or store all such items that the person currently owns.

For more information about prohibited items and obeying these orders, please see <http://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

I've been served with a *Petition for Gun Violence Restraining Order*. What do I do?

Read the papers served on you very carefully. The *Notice of Court Hearing* (form GV-109) tells you when to appear in court. There may also be a *Temporary Gun Violence Restraining Order* (form GV-110) prohibiting you from having any firearms (guns), firearm parts, ammunition, or magazines and requiring you to turn in, sell, or store any such items that you currently own or possess. You must obey the order until the hearing.

Who can ask for a gun violence restraining order?

The petition must have been filed by a:

- Law enforcement officer or agency,
- An employer,
- A coworker who has had “regular interactions” with you for at least a year,
- A teacher or employee of a school that you have attended in the last 6 months,
- An immediate family member of yours,
- A roommate,
- Somebody in a dating relationship with you, or
- Somebody who shares a child with you.

“Immediate family member” is defined to include people who are not blood relatives. The definition includes (1) your spouse or domestic partner; (2) you or your spouse’s parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; and (3) you or your spouse’s aunts, uncles, nieces, nephews, first and second cousins, great-grandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

What if I don't obey the temporary order?

The police can arrest you. You can go to jail and pay a fine. You could lose access to firearms and other items for a longer period of time.



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 [Response to Petition for Gun Violence Restraining Order \(form GV-120\)](#) before your hearing date and file it with the court. You can get the form from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find it at your local courthouse or county law library.

What if I don't oppose the Petition?

If you agree to give up your access to firearms and your rights to own, possess, and buy guns, firearm parts, ammunition, and magazines for the time period requested in the petition, which is between one and five years, then you can fill out [Consent to Gun Violence Restraining Order and Surrender of Firearms \(form GV-125\)](#) and check the box for item 4a. Make sure you take it to the court clerk and file it, and then mail it to the person or law enforcement agency that applied for the petition. The court will issue the gun violence restraining order before the hearing and remove the hearing from the calendar. You do not have to go to your court date, and the court will mail you a copy of the order. Make sure you check with the court to see if you have to show up for your court date.

Will I have to pay a filing fee?

No.

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 *Response to Petition for Gun Violence Restraining Order* (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 [Proof of Service by Mail \(form GV-250\)](#). 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.



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.



Should I attend the court hearing?

Yes. You should attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109). If you do not attend the hearing, the judge can extend the order against you for a period between one and five years without hearing from you.

The image shows the form GV-109, Notice of Court Hearing. It includes sections for Petitioner (with sub-sections for full name, relationship to respondent, and lawyer information), Respondent (full name), Hearing (date, time, location), and Temporary Gun Violence Restraining Order (with checkboxes for GRANTED or DENIED). There are also fields for address and contact information.

You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: www.courts.ca.gov/find-my-court.htm.

Information about the process is also available online. <http://selfhelp.courts.ca.gov/GV-restraining-order>.

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 gun violence restraining order that can last for one to five years.

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

Assume that the person who is asking for the order will attend the hearing. It is probably best not to talk to them 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 [Declaration \(form MC-030\)](#) for this purpose.)

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 the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

For help in your area, contact:

[Local information may be inserted.]

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 for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5—Justification or Excuse" as a title. You may use Attachment (form MC-025).

6 **Firearms (Guns), Firearms Parts, Ammunition, and Magazines**

If a *Temporary Gun Violence Restraining Order* (form GV-110) was issued, you cannot own or possess any firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item **6** of form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency or officer, any of those items 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 *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, ammunition, or magazines.
- b. I have turned in my firearms (guns), firearm parts, ammunition, and magazines 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

Clerk stamps date here when form is filed.

Use this form if you have been served with a Petition for Gun Violence Restraining Order (form GV-100) and you want to agree to voluntarily give up your firearm rights without a court hearing.

- 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 their lawyer. (Use *Proof of Service by Mail* (form GV-250).)
- If you do not agree to a gun violence restraining order, use *Response to Petition for Gun Violence Restraining Order* (form GV-120) to tell the court you oppose a gun violence restraining order.

