

RESPONSE TO A FIREARM
RESTRAINING ORDER
PACKET

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

Yes. Assume that the person who is asking for the order will attend the hearing. It is probably best not to talk to him or her 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 Form MC-030, *Declaration*, for this purpose.)

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 firearms restraining order that can last for one year.

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.]

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 Firearms Restraining Order?* (Form GV-120-INFO) to protect your rights.
- 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 his or her lawyer. (Use Form GV-250, Proof of Service by Mail.)

1 Petitioner
 Name of person 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 e-mail.)

Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

3 Firearms Restraining Order
 I do not agree to the order requested in the Petition.

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 below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5—Justification or Excuse" as a title.

Fill in court name and street address:
Superior Court of California, County of Trinity
 11 Court Street
 PO Box 1258
 Weaverville, CA 96093

See Petition for case number and fill in:
Case Number: _____

Be prepared to present your opposition at the hearing. Write your hearing date, time, and place from Form GV-109 item 3 here:
Hearing Date → Date: _____ Time: _____
 Dept.: _____ Room: _____
If a Temporary Firearms Restraining Order was issued, you must obey it until the hearing. At the hearing, the court may make an order against you for one year.

6 Surrender of Firearms and Ammunition

If a *Temporary Firearms Restraining Order* (Form GV-110) was issued, you cannot own or possess any guns, other firearms, or ammunition. (See item ⑤ of Form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, and ammunition 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 Form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.

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

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 Firearms Restraining Order* (Form GV-100), the *Notice of Court Hearing* (Form GV-109), and the *Temporary Firearms 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.

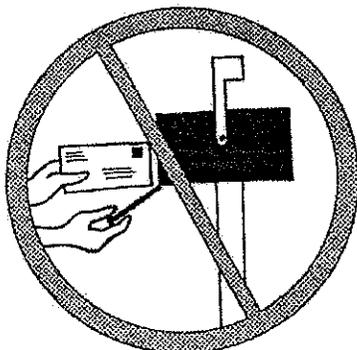
Service lets the respondent know:

- Why you are asking for a Firearms 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.**

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.

③ Hearing

Hearing Date → Date: _____
Dept.: _____

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

⑤ Service of Documents on Respondent

At least five _____ calendar days before the hearing.

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

Clerk stamps date here when form is filed.

1 Petitioner

Name: _____

2 Respondent

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. (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 Trinity
 11 Court Street
 PO Box 1258
 Weaverville, CA 96093

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

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

Clerk stamps date here when form is filed.

1 Petitioner

Full Name: _____

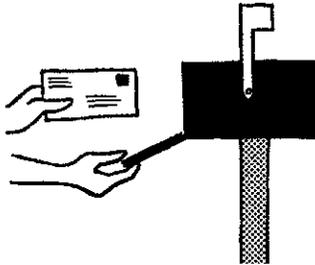
2 Respondent

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 Trinity
 11 Court Street
 PO Box 1258
 Weaverville, CA 96093

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 Petitioner for Firearms Restraining Orders*
 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

Clerk stamps date here when form is filed.

1 Party Seeking Continuance

a. Full 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
Trinity**
11 Court Street
PO Box 1258
Weaverville, CA 96093

Fill in case number:

Case Number: _____

2 Other Party

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing

I ask the court to continue the hearing currently scheduled for (date): _____

a. A Temporary Firearms Restraining Order (Form GV-110) was issued on (date): _____

Please attach a copy of the order.

b. I request that the hearing be continued because (check one or both):

(1) The Respondent could not be served before the hearing date.

(2) Other reasons as stated: below on Attachment 3b(2)

c. (1) This is the first request for a continuance.

(2) The hearing has previously been continued _____ times.

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

This is not a Court Order.

Clerk stamps date here when form is filed.

Party seeking continuance complete items ①, ②, and ③ a.

① Party Seeking Continuance

a. Full 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 Trinity
11 Court Street
PO Box 1258
Weaverville, CA 96093

Fill in case number:

Case Number: _____

② Other Party

Full Name: _____

③ New Hearing Date

a. A hearing in this case is currently set for (date): _____ at (time): _____

b. The court orders a new hearing date:

- (1) at the request of the Petitioner
- (2) at the request of the Respondent
- (3) in its discretion

c. Because:

- (1) the Respondent could not be served before the current hearing date.
- (2) the parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) for the reasons stated below on Attachment 3c

④ Order for Continuance and Notice of Hearing

The court hearing on the *Petition for Firearms Restraining Order* (Form GV-100) is continued and rescheduled:

Name and address of court if different from above:

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

5 Service of Order

A copy of this Order must be served by the requesting party on the other party at least ____ days before the hearing unless both parties were in court at the time the continuance was granted. A copy of Form GV-100, *Petition for Firearms Restraining Order*, and Form GV-110, *Temporary Firearms Restraining Order*, must also be served on the Respondent if they were not previously served and a proof of service filed with the court before the original hearing date.

Warning and Notice to the Respondent:

If a *Temporary Firearms Restraining Order* (Form GV-110) was issued, it remains in full force and effect until the new hearing date. You must continue to obey it until the end of the hearing.

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five 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.)

*(Clerk will fill out this part.)***—Clerk's Certificate—**

Clerk's Certificate
[seal]

I certify that this *Notice of New Hearing Date* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

1 What is a firearm?

A firearm is a:

- Handgun • Rifle
- Shotgun • Assault weapon

If you own or have any firearms or ammunition you must:

- 2**
- If demanded, give them to the law enforcement officer when he or she serves you with the court order requiring surrender; otherwise, within 24 hours:
 - Turn them in to your local law enforcement agency; or
 - Sell them to a licensed firearms dealer.
 - Store them with a licensed firearms dealer.



3 How do I sell or store my firearms?

Find a California licensed firearms dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

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

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

6 After I give my firearms 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 firearm?

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?

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

9 Questions?

Call your local law enforcement agency.

(Insert local information here.)

Clerk stamps date here when form is filed.

1 Petitioner

Name: _____

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 e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of
 Trinity
 11 Court Street
 PO Box 1258
 Weaverville, CA 96093

Fill in case number:

Case Number:**3 To the Respondent**

The court has ordered you to surrender all of your firearms and ammunition by turning them in to law enforcement or 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 weapons, ask the law enforcement officer or the licensed gun dealer to complete item **4** or **5** and item **6**.

4 To Law Enforcement

Fill out items **4** and **6** of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in **6** 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 items **5** and **6** of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in **6** were: sold to me stored with me 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 gun dealer



After the form is signed, file it with the court clerk and 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 this order.

For help, read Form GV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

6 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. Attach a sheet of paper and write "GV-800, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? Yes No
If you answered yes, have you turned in, sold, or stored those other firearms? Yes No

If yes, check one of the boxes below:

- a. I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date): _____
- b. I am filing the proof for those firearms along with this proof.
- c. I have not yet filed the proof for the other firearms. (Explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper and write "Attachment 7c" 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