



C A L I F O R N I A

DEPARTMENT OF JUSTICE

# **Gun Violence Restraining Orders: A Practical Implementation Guide for California Law Enforcement**

**Office of Gun Violence Prevention**

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# Introduction

California’s Gun Violence Restraining Order (GVRO) process empowers law enforcement, family members, and other eligible community members to proactively prevent gun violence by presenting evidence to a judge that a person poses a significant danger of harming themselves or others with firearms. If the court receives sufficient evidence of dangerousness and necessity, the court may issue an order that temporarily suspends the individual’s ability to keep, possess, and acquire firearms and related items, and prevents the individual from passing firearm and ammunition background checks. The GVRO provides a mechanism for obtaining an individualized determination from the courts that a person who would otherwise have the legal ability to possess or acquire firearms and ammunition is on a dangerous pathway to gun violence or suicide, and should be prevented from possessing and acquiring these weapons for a temporary period.

California’s GVRO law took effect January 1, 2016, and has since become a national model for similar laws adopted in 20 other states and the District of Columbia.<sup>1</sup> In other jurisdictions, equivalent court processes are often referred to as Extreme Risk Protection Orders (ERPOs), or more colloquially, as “red flag orders.”

Researchers and the press have documented numerous planned or threatened shootings that were prevented after petitioners acted to obtain and enforce GVROs.<sup>2</sup> In many other cases, successful GVRO interventions are largely invisible to the public. Their safety impact is measured in shootings that never happened and tragic headlines never written because law enforcement and other stakeholders took effective proactive action—not just to react and respond, but to prevent.

The GVRO reflects the principles underlying the modern field of “behavioral threat assessment and management.” This field emphasizes that many acts of violence are preventable if law enforcement and community partners have the training, resources, and legal tools to identify dangerous behaviors and proactively intervene to reduce risk before violence occurs or escalates.<sup>3</sup>

Many law enforcement agencies around the state are effectively utilizing the GVRO as part of fostering a culture of safety through prevention.<sup>4</sup> In 2024, California courts issued GVROs against 1,727

- 1 See Elizabeth Tomsich, et al., “The origins of California’s gun violence restraining order law: a case study using Kingdon’s multiple streams framework,” *BMC Public Health*, 23, 1275 (2023), at <https://doi.org/10.1186/s12889-023-16043-6> (“California’s restraining order model has been adopted by all subsequent states enacting an ERPO law. In California, ERPOs are called gun violence restraining orders (GVROs).”); National ERPO Resource Center, “What are Extreme Risk Protection Orders,” at [www.erpo.org](http://www.erpo.org) (last accessed Aug. 13, 2025). Connecticut and Indiana adopted more limited versions of this law in 1999 and 2005. After California enacted its GVRO law in 2014, Connecticut subsequently amended its law, joining the 20 states, Washington, D.C., and the U.S. Virgin Islands in adopting extreme risk protection order laws modeled in significant part on California’s GVRO.
- 2 See, e.g., DOJ Office of Gun Violence Prevention, “Pathways to Safety: California’s Nine Court Protection Orders to Prevent Gun Violence” (Jun. 2024), pp. 8, 25, at [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf); Lisa Howard, “California’s ‘Red Flag’ Law Utilized for 58 Threatened Mass Shootings,” UC Davis Press Release (Jun. 8, 2022), [www.ucdavis.edu/news/californias-red-flag-law-utilized-58-threatened-mass-shootings](http://www.ucdavis.edu/news/californias-red-flag-law-utilized-58-threatened-mass-shootings); Veronica Pear, et al., “Gun violence restraining orders in California, 2016–2018: case details and respondent mortality,” *Injury Prevention*, 28:465-71 (2022), [www.injuryprevention.bmj.com/content/28/5/465](http://www.injuryprevention.bmj.com/content/28/5/465); Garen Wintemute, et al., “Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series,” *Annals of Internal Medicine* (Aug. 20, 2019), [www.acpjournals.org/doi/10.7326/M19-2162](http://www.acpjournals.org/doi/10.7326/M19-2162); Everytown for Gun Safety, “Examples of How Extreme Risk Laws Save Lives,” Appendix A (updated Feb. 3, 2025), <https://everytownresearch.org/report/appendix-a-extreme-risk-laws-save-lives-stories/>.
- 3 See, e.g., U.S. Secret Service, National Threat Assessment Center, “Behavioral Threat Assessment Units: A Guide for State and Local Law Enforcement to Prevent Targeted Violence” (Oct. 2024), p. 15, 57-58, 68-71, at [www.secretservice.gov/sites/default/files/reports/2024-10/Behavioral-Threat-Assessment-Units-A-Guide-for-State-and-Local-Law-Enforcement-to-Prevent-Targeted-Violence.pdf](http://www.secretservice.gov/sites/default/files/reports/2024-10/Behavioral-Threat-Assessment-Units-A-Guide-for-State-and-Local-Law-Enforcement-to-Prevent-Targeted-Violence.pdf); U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020” (Jan. 2023), p. 2, vi, at [www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf).
- 4 See id.; U.S. Dept. of Homeland Security, Center for Prevention Programs and Partnerships, “Prevention Resource: Enhancing Behavioral Threat Assessment and Case Management Capabilities Through a Public Health-Informed Approach” (2024), p. 2, at [www.dhs.gov/sites/default/files/2024-10/24\\_0821\\_cp3\\_prevention-resources-btams.pdf](http://www.dhs.gov/sites/default/files/2024-10/24_0821_cp3_prevention-resources-btams.pdf).

individuals found to pose a significant danger of firearm violence, suicide, or other injury.<sup>5</sup> Over two years, officers enforcing these orders in one jurisdiction, San Diego, reported recovering nearly 900 firearms from individuals found by a court to pose a significant danger.<sup>6</sup> These efforts have likely helped California achieve substantially lower mass shooting victimization rates compared to the rest of the nation on average, and have prevented other forms of firearm violence, suicide, and injury.<sup>7</sup>

However, navigating the GVRO's unique procedural requirements and responsibilities can present a daunting learning curve that has slowed broader implementation for many agencies.<sup>8</sup> Officers have reported challenges identifying when a GVRO may be necessary, and how the GVRO intersects with other safety interventions, including other protection orders and involuntary mental health holds, that may be available to address dangerous firearm access in some circumstances. When officers decide to pursue a GVRO, they may also face procedural hurdles to quickly comply with civil court forms-filing, service, hearing, and record reporting requirements. The GVRO is California's only civil restraining order process in which law enforcement officers directly present petitions, evidence, and testimony at court hearings on behalf of a law enforcement agency.

With effective training and agency support, law enforcement agencies in every community should be able to utilize the GVRO to effectively address clear dangers to human life and safety.

The California Department of Justice's (DOJ) Office of Gun Violence Prevention has developed this GVRO Implementation Guide to provide comprehensive guidance to law enforcement agencies, their legal counsel, and other stakeholders tasked with training and supporting officers on the GVRO process. This Implementation Guide seeks to help stakeholders build expertise in the GVRO process; identify and develop GVRO cases informed by behavioral threat assessment and management strategies; evaluate alternative safety intervention options; and successfully obtain, serve, document, and enforce GVROs to prevent gun violence.

This report includes explanatory background about the GVRO, GVRO process flow charts, and best practice checklists in the Appendix. It includes information about how to:

- Identify circumstances in which a GVRO may be an appropriate and necessary safety intervention.
- Understand the two pathways for requesting GVROs, both in emergency circumstances and through a standard GVRO court petition in other dangerous but non-emergency circumstances.
- Understand the differences between the GVRO and other court protection and restraining orders that include similar firearm prohibitions.
- Understand how the GVRO process intersects with processes for involuntary mental health holds when individuals are a danger to self or others due to a mental health disorder.
- Successfully obtain GVROs by documenting and presenting relevant evidence in GVRO petitions regarding dangerousness, necessity, and (for pre-hearing GVROs) imminence of harm.

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5 See DOJ Office of Gun Violence Prevention, "Gun Violence Restraining Order 10-Year Progress Report: Data and Recommendations for Improved Implementation" (2026).

6 San Diego Regional Gun Violence Response Task Force, "Annual Report to the California Department of Justice: Grant # DOJ-GVRTF-2023-24-1-001" (Feb. 7, 2025) and (Feb. 6, 2026).

7 See DOJ Office of Gun Violence Prevention, "Gun Violence Restraining Order 10-Year Progress Report: Data and Recommendations for Improved Implementation" (2026) (analyzing Gun Violence Archive mass shooting incident reports to show that from 2023-2025, on a per capita basis, the number of people shot or killed in mass shooting incidents in California was 38% below the rate in the rest of the nation on average).

8 See DOJ Office of Gun Violence Prevention, "Gun Violence Restraining Order 10-Year Progress Report: Data and Recommendations for Improved Implementation" (2026).

- Successfully obtain longer-term GVROs that last for up to five years, instead of 21 days, in cases involving persistent danger and necessity.
- Timely serve GVROs and notice of GVRO court hearings, and ensure that service is properly reported to both court and law enforcement record systems, to ensure GVRO cases are not dismissed and the GVRO is enforceable.
- Ensure that individuals who become subject to GVROs promptly and safely relinquish any firearms and other prohibited items they own, possess, or control.
- Petition the court to renew an expiring GVRO in cases involving persistent danger and necessity.

Please note that the Department of Justice Office of Gun Violence Prevention has developed this implementation guide for informational and educational purposes only. It is current as of the date of publication, and should not be considered legal advice. For specific legal advice, please consult with designated legal counsel.



# Part 1. Background on California's Gun Violence Restraining Order

## 1. What is a GVRO?

The Gun Violence Restraining Order (GVRO) process is a civil court process designed to proactively reduce risk of firearm homicide, suicide, and other injury.<sup>9</sup> It authorizes law enforcement, family members, and other eligible petitioners to file a petition and evidence with the Superior Court requesting a court order that suspends a named individual's legal access to firearms and related items for a temporary period based on evidence that the individual is a significant danger of causing personal injury to themselves or others with firearms.

The person who files the request for the GVRO is called the "**petitioner.**" The person who is the subject of the petition is called the "**respondent.**" If the court issues a GVRO against the respondent, the respondent may also be called the "**restrained person**" or "**restrained party.**" Law enforcement officers may file GVRO petitions on behalf of their employing law enforcement agency.

The GVRO is a civil court order, but it is a crime to knowingly or willfully violate the order's prohibitions and requirements.<sup>10</sup> Individuals convicted of illegally possessing firearms or ammunition in violation of a GVRO are prohibited from possessing or acquiring firearms for an additional five-year period after the GVRO expires.<sup>11</sup>

## 2. What does a GVRO do?

**Firearm prohibitions:** A GVRO makes it unlawful for the respondent to possess, control, receive, purchase, or attempt to purchase or receive, any firearms, firearm precursor parts, ammunition, ammunition magazines, and body armor, for as long as the GVRO remains in effect against them.<sup>12</sup>

**Relinquishment order:** The GVRO orders the respondent to promptly relinquish any firearms and other prohibited items they already own, possess, or control. They must do so by immediately transferring custody of those weapons to any law enforcement officer who serves notice of the GVRO or requests relinquishment of those items; if a law enforcement officer does not make this request, the respondent must relinquish these items within 24 hours of receiving notice, either to a law enforcement agency or to a licensed firearms dealer.<sup>13</sup> The respondent must also demonstrate compliance with the GVRO within 48 hours of receiving notice of the order by filing proof-of-relinquishment forms (GV-800 forms prepared by the Judicial Council of California) to the court that issued the GVRO and to the law enforcement agency, if any, that served notice of the GVRO. These relinquishment forms must be signed by the law enforcement officer or firearms dealer that received the respondent's firearms and

<sup>9</sup> California's GVRO statutes are codified in Division 3.2 of Title 2 of Part 6 of the Penal Code (starting with Penal Code section 18100), but section 18100 establishes the GVRO as a civil restraining order process.

<sup>10</sup> Penal Code, §§ 18205 (owning or possessing firearms or ammunition in violation of GVRO); 166(a)(4) (willful disobedience of court order).

<sup>11</sup> Penal Code section 18205 makes it a misdemeanor to own or possess firearms or ammunition in violation of a GVRO and prohibits individuals convicted of that violation from possessing or acquiring firearms for an additional five years after the GVRO expires. Penal Code section 166(a)(4) also makes it a misdemeanor to commit contempt of court through willful disobedience of the terms, as written, or a process or court order. Unlike section 18205 convictions, Section 166 convictions for contempt of court do not currently trigger additional firearm prohibitions. See Penal Code, §§ 18205; 29805 (list of misdemeanor offenses that generally trigger firearm prohibitions).

<sup>12</sup> See Penal Code, §§ 18100, 18120, 18125(b), 18175, 31360(b) (prohibitions on body armor). See also, Penal Code, §§ 16288 (defining "body armor"), 18100(b) (defining "ammunition" to include an ammunition "magazine" for the purposes of the GVRO statutes), and 16890 (defining ammunition "magazine"). For these purposes, the term "firearm" is defined to include frames and receivers, including unfinished frame or receiver parts defined as "firearm precursor parts." See Penal Code, §§ 16520(b), (defining "firearm") and 16531 (defining "firearm precursor part").

<sup>13</sup> Penal Code, § 18120.

related items to verify that the respondent has complied with the GVRO.<sup>14</sup>

**Background checks:** Once courts and law enforcement agencies enter required information about a GVRO into the California Restraining and Protective Order System (CARPOS) database via CLETS,<sup>15</sup> this record blocks the respondent from passing background checks to legally purchase or acquire firearms and ammunition, or qualify for other firearm-related licenses, while the GVRO is in effect.<sup>16</sup>

**Restricting other individuals from providing access:** A GVRO also effectively prohibits other people, such as the respondent’s household members, from transferring firearms to the respondent, and requires them to securely store any firearms they own in a manner that effectively prevents the respondent from gaining unlawful access.<sup>17</sup>

### 3. When can a court issue a GVRO?

To grant a petitioner’s request for a GVRO, the court must receive sufficient evidence that the respondent poses a significant danger of causing personal injury to themselves and/or others “by having in [their] custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.”<sup>18</sup> In other words, the court must find that the respondent poses a **significant danger** of causing injury with firearms—either with weapons the respondent already has or controls, or with weapons they could access, purchase, or acquire in the future.<sup>19</sup>

The court must also find that a GVRO is **necessary** to prevent injury, either because less restrictive alternatives to the GVRO have been tried and found to be ineffective, *or* because less restrictive alternatives are inadequate or inappropriate for the circumstances.<sup>20</sup> “Less restrictive alternatives” to the GVRO are alternatives that do not include a comparable, legally enforceable prohibition on firearm possession and acquisition, and do not otherwise place *more restrictive* limitations on a dangerous person’s conduct, movements, or communications. “Less restrictive alternatives” are often inadequate or inappropriate to address a dangerous respondent’s access to firearms because they would not prevent a dangerous individual from passing firearm-related background checks to purchase firearms, and do not authorize courts and law enforcement to enforce mandatory prohibitions on firearm possession and acquisition.

If the court receives sufficient evidence of dangerousness and necessity, it may issue a GVRO, **regardless of whether** the respondent currently possesses any firearms.<sup>21</sup> The GVRO can be an

14 Id. The GV-800 court form is used to verify GVRO relinquishment compliance for the court.  
15 The California Law Enforcement Telecommunications System.  
16 See Penal Code, §§ 18115 (reporting GVRO information into the CARPOS database), 28220 (firearm background checks), 30370 (ammunition background checks).  
17 See Penal Code, §§ 31 (aiding and abetting); 18205 (violations of GVRO); 25100 (secure firearm storage to prevent access by prohibited person), 25135 (secure firearm storage in residence with prohibited persons), and 27500 (giving possession or control of firearms to prohibited persons). See also, Pen. Code, § 1542.5 (considerations when executing search warrants to recover firearms and ammunition a GVRO respondent can possess or control in a jointly occupied location).  
18 See Penal Code, §§ 18125, 18150, 18175. As described further below in this report, the standard for issuing an Emergency GVRO is “reasonable cause,” the standard for issuing a Temporary GVRO is “substantial likelihood,” and the standard for a longer-term GVRO After Hearing is “clear and convincing evidence.”  
19 See Pen. Code, §§ 18150, 18155, 18175 (authorizing courts to issue a GVRO if the respondent poses a significant danger of causing personal injury by, among other things “purchasing” or “receiving” a firearm or ammunition). See also, Pen. Code, §§ 18108, subd. (b) (encouraging use of GVROs “to prevent future violence involving a firearm,” including but not limited to, circumstances in which a person who poses a significant danger has “expressed an intent to acquire a firearm”); 18155, subd. (b)(2)(G) (“While evidence of recent acquisitions is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.”).  
20 See Penal Code, §§ 18150, 18155, 18175.  
21 See Penal Code, §§ 18150, 18155, 18175 (authorizing courts to issue a GVRO if the respondent is a significant danger of causing personal injury by, among other things “purchasing” or “receiving” a firearm or ammunition). See also, section 18155(b)(2)(G) (“While evidence of recent acquisitions is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not

important intervention option for removing firearms from a dangerous individual who is already armed *and/or* for blocking a dangerous individual from passing firearm-related background checks or otherwise accessing or purchasing firearms.

The relevant standard and burden of proof also differ depending on whether the petitioner is requesting the GVRO on an emergency, temporary, or longer-term basis after a hearing. For pre-hearing Emergency and Temporary GVROs, the petitioner must show the respondent is a danger immediately or in the near future, respectively.<sup>22</sup>

- See Part 3 (“Identifying GVRO Cases”) on page 22, for information about different types of “significant danger” and factors to consider when determining whether to request a GVRO or other safety interventions.
- Part 4 (“Successfully Requesting a GVRO”) discusses how to effectively present relevant evidence of dangerousness (page 45) and necessity (page 53) in a GVRO petition and court hearing.

#### **4. The GVRO has unique strengths for preventing mass shootings, hate crimes, and other threats to the public or large groups of people, as well as suicide.**

Unlike other firearm-prohibiting court protection and restraining orders, the GVRO is not issued to protect any specific person or people named as “protected parties” in the court order. As a result, the GVRO does not require the respondent to stay away from any person or location in danger, does not provide individualized victim services or protections, and does not place any other restrictions on the respondent’s conduct, movements, or communications. A GVRO is issued to address dangerous firearm access only.

However, the GVRO plays a critical role for some circumstances by empowering law enforcement and other petitioners to proactively intervene with an individual on a dangerous pathway to gun violence, *before* that individual has necessarily engaged in criminal conduct, and *before* they have necessarily directed threats, violence, or abuse toward any specific victim(s) in particular. This is relatively unique to the GVRO process and can be crucial for public safety in some circumstances, especially when a respondent poses a **significant but generalized danger to the public or groups of people**.

This is especially important for preventing mass shootings and similar attacks. According to the U.S. Secret Service’s National Threat Assessment Center, most mass attacks in public spaces are perpetrated by individuals who: (1) were *not* legally prohibited from possessing or purchasing firearms,<sup>23</sup> but who (2) had exhibited significant warning sign behaviors and communications prior to their attack that were “so concerning, they should have met with an immediate response,” including efforts to restrict firearm access.<sup>24</sup> These warning signs may not always involve criminal threats directed at specific identifiable victims: an FBI study noted that a majority of active shooters leaked their intent to commit violence to at least one other person prior to their attack but “in some cases what was communicated was a more general goal of doing harm to others...without a particular person or group in mind.”<sup>25</sup> In these and

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own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.”)

22 See Penal Code, §§ 18125, 18150, 18175. As described further below in this report, the standard for issuing an Emergency GVRO is “reasonable cause,” the standard for issuing a Temporary GVRO is “substantial likelihood,” and the standard for a longer-term GVRO After Hearing is “clear and convincing evidence.”

23 U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020,” p. 38 (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf).

24 See *id.* at vi, 52.

25 See Federal Bureau of Investigation (FBI), “A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013,” p. 24-26 (2018), [www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view](http://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view). See also, e.g., Jillian Peterson, et al., “Communication of Intent to Do Harm Preceding Mass Public Shootings in the United States, 1966 to 2019,” *JAMA Netw. Open* 4(11) (2021). [www.jamanetwork.com/](http://www.jamanetwork.com/)

other circumstances, the GVRO is a critical gap-filler intervention for public safety.

The GVRO can also play a unique role in suicide prevention efforts in situations when an individual poses a **significant danger to themselves**, especially if other voluntary or mental health system interventions have been ineffective at separating an individual in suicidal crisis from firearms.<sup>26</sup>

Similarly, some individuals with conditions like severe dementia or substance abuse disorders may pose a significant danger of injuring themselves and others with firearms, either intentionally or unintentionally, due to **diminished cognitive ability to safely possess and use firearms**. A person concerned that a loved one is a significant danger of causing harm with firearms due to these conditions may seek a GVRO, either directly or by working with law enforcement.

In some circumstances, GVROs may be issued against a respondent who poses a **significant danger of causing other people to injure themselves or others with firearms**, such as if an adult unlawfully leaves unsecured firearms accessible to unsupervised children. That conduct may be charged as a crime but could also be grounds for issuing a GVRO to prevent the individual from causing firearm death and injury through their dangerous conduct.

