

What is a Firearms Emergency Protective Order?

A Firearms Emergency Protective Order is issued by a judge at the *request of a law enforcement officer* when a person poses a significant danger of personal injury to himself, herself or another. The emergency protective order prohibits the restrained person from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition. Usually the law enforcement officer has been called out to a person's residence for a disturbance. If the officer feels an emergency protective order is necessary, then the officer will contact the court to speak to a judicial officer. If a Firearms Emergency Protective Order is issued, the protective order is only temporary and lasts up to 21 calendar days.

Within 24 hours of receipt of a Firearms Emergency Protective Order the restrained person must turn in their firearms to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of the order.

A law enforcement officer or immediate family member may seek a more permanent **Gun Violence Restraining Order** from the court.

What is a Gun Violence Restraining Order?

Under California Law, Penal Code Section 18150 an *immediate family member or law enforcement agency* may seek a Gun Violence Restraining Order prohibiting an individual who poses a significant danger of personal injury to himself, herself or another from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition.

The Judicial Council provides an information sheet, that describes court orders an *immediate family member or law enforcement agency* can get and how to obtain them. The instructions do not cover all of the problems and questions that may arise in a particular case. If you are not clear on how to protect your rights, you should consult an attorney.

Additional information about Gun Violence Restraining Orders can be found on the California Courts' Website.

What forms do I need to get the order?

You must fill out the following forms:

- *Petition for Gun Violence Restraining Order* (form GV-100);
- *Confidential CLETS Information* (form CLETS-001)
- *Notice of Court Hearing* (form GV-109), items 1 and 2 only; and
- *Temporary Gun Violence Restraining Order* (form GV-110), items 1 and 2 only.
- *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130), items 1 and 2 only.

Where do I file my forms?

Present completed forms to the Civil Front Counter - Window of the Del Norte Superior Court, 450 H Street, Crescent City, CA 95531. The hours of operation are 8:00 a.m. to 4:30 p.m., Monday through Friday.

One (1) original and two (2) copy of all documents are required at the time of filing.

You may also email the completed forms to DVG@delnorte.courts.ca.gov. If you email the forms, you will only need One (1) original.

What if I need an interpreter?

If you will need an interpreter at your restraining order hearing, indicate on your paperwork when you file your restraining order forms so that one can be arranged for you.

When will I get my order?

Your Order should be ready for pick-up within 24 hours of filing your forms. The Order/forms will be returned to you at the Civil Front Counter – 450 H Street, Room 209, Crescent City, CA 95531. In most cases, a hearing will be set within 21 days for you and the other party. You must personally pick up your Order/forms even if you emailed your original request.

It is the responsibility of the petitioner to pick up the forms and have the respondent personally served no later than five (5) days prior to the scheduled hearing date. Proof of service for the respondent must be filed with the court prior to or at the time of the Gun Violence Restraining Order hearing.

How to get the other party served?

If the party you are serving lives or works in Del Norte County, the Sheriff's Civil Office can serve the documents to the other party. They are located at 650 5th Street, Crescent City, CA 95531. If the person to be served lives and works outside of Del Norte County, contact the Sheriff's Office of that county for help. Be sure to contact them promptly so they will have enough time to serve the respondent before the scheduled hearing date.

If you prefer, someone you know can serve a copy of the order to the respondent. The server must be over 18 and not be one of the parties protected by the restraining order. Once service is complete, the person who served the papers must complete a Proof of Personal Service (GV-200).

What if I can't get the restraining order served in time for the hearing or I need a continuance?

You can ask the court to "continue" the hearing on your Gun Violence Restraining Order to another date. To request a new hearing date, you will need to file a Request to Continue Court Hearing for Gun Violence Restraining Order (GV-115) and an Order for Continuance and Notice of New Hearing Date (GV-116). The forms must be completed and filed, along with a copy of your Temporary Gun Violence Restraining Order (GV-110), by 10:30 a.m. on the last court day before your scheduled hearing date. You may also orally request a continuance in court during your hearing.

If your request for continuance is granted, a new hearing date will be set and your Temporary Gun Violence Restraining Order will be extended to the new hearing date. You will need to properly serve the respondent to activate the Restraining Order.