

# MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

## GUN VIOLENCE RESTRAINING ORDER – APPLICANT PACKET

A Gun Violence Restraining Order is a court order that prohibits someone from having a gun, ammunition or magazines. It can order someone to not have or buy ammunition or magazines. It can also order someone to turn in a gun, ammunition or magazines. A firearm restraining order will NOT order the person to stay away, not contact, or move out from your house. If you want more protection, there are other kinds of restraining orders.

1. Make sure the documents are filled out as detailed as possible. Included in this packet you will find helpful information on form [GV-100-INFO Can a Firearm Restraining Order Help Me?](#) The only forms you will fill out will be the following: [GV-100 Petition for Firearms Restraining Order](#), [MC-031 Declaration](#) (this page is used if you need more space), [GV-109 Notice of Court Hearing](#), [GV-110 Temporary Firearms Restraining Order](#), [CLETS-001 California Law Enforcement Telecommunications Systems \(CLETS\) Information Form](#), and local form [MAD-CIV-005 Ex-Parte Declaration](#). Forms you **DO NOT** fill out are forms [GV-120 Response to Petition for Firearms Restraining Orders](#), [GV-120-INFO How Can I Respond to a Petition for Firearms Restraining Orders?](#) and [GV-250 Proof of Service by Mail](#), these will be served to the other party.
2. Pursuant to Rule 2.4.6 of the local Rules of Court, **the other party must be notified by 10:00 a.m.** the day before you plan on having your hearing, of the date, time and location of the hearing. You do not need to provide the other party with any documents at this time. The person who notifies the other party for you must complete and sign local form [MAD-CV-005 Ex-Parte Declaration](#).
3. Make two (2) copies of form [GV-100 Petition for Firearms Restraining Order](#) and form [GV-109 Notice of Court Hearing](#). Make only one (1) copy of local form [MAD-CV-005 Ex-Parte Declaration](#). NO copies of form [GV-110 Temporary Firearms Restraining Order](#) and [CLETS-001](#). If the Temporary Restraining Order is granted the court will provide you with five (5) certified copies.
4. Take your completed documents to the Civil Division (located on the 4<sup>th</sup> Floor) **no later than 11:00 a.m. the day before you plan to have your hearing**.
5. Appear at **8:15 a.m.** the day of your hearing in the department told to you by the clerk, you could also check the court calendar in the front lobby the morning of your hearing. The Judge may make temporary orders and return your documents to you, do not be late.
6. **Do not leave the Courthouse yet!** Proceed to the Civil Division with your documents so that the clerk may file them and return the copies to you with your next hearing date.
7. Have someone over the age of eighteen other than you; personally serve the other party with one copy of each, [GV-100 Petition for Firearms Restraining Order](#), [GV-109 Notice of Court Hearing](#), [GV-110 Temporary Firearms Restraining Order](#), and blank [GV-120](#), [GV-120-INFO](#), [GV-250](#). Have the person who served the other party fill out form [GV-200 Proof of Personal Service](#). Once it is filled out make sure to file the Proof of Service at the Civil Division prior to your next hearing date.

**NOTE:** When finished, you can have the Self-Help Office review your paperwork before filing.

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer or a self-help center.

### What is a gun violence restraining order?

It is a court order that prohibits someone from having any guns, ammunition, or magazines (ammunition feeding devices). The person must surrender all guns, ammunition, and magazines that he or she currently owns.

### Can I get a gun violence restraining order against someone?

You can ask for one against a person who is an immediate family member. Immediate family members include:

- (1) your spouse or domestic partner;
- (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent;
- (3) your spouse's 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.

If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if he or she finds that the grounds exist.

### Will the order protect me in other ways, such as keeping the person from coming near me?

No, the only order the court can make is to force the person to not have firearms, ammunition, or magazines. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See Form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*, for information on how to proceed.

### Will I have to pay a filing fee to request the order?

No.

### What forms do I need to get the order?

You must fill out all of Form GV-100, *Petition for Gun Violence Restraining Order*, and Form CLETS-001, *Confidential CLETS Information*. You must also fill out items 1 and 2 on Form GV-109, *Notice of Court Hearing*, and items 1 and 2 on Form GV-110, *Temporary Gun Violence Restraining Order*.