Finally, some dangerous individuals' family members or victims may not feel safe or able to request a court protection order themselves, or may want firearm access restrictions only instead of criminal charges or orders providing other protections. In those cases, some community members choose to work with and through law enforcement to obtain a GVRO.

## 5. Officers should also evaluate alternative and additional safety measures, especially to protect specifically targeted victims in danger.

Officers should consider whether the GVRO would be an appropriate and effective intervention on a case-by-case basis. In some cases, more voluntary alternatives to an adversarial court process could be more effective at reducing risk of violence or suicide in practice. Officers should also consider whether additional or alternative safety interventions that may be *more* restrictive than the GVRO could be more effective at reducing risk, limiting access to weapons, and protecting targeted victims in danger.

When specific victims are in danger, it is important to inform them about California's eight *other* court protection and restraining orders that combine firearm prohibitions with additional protections like "stay-away orders" making it a crime for a dangerous respondent to approach specific people or places they have harmed or threatened. If an identifiable victim has been harmed or threatened and wants a court order requiring the respondent to stay away from them and their family members, home, school, and workplace, etc., other firearm-prohibiting court protection orders should be considered.

Except for very short-term EPO-001 Emergency Protective Orders, law enforcement officers generally cannot obtain other protection orders on victims' behalf. But officers can help victims and other authorized petitioners understand all of the protection order and safety options available to address a dangerous individual's firearm access, support them in navigating these processes, and promptly serve and enforce all types of firearm-prohibiting protection orders.

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journals/jamanetworkopen/fullarticle/2785799; Sandy Hook Promise, "Prevent Gun Violence by Knowing the Signs," [www.sandyhookpromise.org/blog/gun-violence/know-the-signs-of-gun-violence/](http://www.sandyhookpromise.org/blog/gun-violence/know-the-signs-of-gun-violence/); U.S. Secret Service and U.S. Dept. of Education, "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates," p. 23-24 (Jul. 2004), [www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf](http://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf).

26 See, e.g., Matthew Miller, et al., "Updated Estimate of the Number of Extreme Risk Protection Orders Needed to Prevent 1 Suicide," *JAMA Netw. Open.* (Jun. 12, 2024), at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2819913>.

- See the section on page 38 for more discussion about additional and alternative safety interventions.
- For more detailed information about all of California’s firearm-prohibiting court protection order processes, see the DOJ Office of Gun Violence Prevention’s report, [Pathways to Safety: California’s Nine Court Protection Orders to Prevent Gun Violence](#), and [Quick Reference Guide to California’s Nine Court Protection Orders to Prevent Gun Violence](#).<sup>27</sup>

## 6. There are Three Types of GVROs.

There are three types of GVRO orders. A source of common confusion is that different sources use different names to refer to each—in part to avoid the confusing and inconsistent terminology used in statute. For clarity, this report will refer to the three types of GVROs as:

- Emergency GVROs;
- Temporary GVROs; and
- GVROs After Hearing or Consent.

These orders are distinguished by the context in which they are issued, the legal standard for issuing the order, and how long they remain in effect. Emergency GVROs and Temporary GVROs are short-term, ex parte (pre-hearing) orders that generally expire within 21 days, or on the date of a court hearing on the request for a longer-term GVRO, whichever occurs first.<sup>28</sup> A longer-term GVRO After Hearing or Consent remains in effect for a period set by the court between one and five years, subject to subsequent court orders modifying, terminating, or renewing the GVRO.<sup>29</sup>

- “Continuing” a hearing: In some cases, an Emergency or Temporary GVRO will remain in effect for longer than 21 days if the court grants a petitioner or respondent’s request for a “continuance.” A “continuance” reschedules the court hearing and extends the duration of any short-term Emergency or Temporary GVRO that was already in effect until the new hearing date.<sup>30</sup> The person requesting a continuance must convince the court that there is “good cause” (a good reason) to postpone the hearing.<sup>31</sup> GVRO respondents may often request to continue hearings. A common reason for petitioners to request a continuance is if law enforcement officers have not been able to successfully serve the respondent with forms notifying them about the GVRO court hearing and/or have not filed proof-of-service forms to the court in a timely manner establishing that the respondent received sufficient notice of the hearing. In some cases, when petitioners request GVROs against someone who is also facing criminal charges, either party sometimes requests to postpone the GVRO hearing pending developments in the criminal case that might affect the respondent’s legal access to firearms.

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27 See DOJ Office of Gun Violence Prevention, “Pathways to Safety: California’s Nine Court Protection Orders to Prevent Gun Violence” (Jun. 2024), [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf), and “Quick Reference Guide to California’s Nine Protection Orders to Prevent Gun Violence” (updated Nov. 2024), at <https://oag.ca.gov/system/files/attachments/press-docs/OGVP%20Protection%20Orders%20Reference%20Guide%20Handout.pdf>.

28 Penal Code, §§ 18125, 18148, 18155(c), 18165. An ex parte order is typically a short-term order issued in more urgent circumstances based on evidence provided by the petitioner under penalty of perjury before the respondent has received notice and responded in court; the ex parte order is meant to provide a temporary response to more urgent issues until a full hearing can be held with both parties.

29 Penal Code, § 18175(e). GVROs issued prior to September 1, 2020 lasted for a maximum of one year, unless renewed. California enacted AB 12 (Irwin) in 2019 to extend the maximum duration of these GVRO orders to five years for orders issued on or after September 1, 2020.

30 See Penal Code, § 18195; GV-200-INFO form.

31 Penal Code, § 18195.

### **\*Practical Tip: On Terminology\***

The standard court forms used throughout the GVRO process (including GVRO petitions, response forms, order forms, and notice forms) use different names for each GVRO type than appear in statute.

The relevant GVRO statutes refer to the Emergency GVRO (CLETS-EGV) as the “*Temporary Emergency Gun Violence Restraining Order*” and refer to the Temporary GVRO (CLETS-TGV) as the “*Ex Parte Gun Violence Restraining Order*.” This has caused confusion because both of these GVRO types are temporary orders (generally lasting up to 21 days) and both are ex parte orders issued before a full hearing.

To avoid confusion, the GVRO court forms developed by the Judicial Council of California use different terminology that is more consistent with the language used for other emergency and temporary protection and restraining order processes in California.

### **Terminology Guide: GVROs Go by Multiple Names in CLETS, Court Forms, and In Statute**

#### **1. Emergency GVROs**

- In CLETS, these emergency pre-hearing GVROs are categorized as CLETS-EGV orders.
- On court forms, they are called “Gun Violence Emergency Protective Orders” and “EPO-002” orders. They are issued on the EPO-002 court form. These orders are simultaneously a type of Emergency Protective Order and a type of GVRO.
- In statute, they are described as “Temporary Emergency Gun Violence Restraining Orders.”

#### **2. Temporary GVROs**

- In CLETS, these temporary pre-hearing GVROs are categorized as CLETS-TGV orders.
- On court forms, they are called “Temporary Gun Violence Restraining Orders.” They are issued on the GV-110 court form, and requested through the standard GV-100 GVRO petition in dangerous but non-emergency circumstances.
- In statute, they are described as “Ex Parte Gun Violence Restraining Orders.”

#### **3. GVROs After Hearing or Consent**

- In CLETS, a longer-term GVRO After Hearing or Consent is categorized as a CLETS-HGV order if the order was issued following an Emergency GVRO, or as a CLETS-OGV order if the order was issued following a standard GVRO court petition. There is no substantive difference between CLETS-HGV and CLETS-OGV orders.
- On court forms, these longer-term GVROs are named “Gun Violence Restraining Orders After Hearing on EPO-002” if the order follows an Emergency GVRO, or “Gun Violence Restraining Orders After Hearing or Consent to the Gun Violence Restraining Order” if the order was issued following a standard GV-100 GVRO petition.
  - A GVRO After Hearing on EPO-002 (following an Emergency GVRO) is issued on the GV-030 court form.
  - A GVRO After Hearing or Consent following a standard GVRO court petition is issued on the GV-130 court form.
  - An order renewing a GVRO After Hearing or Consent is issued on the GV-730 court form.
- In statute, these orders are described as “Gun Violence Restraining Orders Issued After Notice and Hearing.”

## 7. There are two pathways for requesting GVROs: The Emergency GVRO Pathway & the Standard GVRO court petition pathway.

Law enforcement officers have two pathways for requesting GVROs:

- The Emergency GVRO pathway (law enforcement only): In emergency circumstances involving **immediate and present danger**, officers can request an Emergency GVRO immediately by contacting on-duty judicial officers 24/7 (typically over the phone when at the scene of an incident) and providing oral testimony about the basis for the request. The process for requesting an Emergency GVRO is very similar to the process for obtaining EPO-001 Emergency Protective Orders, except that the Emergency GVRO generally lasts for 21 days and requests a hearing to issue a longer-term GVRO After a Hearing or Consent.<sup>32</sup> The judicial officer may schedule the hearing when issuing the Emergency GVRO. Otherwise, the court will schedule the hearing if a copy of the Emergency GVRO is timely filed with the court.
- The Standard GVRO Court Petition Pathway (law enforcement and other eligible petitioners): In other circumstances involving **significant danger**, law enforcement officers and other petitioners may request a GVRO by filing a completed GV-100 petition form with the Superior Court, either in person or electronically through the court's website. Upon receiving this petition, the court schedules a hearing to occur within 21 days on a request for a longer-term GVRO After Hearing or Consent. The petition form provides petitioners with the option of requesting a short-term Temporary GVRO to remain in effect until the court hearing based on evidence that the respondent is a **significant danger in the near future**. (Petitioners requesting a GVRO through the GV-100 petition very often request a Temporary GVRO). The court must generally grant or deny a request for a Temporary GVRO within one business day.

Both of these pathways are designed to move quickly for public safety. They allow law enforcement petitioners to present evidence necessary to obtain short-term, court-ordered safety interventions *immediately* for an Emergency GVRO or *within one business day* for a Temporary GVRO in circumstances involving more imminent danger. Both pathways are also designed to request a court hearing to adjudicate a request for a longer-term GVRO After Hearing or Consent within 21 days of the original petition, allowing petitioners to obtain a longer-term court order to prevent gun violence within less than one month of the original filing.<sup>33</sup>

However, many GVROs expire within just 21 days if petitioners do not take prompt action to file forms with the court proving that the respondent received timely notice of the GVRO hearing, and if petitioners do not attend court hearings (in person or virtually) to present testimony and evidence necessary to obtain a longer-term GVRO. Understanding how to navigate these civil court service, forms-filing, and hearing requirements is critical to ensure GVROs can remain in effect for years instead of 21 days in cases involving persistent danger and necessity.

These two GVRO pathways are described in more detail on pages 18-19 and in the GVRO process flow charts on pages 20-21.

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32 EPO-001 Emergency Protective Orders include firearm and ammunition prohibitions and other important protections for victim-survivors, such as stay-away, no contact, and move-out orders, but expire within five business days or seven calendar days and do not lead to any hearing or longer-term protection order. The Emergency GVRO includes firearm and ammunition prohibitions only but lasts for up to 21 days before a hearing, and requests a hearing to issue a longer-term GVRO After Hearing or Consent that can last for up to five years.

33 See Pen. Code, §§ 18108, 18125, 18145, 18148, 18150, 18165, 18175, 18190.

## 8. Law enforcement officers play a critical role in identifying GVRO cases and obtaining GVROs:

Law enforcement officers are authorized to petition for GVROs in their individual capacity but can and generally should submit GVRO petitions in the name of their employing law enforcement agency.<sup>34</sup> Other community members with a qualifying relationship to the respondent are also authorized to petition for GVROs through the standard court petition pathway, including the respondent's family or household members, spouse or dating partner, and employer, as well as coworkers, roommates, teachers, and school employees in certain circumstances.<sup>35</sup> But in practice, the vast majority of GVROs are requested by law enforcement petitioners, often based in part on evidence from concerned family or community members. In 2024, 99% of all GVROs issued in California were requested by law enforcement petitioners.<sup>36</sup>

As a result, law enforcement officers have important responsibilities to understand when a GVRO may be an appropriate intervention, and how to effectively obtain and enforce GVROs in those circumstances.

## 9. Law enforcement officers play a critical role in serving, recording, and enforcing GVROs:

Once a court issues a GVRO, officers must take prompt, consistent steps to give the order practical effect. GVROs are not self-executing. Many of these implementation and enforcement steps may seem administrative or logistical, but getting them right saves lives. This essential public safety work includes:

- Ensuring respondents are promptly served with GVROs and notices of court hearings, if they were not present to receive notice in court.
- Effectively informing respondents about their obligations in a manner that promotes understanding, safety, and compliance.
- Ensuring respondents promptly and safely relinquish all firearms and related items to law enforcement officers serving notice of the GVRO, or otherwise within 24 hours of receiving notice.
- Filing proof-of-service forms and other required forms with the court, to ensure GVRO court hearings are not postponed or cancelled.
- Proactively identifying and responding to violations of the GVRO, including by obtaining search warrants when necessary to recover firearms and related items that the respondent unlawfully refused or failed to relinquish.
- Ensuring information is promptly documented and reported to law enforcement databases via CLETS about issuance and service of GVROs, and about any firearms relinquished by the respondent.
- Coordinating with other community stakeholders to develop threat assessment and management safety plans. The GVRO is often one important piece of a broader risk management plan.

<sup>34</sup> See Penal Code, § 18109(b).

<sup>35</sup> See Penal Code, §§ 18125, 18150, 18170, 18190; GV-100 Form (Petition for Gun Violence Restraining Order), [www.courts.ca.gov/documents/gv100.pdf](http://www.courts.ca.gov/documents/gv100.pdf).

<sup>36</sup> Based on analysis by the DOJ Office of Gun Violence Prevention of restraining order data reported into the California Protective and Restraining Order System (CARPOS). In cases where a specifically identifiable victim is in danger, victim-survivors much more commonly obtain *other* firearm-prohibiting court protection and restraining orders, such as Domestic Violence, Civil Harassment, or Workplace Violence Restraining Orders. See DOJ Office of Gun Violence Prevention, "Pathways to Safety: California's Nine Court Protection Orders to Prevent Gun Violence" (Jun. 2024), p. 6, 79-80, [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf).

- Tracking GVRO cases to file timely requests to renew expiring GVROs when the respondent remains a significant danger.

More detailed discussion about these requirements is provided in Part 5 (“Ensuring the Court Can Proceed with GVRO Hearings” (page 69) and Part 6 (“Serving and Enforcing GVROs”) (page 73), and in the best practice checklists in the Appendix.

## 10. The GVRO is a balanced and constitutional process for public safety.

Courts have repeatedly affirmed the constitutionality of the GVRO and other civil court processes that temporarily suspend a person’s ability to access and acquire firearms if a court makes an individualized determination that the person poses a significant danger.

In its 2024 ruling in *United States v. Rahimi*, the U.S. Supreme Court emphasized that, like other rights, Second Amendment rights are fundamental but “not unlimited,” and that “our Nation’s tradition of firearm regulation distinguishes citizens who have been found to pose a credible threat to the physical safety of others from those who have not.”<sup>37</sup> The Supreme Court recognized that, “[s]ince the Founding, the Nation’s firearm laws have included regulations to stop individuals who threaten physical harm to others from misusing firearms” and, affirmed that “[w]hen an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment.”<sup>38</sup>

Courts have ruled that California’s GVRO and other firearm-prohibiting court protection orders are consistent with this constitutional standard.<sup>39</sup> The GVRO provides due process and safeguards against misuse. GVRO petitioners and witnesses must submit evidence under penalty of perjury on GVRO petitions, written declarations, and/or oral testimony, and it is a crime to file a petition for a GVRO with intent to harass or with knowledge that the information in the petition is false.<sup>40</sup> To obtain longer-term GVROs, petitioners must also provide clear and convincing evidence of dangerousness and necessity. After a GVRO has been issued, respondents subject to a GVRO may petition courts to modify or terminate a GVRO as well.

In 2024, California courts and law enforcement issued GVROs against 1,727 individuals—about 0.004% of the state’s population found by a court to pose a significant danger to human life and safety with firearms.<sup>41</sup> As discussed in Part 3, these cases often involve individuals exhibiting significant warning signs of mass shooting risk and other indicators of dangerousness who would have had legal access to deadly weapons without this court-ordered safety intervention.

37 See *United States v. Rahimi*, 602 U.S. 680, 690-91, 700 (2024).

38 See *Rahimi*, 602 U.S. at 690, 693, 698, 702 (2024).

39 See *Mountain View Police Dept. v. Krepchin*, 106 Cal. App. 5th 480, 499-502 (Nov. 2024); see also, e.g., *Zachary H. v. Teri A.*, 96 Cal. App. 5th 1136, 1145 (2023) (affirming constitutionality of firearm-prohibiting court orders obtained through civil Domestic Violence Restraining Orders).

40 Penal Code, §§ 18140(a), 18155(a); 18200.

41 Based on analysis by the DOJ Research Services branch estimating the number of unique individuals subject to GVROs reported to the DOJ CARPOS database in 2024. To generate this estimate, researchers identified unique restrained individuals using name and date of birth. To account for potential misspellings and inconsistencies in the names in the datasets, researchers then applied “fuzzy matching” techniques (specifically using the Jaro-Winkler algorithm and a transitive grouping approach) to identify records that may not match perfectly but likely correspond to the same individual. This estimate identified 1,727 unique individuals subject to GVROs issued in 2024, representing 0.004% of the state’s July 2024 population of 39.17 million residents. See California Dept. of Finance, “July Population Estimates,” at <https://dof.ca.gov/forecasting/demographics/estimates/>.



## Part 2. The Two Pathways to a GVRO

Law enforcement officers have two different pathways for requesting a GVRO:

- The Emergency GVRO pathway in emergency circumstances.
- The Standard Court Petition GVRO pathway in other dangerous circumstances.

Both pathways provide a mechanism for obtaining 21-day GVROs very quickly in cases involving more imminent danger, and for requesting a hearing to issue a longer-term GVRO After a Hearing or Consent.

### A. The Emergency GVRO pathway:

1. The law enforcement officer requests an Emergency GVRO (CLETS-EGV order), typically by calling an on-duty judicial officer in emergency circumstances involving immediate and present danger. (This is very similar to the process for requesting an EPO-001 Emergency Protective Order).
2. The judicial officer grants the Emergency GVRO immediately. This order lasts until the court hearing. The judicial officer *may* simultaneously schedule a date, time, and location for a court hearing to occur within 21 days.
3. If the judicial officer scheduled a court hearing when issuing the Emergency GVRO, the law enforcement officer records that hearing date on the EPO-002, which provides notice of the hearing.
4. The officer documents the Emergency GVRO on the EPO-002 court form, including the hearing date if known. The officer serves the EPO-002 form on the respondent, and files a copy of the order with the court no later than three court days after issuance and one business day after service.
5. If the judicial officer did not schedule the hearing when issuing the Emergency GVRO, the court will do so within 21 days and mail a notice of that hearing to all parties, if the officer timely files a copy of the EPO-002 with the court.
6. The respondent may file a GV-125 form with the court indicating that they consent to the GVRO, in which case the court may cancel the hearing and issue a GVRO After Hearing or Consent.
7. The court holds the hearing on the petitioner's request for a longer-term GVRO After Hearing or Consent (unless hearing is "continued" (postponed) to a later date). The petitioning officer/agency, or their legal representative, must attend the hearing (in person or virtually), or the case will be dismissed and the GVRO will expire. The hearing may proceed without the respondent appearing, if the respondent received proper notice of the hearing.
8. After the hearing, the court may issue a longer-term GVRO After Hearing or Consent (CLETS-HGV) lasting between one to five years.

## **B. The Standard Court Petition GVRO pathway:**

1. The officer or other petitioner files a GVRO Petition (GV-100 form) with the court, either in person or electronically through the superior court's website.
2. The GV-100 GVRO Petition form provides the petitioner with the option to request that the court issue a Temporary GVRO (CLETS-TGV), which would last until the court hearing. The court grants or denies the request for a Temporary GVRO, if any, within one business day.
3. Regardless of whether any Temporary GVRO was requested or granted, the court schedules a hearing to occur within 21 days on the request for the longer-term GVRO After Hearing or Consent.
4. Notice of the court hearing and any Temporary GVRO must be timely served on the respondent.
5. The respondent may file a GV-125 form with the court indicating that they consent to the GVRO, in which case the court may cancel the hearing and issue a GVRO After Hearing or Consent.
6. The court holds the hearing on the petitioner's request for a longer-term GVRO After Hearing or Consent (unless hearing is continued to a later date). The petitioning officer/agency, or their legal representative, must attend the hearing (in person or virtually), or the case will be dismissed and the GVRO will expire. The hearing may proceed without the respondent appearing but only if the respondent received proper notice of the hearing.
7. After the court hearing, the court may issue a longer-term GVRO After Hearing or Consent (CLETS-OGV) lasting between one to five years.

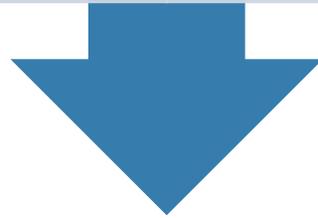
## Flowchart for Emergency GVRO Pathway

### Officer requests Emergency GVRO (CLETS-EGV) (EPO-002 court form)

In emergency circumstances, law enforcement officer may request and obtain 21-day Emergency GVRO immediately by calling on-duty judicial officer (similar to process for obtaining EPO-001 Emergency Protective Orders).

