

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 guns, ammunition, or magazines (any ammunition feeding device). The person must surrender all guns, ammunition, and magazines that he or she currently owns.

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

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 guns, ammunition, or magazines and requiring you to surrender, sell, or store any guns, ammunition, or magazines 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 law enforcement 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, or
- An immediate family member of yours.

Immediate family member is defined by this law to include people who are not blood relatives. The definition includes (1) your spouse or domestic partner; (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; (3) your spouses 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.

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 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 on the Internet at www.courts.ca.gov. 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, 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.

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.

Should I go to the court hearing?

Yes. You should go to court on the date listed on *Notice of Court Hearing* (form GV-109). If you do not go to the hearing, the judge can extend the order against you for a period between one and five years 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: _____

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: _____

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 Gun Violence Restraining Order (Any order granted is on Form GV-110, served with this notice.)
 a. A Temporary Gun Violence Restraining Order as requested in Form GV-100, *Petition for Gun Violence 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.)

Judicial Council of California, www.courts.ca.gov
 Rev. January 1, 2019. Mandatory Form
 Penal Code, § 10102 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?

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 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.]

Response to Petition for Gun Violence 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 a Gun Violence Restraining Order?* (form GV-120-INFO) to protect your rights.
- If you agree to the Petition for a gun violence restraining order filed against you, use *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) to agree to a voluntary gun violence restraining order.
- If you do not agree to the gun violence restraining order filed against you, fill out this form and take it to the filing window at the court.
- 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).)

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: _____

Be prepared to tell the court at the hearing why you don't agree. Write your hearing date, time, and place from form GV-109 item ③ here:

Hearing
Date

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

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

3 Gun Violence Restraining Order

- ☐ I do not agree to the order requested in the Petition because:

- ☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use Attachment (form MC-025).



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 **Surrender of Guns, Ammunition, and Magazines**


If a *Temporary Gun Violence Restraining Order* (form GV-110) was issued, you cannot own or possess any guns, other firearms, ammunition, or magazines. (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 guns, other firearms, ammunition, or magazines 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 *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800) for the receipt.**

- a. ☐ I do not own or control any guns, other firearms, ammunition, or magazines.
- b. ☐ I have turned in my guns, other firearms, 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

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 guns, 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.
- 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 Surrender of Guns, 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 and Surrender of Firearms* (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, ammunition, or magazines. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, ammunition, or magazines in your immediate possession or control within 48 hours of filing this form. You must file a receipt with the court. You may use *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800) for the receipt.
- a. ☐ I do not own or control any guns, other firearms, ammunition, or magazines.
- b. ☐ I have turned in my guns, other firearms, 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 *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125), the clerk must submit the proposed order, *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order and Surrender of Firearms* (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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26	(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):
27	<div>This page may be used with any Judicial Council form or any other paper filed with the court.</div> <div>Page _____</div>

1 Petitioner

Full Name: _____

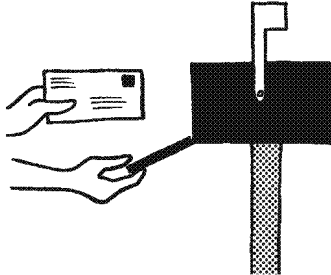
2 Respondent

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

1 What is a firearm?

A firearm includes a:

- Handgun • Rifle
- Shotgun • Assault weapon

What is ammunition?

Ammunition, also called ammo, includes:

- Bullets • Shells
- Cartridges • Clips

What is a magazine?

A magazine is an ammunition feeding device. They can be removable or fixed to the firearm.

2 If you own or have any firearms, ammunition, or magazines, you must:

- Surrender any of these items in your possession to law enforcement when they ask you to do so.
- Additionally, within 24 hours you must do one of the following:
 - Turn any other firearms, ammunition, or magazine in to your local law enforcement agency;
 - Sell them to a licensed firearms dealer; or
 - Store them with a licensed firearms dealer.

**3 How do I sell or store my firearms, ammunition, and magazines?**

Find a licensed firearms dealer in your area.

Use the internet to find “Firearms Dealers” in your area. Make sure the dealer is licensed.

4 How do I surrender my firearms, ammunition, and magazines 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 in my firearms, ammunition, and magazines to law enforcement, how long will they keep them?

As long as any gun violence restraining order against you remains in effect.

6 After I give my firearms, ammunition, and magazines 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 firearms?

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, ammunition, and magazines?

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

9 Questions?

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

(Insert local information here.)

1 Petitioner/Requesting Agency

Name: _____

2 Respondent/Restrained Party

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 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: _____**3 To the Respondent/Restrained Person**

The court has ordered you to surrender all of your firearms, ammunition, and magazines by turning them in to law enforcement or by 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 firearms, ammunition, and magazines, ask the law enforcement officer or the licensed gun dealer to complete item **4** or, **5** and item **7**.

4 To Law Enforcement

Fill out this box and item **7** of this form. Keep a copy and give the original to the person who turned in the firearms, ammunition, or magazines. The items listed in **7** 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 this box and item **7** of this form. Keep a copy and give the original to the person who sold you the firearms, ammunition, or magazines or stored them with you.

The items listed in **7** were:☐ sold ☐ stored 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 licensed gun dealer

6 To the Respondent/Restrained Person

After the form is signed, make two copies. File the original with the court clerk. File a copy 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 the court's order.

For help filling out this form, read *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?* (form GV-800-INFO).

7 a. 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. Use form MC-025 and write "GV-800, Item 7a-Firearms Turned In, Sold, or Stored" for a title. Include the make, model, and serial number of each firearm.

b. Ammunition

	<u>Brand</u>	<u>Type</u>	<u>Amount</u>
a.			
b.			
c.			
d.			
e.			

☐ Check here if you turned in, sold, or stored more ammunition. Use form MC-025 and write "GV-800, Item 7b-Ammunition Turned In, Sold, or Stored" for a title. Include the brand, type, and amount of ammunition.

c. Magazines

	<u>Make</u>	<u>Model</u>	<u>Number of Magazines</u>
a.			
b.			
c.			
d.			
e.			

☐ Check here if you turned in, sold, or stored more magazines. Use form MC-025 and write "GV-800, Item 7c-Magazines Turned In, Sold, or Stored" for a title. Include make, model, and serial number of magazines.

8 Do you have, own, possess, or control any other firearms, ammunition, or magazines besides the items listed in 7?

☐ Yes ☐ No

If you answered yes, have you turned in, sold, or stored those other items?

☐ Yes ☐ No

If yes, check one of the boxes below:

a. ☐ I filed a *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800) for those firearms with the court on (date): _____

b. ☐ I am filing the proof for those firearms, ammunition, or magazines along with this proof.

c. ☐ I have not yet filed the proof for the other firearms, ammunition, or magazines. (*Explain why not*):
☐ Check here if there is not enough space below for your answer. Use form MC-025 and write "Attachment 8c" 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