### Where can I get these forms?

You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

### What do I need to do to get the order?

You must go to the superior court in the county where the person to be restrained lives. At the court, ask where you should file your request for a gun violence restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) Give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form.

### How soon can I get the order?

You can ask for a *Temporary Gun Violence Restraining Order*, which will be effective right away if granted. The court may decide whether or not to grant the temporary order based only on the facts that you have stated in your petition. If so, the court will decide within 24 hours whether or not to make the temporary order. Sometimes the court will want to examine you personally under oath. The clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

If you don't ask for a temporary restraining order, you will have to wait until the hearing, at which the court will decide whether to make an order that will last for one year.

### How will the person to be restrained know about the order?

If the court issues a temporary restraining order, someone age 18 or older—**not you**—must personally “serve” (give) the person to be restrained a copy of the order. The server must then fill out Form GV-200, *Proof of Personal Service*, and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if he or she does not attend the hearing, then any order issued at the hearing must also be personally served. For help with service, ask the court clerk for Form GV-200-INFO, *What Is “Proof of Personal Service?”* Note: A sheriff or marshal can serve the order at no cost to you.



**What do I have to prove to get the order?**

You will have to convince the judge that the person to be restrained poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or magazines.

You will also have to convince the judge that a gun violence restraining order is needed to prevent personal injury to the person to be restrained or to another person because less restrictive alternatives either have been tried and haven't worked, or are inadequate or inappropriate for the current circumstances.

**How can I convince the judge?**

You will need to give the judge specific information. You should tell the judge everything that you know about the firearms, ammunition or magazines that the person to be restrained currently owns, including how many the person owns, the types, and where they are kept.

Then you will need to present facts to show that the person to be restrained is dangerous. This could be information about any threat of violence that the person to be restrained has made, any violent incident in which the person has been involved, or any crime of violence the person has committed. It could also be evidence that the person to be restrained has violated a protective order or abuses controlled substances or alcohol. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm or the recent acquisition of a firearm. Or it could be evidence that the person to be restrained has been identified by a mental health provider as someone prohibited from purchasing, possessing or controlling any firearms.

You should include all of this information in your Petition and also be prepared to present it to the judge at the hearing.

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you.

**Will I see the restrained person at the court hearing?**

If the person comes to the hearing, yes. If you are afraid, tell the court officer.

**Can I bring someone with me to court?**

Yes. You can bring someone to sit with you during the hearing, but that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

**Do I need to bring a witness to the hearing?**

Witnesses are not required, but it helps to have more proof than just your word. For example, consider bringing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, *Declaration*, for this purpose.)

**GV-109**

**Notice of Court Hearing**

Clerk stamps date here when form is filed.

**DRAFT**  
10-24-18  
Not approved by  
the Judicial Council

**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: \_\_\_\_\_

**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:** \_\_\_\_\_ **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.)

Fill in court name and street address:  
**Superior Court of California, County of** \_\_\_\_\_

Court files in case number when form is filed.  
**Case Number:** \_\_\_\_\_

Judicial Council of California, www.courts.ca.gov  
Rev. January 1, 2018. Mandatory Form  
Penal Code, § 18100 et seq.  
Approved by DOJ

**Notice of Court Hearing**  
(Gun Violence Prevention)

GV-109, Page 1 of 3 →

**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 makes a temporary order, it will last until your hearing date, which must be within 21 days of the date of the temporary order. If at the hearing the court issues a more permanent order, it will last for one year. It may be renewed for additional one-year periods.

**What if the restrained person does not obey the order?**

Call the police. The restrained person can be arrested and charged with a crime.

