

ONE THING YOU CAN DO.

California

When someone you love is showing warning signs that they might try to harm themselves, it can feel like there is nothing you can do in such a high-stakes and emotional situation.

But there is one thing you *can do*: you can request a protective order to temporarily remove guns from the situation and help keep your loved one safe.

In a moment of crisis, access to a gun can be the difference between life and death. If you're seeing signs that someone you love is considering harming themselves, you can seek a gun violence restraining order to temporarily suspend their access to firearms, which are the most lethal form of suicide - until the crisis passes.

Access to a gun can be the difference between life and death in a moment of crisis. Keep your loved one safe with a gun violence restraining order.

What does California's gun violence restraining order do?

A gun violence restraining order is a court order that temporarily restricts a person's access to guns when they pose a significant danger to themselves or others.

These orders are designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

Who can request a gun violence restraining order in California?

Under California law, a law enforcement officer or a person's immediate family member may file a petition for a gun violence restraining order.

An immediate family member is defined as:

- Spouse
- Domestic partner
- Parent
- Child
- Any person who regularly resides in the household
- Anyone related by blood or marriage

How do I file a petition for a gun violence restraining order?

To seek a gun violence restraining order, an immediate family member can file an application directly with the court or contact a member of law enforcement to discuss any concerns with them. Law enforcement can then investigate any concerns and then request the gun violence restraining order from the court.

What happens after a gun violence restraining order has been requested?

Once the court receives a request (called a "petition") for a gun violence restraining order, the court will notify the person and schedule a court hearing to determine whether the order should be issued.

If, at the hearing, a court finds that a person poses a significant risk of suicide

or of causing physical injury to another person and that the order is necessary to prevent that harm, the judge can make a court order that requires the person's firearms to be held by law enforcement for as long as the order is in effect, or transfer the person's guns to a licensed gun dealer.

The person will not be able to purchase new firearms while the order is in effect.

How long does a gun violence restraining order last?

A final gun violence restraining order lasts for one year.

At the end of a year, the person who petitioned the court—either law enforcement or an immediate family member—may ask the court to renew the order. The order can only be extended if another hearing is held and the court determines the risk of harm remains and the renewal order is necessary.

I'm afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

There are two types of short-term orders that can go into effect right away:

Temporary Gun Violence Restraining Order

Concern for the safety of the person, or of the public, may demand that action be taken before the scheduled hearing date, to prevent immediate danger.

To protect a person or public safety during this time, a judge may issue a temporary gun violence restraining order that restricts a person's access to firearms before the person has been notified of the petition, and before a full hearing is held.

Emergency Protection Order

In situations where a person poses an immediate and present danger of injury to themselves or others, and there are

no other means available to prevent injury, law enforcement may request an emergency order.

The process for such an order is generally similar to temporary orders, with the exception that only law enforcement is eligible to request the order and only in certain circumstances.

How long do temporary orders and emergency orders last?

Both temporary orders and emergency orders last only until the court hearing on a final (one-year) extreme risk protection order.

Because these orders only stay in place for a short period of time – up to 21 days– they balance the urgent need for public safety with the due process rights of all involved.

Will a gun violence restraining order go on someone's criminal record?

No. A gun violence restraining order is a civil court order. Its sole purpose is to remove firearms from a person who poses a danger of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

If you have immediate safety concerns, call 911 for emergency assistance.

If you believe that a loved one is a risk to their own safety, you may wish to encourage them to seek expert help. The National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week at:

www.suicidepreventionlifeline.org
1-800-273-TALK (8255)
text HOME to 741741