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

See Petition for case number and fill in:

Case Number:**1 Petitioner**

Name of person or law enforcement agency 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 email.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

3 Gun Violence Restraining Order

- By checking this box and signing this form, I agree to give up my right to own, possess, or purchase firearms (guns), firearm parts, magazines, and ammunition for the time requested in the petition (between one to five years) or, if no time is specified, then for one year. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
- I am not contesting the petition.
 - I understand that the petitioner can request to renew this order for one to five years.
 - I understand that I can only request to terminate this order once per year while it is in effect.



4 Firearms (Guns), Firearm Parts, Ammunition, and Magazines

- After you file this form, the court will issue a *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) and send it to you and the petitioner in the mail.
 - This form will be listed in the statewide California Restraining and Protective Order System, where it will be accessible to all law enforcement.
 - You cannot own or possess any guns, other firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, those items in your immediate possession or control within 48 hours of filing this form. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.
- a. I do not own or control any firearms (guns), firearm parts, ammunition, or magazines.
- b. I have turned in my firearms (guns), firearm parts, ammunition, and magazines 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.

Instructions to Clerk

- On the filing of *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125), submit the proposed order, *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) to the judicial officer, because the court must issue the order at least five court days before the scheduled hearing, or if this form is filed within five court days before the scheduled hearing, the court must issue, without any hearing, the gun violence restraining order, as soon as possible.
- Within one business day of issuance of the order, submit this form directly into the California Restraining and Protective Order System (CARPOS) or to law enforcement to enter into CARPOS within one business day of receipt from the court.

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

| | |
|-----------------------|--------------|
| SHORT TITLE: _____ | CASE NUMBER: |
|-----------------------|--------------|

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(Required for verified pleading) The items on this page stated on information and belief are *(specify item numbers, **not** line numbers)*:

This page may be used with any Judicial Council form or any other paper filed with the court.

Page _____

Clerk stamps date here when form is filed.

1 Petitioner

Full Name: _____

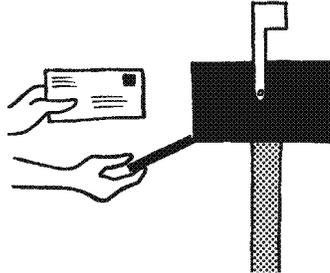
2 Respondent

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 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:

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 Petition for Gun Violence Restraining Order*
- 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

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called “ghost guns”);
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips; and
- Magazines (any ammunition feeding device, whether fixed or removable).

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, ammunition, or magazines, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms, ammunition, and magazines 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 items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court and the law enforcement agency showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms, Firearm Parts, Ammunition, and Magazines \(form GV-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

<https://selfhelp.courts.ca.gov/respond-to-GV-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

Empty box for clerk stamping date.

1 Petitioner/Requesting Agency

Name: _____

2 Respondent/Restrained Person

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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

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: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts—meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to law enforcement officer or a licensed gun dealer to complete item ④ or ⑤. For more information on how to properly turn in your items, read form GV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?*

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms, firearm parts, ammunition, and magazines transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in ②. You may attach a separate form from your agency (e.g., a property report), use item ⑥, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item ⑥.)

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: _____



5 To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms, firearm parts, ammunition, and magazines transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items *(List all the items surrendered by the person in ②). You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item ⑥. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑥.)*

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

▶ Signature of licensed gun dealer: _____

6 List of Items Surrendered

Firearms and firearm parts

| | Make | Model | Serial Number, if there is one | Sold | Stored | To be destroyed |
|-----|-------|-------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| (1) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Ammunition and magazines

| | Brand | Type | Amount | Sold | Stored | To be destroyed |
|-----|-------|-------|--------|--------------------------|--------------------------|--------------------------|
| (1) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "GV-800, item 6" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, ammunition, or magazines?

No

Yes (If yes, check one of the boxes below:)

a. I filed a *Receipt of Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns), firearm parts, ammunition, or magazines along with this proof.

c. I have not yet filed the proof for the other firearms (guns), firearm parts, ammunition, or magazines. (Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- If law enforcement served you with the restraining order, give a copy to the law enforcement agency that served you with the restraining order.
- Keep a copy for yourself.

Note that failure to file a receipt with the court and with the law enforcement agency is a violation of the court's order.