**Can I agree with the restrained person to terminate the order?**

No. Once the order is issued, only the judge can change or terminate it. The restrained person 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 days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://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.]*

|   |  |                    |               |
|---|--|--------------------|---------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   |  | FOR COURT USE ONLY |               |
| TELEPHONE NO:<br>E-MAIL ADDRESS (optional):<br>ATTORNEY FOR (Name):   |  |                    |               |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA</b><br>200 South G Street<br>Madera, California 93637<br>Civil Division |  |                    |               |
| PLAINTIFF/PETITIONER:   |  | CASE NUMBER:       |               |
| DEFENDANT/RESPONDENT:   |  | HEARING DATE:      | HEARING TIME: |
| GUARDIANSHIP OF (Name):   |  | DEPARTMENT:        |               |
| <b>EX-PARTE DECLARATION</b>   |  |                    |               |

I am, (*specify*):  attorney for  plaintiff/petitioner  defendant/respondent  
 not a party in the case (name): \_\_\_\_\_.

1. I  did  did not give notice. (*if you gave notice, complete number 2 and 3 if no notice is given complete number 4a, 4b, or 4c*)

2. PURSUANT TO RULE 2.4.6 OF THE LOCAL RULE OF COURT I HAVE INFORMED (name) \_\_\_\_\_,  
OF THIS EX-PARTE APPLICATION REQUESTED BY (name) \_\_\_\_\_. **[Complete A, B OR C below]**

A. TELEPHONE ON (Date): \_\_\_\_\_ at (Time): \_\_\_\_\_ A.M./P.M.

B. IN PERSON ON (Date): \_\_\_\_\_ at (Time): \_\_\_\_\_ A.M./P.M.

C. OTHER \_\_\_\_\_

3. I TOLD (name): \_\_\_\_\_ THAT (name): \_\_\_\_\_ WOULD BE BRINGING AN  
EX- PARTE REQUEST ON \_\_\_\_\_ AT 8:15 A.M. IN DEPARTMENT \_\_\_\_\_ OF THE MADERA SUPERIOR COURT.  
THAT HE/SHE WILL HAVE TO COME TO COURT AT THAT TIME IF HE/SHE OBJECTS TO THIS EX PARTE REQUEST.

4. I HAVE NOT GIVEN NOTICE OF THIS APPLICATION FOR EX PARTE ORDER FOR THE FOLLOWING REASON (S):  
a. GIVING NOTICE WOULD FRUSTRATE THE PURPOSE OF THE ORDER (*explain in detail as to why notice is not given*):

b. I WILL SUFFER IMMEDIATE AND IRREPARABLE INJURY IF NOTICE IS GIVEN (*explain in detail as to why you fear giving notice*):

c. OTHER (*explain in detail*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Type or Print Name)

▶ \_\_\_\_\_  
(Signature of Declarant)

**California Law Enforcement Telecommunications System (CLETS)  
Information Form**

- This form is submitted with the initial filing (*date*): \_\_\_\_\_
- This is an amended form (*date*): \_\_\_\_\_

**Important:** This form **MUST NOT** become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

**Case Number** (*if you know it*): \_\_\_\_\_

**1 Person to Be Protected** (*Name*): \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Mailing Address (*listed on restraining order*): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone (*optional*): \_\_\_\_\_

Vehicle (*Type, Model, Year*): \_\_\_\_\_ (*License Number and State*): \_\_\_\_\_

**2 Person to Be Restrained** (*Name*): \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Residence Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Business Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Employer: \_\_\_\_\_

Occupation/Title: \_\_\_\_\_ Work Hours: \_\_\_\_\_

Driver's License Number and State: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Vehicle (*Type, Model, Year*): \_\_\_\_\_ (*License Number and State*): \_\_\_\_\_

Describe any marks, scars, or tattoos: \_\_\_\_\_

Other names used by the restrained person: \_\_\_\_\_

**3 Guns or Firearms** Describe any guns or firearms that you believe the person in **2** owns or has access to (*Number, types, and locations*):

\_\_\_\_\_

\_\_\_\_\_

**4 Other People to Be Protected**

| <u>Name</u> | <u>Date of Birth</u> | <u>Sex</u> | <u>Race</u> | <u>Relation to Person in 1</u> |
|-------------|----------------------|------------|-------------|--------------------------------|
| _____       | _____                | _____      | _____       | _____                          |
| _____       | _____                | _____      | _____       | _____                          |

Additional persons to be protected are listed on Attachment 4.

