

## California's Gun Violence Restraining Order: A Vital Tool for Safety

A gun violence restraining order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

A gun violence restraining order, also called a GVRO, 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, concerned family members, and other designated community members intervene quickly in dangerous situations.

### FAQs

#### **How do I request a gun violence restraining order?**

To seek a gun violence restraining order, any of the people listed above 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.

#### **Who can request a gun violence restraining order in California?**

Any of the following people may file a petition for a gun violence restraining order under California law:

- Immediate family members; \*
- Law enforcement officers;
- Employers;
- Coworkers who have had substantial interactions with the person for at least one year, after obtaining employer approval to file the petition;
- Teachers or employees in a secondary or postsecondary school that the person has attended in the last six months, if they have obtained approval from a school administrator or staff member with a supervisory role;
- Roommates who regularly reside in a household with the person, or who resided there within the past six months and have had substantial interactions with the person for at least one year;
- Dating partners; or

- An individual who has a child in common with the person if they have had substantial and regular interactions with them for at least a year.

\* An immediate family member is defined as:

- A spouse, whether by marriage or not;
- A domestic partner;
- A parent;
- A child;
- Any person related by blood or marriage.

## **What happens after the request for a gun violence restraining order has been filed?**

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 issue 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.

## **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?**

Concern for the safety of the person, or 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 an emergency 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.

## **How long does an emergency gun violence restraining order last?**

There are two types of emergency orders in California. Law enforcement may request an emergency order outside of normal court hours. And during court hours all other kinds of petitioners listed above in question #2 may petition for a temporary gun violence order during court hours.

Both ex parte orders and temporary emergency orders last only until the court hearing on a final gun violence restraining 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.

## **How long does a final gun violence restraining order last?**

A final gun violence restraining order lasts for one to five years.

The same categories of people who are allowed to file a petition may ask the court to renew the order at any time within three months before the order expires. 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.

## **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.

## **What if I am not able to request a gun violence restraining order myself? Is there anything I can do?**

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs of being at risk of self-harm or harming someone else, you can contact a law enforcement officer and ask that they seek a gun violence restraining order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.