Officer documents the Emergency GVRO on the EPO-002 form and serves the EPO-002 form on respondent as soon as possible.

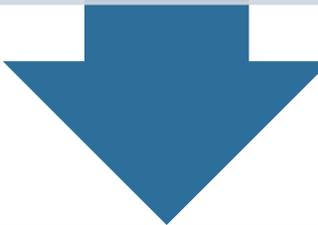
Copy of the EPO-002 must be filed with court as soon as practicable, no later than 3 court days after issuance.



### Court schedules a hearing to occur within 21 days. Emergency GVRO remains in effect until court hearing.

-- The EPO-002 form prompts the officer to record information about the court hearing to occur within 21 days. The law enforcement officer should ask the judicial officer to specify the date, time, and location for that hearing so the officer may record that hearing information on the EPO-002 and immediately notify the respondent.

-- If judicial officer does *not* provide date, time, location for hearing when issuing the order, the law enforcement officer serves the EPO-002 without the hearing date. The court will schedule a hearing and mail a notice of that hearing to both the petitioner and respondent *if* the officer timely files a copy of the EPO-002 order with the court.



### GVRO After Hearing/Consent (CLETS-HGV)

At the hearing, court determines whether to grant a longer-term GVRO lasting between 1-5 years. Petitioner must attend hearing (in person or virtually).

Respondent may file a form with the court (GV-125) consenting to the GVRO without a hearing.

# Flowchart for Standard Court Petition GVRO Pathway

Officer or other eligible petitioner files the **GV-100 Court Form** with the Superior Court, either in person or electronically

The **GV-100 GVRO Petition Form** requests a court hearing to occur within 21 days on a request for a **GVRO After Hearing/Consent (CLETS-OGV)** against the respondent.

On the GV-100 form, petitioner has the option to request that the court issue a Temporary GVRO (CLETS-TGV) to last until the court hearing, if the respondent is a significant danger *in the near future*.

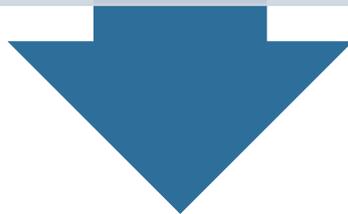


**Court schedules court hearing to occur within 21 days.**

If petitioner requests a Temporary GVRO, the court *may* issue a Temporary GVRO to last until the hearing.

-- The court will issue a GV-109 "Notice of Court Hearing Form" to schedule the date, time, and location of the hearing. The GV-109 form will also indicate whether the court granted a Temporary GVRO. This form must be promptly served on the respondent (typically at least five days before the hearing).

-- If a request for a Temporary GVRO was requested and granted, the court will also issue the Temporary GVRO on the GV-110 form (Temporary GVRO Order) to provide notice to the respondent that they are subject to the Temporary GVRO until the scheduled court hearing.



**GVRO After Hearing/Consent (CLETS-OGV)**

At the hearing, court determines whether to grant a longer-term GVRO lasting between 1-5 years. Petitioner must attend hearing (in person or virtually).

Respondent may file a form with the court (GV-125) consenting to the GVRO without a hearing.



## Part 3. Identifying GVRO Cases

### A. When to Consider Requesting a GVRO

Law enforcement officers should consider petitioning for a GVRO if they have cause to believe all of the following are true:

**1. Significant Danger:**

An individual's behaviors or communications demonstrate that the individual poses a significant danger of committing firearm violence or suicide, or otherwise causing personal injury to themselves or others with firearms.

**2. Firearm Eligibility Without a GVRO:**

Unless a GVRO is issued, the individual may be able to lawfully possess and acquire firearms and pass firearm-related background checks, either presently or within the next five years (the maximum duration of a GVRO After Hearing or Consent).

**3. Less Restrictive Alternatives:**

Less restrictive alternatives to the GVRO that allow the individual to lawfully possess and acquire firearms and pass firearm-related background checks have been ineffective, or would be inadequate or inappropriate under the dangerous circumstances.

**4. More Restrictive Alternatives:**

More restrictive alternatives to the GVRO, such as other firearm-prohibiting court protection and restraining orders, are unavailable, inappropriate for the circumstances, or unlikely to adequately address the individual's dangerous access to firearms.

**5. Effectiveness:**

A GVRO would likely be effective at reducing the individual's risk of firearm violence, suicide, or other injury.

### B. Understanding the GVRO's Purpose:

To identify when a GVRO may be an effective safety intervention, it is important to understand the safety gaps the GVRO process was designed to address.

In 2014, a broad coalition partnered to pass California's GVRO law, with critical support from law enforcement entities like the California Attorney General, California Police Chiefs Association, and California State Sheriffs Association.<sup>42</sup> Policymakers developed the GVRO as a response to multiple shootings perpetrated by individuals who were legally eligible to possess and acquire firearms even though law enforcement or community members had reported significant concern about their behaviors prior to their attack.<sup>43</sup>

Under state and/or federal law, some individuals who are a danger to themselves or others are categorically prohibited from possessing or acquiring firearms for at least a temporary period due to factors such as their young age, felony convictions, certain domestic violence and other misdemeanor

<sup>42</sup> See Elizabeth Tomsich, et al., "The origins of California's gun violence restraining order law: a case study using Kingdon's multiple streams framework," *BMC Public Health* 23, 1275 (2023), at <https://doi.org/10.1186/s12889-023-16043-6>; Senate Floor Analysis for 2014 AB 1014 (Skinner) (Aug. 21, 2014), at [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201320140AB1014](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140AB1014).

<sup>43</sup> Id.

convictions, mental health-related adjudications, involuntary admissions or commitments to a mental health facility, or while they are subject to active court protection and restraining orders issued to protect survivors of violence, threats, stalking, and abuse. (For a summary of these categorical firearm prohibitions, see the DOJ Bureau of Firearms' "Firearms Prohibiting Categories" form.<sup>44</sup>) As a result of these categorical firearm prohibitions, about 0.7% of people who attempt to purchase a firearm through a licensed dealer in California fail a firearm background check and are blocked from completing the purchase.<sup>45</sup>

However, some individuals exhibit significant evidence of dangerousness without becoming subject to any categorical firearm restrictions that would prevent them from possessing firearms or passing firearm-related background checks. For example:

- **Isla Vista case study:** California enacted its GVRO law after a devastating 2014 shooting spree perpetrated by a young man in Isla Vista, near the University of California, Santa Barbara.<sup>46</sup> The young man had a history of emotional and behavioral issues, social isolation, disturbing social media posts, and angry outbursts, especially toward women and romantic couples he envied. Behavioral experts later described him as "mired in 'pathological, insidious envy—a painful state of unworthiness related to shame that leads to the wish to destroy goodness in others.'"<sup>47</sup> One of his friends from childhood cut off communication because he was so disturbed by his fixations on grievance and violent fantasies.<sup>48</sup> A former roommate had moved out of their apartment because "he was getting really uncomfortable" and had a "bad feeling."<sup>49</sup> Another former roommate had written a letter to their apartment management requesting to move because he feared the young man was a "ticking time bomb waiting to explode," and said, "I fear for my safety."<sup>50</sup>

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44 This form is available at <https://oag.ca.gov/system/files/media/Firearms-Prohibited-Categories.pdf>.

45 Based on analysis of firearm purchase application and denials data from the Dealer Record of Sale (DROS) database for 2023 identifying about 900,000 total firearm applications and about 6,600 denials due to firearm prohibitions.

46 Facts surrounding the Isla Vista mass murder were reported by sources including: Santa Barbara County Sheriff's Office, "Isla Vista Mass Murder, May 23, 2014, Investigative Summary" (Feb. 18, 2015), at [www.documentcloud.org/documents/1671822-ista-vista-investigative-summary/](http://www.documentcloud.org/documents/1671822-ista-vista-investigative-summary/); Mark Follman, "Lessons From a Mass Shooter's Mother," *Mother Jones* (July + August 2024 Issue), at [www.motherjones.com/criminal-justice/2024/05/threat-assessment-mass-shooting-elliott-rodger-ista-vista-mother/](http://www.motherjones.com/criminal-justice/2024/05/threat-assessment-mass-shooting-elliott-rodger-ista-vista-mother/); Stephen White, "Case Study: The Isla Vista Campus Community Mass Murder," *Journal of Threat Assessment and Management* (Mar. 2017), at [www.wtsglobal.com/public\\_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf](http://www.wtsglobal.com/public_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf); Dan Good, Clayton Sandell, and Cecilia Vega, "Elliot Rodger's Previous Attacks on Women, Couples," ABC News (May 27, 2014), at <https://abcnews.com/US/elliott-rodgers-previous-attacks-women-couples/story?id=23879620>; Rachel Fugardi, "Nine years after deadly 'incel' attack, threat of male supremacism is growing," Southern Poverty Law Center (May 23, 2023), at [www.splcenter.org/resources/stories/after-incel-attack-male-supremacism-growing/](http://www.splcenter.org/resources/stories/after-incel-attack-male-supremacism-growing/); Rebecca Solnit, "One year after the Isla Vista massacre, a father's gun control mission is personal," *The Guardian* (May 23, 2015), at [www.theguardian.com/world/2015/may/23/one-year-ista-vista-massacre-victim-father-gun-control](http://www.theguardian.com/world/2015/may/23/one-year-ista-vista-massacre-victim-father-gun-control); ABC7 Eyewitness News, "Isla Vista massacre: 7 killed, 13 injured," (May 25., 2014), at [www.abc7.com/post/ista-vista-massacre-7-killed-13-injured/76145/](http://www.abc7.com/post/ista-vista-massacre-7-killed-13-injured/76145/).

47 See Mark Follman, "Lessons From a Mass Shooter's Mother," *Mother Jones* (July + August 2024 Issue), at [www.motherjones.com/criminal-justice/2024/05/threat-assessment-mass-shooting-elliott-rodger-ista-vista-mother/](http://www.motherjones.com/criminal-justice/2024/05/threat-assessment-mass-shooting-elliott-rodger-ista-vista-mother/) (quoting Stephen White, "Case Study: The Isla Vista Campus Community Mass Murder," *Journal of Threat Assessment and Management* (Mar. 2017), at [www.wtsglobal.com/public\\_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf](http://www.wtsglobal.com/public_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf)).

48 See Stephen White, "Case Study: The Isla Vista Campus Community Mass Murder," *J. of Threat Assessment and Management* (Mar. 2017), p. 28, at [www.wtsglobal.com/public\\_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf](http://www.wtsglobal.com/public_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf).

49 ABC News, "Elliot Rodger's Ex-Roommate Reveals What It Was Like to Live With the Troubled Man" (May 29, 2014), <https://abcnews.com/US/roommate-santa-barbara-killer-elliott-rodger-bad-feeling/story?id=23916334>.

50 See Kelsey Brugger, "Rodger Lawsuit Winds Through Court," *Santa Barbara Independent* (Jun. 4, 2015), at [www.independent.com/2015/06/04/rodger-lawsuit-winds-through-court/](http://www.independent.com/2015/06/04/rodger-lawsuit-winds-through-court/).

Weeks before he perpetrated mass murder, his mother and counselor contacted a crisis hotline to request a welfare check after they saw disturbing videos he posted online. But officers conducting that welfare check determined that he did not meet criteria to be detained on an involuntary mental health hold for dangerousness to self or others due to a mental health disorder.<sup>51</sup>

The young man had no known criminal history or record of specific threats, had never been hospitalized for mental illness or placed on a mental health hold, and had no other record that legally disqualified him from passing firearm-related background checks. Despite concerning warning sign behaviors, he was able to purchase three firearms and hundreds of rounds of ammunition, and he used those weapons to perpetrate a mass shooting spree targeting University of California, Santa Barbara students.

The parents of students shot and killed in that tragedy played a leading role in pressing California legislators to pass the GVRO into law.<sup>52</sup>

In other circumstances, individuals may be legally eligible to purchase and possess firearms even if they have engaged in even more direct acts of violence or threats of violence. For example:

- **Parkland, Florida case study:** The young man who shot 34 people at a high school in Parkland, Florida in 2018 had reportedly been the subject of dozens of 9-1-1 calls and at least two tips to the FBI in the years prior to his attack. Those around him reported that he had talked about committing a school shooting, described himself as “a school shooter,” made threats against other students, had “an unusual obsession with firearms” and gory images, brought ammunition to school, and exhibited erratic and suicidal behavior and trouble controlling his temper especially after the death of his parents. He expressed a “desire to kill people,” posted disturbing, racist, and violent social media messages, and engaged in acts of violence and cruelty to animals.<sup>53</sup>

People close to him told law enforcement they were afraid that he had recently purchased firearms and would use firearms to harm them or others, and that he had “used a gun against people before” by holding a firearm to his family members’ heads on multiple occasions.<sup>54</sup> His mother’s friend told authorities, “I know he’s going to explode,” that she feared he was “a Columbine in the making,” and that he might go “into a school and just shoot[] the place up.”<sup>55</sup>

Although he reportedly received counseling and treatment, mental health professionals determined that he did not meet criteria for involuntary hospitalization for mental illness.

51 Id.

52 UCSB Families Letter in Support of AB 1014 (August 26, 2014), at [https://s3.amazonaws.com/s3.everytown.org/images/UCSB\\_Families\\_Letter\\_AB\\_1014\\_8.26.14.pdf](https://s3.amazonaws.com/s3.everytown.org/images/UCSB_Families_Letter_AB_1014_8.26.14.pdf).

53 See U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020” (Jan. 2023), p. 41, [www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf](https://www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf); NPR: All Things Considered Transcript, “Parkland Shooting Suspect: A Story of Red Flags, Ignored” (Mar. 1, 2018), [www.npr.org/2018/02/28/589502906/a-clearer-picture-of-parkland-shooting-suspect-comes-into-focus](http://www.npr.org/2018/02/28/589502906/a-clearer-picture-of-parkland-shooting-suspect-comes-into-focus); Dakin Andone, “The warning signs almost everyone missed,” CNN (Feb. 26, 2018), [www.cnn.com/2018/02/25/us/nikolas-cruz-warning-signs/index.html](http://www.cnn.com/2018/02/25/us/nikolas-cruz-warning-signs/index.html); Richard Gonzales, “Logs Of 911 Calls Reveal The Troubled History Of Florida School Shooter,” NPR: The Two-Way (Feb. 23, 2018), at [www.npr.org/sections/thetwo-way/2018/02/23/588456524/logs-of-911-calls-reveal-the-troubled-history-of-florida-school-shooter](http://www.npr.org/sections/thetwo-way/2018/02/23/588456524/logs-of-911-calls-reveal-the-troubled-history-of-florida-school-shooter); Elliot C. McLaughlin and Madison Park, “Social media paints picture of racist ‘professional school shooter,’” CNN (Feb. 15, 2018), <https://edition.cnn.com/2018/02/14/us/nikolas-cruz-florida-shooting-suspect/index.html>.

54 See Jose Pagliery and Ashley Fantz, “School shooter threatened others with a gun, first host family told police,” CNN (Feb. 22, 2018), [www.cnn.com/2018/02/21/us/school-shooter-gun-threats-first-host-family-told-police-invs](http://www.cnn.com/2018/02/21/us/school-shooter-gun-threats-first-host-family-told-police-invs); Richard Oppen, Jr., et al., “Tipster’s Warning to F.B.I. on Florida Shooting Suspect: ‘I Know He’s Going to Explode,’” *New York Times* (Feb. 23, 2018), [www.nytimes.com/2018/02/23/us/fbi-tip-nikolas-cruz.html](http://www.nytimes.com/2018/02/23/us/fbi-tip-nikolas-cruz.html).

55 See *id.*; U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020” (Jan. 2023), p. 41, [www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf](https://www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf).

His conduct did not lead to any conviction, court order, or other record that disqualified him from legally keeping or acquiring firearms. Despite a constellation of observed and reported warning signs, he apparently passed background checks to legally purchase the firearms he used to perpetrate mass murder at his former high school.<sup>56</sup> He was known to be dangerous but fell through the gaps between criminal justice, mental health, and other court protective order processes.

Within less than one month after this tragedy, Florida enacted an “extreme risk protection order law” modeled on California’s GVRO.<sup>57</sup>

As these case studies show, the GVRO can be especially important for preventing mass shootings. A 2023 report by the U.S. Secret Service’s National Threat Assessment Center (NTAC) analyzed 173 mass attacks between 2016 and 2020 in which an attacker harmed three or more people in public or semi-public places. The report found that most of the attackers had exhibited behaviors that elicited concern in others around them prior to their attacks, and that nearly two-thirds of the attackers “exhibited behaviors or shared communications that were so concerning, they should have met with an immediate response.”<sup>58</sup>

But the report also found that in a large majority of the mass shootings studied, the attacker was *not* legally prohibited from possessing or purchasing firearms.<sup>59</sup> Though many attackers had histories of violent or concerning behavior known to law enforcement or other community members, 62% had never been charged with a violent offense.<sup>60</sup> F.B.I. data similarly showed that a majority of people who perpetrated public mass shootings had acquired their firearms legally, despite displaying, on average, four to five concerning warning signs prior to their attack.<sup>61</sup>

Accordingly, the National Threat Assessment Center (NTAC) recommended that law enforcement and other public safety stakeholders pursue “additional avenues for keeping weapons out of the hands of individuals at risk of causing harm” including through “extreme risk protection orders, sometimes referred to as ‘red flag laws,’” like California’s GVRO. The NTAC report noted that “[t]hese state laws maintain due process and protect the rights of gun owners, while also allowing for the temporary court-ordered removal of firearms from a person who poses an articulable risk of hurting other people or themselves.”<sup>62</sup>

As the Isla Vista case study shows, a person may exhibit significant warning signs that they are on a pathway to gun violence, even if they have not yet committed any crime or threatened any identifiable victim in particular. For example, family or community members may report to law enforcement that an individual has had intrusive thoughts about suicide and violence, has made disturbing general statements about violence, and has exhibited other warning sign behaviors, such as identification with mass shooters, fixation on grievance, sudden changes in behavior, and feelings of hopelessness

56 See *id.*; Bart Jansen, “Florida shooting suspect bought gun legally, authorities say,” USA Today (Feb. 15, 2018), [www.usatoday.com/story/news/2018/02/15/florida-shooting-suspect-bought-gun-legally-authorities-say/340606002/](http://www.usatoday.com/story/news/2018/02/15/florida-shooting-suspect-bought-gun-legally-authorities-say/340606002/).

57 See Greg Allen, “Florida Could Serve As Example for Lawmakers Considering Red Flag Laws,” NPR (Aug. 21, 2019), [www.npr.org/2019/08/21/752815318/florida-could-serve-as-example-for-lawmakers-considering-red-flag-laws](http://www.npr.org/2019/08/21/752815318/florida-could-serve-as-example-for-lawmakers-considering-red-flag-laws); Elizabeth Tomsich, et al., “The origins of California’s gun violence restraining order law: a case study using Kingdon’s multiple streams framework,” BMC Public Health 23, 1275 (2023), at <https://doi.org/10.1186/s12889-023-16043-6> (“California’s restraining order model has been adopted by all subsequent states enacting an ERPO law. In California, ERPOs are called gun violence restraining orders (GVROs).”).

58 U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020,” p. 38 (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf).

59 See *id.* at vi, 52.

60 See *id.* at 21-23.

61 See U.S. Department of Justice, Federal Bureau of Investigation, “A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013,” p. 7 (Jun. 2018), [www.fbi.gov/file-repository/reports-and-publications/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view](http://www.fbi.gov/file-repository/reports-and-publications/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view).

62 U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020,” p. vi (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/uss-ntac-maps-2016-2020.pdf).

and desperation. (Information about behavioral threat assessment and common indicators of dangerousness with firearms are discussed in more detail on pages 29-37).

Despite clear warning signs, this person may fall through the public safety gaps left between criminal justice system responses, mental health system responses, and other protection and restraining order processes. For example:

- **Criminal justice responses:** For this individual to be charged and convicted under California’s primary criminal threats statute, Penal Code section 422, prosecutors must be able to prove beyond reasonable doubt, among other things, that the individual made threats that were “so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat” to “cause[] that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety.”<sup>63</sup> A defendant convicted of this crime is legally prohibited from possessing or acquiring firearms for 10 years after conviction under California law, but data reported to DOJ indicates that only about 14% of arrests for criminal threats under section 422 lead to a conviction or guilty plea under that statute.<sup>64</sup> Law enforcement and prosecutors could consider charges for other threats-related criminal conduct in some circumstances, including hate crime-related threats, criminal threats directed at sensitive locations (effective January 1, 2026), threateningly brandishing firearms, or malicious and threatening conduct defined as “stalking.”<sup>65</sup> But a dangerous individual making general threats of violence and exhibiting other warning signs may not have committed any crime.
- **Mental health interventions:** The individual could be detained on an involuntary mental health hold pursuant to section 5150 of the Welfare and Institutions Code, if officers believe the individual is a danger to self or others as a result of a mental health disorder, or gravely disabled as a result of a mental health or alcohol or substance use disorder. But as discussed in more detail on pages 61-68 below, individuals detained on involuntary mental health holds may not become subject to any longer-term firearm access restrictions—meaning they could continue to pass background checks, and purchase firearms—if they voluntarily consent to treatment, or if mental health professionals determine that they do not meet criteria for involuntary admission to a mental health facility for dangerousness *as a result of a mental health disorder*. An individual making general threats of violence and exhibiting other warning signs may be dangerous for many reasons unrelated to mental illness, including antisocial behavioral issues, or hate-motivated or terroristic objectives.
- **Other firearm-prohibiting court protection and restraining orders:** Other safety interventions may be available if the person has directed threats or abuse against specific identifiable victims. Under California law, there are eight court protection and restraining order processes, such as Domestic Violence Restraining Orders and Workplace Violence Restraining Orders, that include firearm prohibitions combined with additional victim protections and restrictions on the respondent’s conduct, movements, and communications.<sup>66</sup> But these other court protection orders are designed to protect specific victims who have been harmed or threatened, and are

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63 See Penal Code, § 422. See also, Penal Code, § 422.3 (criminal threats to schools and other sensitive locations).