**This is not a Court Order—Do not place in court file.**

Clerk stamps date here when form is filed.

Read *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) before completing this form.

**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  
MADERA**  
 200 South G Street  
 Madera, CA 93637

Civil Division

Court fills in case number when form is filed.

**Case Number:****2 Respondent**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3 Venue**

Why are you filing in this county? (Check all that apply):

a.  The Respondent lives in this county.b.  Other (specify): \_\_\_\_\_**4 Other Court Cases**

a. Are you aware of any other court cases, civil or criminal, involving the Respondent?

 Yes  No

If yes, on the next page, check each kind of case and give as much information as you know as to where and when each was filed:

**This is not a Court Order.**

| 4 a. | Kind of Case   | Filed in (County/State) | Year Filed | Case Number (if known) |
|------|--|-------------------------|------------|------------------------|
| (1)  | <input type="checkbox"/> Civil Harassment                    | _____                   | _____      | _____                  |
| (2)  | <input type="checkbox"/> Domestic Violence                   | _____                   | _____      | _____                  |
| (3)  | <input type="checkbox"/> Divorce, Nullity, Legal Separation  | _____                   | _____      | _____                  |
| (4)  | <input type="checkbox"/> Paternity, Parentage, Child Custody | _____                   | _____      | _____                  |
| (5)  | <input type="checkbox"/> Elder or Dependent Adult Abuse      | _____                   | _____      | _____                  |
| (6)  | <input type="checkbox"/> Eviction                            | _____                   | _____      | _____                  |
| (7)  | <input type="checkbox"/> Workplace Violence                  | _____                   | _____      | _____                  |
| (8)  | <input type="checkbox"/> Criminal                            | _____                   | _____      | _____                  |
| (9)  | <input type="checkbox"/> Other (specify):<br>_____           | _____                   | _____      | _____                  |

b. Are there now any protective or restraining orders in effect relating to Respondent?  
 Yes  No  I don't know *If yes, attach a copy if you have one.*

**5 Description of Respondent's Firearms, Ammunition, or Magazines**

*If you have reason to believe that the respondent is in possession of firearms, ammunition, or magazines, answer (a) or check (b).*

a.  I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms, ammunition or magazines. *(Describe the number, types, and locations of any firearms, ammunition, or magazines that you believe that the Respondent currently possesses or controls):*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b.  I am informed, and on that basis believe, that Respondent currently possesses or controls firearms, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those firearms, ammunition, or magazines.

**6 Grounds for Issuance of a Gun Violence Restraining Order**

I have reasonable cause to believe both of the following are true:

a. The Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition, or a magazine.

**This is not a Court Order.**



6 b. A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

c. The facts supporting the above statements are set forth:

Below

On the attached form MC-031, *Attached Declaration*

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7 **Request for Gun Violence Restraining Order**

I request that the court issue an order prohibiting Respondent from having in his or her custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms, ammunition, or magazines. I further request that Respondent be ordered to immediately surrender all firearms, ammunition, and magazines currently in his or her possession to a law enforcement officer or to sell the firearms, ammunition, and magazines to or store them with a licensed gun dealer.

8 **No Fee to Serve (Notify) Restrained Person**

*If you want the sheriff or marshal to serve (notify) the restrained person about the orders, he or she will do it for free.*

9 **Request for Hearing**

I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last for one year.

**This is not a Court Order.**

**10**  **Temporary Restraining Order**

I request that a Temporary Gun Violence Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form GV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to court to seek a TRO against him/her?

Yes  No (If you answered no, explain why below):

Reasons stated in Attachment 10.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11**  **Request to Give Less Than Five Days' Notice of Hearing**

*You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is "Proof of Personal Service"? Form GV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

Reasons stated in Attachment 11.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12** 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*

**This is not a Court Order.**

|                       |              |
|-----------------------|--------------|
| PLAINTIFF/PETITIONER: | CASE NUMBER: |
| DEFENDANT/RESPONDENT: |              |

**DECLARATION**

*(This form must be attached to another form or court paper before it can be filed in court.)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

- Attorney for
- Plaintiff
- Petitioner
- Defendant
- Respondent
- Other *(Specify):*

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  
MADERA**  
200 South G Street  
Madera, CA 93637  
  
Civil Division

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.)

b. Reasons for denial of a Temporary Gun Violence Restraining Order as requested in Form GV-100, *Petition for Gun Violence Restraining Order*, are:

- (1)  The facts as stated in Form GV-100 do not show that there is a substantial likelihood that both of the following are true:

Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.

A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

- (2)  Other (*as set forth*):  Below  On Attachment 4b(2).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5 Service of Documents on Respondent**

At least  five  \_\_\_\_\_ calendar days before the hearing, a law enforcement officer or someone age 18 or older—and not a party to the action—must personally give (serve) a court file-stamped copy of this Form GV-109 to the Respondent, along with a copy of all the forms indicated below:

- a. GV-100, *Petition for Gun Violence Restraining Order* (file-stamped)
- b.  GV-110, *Temporary Gun Violence Restraining Order* (file-stamped) **IF GRANTED**
- c. GV-120, *Response to Petition for Gun Violence Restraining Order* (blank form)
- d. GV-120-INFO, *How Can I Respond to a Petition for a Gun Violence Restraining Order?*
- e. GV-250, *Proof of Service by Mail* (blank form)
- f.  Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**To the Petitioner in 1:**

- The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. Form GV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form GV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the Respondent in time, you may ask for a later hearing date, which will give you more time to serve the documents. Use Form GV-115, *Request to Continue Court Hearing for Gun Violence Restraining Order*.

**To the Respondent:**

- If you want to respond to the *Petition for Gun Violence Restraining Order* in writing, file Form GV-120, *Response to Petition for Gun Violence Restraining Order* and have someone age 18 or older—**not you**—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. Form GV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms, ammunition, or magazines that you own or possess. If issued, the order will last for one year.

**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](http://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—**

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

*Clerk's Certificate*  
[seal]

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Petitioner must complete items ① and ② only.

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  
MADERA**  
200 South G Street  
Madera, CA 93637

Civil Division

Court fills in case number when form is filed.

**Case Number:**

**2 Respondent**

Full Name: \_\_\_\_\_

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

Mailing Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to Petitioner: \_\_\_\_\_

The court will complete the rest of this form.

**3 Expiration Date**

This Order expires at the end of the hearing scheduled for the date and time below:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**

**Temporary Gun Violence  
Restraining Order (CLETS-TGV)**  
(Gun Violence Prevention)

**4 Findings**

Having examined  Petitioner  and other witnesses under oath,  
 Having considered the declarations of  Petitioner  and other witnesses under penalty of perjury,

- a. The court finds that there is a substantial likelihood that both of the following are true:
  - (1) Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.
  - (2) A temporary gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- b.  The court has received credible information that Respondent owns or possesses one or more firearms, ammunition, or magazines.
- c.  The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

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See the attached Form MC-025, *Attachment*

**5 No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

**This is a Court Order.**



**6 Order Prohibiting All Firearms, Ammunition, and Magazines**

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition, including magazines (ammunition feeding devices).
- b. The court has received credible information that you own or possess one or more firearms, ammunition, or one or more magazines that have not been surrendered or sold. You must:
  - (1) Surrender all firearms and ammunition, including magazines, in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms and ammunition, including magazines, to him or her, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all of your firearms and ammunition, including magazines, within 24 hours of being served with this Order. You may do so by:
    - (1) surrendering all of your firearms and ammunition, including magazines, in a safe manner to the local law enforcement agency; or
    - (2) selling all of your firearms and ammunition, including magazines, to a licensed gun dealer; or
    - (3) storing all of your firearms and ammunition, including magazines, with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item (3) is in effect.
  - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms and ammunition have been turned in, sold, or stored. (*You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

7 Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer

**Warnings and Notices to the Respondent**

**This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazines while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with the Order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the Order.**

**Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.**

**This is a Court Order.**

## **After You Have Been Served With a Temporary Order**

- Obey the order by turning in all firearms, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read Form GV-120-INFO, *How Can I Respond to a Petition for Gun Violence Restraining Order?*, to learn how to respond to this Order.
- If you want to respond, fill out Form GV-120, *Response to Petition for Gun Violence Restraining Order*, and file it with the court clerk.
- You must have Form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form GV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make a gun violence restraining order against you that lasts for one year. Tell the judge why you disagree with the order requested.