64 Based on DOJ analysis of data reported to the Automated Criminal History System (ACHS). Note that in some cases an individual arrested for criminal threats under section 422 may have been convicted of, or pled guilty to, other charges.

65 See, e.g., Penal Code, §§ 417 (brandishing), 422.3 (threats to schools and other sensitive locations), 422.6 (hate crime-related threats), 646.9 (stalking).

66 See DOJ Office of Gun Violence Prevention, “Pathways to Safety: California’s Nine Court Protection Orders to Prevent Gun Violence” (Jun. 2024), [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf).

generally unavailable in cases where an individual exhibits significant but more generalized danger to the public or large groups of people.<sup>67</sup>

The GVRO is designed to fill critical safety gaps by addressing dangerous access to firearms in these circumstances, and as described below, in a range of other contexts in which a person may demonstrate that they pose a significant danger of causing injury with firearms.

### C. Indicators of Dangerousness:

Courts may issue GVROs to reduce risk of firearm violence, suicide, or other injury in a range of circumstances, including when an individual's behaviors or communications demonstrate any one or more of the following types of "significant danger" involving firearms:<sup>68</sup>

- **Significant danger to the public at large**—such as behaviors, threats, or statements indicating high risk of committing a mass shooting or gun violence generally. This may include, e.g., individuals detained on an involuntary mental health hold for danger to others, especially if they are not involuntarily admitted for dangerousness due to a mental health disorder, or individuals who have unlawfully brandished firearms in altercations or road-rage incidents.
- **Significant danger to groups of people**—such as behaviors, threats, or statements indicating high risk of using firearms to harm members of a particular faith, race, sex, or political group, etc., or of targeting people at a location, event, or gathering.<sup>69</sup>
- **Significant danger to specific identifiable victims**—such as threats directed at a family member, neighbor, intimate partner, or public figure, especially if that targeted victim does not want other protections from the respondent, or does not feel safe or capable of petitioning for other more comprehensive firearm-prohibiting protection orders directly.
- **Significant risk of harming themselves or others due to diminished cognitive ability to safely possess and use firearms**—such as circumstances where conditions like severe dementia, alcohol or substance abuse, or paranoid delusions make an individual a significant danger of unintentionally injuring themselves or others with firearms. This may include, e.g., individuals whose condition causes them to mistake a caretaker or family member for a dangerous intruder, individuals who have been subject to an involuntary mental health hold for being "gravely disabled" as a result of a mental health or substance use disorder, or individuals who have engaged in unsafe behavior with firearms such as carrying firearms under the influence of alcohol or other substances.

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67 Note that there are two important exceptions: Workplace Violence Restraining Orders and Postsecondary School Violence Restraining Orders combine firearm prohibitions with a range of other orders that can protect a larger number of people by prohibiting a dangerous individual from approaching or entering a particular workplace or school grounds. See DOJ Office of Gun Violence Prevention, "Pathways to Safety: California's Nine Court Protection Orders to Prevent Gun Violence" (Jun. 2024), [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf).

68 See Pen. Code, §§ 18108(b); 18155. See also, Pen. Code, §§ 18125, 18150, 18175, 18190 (courts may issue GVROs based on evidence that respondent poses a significant danger of causing personal injury to themselves or others with firearms and ammunition they already own, possess, or control, or with firearms and ammunition they could otherwise purchase or receive).

69 When a person has engaged in dangerous conduct threatening the safety of employees at a workplace or of students at a postsecondary (post-high school) institution of higher education, Workplace Violence Restraining Orders and Postsecondary School Violence Restraining Orders may provide stronger protections to groups of protected employees or students. These court protective order processes include the same firearm prohibitions as the GVRO and can be issued to protect relatively large numbers of employees or students, and their family or household members if necessary, by prohibiting the respondent from entering the protected people's workplace or school grounds, among other safety provisions.

- Significant danger of self-harm and suicide—including behaviors or statements indicating high risk of using firearms to attempt suicide. This may include individuals detained on a mental health hold for danger to themselves who are not involuntarily admitted for dangerousness to themselves due to a mental health disorder.
- Significant danger of causing other people to injure themselves or others with firearms—such as individuals who unlawfully leave unsecured firearms accessible to unsupervised children, or misuse their access to firearms to engage in illegal straw purchase or other gun trafficking behavior.

California statutes governing the GVRO process provide helpful guidance about *some* of the conduct and behaviors that most commonly indicate a person is a significant danger with firearms. Officers can look to these statutes to help identify circumstances in which a GVRO may be an appropriate and necessary intervention. Officers can also look to resources from behavioral threat assessment experts and other evidence-based risk assessment tools to identify potential GVRO cases. The sections below discuss these indicators of potential dangerousness in more detail.

## 1. Indicators of Dangerousness: Guidance from the GVRO Statutes

California law provides examples of criminal and non-criminal conduct that courts may, and in some cases must, consider when evaluating whether there are sufficient grounds to issue a GVRO.<sup>70</sup> Many of these statutory examples (listed below) involve acts of violence, threats of violence, or other unlawful conduct involving the misuse of weapons. Other examples provided in statute involve indications that a respondent has a diminished ability to safely use and possess firearms, such as due to “ongoing abuse” of controlled substances or alcohol.

Officers should view these statutory examples as a helpful guidepost. But remember: the court evaluating a GVRO petition may consider **any relevant evidence** indicating that the respondent poses an “increased risk for violence” against themselves or others.<sup>71</sup> The fact that a respondent has engaged in any particular conduct in the past does not necessarily mean the court will find that the respondent poses a significant danger of causing injury with firearms in the future, or that a GVRO is necessary under the circumstances. Conversely, evidence that an individual has engaged in *other* conduct not listed in these statutes could still be an important indicator of dangerousness. (See pages 45-52 for additional guidance about how to effectively present evidence of dangerousness in GVRO petitions).

### When evaluating whether there are sufficient grounds to issue a GVRO:

The court **must** consider evidence of:

- A recent (past 6 months) threat of violence or act of violence by the respondent directed toward another individual, group, or location.
- A recent (past 6 months) threat of violence or act of violence by the respondent directed toward themselves (self-injury/threat of suicide).
- A pattern of violent acts or violent threats within the past 12 months (including but not limited to violence or threats to self, or directed against another individual, group, or location).
- A violation of an unexpired protection or restraining order in effect at the time of the petition (including if the respondent violated the order by failing to comply with firearm relinquishment requirements).

<sup>70</sup> Penal Code sections 18175 and 18190 incorporate these same factors by cross-referencing section 18155.

<sup>71</sup> Penal Code, §§ 18155, 18175, 18190. See also, Penal Code, §§ 18145, 18150, subd. (b) and (c); *San Diego Police Dept. v. Geoffrey S.*, 86 Cal. App. 5th 550, 570, 574 (Dec. 2022); *Mountain View Police Dept. v. Krepchin*, 106 Cal. App. 5th 480, 509 (Nov. 2024).

- A criminal history involving prior *convictions* for any of the misdemeanor offenses listed in Penal Code section 29805. These offenses generally result in a 10-year firearm prohibition under California law,<sup>72</sup> and include, but are not limited to, misdemeanor convictions for:
  - Assault (*PC 240, 241, 244.5, 245, 245.5*)
  - Battery, including domestic battery and sexual battery (*PC 242, 243, 243.4 245, 273.5*)
  - Criminal threats and witness intimidation offenses (*PC 71, 76, 136.1, 136.5, 140, 422*)
  - Hate crimes (*PC 422.6*)
  - Stalking (*PC 646.9*)
  - Violations of certain protective orders (*PC 273.6*)
  - Criminal brandishing of firearms or other deadly weapons (*PC 417, 417.6*)
  - Abuse or endangerment of a child, elder, or dependent adult (*PC 273a, 368(b), (c)*)
  - Malicious animal cruelty (*PC 597(a)*)
  - Criminal storage of firearms (*PC 25100, 25135, 25200*)
  - Discharging a firearm in a grossly negligent manner or shooting at unoccupied or uninhabited building, aircraft or motor vehicle (*PC 246.3, 247*)
  - A range of other offenses related to illegal firearm manufacturing, theft, trafficking, carrying, and possession.

The court *may* consider:

California law states that courts evaluating GVRO petitions may consider any relevant evidence of increased risk of violence, including **but not limited to** evidence of any of the following examples listed in statute:<sup>73</sup>

- Any past threats of violence by the respondent, “including, but not limited to, acts using electronic means of communication, including social media postings or messages, text messages, or email.” (Not just recent threats).
- A history of use, attempted use, or threatened use of physical force against others.
- The respondent’s unlawful and reckless use, display, or brandishing of a firearm.
- Evidence that the respondent has engaged in malicious and threatening conduct defined as “stalking.”<sup>74</sup>
- Evidence of malicious cruelty to animals.

72 Most individuals convicted of misdemeanors listed in Penal Code section 29805 are prohibited from accessing or acquiring firearms for 10 years from the date of conviction and may still be legally prohibited if they are identified as a significant danger within 10 years of that conviction. *However*, the Legislature has periodically added additional misdemeanors to section 29805 and has generally only prohibited individuals from accessing or acquiring firearms if they are convicted of newly added offenses *on or after* the date that the offense was added to section 29805; in these cases, an individual convicted of a misdemeanor listed in section 29805 within the previous 10 years may not be prohibited from accessing or acquiring firearms. For example, individuals convicted of abuse or endangerment of a child of an elder or dependent adult are generally prohibited from accessing or acquiring firearms for 10 years, *if* that conviction occurred on or after Jan. 1, 2023. See Pen. Code, § 29805(d). Because the underlying statutes are listed in section 29805, the court must consider these convictions as relevant evidence in a GVRO case.

73 Penal Code, §§ 18155, 18175, 18190. See also, Penal Code, §§ 18145, 18150, subd. (b) and (c); *San Diego Police Dept. v. Geoffrey S.*, 86 Cal. App. 5th 550, 570, 574 (Dec. 2022); *Mountain View Police Dept. v. Krepchin*, 106 Cal. App. 5th 480, 509 (Nov. 2024).

74 The term “stalking” is defined to include willfully and maliciously following *or harassing* another person coupled with credible threats intended to place that person in reasonable fear for their safety or the safety of their immediate family. See Cal. Pen. Code, § 646.9 (defining “stalking”).

- Prior arrest for a felony offense.
- Prior violation of a court protection or restraining order (including failure to comply with firearm relinquishment requirements).
- Evidence of the respondent’s ongoing abuse of controlled substances or alcohol.
- Evidence of recent criminal conduct related to controlled substances or alcohol in previous 6 months.
- Evidence of acquisition or attempted acquisition of firearms, ammunition, or other deadly weapons in the previous six months.
- Evidence of acquisition of body armor.
- Hate-motivated oral or written threats of violence toward any person or group based on their actual or perceived identity (race or ethnicity, nationality, religion, disability, gender, or sexual orientation).
- Hate-motivated defacement, damage, or destruction of another person’s property for the purpose of intimidating or interfering with constitutional rights, in whole or in part based on their actual or perceived identity (race or ethnicity, nationality, religion, disability, gender, or sexual orientation).
- Threats of violence to advance a political objective, or intended to interfere with another person’s free exercise or enjoyment of constitutional rights.

## 2. Indicators of Dangerousness: Behavioral Threat Assessment and Management Experts & Other Risk-Assessment Tools

Threat-assessment experts have identified *some* behaviors that most commonly indicate potential dangerousness with firearms in different circumstances.

A 2023 report on mass attacks in public spaces by the U.S. Secret Service’s National Threat Assessment Center (NTAC) documented the most common warnings signs that an individual poses a high risk of committing a mass shooting or other premeditated public attack. NTAC’s report found that a majority of the attackers had previously engaged in behaviors that caused others to be concerned to the point that they feared for their own safety, and/or the safety of the attacker or other people,<sup>75</sup> and that over half of the attackers who had elicited these safety concerns exhibited behaviors that fell within at least three of the 10 categories described below.<sup>76</sup> The GVRO may be an especially important intervention to consider if an individual has exhibited a combination of these and similar behaviors.

Some of these behaviors are described as objectively concerning and prohibited, such as harassing, violent, and threatening behaviors; others are described as contextually concerning behaviors that may indicate dangerousness as part of a constellation of other warning sign behaviors:

1. **Acts of physical violence and aggression**, including assaults on strangers, violence against intimate partners and family members, violent destruction of property, and animal cruelty. These acts indicate a concerning capacity to harm others.
2. **Disturbing communications and direct threats**, including threats to harm others, references to an impending attack and about building or acquiring weapons for an attack, and other

<sup>75</sup> U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020,” p. 38 (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf).

<sup>76</sup> *Id.* at 38-41. See also, e.g., Mark Follman, *Trigger Points: Inside the Mission to Stop Mass Shootings in America*, Dey Street Books, 2022.

communications described as generally concerning or disturbing (such as online posts by one attacker saying that he “found watching documentaries of school shootings to be ‘cleansing.’”)

3. **Stalking and harassing**, including patterns of obsessive fixation, grievances, and menacing conduct that maliciously caused other people to feel bullied, stalked, persecuted, threatened, injured, or attacked.
4. **Concerning demeanor and mental well-being**, including displays of intense or escalating anger, erratic behaviors, or behaviors eliciting concerns over the individual’s mental well-being involving, e.g., delusional or paranoid behaviors, hopelessness, desperation, and general mental instability.
5. **Changes in behavior**. Prior to carrying out their attack, nearly half of the mass attackers had exhibited an observable change in behavior compared to their normal behavioral baseline. These observable changes included personal deterioration, breakdowns in routine, loss of resilience, increased severity or frequency of anger, sadness, paranoia, and other notable changes in appearance or hygiene, well-being, interests, etc.
6. **Isolating themselves, withdrawing from others, or going missing** in a manner that elicited concern from others.
7. **Self-harm and suicidality**. Most people experiencing suicidal crises are not violent toward others, but a sizeable minority of mass attackers had spoken about or attempted suicide or engaged in intentional self-harm. Many mass attackers also intend to be killed or take their own life in the course of their attack, so preparation to commit mass attacks against others may be intertwined with suicidal crisis and desensitization to fear of death.<sup>77</sup> As a result, “final act” behaviors or communications often associated with imminent risk of suicide may also be significant warning signs of imminent mass shooting risk in some circumstances.<sup>78</sup> Mass attackers’ “final act” behaviors or communications have included farewell videos or social media posts, suicide notes, manifestos, or statements implying that the individual would not see another person again, and final behaviors like giving away personal possessions or verifying or changing life insurance policies.<sup>79</sup>
8. **Substance use or abuse**. Many attackers had histories of substance use or abuse and had experienced negative consequences as a result, including criminal charges, professional or academic failures, court-ordered programs, and evictions.
9. **Violent or unusual interests**. The NTAC report warned that “public safety professionals should recognize an unusual interest in violent topics as worthy of concern, especially an interest in previous mass attackers.”<sup>80</sup> Many attackers had an unusual interest in, and identification with, previous mass shooters and serial killers, as well as excessive, inappropriate, and concerning interest in other violent themes and imagery, hate-filled content, extreme conspiracy theories, or in hurting or killing people in general. The NTAC report flagged that one-quarter of the attackers in the study subscribed to a “hate-focused, conspiratorial, or topic-specific belief system” such as Nazism, often directing hate and grievance toward a particular group of people (such as people of a particular race or faith). The report also found that nearly half of the mass

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77 Id. at 14; v; see also, e.g., Violence Prevention Project: Research Center, “Suicidality of Perpetrators” (Nov. 17, 2021), at [www.theviolenceproject.org/data-on-social-media/suicidality-of-perpetrators/](http://www.theviolenceproject.org/data-on-social-media/suicidality-of-perpetrators/); Tyler Hendley, et al., “Mass Shootings in the 21st Century: An Examination through the Lens of the Interpersonal Psychological Theory of Suicide,” *Journal of Mass Violence Research* (Jan. 21, 2025), at <https://jmv.r.org/2025/01/mass-shootings-in-the-21st-century-an-examination-through-the-lens-of-the-interpersonal-psychological-theory-of-suicide/>.

78 Id. at 14; v.

79 Id.

80 Id at iv.

attackers had a history of domestic violence, misogynistic behaviors, or both, causing the NTAC to warn that viewpoints that describe women as the enemy or call for violence against women are a particular cause for concern in preventing domestic abuse, stalking, *and* mass violence.<sup>81</sup>

**10. Weapons-related actions**, including behaviors that “went beyond simply talking about or acquiring weapons under what would be deemed as normal circumstances.” These included attackers who had brandished weapons (such as in road-rage incidents), researched explosives, brought weapons to school, fired weapons near homes, and elicited concern in others when they purchased weapons or demonstrated an unusual obsession with weapons.

Other experts have identified similar behavioral patterns as potential warning signs of mass violence, typically with firearms.<sup>82</sup> For example, Sandy Hook Promise, a national nonprofit founded by family members of the children and educators killed in a 2012 shooting at Sandy Hook Elementary School, focuses on training students and school employees to recognize warnings signs that a young person may be a danger of hurting themselves or others with firearms.<sup>83</sup> The organization trains students and educators to recognize the following warning signs of potential gun violence:<sup>84</sup>

- Suddenly withdrawing from friends, family, and activities (including online or via social media).
- Bullying, especially if targeted towards differences in race, religion, gender or sexual orientation.
- Excessive irritability, lack of patience, or becoming angry quickly.
- Experiencing chronic loneliness or social isolation.
- Expressing persistent thoughts of harming themselves or someone else.
- Making direct threats toward a place, another person, or themselves.
- Bragging about access to guns or weapons.
- Recruiting accomplices or audiences for an attack.
- Obsession with online violent content, mass shooters, or weapons.
- Cruelty to animals.

In the context of **domestic violence risk assessment**, California courts have adopted a standard research-based screening tool for use in recognizing danger of homicide in cases involving intimate partner violence called the “Bench Guide for Recognizing Dangerousness in Domestic Violence Cases.”<sup>85</sup> This 20-question screening tool lists some of the factors that are most commonly present in intimate partner violence cases involving risk of serious harm or death.

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81 Id. at 38-41; iv-v.

82 See, e.g., Stephen White, “Case Study: The Isla Vista Campus Community Mass Murder,” *Journal of Threat Assessment and Management* (Mar. 2017), p. 42-45, at [www.wtsglobal.com/public\\_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf](http://www.wtsglobal.com/public_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf) (applying retrospective threat assessment analysis factors from the “Workplace Assessment of Violence Risk (WAVR-21),” version 3, structured guide for assessing risk of violence in workplace or school setting); Sandy Hook Promise, “About Sandy Hook Promise,” [www.sandyhookpromise.org/who-we-are/about-us/](http://www.sandyhookpromise.org/who-we-are/about-us/) (last accessed Jun. 2, 2025).

83 See Sandy Hook Promise, “About Sandy Hook Promise,” [www.sandyhookpromise.org/who-we-are/about-us/](http://www.sandyhookpromise.org/who-we-are/about-us/) (last accessed Jun. 2, 2025).

84 See Sandy Hook Promise, “Prevent Gun Violence by Knowing the Signs,” [www.sandyhookpromise.org/blog/student-resources/know-the-signs-of-gun-violence/](http://www.sandyhookpromise.org/blog/student-resources/know-the-signs-of-gun-violence/) (last accessed Jun. 2, 2025).

85 See Jacquelyn C. Campbell, PhD, RN, FAAN, and Hon. Sharon A. Chatman, “Bench Guide for Recognizing Dangerousness in Domestic Violence Cases” (developed and reviewed by the Judicial Council of California’s Domestic Violence Practice and Procedure Task Force, effective Jul. 26, 2013), at <https://courts.ca.gov/sites/default/files/courts/default/2024-12/btb25-precondv-01.pdf> (last accessed Feb. 23, 2026).

Other clinical resources are also used by mental health and public safety professionals to assess for **risk of assault, homicide, workplace violence, and suicide**.<sup>86</sup>

**Suicide risk** screening questions seek to identify the severity and immediacy of risk by assessing whether an individual has access to especially lethal means like firearms, and:

- Whether and how recently or persistently a person has had suicidal thoughts;
- What actions they have taken to plan or prepare for suicide, and how recently;
- Whether and how recently they have attempted suicide or began a suicide attempt that was either interrupted by another person or stopped of their own volition.<sup>87</sup>

Law enforcement officers evaluating whether to request a GVRO can look to these and other risk assessment resources as helpful guideposts about warning sign behaviors that are most commonly indicators of dangerousness with firearms.