## **Instructions for Law Enforcement**

### **Duties of Officer Serving This Order**

The officer who serves this order on the Respondent must do the following:

- Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control.
- Order the Respondent to immediately surrender all firearms, ammunition, and magazines to him or her.
- Issue a receipt to the Respondent for all firearms, ammunition, or magazines that he or she has surrendered.
- Complete a proof of personal service and file it with the court. You may use Form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

### **Duties of Agency on Surrender of Firearms, Ammunition, or Magazines**

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines until the termination or expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this Order or of any later gun violence restraining order issued by the court, return the firearms, ammunition, or magazines to the respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.

**This is a Court Order.**

**Instructions for Law Enforcement***(continued)*

- If someone other than the Respondent claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, or magazines to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850).

**Enforcing This Order**

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Temporary Gun Violence Restraining Order* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

*(Clerk will fill out this part.)**Clerk’s Certificate**[seal]***—Clerk’s Certificate—**

I certify that this *Temporary Gun Violence Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**1 Petitioner/Requesting Agency**

Name: \_\_\_\_\_

**2 Respondent/Restrained Person**

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/Restrained Person. (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  
MADERA**  
200 South G Street  
Madera, CA 93637

Civil Division

Fill in case number:

**Case Number:****4** I personally gave the Respondent a copy of the forms checked below:

- a.  GV-030, *Gun Violence Restraining Order After Hearing on EPO-002*
- b.  GV-100, *Petition for Gun Violence Restraining Order*
- c.  GV-109, *Notice of Court Hearing*
- d.  GV-110, *Temporary Gun Violence Restraining Order*
- e.  GV-116, *Order for Continuance and Notice of New Hearing Date*
- f.  GV-120, *Response to Petition for Gun Violence Restraining Order* (blank form)
- g.  GV-120-INFO, *How Can I Respond to a Petition for a Gun Violence Restraining Order?*
- h.  GV-130, *Gun Violence Restraining Order After Hearing*
- i.  GV-600, *Request to Terminate Gun Violence Restraining Order* (blank form)
- j.  GV-800, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (blank form)
- k.  Other (specify): \_\_\_\_\_

**5** I personally gave copies of the documents checked above to the Respondent/Restrained Party:

- 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

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

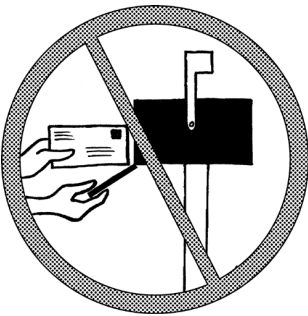
Service lets the respondent know:

- Why you are asking for a Gun Violence 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. A sheriff or marshal will serve the order at no cost to you**

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.

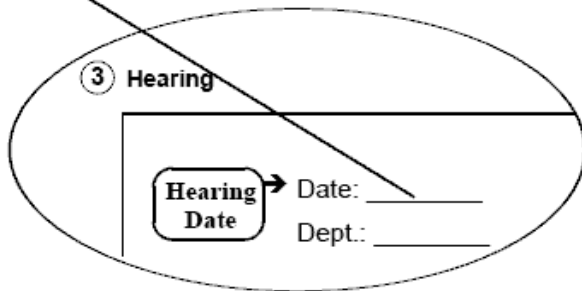
### What if the person won’t take the papers or tears them up?

- 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.