## D. Consider Alternative & Additional Safety Interventions.

When an individual's behaviors or communications demonstrate a significant danger of firearm violence, suicide, or injury, law enforcement officers and other safety professionals should evaluate all interventions available under the circumstances to reduce risk of both imminent and future lethal injury, protect public safety, and protect any people or locations in danger. To address a dangerous individual's ability to possess and acquire firearms, officers should consider the GVRO, as well as alternative or additional intervention options that may be available under California law.

The GVRO is one important tool in a broader safety toolkit, and complements other law enforcement powers to temporarily remove firearms from individuals who are a significant danger to themselves or others, including but not limited to: when detaining an individual on an involuntary mental health hold; at the scene of a domestic violence incident, or incident to arrest; when serving and enforcing EPO-001 Emergency Protective Orders and other court protection and restraining orders that include firearm prohibitions; and in other dangerous and exigent circumstances.

### Alternative interventions:

In some cases, **voluntary alternatives** to an adversarial court-mandated process could be more effective at reducing risk in practice. For example:

- Efforts to help a suicidal individual receive voluntary mental health care and stronger social support to address depression and isolation, coupled with voluntary firearm relinquishment during a period of crisis, could effectively reduce *some* individuals' risk of firearm suicide.

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86 See, e.g., University of Michigan Institute for Firearm Injury Prevention, "Homicide Risk Screening," <https://firearminjury.umich.edu/homicide-risk-screening/> (last accessed Jun. 2, 2025); Stephen White, "Case Study: The Isla Vista Campus Community Mass Murder," *Journal of Threat Assessment and Management* (Mar. 2017), p. 42-45, at [www.wtsglobal.com/public\\_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf](http://www.wtsglobal.com/public_html/wp-content/uploads/2018/04/Isla-Vista-JTAM-SGWhite-2017.pdf) (applying retrospective threat assessment analysis factors from the "Workplace Assessment of Violence Risk (WAVR-21)," version 3, structured guide for assessing risk of violence in workplace or school setting); The Columbia Lighthouse Project, "Columbia-Suicide Severity Rating Scale (C-SSRS)," at <https://cssrs.columbia.edu/the-columbia-scale-c-ssrs/about-the-scale/>; National Institute of Mental Health, ASQ Suicide Risk Screening Tool, [www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening\\_tool\\_asq\\_nimh\\_toolkit\\_1.pdf](http://www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening_tool_asq_nimh_toolkit_1.pdf) (last accessed Feb. 13, 2026).

87 See Columbia Lighthouse Project, "Columbia-Suicide Severity Rating Scale (C-SSRS)," at <https://cssrs.columbia.edu/the-columbia-scale-c-ssrs/about-the-scale/>; National Institute of Mental Health, ASQ Suicide Risk Screening Tool, [www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening\\_tool\\_asq\\_nimh\\_toolkit\\_1.pdf](http://www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening_tool_asq_nimh_toolkit_1.pdf) (last accessed Feb. 13, 2026).

- Peer counseling, mediation, relocation assistance, and trauma recovery services provided by violence intervention professionals could help reduce the likelihood that a victim of gang-related violence will engage in retaliatory shootings.

However, even when these voluntary interventions are successful at separating an individual from firearms, they would not prevent an individual who is a significant danger to themselves or others from accessing or acquiring firearms on demand, or from passing firearm-related background checks. (See pages 53-54 for more discussion about persuading the court that “less restrictive alternatives” to the GVRO are inadequate or inappropriate for the circumstances).

As a result, more legally enforceable firearm prohibitions may be necessary to reduce risk in some cases, especially because data shows that firearms are so uniquely dangerous in the hands of a person at high risk for violence, suicide, or misuse. For example:

- In the context of homicide prevention: Studies have estimated that gunshot wounds are four times as likely to result in death compared to stab wounds.<sup>88</sup> Research shows that domestic violence assaults involving firearms are 12 times more likely to result in death than those involving other weapons or bodily force, and that an abusive partner’s direct access to firearms may be an even greater risk factor for intimate partner homicide than a history of nonfatal strangulation.<sup>89</sup>
- In the context of suicide prevention: The Office of Gun Violence Prevention’s *Impact of Gun Violence in California* report analyzed data on suicide and self-harm incidents that resulted in death or required urgent medical attention. Of these fatal or life-threatening intentional self-injuries, 91% involving firearms resulted in death, compared to 5% of incidents that did not involve firearms. Firearms were used by less than 1% of non-fatal intentional self-harm cases requiring urgent medical attention, but were used in 38% of those cases that resulted in suicide.<sup>90</sup>

The GVRO may be the only intervention option available in some circumstances for obtaining legally enforceable firearm prohibitions. However, officers should consider whether alternative intervention options may be available to address dangerous firearm access and also address other risk factors.

In *some* circumstances, individuals detained on **involuntary mental health holds** become subject to legally enforceable firearm prohibitions without a GVRO, so involuntary mental health interventions can *sometimes* be effective at both addressing dangerous firearm access and connecting a person to care and treatment to address underlying mental health concerns or substance abuse-related risk factors. However, many individuals detained on involuntary mental health holds do not become subject to longer-term firearm prohibitions, and may be legally eligible to purchase firearms and pass firearm-related background checks as soon as they are discharged, even if they are a very significant danger to themselves or others.<sup>91</sup> In these circumstances, a GVRO or other intervention may be critical to address

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88 See, e.g., Walter A. Ramsey, *et al.*, “Nationwide Analysis of Firearm Injury Versus Other Penetrating Trauma: It’s Not All the Same Caliber,” *Journal of Surgical Research*, (published online Oct. 20, 2023), at <https://pubmed.ncbi.nlm.nih.gov/37866065/>.

89 See DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms,” p. 5-6 (Nov. 2023); April Zeoli, et al, “Risks and Targeted Interventions: Firearms in Intimate Partner Violence,” *Epidemiologic Reviews*, 38(1): 125-139 (Jan. 2016); National Coalition Against Domestic Violence, “Domestic Violence & Firearms” (2022) (citing Chelsea M. Spencer and Sandra M. Stith, “Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis,” *Trauma, Violence & Abuse*, 21(3):527-540 (Jun. 2018) and Linda Saltzman, et al, “Weapon involvement and injury outcomes in family and intimate assaults,” *Journal of the American Medical Assn.*, 267(22):3043047 (1992)).

90 See DOJ Office of Gun Violence Prevention, “Data Report: The Impact of Gun Violence in California,” p. 27-29 (Aug. 2023).

91 See Welf. and Inst. Code §§ 8103, subd. (e) - (g). See also, Welf. and Inst. Code §§ 5008, 5151, 5152, 5250, 5260, 5270.15, 8100, 8102.

dangerous firearm access. (This topic is discussed in more detail starting on page 61 below).

When identifiable victims are in danger, **other firearm-prohibiting court protection and restraining orders** may be more effective at reducing risk because they effectively include a GVRO combined with other protections for targeted victims.<sup>92</sup> These orders may include dozens of potential safety interventions, including firearm prohibitions and “stay away” orders making it unlawful for a dangerous individual to approach people or locations they have harmed or threatened. Some order types, like Domestic Violence Restraining Orders, include many more protections, including orders protecting children from a violent or abusive parent. Accordingly, when identifiable victims are in danger of targeted firearm violence, officers should seek to refer them to victim advocates and service providers to develop safety plans, and inform them about all protection and restraining order options that may be available under the circumstances to reduce risk and address the dangerous individual’s access to firearms:

- Law enforcement may request very short-term firearm-prohibiting EPO-001 Emergency Protective Orders to protect specific protected parties in certain circumstances, or may request GVROs to address dangerous firearm access only for a longer period of time.
- Victims of violence, threats, stalking, or other dangerous conduct may be able to petition for firearm-prohibiting Civil Harassment Restraining Orders, Criminal Protective Orders, Domestic Violence Restraining Orders, Elder or Dependent Adult Abuse Restraining Orders, GVROs, or Juvenile Restraining Orders.
- Employers and collective bargaining representatives may be able to petition for firearm-prohibiting Workplace Violence Restraining Orders to protect employees from someone who is a danger to one or more employees.
- Officials at postsecondary institutions of higher education may be able to petition for firearm-prohibiting Postsecondary School Violence Restraining Orders to protect students from someone who is a danger to one or more students.
- Prosecutors may be able to request firearm-prohibiting Criminal Protective Orders to protect victims or witnesses from a defendant in a criminal case.

Because these alternative court orders are generally more protective than the GVRO when identifiable victims are in danger, this Implementation Guide emphasizes that the GVRO is a particularly important intervention option for other cases in which a respondent is a significant danger to themselves, or to the public or large groups of people.

However, case-by-case consideration is required. The GVRO may be an important intervention option for some circumstances in which identifiable victims are in danger, if those victims want the more limited firearm prohibitions of the GVRO but do not want other safety interventions. For example, the parents of an adult son who attacked or threatened them while in crisis, may not want a court order requiring their son to stay away from them, but may want law enforcement to intervene in a more limited manner to prevent him from possessing and purchasing firearms. Additionally, some targeted victims may not feel safe or capable under the circumstances of petitioning for other court protection

<sup>92</sup> In addition to preventing firearm access, these other protective orders can, for example, make it a crime for the respondent to contact, follow, or approach specific people they have harmed or threatened, and can prohibit them from entering those protected individuals’ workplace or school grounds. Some protective orders can mandate that the respondent receive counseling or include orders governing child custody and visitation to protect children from a violent or abusive parent. These other provisions are not available through the GVRO. For more detailed information about all of California’s firearm-prohibiting protection and restraining order processes, see the DOJ Office of Gun Violence Prevention’s report, “Pathways to Safety: California’s Nine Court Protection Orders to Prevent Gun Violence” (Jun. 2024), [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf).

and restraining orders directly, although victim service providers and court self-help centers can help victims develop safety plans and navigate court protection order processes. In some cases, victims in danger may rely on law enforcement or other petitioners to obtain the more limited protections of a GVRO.

It is also important to acknowledge that some individuals who harm and threaten specifically targeted victims, like their partners or family members, are *also* a significant danger to the community at large. Many mass shooters have a prior history of domestic violence or abuse, like the young man who perpetrated the Parkland, Florida, mass shooting described above, who had reportedly made recurring statements about committing a school shooting *and* held a firearm against his household members' heads on multiple occasions.<sup>93</sup> In circumstances like these involving significant dangers both to specific victims and the public, officers should evaluate whether to request GVROs on a case-by-case basis, with particular care and attention to the safety of individuals who may be in greatest danger. Removing firearms from a dangerous individual can protect both targeted victims and the public from gun violence, armed intimidation, and abuse. But targeted victims may continue to face serious and even heightened safety risks after a GVRO is issued, especially in the short-term, if a respondent is not immediately served with the GVRO and separated from all firearms, and if the respondent seeks to retaliate against victims or witnesses who reported their dangerous conduct.

Officers should prioritize efforts to inform and protect those in greatest danger and work with survivors, service providers, and other community partners to develop safety plans and monitor for acute safety threats.<sup>94</sup> Guidance and information about safety planning for survivors is available from multiple sources, including the "Safety Planning Toolkit" published by the California Partnership to End Domestic Violence with support from the Governor's Office of Emergency Services.<sup>95</sup>

#### Additional interventions:

When officers pursue GVROs, they should also evaluate whether additional interventions and resources can help reduce the respondent's risk as part of a broader behavioral threat assessment and management safety plan.

For example, the National Threat Assessment Center (NTAC) issued a report in 2024 advising law enforcement agencies about how to implement comprehensive behavioral threat assessment and management (BTAM) strategies to prevent mass shootings and other acts of "targeted violence" (premeditated violence generally unrelated to other criminal activity).<sup>96</sup> These BTAM strategies focus on identifying individuals exhibiting concerning behaviors, assessing risk severity, and implementing individualized safety plans to proactively reduce and manage their risk. NTAC recommended that law

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93 See U.S. Secret Service, National Threat Assessment Center, "Mass Attacks in Public Spaces: 2016-2020," p. 23 (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf](https://www.secretservice.gov/sites/default/files/reports/2023-01/usss-ntac-maps-2016-2020.pdf); DOJ Office of Gun Violence Prevention, "Data Report: Domestic Violence Involving Firearms," p. 6 (Nov. 2023); National Coalition Against Domestic Violence, "Domestic Violence & Firearms" (2022), at [https://assets.speakcdn.com/assets/2497/guns\\_and\\_dv\\_2022.pdf](https://assets.speakcdn.com/assets/2497/guns_and_dv_2022.pdf) (citing Lisa Geller, et al, "The Role of Domestic Violence in Fatal Mass Shootings in the United States, 2014-2019," *Injury Epidemiology*, 8 (38) (2021); A.J. Kivisto, et al, "Firearm Use Increases Risk of Multiple Victims In Domestic Homicides," *J. Am. Acad. Psychiatry Law*, 48(1)).

94 See, e.g., National Extreme Risk Protection Order Resource Center, "Important Considerations for Law Enforcement in States with Extreme Risk Protection Order (ERPO) Laws," p. 3 ("Special Considerations in Domestic Violence Cases") (updated Jan. 14, 2025), at [https://erpo.org/wp-content/uploads/2025/01/Law-Enforcement-FAQ-1.14.2025\\_updated.pdf](https://erpo.org/wp-content/uploads/2025/01/Law-Enforcement-FAQ-1.14.2025_updated.pdf).

95 See "Supporting Survivors in Safety Planning," excerpted from the California Partnership to End Domestic Violence's 2023 report titled, "Preventing & Reducing Gun Violence Injuries and Fatalities: A California Toolkit for Communities, Survivors, and Service Providers," at <https://endinggv.org/safety-planning/>.

96 See U.S. Secret Service, National Threat Assessment Center, "Behavioral Threat Assessment Units: A Guide for State and Local Law Enforcement to Prevent Targeted Violence" (Oct. 2024), [www.secretservice.gov/sites/default/files/reports/2024-10/Behavioral-Threat-Assessment-Units-A-Guide-for-State-and-Local-Law-Enforcement-to-Prevent-Targeted-Violence.pdf](https://www.secretservice.gov/sites/default/files/reports/2024-10/Behavioral-Threat-Assessment-Units-A-Guide-for-State-and-Local-Law-Enforcement-to-Prevent-Targeted-Violence.pdf).

enforcement agencies consider firearm-prohibiting court restraining orders in combination with other interventions to accomplish the following:<sup>97</sup>

- 1) **Create an environment where violence is less likely, including by limiting a dangerous individual's access to firearms.** The report recommended that law enforcement consider "extreme risk protection order" processes like the GVRO that temporarily prohibit a dangerous individual from accessing firearms, as well as other court protection orders that restrict firearm access *and* order dangerous individuals to stay away from specific people and places.
- 2) **Address risk factors** that appear to be driving the individual toward violence, and **promote positive protective factors** in the individual's life. This could include, for example, leveraging a supportive family or community network to address social isolation and connecting an individual with mental health or substance abuse services that might help manage or reduce risk.
- 3) **Redirect potential motives for violence and promote conflict resolution.** This could involve helping to de-escalate workplace or personal conflicts, addressing perceived grievances or bullying, and helping an individual build pro-social skills to manage anger and impulsive aggression, regulate emotions, and adjust harmful thought patterns.
- 4) **Collaborate with other community stakeholders to evaluate and reduce risk,** including other law enforcement agencies, mental health or service providers, family members, and school, workplace, and community partners.
- 5) **Protect people or locations that may be in danger.** While beyond the scope of the NTAC report, NTAC also highlighted the need for proactive steps to protect any identifiable victims or locations that may be in particular danger.

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97 See *id.* at p. 56-58.



## Part 4. Successfully Requesting a GVRO

The GVRO’s legal framework requires petitioners to present relevant and persuasive evidence of dangerousness, necessity, and (for pre-hearing orders) imminence of harm.<sup>98</sup> As discussed in the sections below, this prevention-focused civil court framework can require law enforcement officers to adopt a prevention-focused, behavioral threat assessment approach.

Effective GVRO petitions present testimony and other evidence to establish that the respondent has engaged in concerning conduct or behavioral patterns—whether criminal or non-criminal—that collectively demonstrate a significant danger of future harm, and require a legally enforceable prohibition on firearm access under the circumstances.

This Part 4 provides guidance on meeting these requirements by addressing:

- (A) The legal standards courts apply in GVRO cases.
- (B) How to effectively present evidence of dangerousness in GVRO petitions.
- (C) How to establish that a GVRO is necessary in GVRO petitions.

### A. The Legal Standard for a GVRO:

California law establishes three different evidentiary standards for Emergency GVROs, Temporary GVROs, and longer-term GVROs After Hearing. Longer-term orders require a higher burden of proof regarding dangerousness and necessity, but do not require evidence that the respondent poses a danger immediately or in the near future.

**To grant a petitioner’s request for a GVRO, the court must find:**

- For an Emergency GVRO (CLETS-EGV):  
Reasonable Cause to Believe that:
  - 1) The respondent poses an immediate and present danger of causing personal injury to themselves or others with firearms; **and**
  - 2) A GVRO is necessary under the circumstances.<sup>99</sup>
- For a Temporary GVRO (CLETS-TGV):  
A Substantial Likelihood that:
  - 1) The respondent poses a significant danger of causing personal injury to themselves or others with firearms in the near future; **and**
  - 2) A GVRO is necessary under the circumstances.<sup>100</sup>
- For a GVRO After Hearing/Consent (CLETS-HGV or CLETS-OGV):  
Clear and Convincing Evidence that:
  - 1) The respondent poses a significant danger of causing personal injury to themselves or others with firearms; **and**
  - 2) A GVRO is necessary under the circumstances.<sup>101</sup>

98 See Penal Code, §§ 18125, 18150, 18175. See also, Penal Code, § 18155(b)(2)(G).

99 Penal Code, § 18125(a).

100 Penal Code, § 18150(b).

101 Penal Code, § 18175(b).

### A GVRO is “necessary” if “less restrictive alternatives”:

- Have been tried and found to be ineffective, **or**
- Are inadequate or inappropriate for the circumstances.<sup>102</sup>

## B. Evidence of Dangerousness:

Law enforcement officers may have extensive experience investigating crimes and presenting evidence for criminal prosecution, but the GVRO’s civil framework is fundamentally different from criminal proceedings. Rather than proving the respondent has engaged in any particular criminal acts, petitioners must show that the respondent poses a danger of causing future harm. This requires officers to shift from an enforcement and prosecution mindset to a prevention-focused, behavioral threat assessment approach that considers how specific acts or threats, patterns of concerning behavior, and/or other contextual evidence demonstrates risk—including evidence of non-criminal conduct and circumstances.

Consistent with this behavioral threat assessment approach, petitioners may present a broad range of evidence to help the court understand how the respondent’s behaviors, conduct, and communications collectively indicate one or more types of significant danger identified in Part 3 (“Identifying GVRO Cases”), including: danger to the public, groups of people, and/or identifiable victims; danger of suicide; danger of unintentional injury due to diminished cognitive ability to safely possess firearms; or danger of causing other people to injure themselves or others with firearms.

As explained in more detail below, officers should apply the following six principles to effectively gather, document, and present evidence of dangerousness in a GVRO petition:

1. Evidence should demonstrate risk of future harm.
  2. Courts may consider any relevant evidence of dangerousness.
  3. Dangerousness extends beyond criminal conduct, history, or intent.
  4. Longer-term GVROs may require additional investigation and corroborating evidence.
  5. Evidence should show a nexus between dangerousness and firearms (but current firearm possession or firearm-specific threats are not required).
1. Respondents may pose a danger of causing *other people* to harm themselves or others with firearms.

### 1. Evidence should demonstrate risk of future harm.

Past acts of violence or threats of violence can be highly relevant indicators of dangerousness; research has established that the “most consistent and powerful predictor of future violence is a history of violent behavior, and [that] risk increases with earlier and more frequent incidents.”<sup>103</sup> But the GVRO is not a criminal proceeding, and a GVRO is not issued to punish any past act(s). The GVRO is a forward-looking civil remedy designed to proactively prevent the occurrence or recurrence of harm, including in circumstances where a person’s behaviors indicate that they are on a pathway to violence but that person has not necessarily engaged in any violent or criminal conduct before.

<sup>102</sup> Penal Code, §§ 18125(a)(2), 18150(b)(2), 18175(b)(2).

<sup>103</sup> See American Psychological Association, “Gun Violence: Prediction, Prevention, and Policy” (Dec. 1, 2013), at [www.apa.org/pubs/reports/gun-violence-prevention](http://www.apa.org/pubs/reports/gun-violence-prevention).

Therefore, instead of framing a GVRO petition around evidence that the respondent *made* a threat, petitioners should show that the respondent’s behaviors or statements (including highly relevant past acts or threats of violence) demonstrate that the respondent *poses* a threat of future harm.<sup>104</sup> This does not require predictive proof that the respondent *will* commit violence, but rather a high probability that the respondent poses a “significant danger” of causing harm in the future.<sup>105</sup>

## 2. Courts may consider any relevant evidence of dangerousness.

California law authorizes courts evaluating GVRO petitions to consider any evidence relevant to showing the respondent poses “an increased risk for violence” against themselves or others.<sup>106</sup> This means that GVRO petitioners may submit a broader range of evidence in support of the GVRO petition than is typically admissible as direct factual evidence at a criminal trial, including police reports, printouts of electronic communications or social media statements, or testimony or declarations from law enforcement officers describing what other witnesses reported about the respondent’s statements, demeanor, or behavior.<sup>107</sup>

The petitioner requesting a GVRO must provide testimony under penalty of perjury on GVRO petition forms, orally, and/or in other written declarations submitted in support of the petition.<sup>108</sup>

Examples of other relevant evidence include, but are not limited to:

- Testimony from other witnesses provided under penalty of perjury (orally and/or in written declarations).
- Incident reports and other records documenting prior calls for service, witness statements, or statements by the respondent, including oral, written, or electronic communications through social media posts or messages, text messages, or emails.
- Information about the respondent’s current access to firearms, or intent or attempts to acquire firearms, including information specifying the number, types, and locations of any firearms the petitioner believes the respondent presently possesses or controls.
- The results of danger assessment or behavioral threat assessment screening tools.
- Any supporting documents or information that establishes and contextualizes the risk of harm posed by the respondent, such as information about:
  - Any of the risk factors that courts are specifically authorized or required by law to consider in GVRO cases (described on pages 31-33 above), such as evidence of acts or patterns of violence, threats, suicidality, self-harm, stalking, malicious cruelty to animals, brandishing of firearms, and alcohol or substance abuse.
  - The respondent’s mental state or competency.

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104 See, e.g., U.S. Secret Service, National Threat Assessment Center, “Behavioral Threat Assessment Units: A Guide for State and Local Law Enforcement to Prevent Targeted Violence,” p. 52 (Oct. 2024), [www.secretservice.gov/sites/default/files/reports/2024-10/Behavioral-Threat-Assessment-Units-A-Guide-for-State-and-Local-Law-Enforcement-to-Prevent-Targeted-Violence.pdf](http://www.secretservice.gov/sites/default/files/reports/2024-10/Behavioral-Threat-Assessment-Units-A-Guide-for-State-and-Local-Law-Enforcement-to-Prevent-Targeted-Violence.pdf).

105 See *San Diego Police Dept. v. Geoffrey S.*, 86 Cal. App. 5th 550, 576 (Dec. 2022); Sen. Amend. to Assem. Bill No. 1014 (2014, Skinner) (Aug. 21, 2014) (amending the final language of Penal Code section 18175 to substitute “significant danger” standard for “will cause” standard).

106 Penal Code, §§ 18155, 18175, 18190. See also, Penal Code §§ 18145, 18150, subd. (b) and (c); *San Diego Police Dept. v. Geoffrey S.*, 86 Cal. App. 5th 550, 570, 574 (Dec. 2022); *Mountain View Police Dept. v. Krepchin*, 106 Cal. App. 5th 480, 509 (Nov. 2024).

107 *San Diego Police Dept. v. Geoffrey S.*, 86 Cal. App. 5th 550, 570, 574 (Dec. 2022). See also, Penal Code, §§ 18155, 18175; *Mountain View Police Dept. v. Krepchin*, 106 Cal. App. 5th 480, 509 (Nov. 2024). This evidence must be credible. GVRO petitioners submit evidence under penalty of perjury through written declarations and/or oral testimony under oath, and state law also makes it a crime to file a petition for a GVRO with intent to harass or with knowledge that the information in the petition is false. Penal Code, §§ 18140(a), 18155(a); 18200.

108 Penal Code, §§ 18140, 18145, 18150, 18155, 18200.

- Motives for violence.
- Concerning and unusual interest in violence, mass shooters, hate or terroristic content, extreme conspiracy theories, and weapons.
- Identification with mass shooters, hate or terror groups, or other perpetrators of violence.
- History of prior protection and restraining orders and/or violations of such orders.
- History of domestic abuse, stalking, or misogynistic behaviors.
- History of criminality.
- Patterns of intense anger, aggression, impulse control and anger management issues.
- Patterns of antisocial conduct and disregard for others' safety.
- Delusional or paranoid behaviors, or mental instability.
- Concerning changes in demeanor or well-being, increased social isolation, or losses or personal stressors affecting resilience and coping.
- Extreme hopelessness, desperation, thwarted belonging, or "final act" communications and behaviors.
- Dates or events that may be potential triggers for violence and/or suicide.

### 3. Dangerousness extends beyond criminal conduct, history, or intent.

Behavioral threat assessment principles recognize that non-criminal conduct and behaviors can be highly relevant factors to consider when evaluating a respondent's dangerousness. Officers should look beyond the respondent's criminal history, criminal conduct, and criminal intent when presenting evidence of dangerousness in a GVRO petition.

Look beyond criminal conduct: Conduct that is lawful may be very relevant evidence to show that a person poses a significant danger to themselves or others. For example, applying behavioral threat assessment principles, it could be highly relevant to present evidence showing that a respondent has posted social media statements quoting from a mass shooter's manifesto; purchased firearms and body armor; read materials that incite hatred against people of a particular faith, race, or sex; alarmed family members by fixating on perceived grievances after he lost his job; socially isolated himself; and began to give away his belongings and allude to not being alive in the near future.

In isolation, any one of these lawful behaviors or statements might not be sufficient evidence of danger. But together, they may be very relevant and persuasive evidence for the court—pieces of a behavioral threat assessment puzzle that fit together and show an individual is on a dangerous pathway to violence. California law expressly authorizes courts to receive and consider "any evidence" relevant to showing the respondent is an increased risk for violence to themselves or others. The court may consider all of the relevant pieces of this puzzle.

Look beyond criminal history: As described above, past acts of violence, threats, or other concerning behavioral patterns can be highly relevant indicators of future dangerousness.<sup>109</sup> But petitioners may miss significant warning signs and evidence if they present evidence of past dangerous conduct based solely on a respondent's conviction record or criminal history. The National Threat Assessment Center's report on mass attacks in public spaces, for example, found that 41% of individuals who committed mass attacks in public spaces had a history of domestic violence but just 16% had ever faced criminal charges for domestic violence.<sup>110</sup> The GVRO was enacted in response to several mass shootings

109 See American Psychological Association, "Gun Violence: Prediction, Prevention, and Policy" (Dec. 1, 2013), at [www.apa.org/pubs/reports/gun-violence-prevention](http://www.apa.org/pubs/reports/gun-violence-prevention).

110 U.S. Secret Service, National Threat Assessment Center, "Mass Attacks in Public Spaces: 2016-2020," p. 23 (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/ussc-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/ussc-ntac-maps-2016-2020.pdf).

committed by individuals who had exhibited dangerous warning sign behaviors that caused others to fear for their safety, but who had no criminal history known to law enforcement.

Look beyond criminal intent: Officers should remember that the preventative GVRO process is also designed to address dangers in circumstances where a respondent has no criminal intent. For example:

- A person might be struggling with persistent, intrusive thoughts of suicide that make them a significant danger of self-harm with firearms.
- A person with severe dementia may be a significant danger of unintentionally harming themselves or others with firearms if they may mistakenly perceive a caretaker or family member entering their home for a dangerous intruder.
- A person experiencing paranoid delusions, hallucinations, or intrusive thoughts or voices encouraging violence may be a significant danger, even if they generally do not want to commit violence.
- A person with a severe mental health or substance abuse condition may be unable to safely handle firearms or understand laws and responsibilities governing safe firearm use and ownership.

In summary, when presenting evidence of dangerousness in support of a GVRO, petitioners are not limited to evidence of criminal conduct, do not need to prove a respondent has committed any crime or “bad” act, and do not need to prove the respondent has any criminal intent to cause harm.

#### **4. Evidence should show a nexus between dangerousness and firearms (but current firearm possession or firearm-specific threats are not required)**

The GVRO statutes require a petitioner to show that the respondent poses a significant danger of causing injury “by having in [their] custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.”<sup>111</sup> Effectively, this means the respondent must be a significant danger of causing harm *with firearms*, so petitioners should seek to present evidence showing a nexus between the respondent’s dangerous behaviors and risk of firearm violence, suicide, or injury.

However, officers should not interpret this firearm nexus requirement too narrowly. Current firearm possession and firearm-specific threats are not required for a GVRO.

First, California law specifically states that courts may issue GVROs preventatively to prevent a dangerous individual from acquiring firearms, “even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.”<sup>112</sup> Researchers have documented multiple case studies in which law enforcement agencies obtained GVROs against individuals exhibiting dangerous warning sign behaviors who did not yet possess firearms in order to prevent them from passing firearm-related background checks or otherwise acquiring and receiving firearms.<sup>113</sup>

<sup>111</sup> See Penal Code, §§ 18125, 18150, 18175.

<sup>112</sup> See Penal Code, § 18155(b)(2)(G) (stating that evidence of recent acquisition *or attempted acquisition* of firearms, ammunition, or other deadly weapons may be relevant evidence in support of a GVRO, and stating, “While evidence of recent acquisitions [of firearms, ammunition, or other deadly weapons] is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.”). See also, Penal Code, §§ 18125, 18150, 18175 (These statutes authorize the court to issue a GVRO based upon a determination that a respondent would be a significant danger by, among other things, “purchasing . . . or receiving” a firearm or ammunition—by having the legal ability to pass background checks and otherwise acquire firearms or ammunition they do not yet own or possess. The GVRO is a mechanism to prevent that future access and acquisition.)

<sup>113</sup> See Garen Wintemute, *et al.*, “Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series,” *Annals of Internal Medicine* (Aug. 20, 2019), [www.acpjournals.org/doi/10.7326/M19-2162](http://www.acpjournals.org/doi/10.7326/M19-2162). In one example: “The

Additionally, the GVRO statutes do not require evidence that a respondent has made firearm-specific threats. Firearms are used in more than half of all fatal suicide attempts in the United States, and about 80% of all homicides.<sup>114</sup> Therefore, if a person poses a high risk of suicide or homicide by any method, and has the legal ability to possess, access, and acquire firearms, they should generally be considered to be a high risk of using a firearm to harm themselves or others. Researchers documented the following GVRO case example in which a respondent was found to pose a significant danger of committing a school shooting even though the individual did not mention firearms specifically:

- A 21-year-old male posted a series of threatening statements on Instagram that were directed at his former high school, including, “Rip [name deleted] high school,” “Nobody w[ill] be graduating from [ZIP code deleted],” “I hate all of u,” “Hope I die tonight somehow,” and “Dead or in jail.” An acquaintance who saw the posts flagged down a police officer, and a different acquaintance reported a post that appeared to show the man holding an AR-type rifle. Both reporting parties were aware of prior school shootings and were concerned about a recurrence. . . A temporary GVRO was obtained, and a [GVRO After Hearing] was subsequently issued.<sup>115</sup>

While current firearm possession or firearm-specific threats are not required for a GVRO, petitioners should include any evidence indicating a nexus between the respondent’s dangerousness and risk of firearm injury. This may include evidence that a respondent already has access to firearms or has indicated a desire to acquire them, statements or communications about intent to commit firearm violence in particular, reckless and unsafe behaviors with firearms, and/or an unusual and concerning interest in weapons, firearm violence, and prior shootings.<sup>116</sup>

## 5. Longer-term GVROs may require additional investigation and corroborating evidence.

While the court may consider any relevant evidence of increased risk in support of a GVRO, the court will weigh different forms of evidence differently and consider the strength or potential unreliability of all evidence presented.<sup>117</sup> More direct or corroborated evidence can be more persuasive, particularly to meet the “clear and convincing evidence” standard required for a longer-term GVRO After Hearing. For instance, printouts of a respondent’s threatening texts or social media posts and testimony or declarations from a witness who received them may be more persuasive than a police report quoting from these communications or witness reports, though the court could consider any or all of this evidence submitted under penalty of perjury.

The 21-day period before the GVRO court hearing provides petitioners with the opportunity to gather additional or corroborating evidence to present to the court in support of a longer-term GVRO. For example:

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Federal Bureau of Investigation (FBI) contacted a local police department about a 22-year-old man who was the close associate of a man recently charged with providing material support to . . . a foreign terrorist organization. Both men had traveled to Turkey on one-way tickets, possibly to cross into Syria, but had returned to the United States. According to the FBI, the [terrorist organization] encouraged its members to engage in lone-wolf attacks on large public gatherings rather than joining the conflict in Syria. One week before the FBI contact, the 22-year-old man, who was not previously known to own firearms, purchased an AK-47-type rifle, meaning that the 10-day waiting period would expire in 3 days. The man had begun working at an indoor firing range 1 month earlier but was fired the day before the FBI contacted the police. According to the FBI’s interview with the range manager, the man disliked dealing with customers but was very interested in handling firearms. He lived within walking distance of public events, scheduled 2 and 3 weeks later, that were expected to draw 50,000 to 100,000 people. The police department obtained and served a GVRO the following day, blocking acquisition of the rifle. A [GVRO After Hearing] was subsequently issued.”

114 See, e.g., John Gramlich, “What the data says about gun deaths in the U.S.,” Pew Research Center (Mar. 5, 2025), [www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/](http://www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/).

115 See Dr. Garen Wintemute, *et al.*, “Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series,” *Annals of Internal Medicine* (Aug. 20, 2019), [www.acpjournals.org/doi/10.7326/M19-2162](http://www.acpjournals.org/doi/10.7326/M19-2162).

116 These may be potential indicators of concern for mass or targeted violence. See, e.g., U.S. Secret Service, National Threat Assessment Center, “Mass Attacks in Public Spaces: 2016-2020,” p. 38-41 (Jan. 2023), [www.secretservice.gov/sites/default/files/reports/2023-01/uss-s-ntac-maps-2016-2020.pdf](http://www.secretservice.gov/sites/default/files/reports/2023-01/uss-s-ntac-maps-2016-2020.pdf).

117 See *San Diego Police Dept. v. Geoffrey S.*, 86 Cal. App. 5th 550, 574 (Dec. 2022).

- A police officer responding to a 9-1-1 call might obtain an Emergency GVRO immediately by providing testimony under penalty of perjury that relays witnesses' statements about the respondent's dangerous conduct. The officer's testimony may convince the on-duty judicial officer that there is reasonable cause to believe the respondent is an immediate and present danger and that the Emergency GVRO is necessary under the circumstances.

To prepare for a subsequent GVRO hearing 21 days later, the law enforcement agency should consider obtaining additional or corroborating evidence to show the respondent is a significant danger, such as declarations from witnesses directly detailing their interactions with the respondent and/or other evidence showing patterns of concerning and dangerous behaviors.

The court could issue a longer-term GVRO based solely on the testimony the officer originally presented to obtain the Emergency GVRO, a police report, and/or the officer's subsequent testimony at the court hearing, if the court finds that evidence to be "clear and convincing." But additional investigation and evidence may be required to satisfy that standard and obtain longer-term protections.

## **6. Respondents may pose a danger by causing other people to harm themselves or others with firearms.**

California law authorizes courts to issue a GVRO against a respondent who is a significant danger of *causing* personal injury with firearms. The law does not state that the respondent must be a significant danger of directly inflicting that injury by pulling the trigger themselves. Courts have issued GVROs in cases where respondents' illegal or reckless behavior created a significant danger of causing *other people* to injure themselves or others with firearms, including when individuals trafficked firearms to prohibited buyers without background checks, or recklessly provided dangerous individuals or unsupervised children with access to their firearms.<sup>118</sup>

In these examples, the underlying conduct could constitute a crime that would generally result in a 10-year firearm prohibition upon conviction under California law.<sup>119</sup> But especially when prosecutors do not pursue criminal charges, the GVRO may be an important civil intervention option to prevent individuals from dangerously misusing their access to firearms to endanger children, traffic in firearms, or otherwise cause other people to shoot themselves or others.

California law requires courts evaluating whether to issue a GVRO to consider evidence showing that a respondent has been convicted of any of the misdemeanor offenses listed in Penal Code section 29805.<sup>120</sup> That list of offenses includes multiple crimes related to child endangerment and unsafe storage of firearms around children and adults who are legally prohibited from possessing firearms. Section 29805 also includes a range of other firearm manufacturing, theft, trafficking, carrying, and possession offenses. Even if a respondent has not been convicted of these offenses, evidence that they engaged in this conduct could be relevant to showing the respondent is a significant danger of *causing* injury with firearms.

<sup>118</sup> See, e.g., Ryan Mense, "Dozens of guns seized, San Jose man arrested in illegal firearm sales investigation," KRON4 News (May 8, 2024), [www.kron4.com/news/bay-area/dozens-of-guns-seized-san-jose-man-arrested-in-illegal-firearm-sales-investigation/](http://www.kron4.com/news/bay-area/dozens-of-guns-seized-san-jose-man-arrested-in-illegal-firearm-sales-investigation/); *Anaheim Police Dept. v. Crockett*, 2026 Cal. App. Unpub. LEXIS 292, \*1-2, 13-14 (Fourth App. Dist., Div. Three, Jan. 16, 2026) (unpublished appellate opinion stating, "That [the respondent] himself did not directly pose a 'significant danger' of committing gun violence does not mean he could not be subject to a GVRO. The [petitioner] Police Department showed by clear and convincing evidence that [the respondent] could not adequately prevent his son from accessing his firearms, and his son did pose a significant threat of gun violence. The GVRO statute would be ineffectual if the ban could not be applied to those, like [the respondent], who enable, however unintentionally, the threat of violence by others.")

<sup>119</sup> See Penal Code, §§ 29805(c); 25100, 25135, 25200; see also, 29805(a); 27590(c).

<sup>120</sup> See Penal Code, §§ 18155(b)(1)(E), 18175.

## C. Evidence that a GVRO is Necessary:

In addition to evidence of dangerousness, GVRO petitioners must persuade the court that a GVRO is *necessary* under the circumstances.

California law establishes that a GVRO is necessary if “less restrictive alternatives” have been tried and found to be ineffective at addressing the respondent’s risk, *or* would be inadequate or inappropriate under the circumstances.<sup>121</sup> In practice, courts may also find that a GVRO is unnecessary and dismiss the case, if the respondent is already legally prohibited from possessing and acquiring firearms and passing firearm-related background checks for the next five years (the maximum duration of a GVRO After Hearing).

This section addresses these two key necessity considerations:

1. Could “less restrictive” alternatives adequately address the danger?
2. Is the respondent already subject to comparable firearm prohibitions?

The section discussing this second consideration also includes detailed guidance about four more complex circumstances where it may still be necessary to obtain a GVRO against dangerous individuals who are subject to more limited firearm prohibitions, including:

- (a) Individuals subject to EPO-001 Emergency Protective Orders.
- (b) Minors.
- (c) Criminal defendants subject to firearm restrictions only as a condition of pretrial release.
- (d) Individuals detained on involuntary mental health holds.

### 1. Could “less restrictive” alternatives adequately address the danger?

The GVRO is a relatively narrow civil intervention that includes firearm-related prohibitions only. “Less restrictive alternatives” to the GVRO are alternatives that do not provide a comparable, legally enforceable prohibition on firearm possession and acquisition, and do not otherwise place *more restrictive* limitations on a person’s conduct, movements, or communications. Examples of “less restrictive alternatives” include:

- Connecting an individual with mental health or substance abuse services on a voluntary basis.
- Encouraging a person who is in crisis, and their household members, to voluntarily transfer their firearms to a licensed firearms dealer or other authorized third-party for temporary safekeeping during a crisis period, in accordance with Penal Code sections 26892, 27882, or 27883.
- Taking a dangerous individual’s firearms into law enforcement custody without obtaining other legally enforceable firearm prohibitions to prevent the individual from accessing or acquiring other firearms, or passing firearm-related background checks.
- Working with parents and other adults to ensure minors who are a significant danger cannot gain access to firearms owned by their parents, family members, friends, or friends’ parents, even under adult supervision.\_

None of these less restrictive alternatives would prevent a person who is a significant danger from legally accessing or acquiring firearms and ammunition. None would prevent the person from passing a background check to purchase firearms and ammunition, once they are of legal age. And none would

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<sup>121</sup> Penal Code, §§ 18125(a)(2), 18150(b)(2), 18175(b)(2).

make it unlawful for other people to provide the respondent with access to firearms.

Therefore, when a respondent is a significant danger of causing injury with firearms, less restrictive alternatives are very often inadequate or inappropriate to prevent harm, especially in cases involving significant danger of intentional interpersonal gun violence. Even if a person agrees to voluntarily receive counseling and temporarily transfers custody of their firearms to law enforcement or others for safekeeping, they may still pose a significant danger as long as they have the legal ability to retrieve those weapons on demand or pass background checks to purchase others without restriction.

Many alternative safety interventions are *more restrictive* than the GVRO, including:

- Criminal proceedings and incarceration.
- Involuntary mental health holds and treatment.
- Other court protection and restraining orders that include legally enforceable firearm prohibitions *and* additional restrictions on a respondent's conduct, movements, and communications.

This does not mean the GVRO is necessarily the most effective or appropriate intervention option for every case involving risk of gun violence, as described above. But when officers decide to petition for a GVRO, they should be prepared to explain to the court that less restrictive alternatives would:

- Not include a comparable, legally enforceable firearm prohibition to prevent the respondent from possessing and acquiring firearms;
- Not prevent the respondent from passing firearm-related background checks;
- Not prohibit other people from transferring firearms to the respondent; and
- Therefore, be inadequate or inappropriate to address the significant danger the respondent poses to human life and safety.