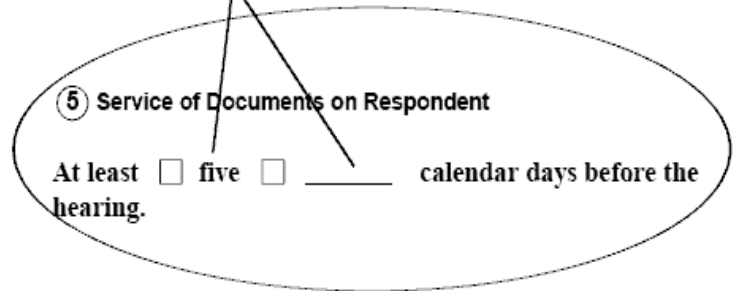
**When do the orders have to be served?**

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.



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



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



## DO NOT

WRITE ON THE FOLLOWING BLANK FORMS!

THESE BLANK FORMS

MUST BE SERVED ON THE

OTHER PARTY,

SO THAT THE OTHER PARTY MAY  
RESPOND TO THIS ACTION.

ALONG WITH THE BLANK FORMS YOU MUST  
ALSO INCLUDE A COPY OF THE FORMS  
THAT YOU PREPARED AND FILED

## ES NECESARIO

DEJAR LOS SIGUIENTES DOCUMENTOS

EN BLANCO.

ESTOS DOCUMENTOS TIENEN QUE

SER ENTREGADOS A LA OTRA PERSONA,

PARA QUE PUEDA RESPONDER A ESTA ACCION.

INCLUYA CON ESTOS DOCUMENTOS UNA COPIA DE  
LOS DOCUMENTOS QUE USTED LLENO Y ARCHIVO.

**What is a gun violence restraining order?**

It is a court order that 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.

**Who can ask for a gun violence restraining order?**

The petition must have been filed by a law enforcement officer or an immediate family member of yours. Immediate family members include (1) your spouse or domestic partner; (2) your parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; (3) your spouse's 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.

**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* tells you when to appear in court. There may also be a *Temporary Gun Violence Restraining Order* 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.

**What if I don't obey the temporary order?**

The police can arrest you. You can go to jail and pay a fine.

**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 Form GV-120, *Response to Petition for Gun Violence Restraining Order*, 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](http://www.courts.ca.gov). You also may be able to find it at your local courthouse or county law library.

**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 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 Form GV-250, *Proof of Service by Mail*. 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.

**Should I go to the court hearing?**

Yes. You should go to court on the date listed on Form GV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can extend the order against you for up to one year without hearing from you.

**GV-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

**DRAFT 10-24-18 Not approved by the Judicial Council**

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: \_\_\_\_\_

2 **Respondent**  
 Full Name: \_\_\_\_\_

3 **Hearing**  
 The court will complete the rest of this form.  
 Name and address of court if different from above: \_\_\_\_\_  
 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.)

Fill in court name and street address:  
 Superior Court of California, County of \_\_\_\_\_

Court file in case number when form is filed.  
 Case Number: \_\_\_\_\_

Judicial Council of California, [www.courts.ca.gov](http://www.courts.ca.gov)  
 Rev. January 1, 2018, Mandatory Form  
 Penal Code, § 18150 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?**

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 gun violence 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](http://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 Gun Violence 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

**Gun Violence Restraining Order**

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

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 3-Reasons I Disagree" as a title. You may use form MC-025, Attachment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4

**Denial**

I did not do anything described in item 5 of form GV-100.

Fill in court name and street address:

Superior Court of California, County of  
**MADERA**  
200 South G Street  
Madera, CA 93637

Civil Division

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: \_\_\_\_\_ Time: \_\_\_\_\_  
**Date** 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 year.

**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. You may use form MC-025, Attachment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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, or 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, 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 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, 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*

Clerk stamps date here when form is filed.

**1 Petitioner**

Full Name: \_\_\_\_\_

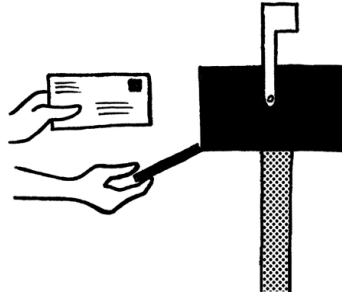
**2 Respondent**

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  
MADERA**  
200 South G Street  
Madera, CA 93637

Civil Division

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*