## **2. Is the respondent already subject to comparable firearm prohibitions?**

The GVRO statutes do not require courts to determine whether the respondent is already legally prohibited from possessing firearms. In some cases, petitioners and the court may not have access to information necessary to make that determination, especially within the short timelines for issuing an Emergency or Temporary GVRO.

However, a court *may* deny the request for a GVRO, particularly after a hearing, if the court determines that the respondent will likely be subject to other prohibitions that will prevent the respondent from possessing firearms and from passing firearm-related background checks. This may occur, for example, if the court determines that the respondent:

- Has a prior conviction for a felony or certain domestic violence misdemeanors, both of which generally result in lifetime firearm prohibitions under state or federal law.
- Was convicted within the past five years of a misdemeanor listed in Penal Code section 29805, such as assault, battery, or criminal threats, which result in a 10-year firearm prohibition under California law.
- Is subject to another court protection and restraining order that includes the same firearm prohibitions as the GVRO, and will likely remain in effect for the duration of the GVRO.

However, as described in the four scenarios below, it may be necessary in some circumstances to obtain GVROs against respondents who are subject to other more limited firearm prohibitions—particularly when those prohibitions have a more limited duration or scope compared to the GVRO, or are not reported to databases used for firearm background checks.

**a. GVROs may sometimes be necessary against individuals subject to EPO-001 Emergency Protective Orders:**

In emergency circumstances, law enforcement officers may be authorized to request two different types of firearm-prohibiting emergency court orders: EPO-001 Emergency Protective Orders and EPO-002 Emergency GVROs. Law enforcement officers sometimes request both of these emergency orders at the same time.

- A CLETS-EPO **Emergency Protective Order** (issued on the EPO-001 form):
  - Issued to protect named victim-survivors in immediate and present danger of domestic violence, child abuse or abduction, elder or dependent adult abuse, and threatening conduct defined as stalking.<sup>122</sup>
  - Combines firearm prohibitions and many other safety measures, such as stay-away, no-contact, and move-out orders.
  - Expires very quickly, within five court days, or seven calendar days, whichever occurs first.
  - Does not lead to any subsequent hearing, longer-term protective order, or firearm prohibition.
- A CLETS-EGV **Emergency GVRO** (issued on the EPO-002 form):
  - Issued to address immediate and present danger that a respondent will cause injury with firearms to any person, including danger to themselves, or to the public or large groups of people, in addition to victims protected by EPO-001 order.
  - Includes firearm-related prohibitions only.
  - Remains in effect for up to 21 days.
  - Causes court to schedule a hearing to adjudicate request for a longer-term GVRO After a Hearing/Consent that can remain in effect for up to five years.

Some judicial officers may question the necessity of concurrently issuing both of these emergency orders against the same individual, since both orders would impose overlapping firearm prohibitions for up to seven calendar days. To address these concerns, officers requesting both emergency orders simultaneously should be prepared to:

- Explain to the judicial officer why the EPO-001 is needed to provide immediate protections to victim-survivors in danger (such as stay-away or move-out orders).
- Explain why the Emergency GVRO is needed to ensure the respondent cannot legally possess or acquire firearms or related items for an additional two weeks after expiration of the EPO-001, and because the Emergency GVRO requests a hearing on a longer-term GVRO that would help address dangerous firearm access for up to five years.

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<sup>122</sup> See Family Code, §§ 6240-6275, 6389; Penal Code, § 646.91; EPO-001 Form (Emergency Protective Order), [www.courts.ca.gov/documents/epo001.pdf](http://www.courts.ca.gov/documents/epo001.pdf); California Courts Self-Help Guide: “Guide to Protective Orders,” <https://selfhelp.courts.ca.gov/protective-orders>.

- Emphasize that each order provides distinct protections unavailable through the other, despite an overlapping firearm prohibition for up to seven days.

Officers can also point out that the GVRO statutes expressly contemplate that courts *may* issue a GVRO against a respondent who is already subject to an EPO-001 Emergency Protective Order or other active protective order. When “determining whether grounds for a GVRO exist,” state law requires courts to consider evidence that a respondent has violated an unexpired protective order, specifically including an unexpired Emergency Protective Order, “that is in effect at the time the court is considering the [GVRO] petition.”<sup>123</sup>

**b. GVROs may sometimes be necessary against minors:**

Under California law, young people must generally reach the age of 18 before they can pass background checks to purchase or acquire their own firearms and ammunition.<sup>124</sup> (18-20 year olds are subject to some restrictions on acquiring firearms from a licensed dealer, but multiple exceptions allow 18-20 year olds to acquire and possess ammunition and some types of firearms in various circumstances).<sup>125</sup>

Since minors under 18 generally cannot pass background checks to acquire their own firearms and ammunition, some judges may question the necessity of issuing a GVRO against a minor. However, courts can and do issue GVROs against minors: 3% of individuals subject to GVROs issued in 2024 were under the age of 18 when the court issued the order, and 6% were under the age of 21.<sup>126</sup>

Though minors cannot purchase their own firearms from a licensed dealer, GVROs can still serve three critical safety purposes for minors who are a significant danger to themselves or others:

First, the GVRO can prohibit a dangerous minor from lawfully possessing, accessing, and receiving firearms. This can be necessary because, without a GVRO or other intervention, minors may lawfully possess firearms and ammunition years before they are able to purchase them directly from a licensed dealer.<sup>127</sup> Minors are generally authorized to possess and use firearms under adult supervision, and in some circumstances, minors aged 16 and over are also authorized to possess and use firearms without adult supervision, if they have express permission from a parent or legal guardian.<sup>128</sup> Unless a minor becomes subject to other firearm prohibitions that prohibit them from accessing firearms (such as through a delinquency adjudication or other court order), a GVRO could be necessary to prevent a dangerous minor from legally receiving, accessing, and possessing firearms and ammunition before they turn 18.<sup>129</sup>

Second, if the minor becomes subject to a GVRO, other people would be prohibited from letting the minor access and use their firearms even under adult supervision, and could face criminal consequences for doing so. This may be especially relevant in circumstances where a minor poses a significant danger of committing a school shooting or other firearm violence, but the minor’s parents

<sup>123</sup> See Penal Code, § 18155(b)(1)(C), (D).

<sup>124</sup> See Penal Code, §§ 29610, 29615, 29650, 29655, 30300, 31625(b).

<sup>125</sup> See *id.*; Penal Code, §§ 27510, 27875, 29615, 29655.

<sup>126</sup> Based on DOJ analysis of GVRO records reported into the California Restraining and Protective Order System (CARPOS) for GVROs issued in 2024.

<sup>127</sup> People adjudicated of committing certain offenses as minors are also generally prohibited from possessing or acquiring firearms and ammunition until aged 30, pursuant to Penal Code sections 29820 and 30305. Minors may also become subject to other firearm-prohibiting court orders, including Juvenile Restraining Orders issued when a person requests protection for or from a minor under the jurisdiction of a juvenile court in a juvenile delinquency or dependency proceeding. See DOJ Office of Gun Violence Prevention, “Pathways to Safety: California’s Nine Court Protection Orders to Prevent Gun Violence” (Jun. 2024), p. 60-63, [https://oag.ca.gov/system/files/attachments/press-docs/OGVP\\_Restraining%20Order%20Report.pdf](https://oag.ca.gov/system/files/attachments/press-docs/OGVP_Restraining%20Order%20Report.pdf).

<sup>128</sup> See Penal Code, §§ 29615, 29655.

<sup>129</sup> See, e.g., Johns Hopkins Center for Gun Violence Solutions, National ERPO Resource Center, “Important Considerations for Law Enforcement in States with Extreme Risk Protection Order (ERPO) Laws,” p. 5 (Jan. 2025), [Law-Enforcement-FAQ-1.14.2025\\_updated.pdf](#).

or other household members have proven unable or unwilling to prevent the minor from using or accessing their weapons, including if the minor knows how to unlock a gun safe or safety device in their home. A National Threat Assessment Center analysis of school violence found that over three-quarters of minors who use firearms to commit school shootings accessed firearms from the home of a parent or another close relative.<sup>130</sup> In nearly half of school shootings perpetrated by minors, the minor used firearms that were either readily accessible or “not secured in a meaningful way,” and in another 16% of these shootings, the minor gained access to firearms from a locked gun safe or container because they knew how to access the keys or combination.<sup>131</sup>

Finally, obtaining a longer-term GVRO against a minor on a pathway to violence could also proactively block them from passing background checks to purchase firearms and ammunition from a licensed dealer after they reach legal age. The attacker who murdered 19 children and two teachers at an elementary school shooting in Uvalde, Texas, in 2022, reportedly purchased his murder weapon minutes after midnight on his 18<sup>th</sup> birthday and committed a mass shooting about one week later.<sup>132</sup> Obtaining a multi-year GVRO against a dangerous minor before they turn 18 could help proactively prevent them from acquiring firearms into early adulthood in similar circumstances.

**c. GVROs may sometimes be necessary against criminal defendants subject to firearm prohibitions only as a condition of pretrial release:**

When courts issue orders granting pretrial release to a defendant in a criminal case, courts may include release conditions that prohibit the defendant from possessing firearms and other weapons if they present a danger to public safety. However, GVROs may still be necessary in these cases. Pretrial release conditions are generally **not** reported to law enforcement databases accessible to the California Department of Justice and FBI for firearm-related background check purposes. Therefore, the court’s pretrial release order is not sufficient to prevent a dangerous defendant from passing background checks if they attempt to purchase firearms in California or other states in violation of their release conditions.

As a result, if a defendant is a significant danger of causing injury with firearms, and is only prohibited from possessing and acquiring firearms by a pretrial release order, it may still be necessary to petition for a civil court GVRO. If issued, the GVRO would be reported to law enforcement databases and would help ensure that the individual cannot pass background checks to acquire firearms and ammunition while out of custody and for up to five years following issuance of the GVRO. It may be important to emphasize these points when petitioning a civil court for a GVRO against a person subject to firearm prohibitions as a condition of pretrial release; the court may not otherwise be aware that a GVRO may be necessary to promote enforcement and prevent the individual from passing firearm-related background checks.

Note that in criminal cases, other firearm-prohibiting court orders may also be available to address a dangerous defendant’s firearm access. Prosecutors may petition the criminal court for Criminal Protective Orders, including CR-160 orders (“Criminal Protective Order—Domestic Violence”) and CR-161 orders (“Criminal Protective Order—Other Than Domestic Violence”), which include firearm prohibitions as well as other protections for victims or witnesses in danger. In criminal domestic violence cases, courts may also issue CR-162 Criminal Protective Orders, which, like GVROs, do not name any protected party but prohibit the defendant from possessing and acquiring firearms for a

<sup>130</sup> See U.S. Secret Service National Threat Assessment Center, “Protecting America’s Schools: A U.S. Secret Service Analysis of Targeted School Violence” (Nov. 2019), p. 22, [www.secretservice.gov/sites/default/files/2020-04/Protecting\\_Americas\\_Schools.pdf](http://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf).

<sup>131</sup> Id.

<sup>132</sup> See Spencer Cantrell, *et al.*, “When Minors Threaten Violence: Firearm Access and Extreme Risk Protection Order Laws,” *Health Affairs Forefront* (Dec. 20, 2024), [www.healthaffairs.org/content/forefront/minors-threaten-violence-firearm-access-and-extreme-risk-protection-order-laws](http://www.healthaffairs.org/content/forefront/minors-threaten-violence-firearm-access-and-extreme-risk-protection-order-laws); Michelle Watson, “Publisher of Call of Duty, maker of AR-15 style rifle and Meta named in wrongful death lawsuits by families of Uvalde victims,” CNN (May 24, 2024), [www.cnn.com/2024/05/24/business/ualde-lawsuit-meta-activision](http://www.cnn.com/2024/05/24/business/ualde-lawsuit-meta-activision).

temporary period.<sup>133</sup> Courts may also issue these firearm-prohibiting orders on their own motion.

GVROs, Criminal Protective Orders, and other standard court protection and restraining orders, must be reported to the California Department of Justice for purposes including firearm-related background checks, unlike pretrial release conditions.<sup>134</sup>

**d. GVROs may sometimes be necessary against individuals subject to involuntary mental health holds:**

**Key takeaways:** Officers should consider requesting a GVRO against an individual subject to an involuntary mental health hold if the individual poses a significant danger of causing injury to themselves or others with firearms. In *some* cases, people subject to mental health holds become subject to five-year or lifetime firearm prohibitions under state and/or federal law following an involuntary admission. But as discussed in more detail below, many individuals detained on mental health holds do not become subject to firearm prohibitions after they are discharged, even if they are a significant danger.

- Officers may request GVROs proactively when the person is being detained for evaluation. If it subsequently becomes clear that the person has become legally prohibited from possessing firearms, officers may request that the court cancel the GVRO hearing due to changed circumstances around necessity.
- Officers may instead request a GVRO immediately after a person is discharged from the mental health facility, if they determine that the person was not involuntarily admitted for dangerousness to self or others as a result of a mental health disorder, or did not otherwise become subject to legal firearm prohibitions after discharge. But in many cases, officers will not be proactively informed about the discharge or firearm prohibition. To determine whether a person has become subject to firearm prohibitions following an involuntary mental health hold, officers with CLETS access can query the Mental Health Firearms Prohibition System (MHFPS) via CLETS, *if* their employing law enforcement agency has requested access to MHFPS. Once reported by the mental health facility, the MHFPS provides information about the individual's firearm prohibition, the prohibition date, duration of prohibition, and the reporting mental health facility.

Remember that mental health holds and GVROs have very different purposes and frameworks, although both of these processes involve assessments about whether a person poses a danger to themselves or others:

- Involuntary mental health holds are designed to get people with severe mental illness and/or severe substance use disorders evaluated and into treatment when they are unable to accept treatment of their own volition.<sup>135</sup> **These processes are not designed to protect the public from individuals exhibiting dangerous behaviors driven by factors other than mental health or substance use disorders and they are not designed to assess risks with firearms in particular.**
- The GVRO process is designed to address access to firearms when individuals engage in dangerous behaviors that may or may not have any connection to a mental illness or substance use. The GVRO is designed to address firearm access only and does not connect a respondent to any services, care, or treatment.

133 See Penal Code, § 136.2(a)(1)(G)(ii).

134 See Family Code, §§ 6380(b), Penal Code, § 18115.

135 California Firearm Violence Research Center, BulletPointsProject, "Mental Health Holds" (last accessed Feb. 23, 2026), at [www.bulletpointproject.org/mental-health-holds/](http://www.bulletpointproject.org/mental-health-holds/)

i. Background on involuntary mental health holds.

Pursuant to section 5150 of the Welfare and Institution Code (WIC), peace officers and certified mental health professionals can take a person into custody, or cause them to be taken into custody, in a designated inpatient mental health care facility for up to 72 hours for assessment, evaluation, and crisis intervention, if there is probable cause to believe that the person is:

- A danger to themselves as a result of a mental health disorder;
- A danger to others as a result of a mental health disorder; or
- “Gravely disabled” (meaning they are unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care) as a result of a mental health disorder and/or a severe substance use disorder.<sup>136</sup>

WIC section 5585.50 outlines a similar mental health hold process for minors who are a danger to self or others or gravely disabled as a result of a mental health disorder, and WIC section 5200 outlines a process for courts to receive petitions and issue orders for a court-ordered mental health hold and evaluation.

These involuntary holds lead to an evaluation and assessment. Mental health professionals must determine within 72 hours whether it is necessary to involuntarily “admit” the person to a designated mental health facility for further evaluation and treatment.<sup>137</sup> Within 72 hours, the person must generally be released, sign in as a voluntary patient, or be involuntarily admitted to the mental health facility either for dangerousness to self or others or grave disability.<sup>138</sup>

Studies have shown that serious mental illness is a major risk factor for suicide and that people with serious mental illness are somewhat more likely to commit interpersonal violence, but a large majority of people with serious mental illness are not violent towards others; researchers have estimated that “only a minority (perhaps 20%) of mass shooters have been diagnosed with a serious mental illness[.]”<sup>139</sup> However, by definition, involuntary mental health holds involve concern that a person poses a significant danger to themselves or others, or has conditions that severely impair their judgement or ability to be safe, meaning that in crisis circumstances warranting an involuntary mental health hold, officers should also frequently consider requesting a GVRO to prevent dangerous firearm possession and/or acquisition.

ii. When mental health holds result in firearm prohibitions.

People detained on involuntary mental health holds become categorically prohibited from possessing or acquiring firearms after discharge in *some* circumstances, but many individuals detained on these holds do not. Without a GVRO, these individuals would be able to pass firearm-related background checks, even if they are a very significant danger of firearm violence, suicide, or other injury. Understanding when mental health holds result in firearm prohibitions can be a source of common confusion, but can be important for evaluating whether a GVRO may be necessary.

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136 See Welfare and Inst. Code, §§ 5008 (definitions), 5150, et seq.; Code Regs., tit. 9, § 881(m) (defining “mental disorder” and “mental health disorder”); California Firearm Violence Research Center, BulletPointsProject, “Mental Health Holds” (last accessed Jun. 3, 2025), at [www.bulletpointsproject.org/mental-health-holds/](http://www.bulletpointsproject.org/mental-health-holds/).

137 See id.

138 See Welfare and Inst. Code, § 5152(b).

139 Id. (citing Jennifer Skeem and Edward Mulvey, “What role does serious mental illness play in mass shootings, and how should we address it?,” *Criminology & Public Policy*, 19(1) (Dec. 16, 2019), at <https://onlinelibrary.wiley.com/doi/10.1111/1745-9133.12473>).

Officers can determine whether a GVRO may be necessary in these cases by understanding the following six points, discussed in more detail below:

- Law enforcement may *temporarily* seize firearms for safekeeping during the 5150 or other mental health hold.
- If a person signs in to the mental health facility as a voluntary patient, no firearm prohibition results after discharge.
- If, after an evaluation in an Emergency Department or Crisis Unit, a person is released instead of involuntarily admitted, no firearm prohibition results after discharge.
- If the person is involuntarily admitted for dangerousness, they become subject to a 5-year firearm prohibition (or lifetime in some cases).
- If the person is involuntarily admitted for grave disability, no firearm prohibition results unless the person is then also certified for intensive treatment through a court hearing.
- WIC 8102(c) petitions do *not* lead to any legally enforceable firearm prohibitions, and are inadequate to address dangerous access to firearms.

(1) Law enforcement may temporarily seize firearms for safekeeping during the 5150 or other mental health hold:

When a person is detained on a 5150 or other involuntary mental health holds, California law generally directs officers to *temporarily* seize for safekeeping any firearms or other deadly weapons that the person owns or is found to have in their possession or control, pursuant to a consensual search, search warrant, or other lawful search and seizure.<sup>140</sup> This provides officers with authority to temporarily take the person's firearms into custody without a GVRO until the person is discharged from the mental health facility.

(2) If a person signs in to the mental health facility as a voluntary patient, no prohibition results after discharge:

If a person detained on a mental health hold signs in to the mental health facility as a voluntary patient, they will generally not become subject to firearm prohibitions after they are discharged, unless they attempt to leave and terminate care and the mental health facility decides to initiate an involuntary admission or certification at that point.<sup>141</sup>

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140 Welfare and Inst. Code, § 8102(a), Penal Code, § 1524. See also, Welfare and Inst. Code, § 8100(a) (prohibiting individuals from possessing, purchasing, receiving, or having custody or control of firearms or deadly weapons while they are receiving voluntary or involuntary inpatient treatment at a mental health care facility for danger to self or others); Welfare and Inst. Code, § 8100(e) and Penal Code, § 16590 (defining "deadly weapon").

141 California law generally prohibits a person from possessing, purchasing, or attempting to acquire firearms if they are currently receiving inpatient psychiatric treatment, including on a voluntary basis, *if* the attending health professional primarily responsible for the person's mental health treatment determines that they are a danger to self or to others as a result of a mental health disorder. Law enforcement officers are authorized to *temporarily* seize for safekeeping any firearms or other deadly weapons the person owns or is found to have in their possession or control while they are receiving voluntary inpatient treatment for dangerousness to self or others. But that individual receiving voluntary treatment would generally regain their legal ability to possess and acquire those and other weapons upon being discharged from the mental health facility. See Welfare and Inst. Code, §§ 8100(a), (e); 8102(a); 8103(f), (g); 5250(c); Penal Code, §§ 16590. See also, Welfare and Inst. Code, § 8100(a) (prohibiting individuals from possessing, purchasing, receiving, or having custody or control of firearms or deadly weapons while they are receiving voluntary or involuntary inpatient treatment at a mental health care facility for danger to self or others); Welfare and Inst. Code, § 8100(e) and Penal Code, § 16590 (defining "deadly weapon").

If a person is a significant danger but has consented to voluntary admission, officers should consider whether a GVRO may be necessary to address the person’s dangerous access to firearms.

- (3) If, after an evaluation in an Emergency Department or Crisis Unit, the person is released instead of involuntarily admitted, no firearm prohibition results after discharge:

If, within the 72-hour hold period, evaluating mental health professionals determine that the person does *not* meet criteria for involuntary admission to the mental health facility, the person will be released from the Emergency Department or Crisis Unit without becoming subject to any subsequent firearm prohibition.<sup>142</sup> Upon discharge, that individual would generally be able to request that the law enforcement agency return any seized weapons and could pass firearm-related background checks to purchase other firearms and ammunition.<sup>143</sup>

**Note that individuals may be very dangerous to themselves or others, even if they are not involuntarily admitted for dangerousness.** The mental health facility has authority to involuntarily admit a person for dangerousness *only* if that person refuses voluntary treatment and is found to be a danger to themselves or others *as a result of a mental health disorder*. A person may be a significant danger of causing injury with firearms for many other reasons, like antisocial behavior, alcohol or substance abuse, intellectual disability, in response to a sudden loss, or due to abusive, conspiratorial, misogynistic, vengeful, terroristic, or hate-motivated objectives.<sup>144</sup> The young man who perpetrated the Parkland, Florida school shooting described above exhibited many warning signs that he was on a very dangerous pathway to gun violence, and reportedly received mental health counseling and medication, but mental health professionals had reportedly determined twice that he did not meet criteria for involuntary admission to a mental health facility under processes similar to the 5150.<sup>145</sup>

Additionally, even if mental health professionals determine that a person meets the criteria for an involuntary admission for danger to self or others as a result of a mental health disorder, they are authorized but not required to involuntarily admit that person. In some situations, mental health professionals may determine that admission is not the best course of care and treatment for that individual, in which case a person found to be a significant danger to themselves or others as a result of a mental health disorder may be discharged without an involuntary admission.

In other words: many people who are in crisis and exhibiting dangerous or suicidal behaviors are not involuntarily admitted following a 5150 or other mental health hold, and would be able to purchase and possess firearms—including some individuals who are dangerous to self or others due to mental illness and many others who are dangerous for other reasons.

- (4) If the person is involuntarily admitted for dangerousness, they become subject to a 5-year firearm prohibition (or lifetime in some cases):

If evaluating mental health professionals determine that a person detained on a mental health hold meets criteria for involuntary admission to the mental health facility, and the person has not signed in as a voluntary patient, this involuntary admission prohibits the person from possessing or acquiring firearms for at least five years under California law, *if the person is admitted for dangerousness to*

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142 See Welfare and Inst. Code, § 8103(f); see also, §§ 5151, 5152, 8100, 8102.

143 Id.

144 See Welfare and Inst. Code, §§ 5150, et seq., 5008 (definitions); California Firearm Violence Research Center, BulletPointsProject, “Mental Health Holds” (last accessed Jun. 3, 2025), at [www.bulletpointproject.org/mental-health-holds/](http://www.bulletpointproject.org/mental-health-holds/).

145 See Tim Craig, “Mental-health counselors twice advised against committing Nikolas Cruz before school shooting, records show,” *The Washington Post* (Mar. 19, 2018), [www.washingtonpost.com/national/florida-law-that-forces-mental-health-treatment-faces-new-scrutiny-after-parkland-school-shooting/2018/03/18/cd7376c2-262a-11e8-874b-d517e912f125\\_story.html](http://www.washingtonpost.com/national/florida-law-that-forces-mental-health-treatment-faces-new-scrutiny-after-parkland-school-shooting/2018/03/18/cd7376c2-262a-11e8-874b-d517e912f125_story.html).

*self or others* as a result of a mental health disorder (as opposed to admission for grave disability).<sup>146</sup> Individuals involuntarily admitted two or more times within the same one-year period will generally become subject to lifetime instead of five-year firearm prohibitions, if these involuntary admissions were for danger to self or others as a result of a mental health disorder.<sup>147</sup>

(5) If the person is involuntarily admitted for grave disability, no firearm prohibition results, unless the person is then also certified for intensive treatment through a court hearing:

If a person is involuntarily admitted because they are “gravely disabled” due to a mental health and/or severe substance abuse disorder, instead of danger to self or others, this “gravely disabled” admission will generally *not* result in a firearm prohibition after discharge, unless the person is subsequently involuntarily ordered by a court to stay under the mental health facility’s care after a certification review hearing.<sup>148</sup>

A person certified for involuntary intensive treatment—for dangerousness to self or others *or* for grave disability—is generally prohibited from possessing firearms for five years under California law, and for life under federal law.<sup>149</sup> However, as California mental health experts have noted:

Because of variations in each county’s system and practices, these [certification] court hearings may happen days or even weeks after the 5150 was originally applied. Many patients are treated and discharged before reaching that point, regardless of how ill or potentially dangerous they were on initial presentation.<sup>150</sup>

Officers should consider requesting a GVRO if a person poses a significant danger of causing injury with firearms, was involuntarily admitted for being “gravely disabled,” and was then discharged without being certified for intensive treatment through a court hearing. A person may be a significant danger of causing injury with firearms if their mental condition or alcohol or substance abuse impairs their judgement, impulse control, or ability to lawfully and safely use firearms.<sup>151</sup>

(6) WIC 8102(c) petitions do not lead to any legally enforceable firearm prohibitions, and are inadequate to address dangerous access to firearms.

If a person is discharged from the mental health facility, and has not become subject to firearm prohibitions, they may file a “law enforcement release” application requesting the return of any weapons that law enforcement officers seized for safekeeping during the mental health hold.<sup>152</sup>

In these circumstances, a largely outdated process in Welfare and Institutions Code section 8102(c) authorizes law enforcement agencies to petition courts for authority to retain custody of *these specific weapons* only based on evidence of dangerousness.<sup>153</sup> If, after a hearing, the court determines that

146 See Welfare and Inst. Code, § 8103(f); see also, §§ 8100, 8102; California Firearm Violence Research Center, BulletPointsProject, “Mental Health Holds” (last accessed Jun. 3, 2025), at [www.bulletpointsproject.org/mental-health-holds/](http://www.bulletpointsproject.org/mental-health-holds/).

147 See Welfare and Inst. Code, § 8103(f)(1)(B).

148 Under California law, a 5-year firearm prohibition would attach to a person certified for intensive treatment due to being gravely disabled as a result of a mental health disorder or chronic alcoholism; under federal law, a firearm prohibition would also generally attach to a person who has been considered to have been “committed to a mental institution” as a result of this commitment hearing proceeding. See Welfare and Inst. Code, §§ 8103(e) - (g); 18 U.S.C. §§ 922(g)(4); 27 C.F.R. § 478.11; see also, Welfare and Inst. Code, §§ 5250, 5260, 5270.15, 8100, 8102; California Firearm Violence Research Center, BulletPointsProject, “Mental Health Holds” (last accessed Jun. 3, 2025), at [www.bulletpointsproject.org/mental-health-holds/](http://www.bulletpointsproject.org/mental-health-holds/).

149 See *id.*

150 BulletPointsProject, “Mental Health Holds” (last accessed Jun. 3, 2025), at [www.bulletpointsproject.org/mental-health-holds/](http://www.bulletpointsproject.org/mental-health-holds/).

151 See Penal Code, § 18155(b)(2)(F).

152 See Pen. Code, §§ 33850 – 34010.

153 See Welfare and Inst. Code, § 8102(c) – (h). The law enforcement agency must file this petition within 30 days of the

returning those weapons “would be likely to result in endangering the person or others,” the court may issue an order authorizing the law enforcement agency to destroy those weapons or facilitate their sale or transfer to a licensed firearms dealer.<sup>154</sup>

**However**, this WIC 8102(c) process—created decades before the GVRO existed—is much more limited than a GVRO and can be a source of dangerous confusion. When the court grants a WIC 8102(c) petition based on evidence of dangerousness, that court order concerns the return of specific weapons only, and does **not**:

- Create any legally enforceable firearm prohibition;
- Prohibit the individual from possessing or acquiring other firearms and ammunition;
- Prevent the individual from passing firearm-related background checks; or
- Prohibit other people from transferring firearms to the individual.

If officers believe it would be dangerous to return firearms to a person released from a mental health hold, officers should request a GVRO or pursue other safety interventions to prevent that person from possessing or acquiring *any* firearms and ammunition, and from passing firearm-related background checks.

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person’s release from the mental health care facility, and must present evidence that returning the firearm to the individual “would be likely to result in endangering the person or others[.]”

154 Welfare and Inst. Code, § 8103(h).

**Quick Reference Guide:  
Firearm Prohibitions Following Mental Health Holds**

**Person detained on mental health hold**  
(up to 72 hours for involuntary assessment, evaluation, and crisis intervention)  
*Law enforcement may temporarily seize firearms for safekeeping*



<p>Signs in as <b><u>voluntary patient</u></b> = <i>No firearm prohibition after discharge</i></p>	<p>Assessed &amp; <b><u>discharged</u></b> without involuntary admission = <i>No firearm prohibition after discharge</i></p>	<p>Assessed &amp; involuntarily <b><u>admitted for dangerousness to self or others</u></b> due to mental health disorder = <i>5-year firearm prohibition (or lifetime if admitted twice in one year for dangerousness)</i></p>	<p>Assessed &amp; involuntarily <b><u>admitted for being gravely disabled</u></b> due to mental health or substance use disorder = <i>No firearm prohibition after discharge, unless certified for intensive treatment</i></p>
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**If an individual exhibiting dangerous behavior is not subject to firearm prohibitions after discharge, law enforcement officers can consider:**

- GVRO**

- Prohibits individual from possessing, accessing, purchasing, or acquiring **any** firearms, ammunition, or related items while GVRO is in effect, **including but not limited to**, weapons already seized.
  
- WIC 8102(c) Petition**

- Authorizes LEA to retain specific weapons already seized.
  - No other firearm or ammunition restrictions: individual could pass background checks to purchase other firearms and ammunition.



## Part 5. Ensuring the Court Can Proceed with GVRO Hearings

California law requires law enforcement agencies' GVRO policies to include standards and procedures for determining if a respondent subject to a short-term Emergency or Temporary GVRO continues to present "an ongoing increased risk for violence." In such cases, the law emphasizes "the responsibility of officers to attend [GVRO] hearings and diligently participate in the evidence presentation process" to obtain GVROs After Hearing or Consent lasting for up to five years.<sup>155</sup>

To obtain longer-term GVROs, officers must ensure courts can proceed with GVRO hearings by filing proof-of-service forms with the court verifying that respondents received notice of the GVRO hearing in a timely manner. Additionally, representatives for the petitioning law enforcement agency must attend the GVRO court hearing, along with any required witnesses. Failure to satisfy these requirements can have serious safety consequences by causing courts to delay or cancel GVRO hearings and dismiss GVRO cases against dangerous respondents by default.

Officers should request "continuances" to reschedule court hearings when necessary, including if officers have not been able to provide timely notice of the court hearing or if critical witnesses may be unable to attend and testify on the date of the hearing.

### A. Verify that the respondent received timely notice of the GVRO hearing.

To ensure the court can proceed with the GVRO hearing to issue a longer-term GVRO, officers must ensure that the respondent receives timely notice of the court hearing **and** must file proof-of-service forms with the court verifying that this occurred. The GVRO case will likely be dismissed or delayed if the court cannot verify that the respondent received sufficient notice of the hearing.

It can be challenging for officers to navigate this requirement because, depending on the circumstances, there are three different notice forms, processes, and timelines required for petitioners to verify that the respondent received timely notice of the GVRO hearing.

These three processes are described below.

#### 1. For the Standard Court Petition GVRO pathway:

After receiving the GV-100 GVRO petition, the court will schedule a hearing and record the date, time, and location of that hearing on the GV-109 Notice of Court Hearing Form. The GV-109 must generally be personally served on the respondent by the law enforcement agency petitioner or other authorized process servers.<sup>156</sup>

To proceed with the court hearing, the court must receive a GV-200 Proof-of-Service Form proving that the respondent received timely notice of the GV-109 and other required documents at least five days before the scheduled hearing, unless the court granted a petitioner's request to serve these GVRO court documents with less than five days' notice.<sup>157</sup>

<sup>155</sup> Penal Code, § 18108(c)(1), (2), (3), (7).

<sup>156</sup> Other required forms are listed on the GV-109 "Service of Documents on Respondent" section and include a file-stamped copy of the GV-100 (*Petition for GVRO*) requesting a GVRO against the respondent; a blank GV-120 (*Response to Petition for GVRO*) to be used by the respondent to respond to the petition; a GV-120-INFO form providing guidance to the respondent about responding to the GVRO petition, a blank GV-125 form (*Consent to GVRO and Surrender of Firearms*) to be used by the respondent if they wish to indicate that they consent to the GVRO; and any other forms specified on the GV-109.

<sup>157</sup> See GV-200-INFO form ("What is 'Proof of Personal Service?'"), at <https://courts.ca.gov/sites/default/files/courts/>

- Quick summary:
  - *GV-109 form provides notice of court hearing. (Must generally be served on respondent at least 5 days before hearing unless court granted alternative timeline for service).*
  - *GV-200 proof-of-service form must be filed with court to prove respondent received GV-109 in timely manner (generally at least 5 days before hearing).*

## **2. For the Emergency GVRO pathway, if the hearing was scheduled by judicial officer issuing the Emergency GVRO:**

If the judicial officer issuing the Emergency GVRO specified the date, time, and location for the GVRO court hearing when issuing that order, the law enforcement officer requesting the Emergency GVRO must record that hearing information on the EPO-002 Emergency GVRO form (under Item 4, “Court Hearing”). When the officer serves the EPO-002 on the respondent, that form will therefore provide the respondent with immediate notice of both the Emergency GVRO and the scheduled court hearing.

To proceed with the court hearing, the court must receive a properly completed copy of the EPO-002 proving that the respondent received timely notice of the court hearing. This form must be filed with the court within three court days after issuance, and within one day of service.

- Quick summary:
  - EPO-002 provides notice of court hearing.
  - Copy of EPO-002 must be filed with court within 3 court days after issuance to prove respondent received notice.

## **3. For the Emergency GVRO pathway, if the hearing was NOT scheduled by the judicial officer issuing the Emergency GVRO:**

If the judicial officer issuing the Emergency GVRO did **not** specify the date, time, and location for the GVRO court hearing when issuing that order, the EPO-002 will not be able to provide notice of the court hearing. In this case, the law enforcement officer requesting the Emergency GVRO should check the box on the EPO-002 (under Item 4, “Court Hearing”) to indicate that the court will schedule a hearing within 21 days.

The officer must serve the EPO-002 Emergency GVRO form on the respondent to provide notice of the Emergency GVRO, and must file a copy of the EPO-002 with the court within three court days after the Emergency GVRO was issued.

If the court receives a copy of the EPO-002 within three court days after issuance, the court will schedule a court hearing and mail all parties a GV-009 form to provide notice of the court hearing. (The GV-009 is called the “Notice of Court Hearing following EPO-002” form).

- Quick summary:
  - *Copy of EPO-002 must be filed with court within 3 court days after issuance*
  - *Upon receiving copy of EPO-002, court mails GV-009 to provide notice of hearing to all parties.*

## B. Request to reschedule the GVRO hearing if necessary.

If the respondent has not received notice of the court hearing within the timelines required, the petitioning law enforcement agency should ask the court for a “continuance,” which if granted by the court, reschedules the hearing and keeps any Emergency or Temporary GVRO in effect until the new court hearing date.<sup>158</sup> To request a continuance in a GVRO case, petitioning officers can fill out and file a GV-115 “Request to Continue GVRO Court Hearing” form. The court may grant a requested continuance for “good cause.”<sup>159</sup>

## C. Attend the hearing, in person or remotely.

Ensuring that the petitioning law enforcement agency and witnesses will be available to attend and participate at the GVRO hearing may require advanced coordination and approvals pursuant to agency policies when officers have other assigned duties. This can be critical in GVRO cases because the court will likely dismiss the GVRO case if officers or counsel representing the petitioning law enforcement agency do not attend the court hearing. If this happens, a dangerous respondent would regain their legal ability to keep, possess, and acquire firearms by default simply because of the agency’s non-appearance. If officers believe they or other crucial witnesses will not be available to attend the scheduled court hearing, they should consider requesting a continuance.<sup>160</sup>

Officers may also consider requesting to participate in the hearing remotely (such as through videoconference). California law states that petitioners, witnesses, and respondents in a GVRO case (and most other civil protection and restraining orders) may participate in the hearing remotely.<sup>161</sup> Parties must generally provide the court with advance notice if they intend to do so. Each county’s superior court is required to have a local rule and instructions for requesting to appear remotely in a GVRO hearing, which must be posted on the superior court’s website.<sup>162</sup> (To find the court’s website, visit [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm)).

There can be significant safety consequences if petitioners fail to appear at the hearing. California Firearm Violence Research Center researchers published case details for GVRO cases that show the potential consequences for failure to appear. The study reported:

A woman contacted the police to report that the previous evening her intimate partner, a 32-year-old man who lived with her and her 22-month-old son, had stated that he slapped the child while she was at work, leaving red marks on the child’s face. The woman left with the child and presented to the police station the following morning for an interview. She reported more than 10 prior similar events. That morning, she received text messages from the subject, including, “I promise you. If something, or anything happens to me or my things, I will be karma. And I will come back 10 fold on anybody and everybody,” and “I don’t want to shoot or kill anybody. But I’m promising you if something does happen. And if I pull the trigger on one person. I’m not stopping there until I’m caught.” The woman was aware that the subject owned an AR-type rifle, an AK-type rifle, a .22-caliber rifle, and 2 semiautomatic pistols.

Law enforcement officers obtained an Emergency Protective Order that day, and a Temporary GVRO five days later, but a judge “dismissed the matter three weeks later at a [GVRO] hearing that the petitioning law enforcement agency did not attend.”<sup>163</sup>

158 See Penal Code, § 18195; GV-200-INFO form (section on Page 2 of this form: “What happens if I can’t get the orders served before the hearing date?”).

159 Id.

160 Penal Code, § 18195.

161 Penal Code, § 18123.

162 Id.

163 See Dr. Garen Wintemute, *et al.*, “Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series,” *Annals of Internal Medicine* (Aug. 20, 2019), [www.acpjournals.org/doi/10.7326/M19-2162](http://www.acpjournals.org/doi/10.7326/M19-2162).

With preparation and prompt action to serve notice forms and file forms with the court, officers can ensure the court will be able to proceed with a GVRO hearing, hear from necessary witnesses, and issue GVROs to protect public safety. Appendix D of this report provides a Best Practices Checklist for law enforcement officers to use to prepare for the court hearing and satisfy these requirements.



## Part 6. Serving and Enforcing GVROs

For a GVRO to be enforced, the respondent must receive notice of the order and its requirements. This can occur when the respondent is present in court (physically or through a remote appearance) and the judge notifies them about the GVRO at that time. If the respondent does not receive notice through physical or remote presence in court, they must generally receive notice by being personally “served” with a copy of the GVRO and other court documents, either by a law enforcement officer, a professional process server, or an adult who is not a party in the case.<sup>164</sup> The law enforcement agency that petitioned for the GVRO may serve that GVRO.<sup>165</sup>

Respondents are sometimes served with notice about an Emergency or Temporary GVRO at the same time that they are served with notice of a subsequent GVRO court hearing, such as if an officer serves an EPO-002 Emergency GVRO that provides the respondent with information about the GVRO and the scheduled court hearing on the same form, or if officers simultaneously serve a Temporary GVRO and a GV-109 form providing notice of the subsequent GVRO court hearing. In other circumstances, officers may be serving a hearing notice or GVRO order only, such as when serving notice of a GVRO After Hearing that was issued after a scheduled court hearing the respondent did not attend.

Sheriffs frequently serve court protection and restraining orders in California, upon receiving forms from petitioners requesting service.<sup>166</sup> However, other law enforcement agencies can, and in some cases must, serve GVROs obtained by that agency as well. Note that, while generally applicable rules of civil court procedure state that the person serving notice of a court order must not be the petitioner, **this does not apply to law enforcement agencies that petition for GVROs**; again, law enforcement agencies are specifically authorized to serve GVROs they petitioned for, and are in some cases required to do so.<sup>167</sup>

Importantly, officers serving GVROs from any agency are also required to take a number of steps described below to ensure the order is effectively enforced, including by ensuring that the order is promptly recorded as served in the California Restraining and Protective Order System (CARPOS)<sup>168</sup> via CLETS, and that proof-of-service forms are completed and filed with the court. After serving a GVRO, law enforcement officers are required to ensure their agency directly updates CARPOS via CLETS to record the GVRO as served within one business day of service.<sup>169</sup> Officers also have critical responsibilities to enforce GVROs by ensuring that a GVRO respondent is promptly separated from any firearms and related items they may already possess or control, immediately at the time of service or as quickly as possible thereafter.

Challenges in effectuating and documenting service are one of the leading obstacles to GVRO implementation and enforcement. Officers should prioritize service and consult check-list guides to

<sup>164</sup> Penal Code, §§ 18140, 18160(b), 18197; GV-200; EPO-002.

<sup>165</sup> Id.

<sup>166</sup> GVRO petitioners may request that a county sheriff’s office serve a GVRO for free by submitting a completed SER-001 Form (“Request for Sheriff to Serve Court Papers”) to the sheriff’s office. This form is available at [www.courts.ca.gov/documents/ser001.pdf](http://www.courts.ca.gov/documents/ser001.pdf). New state laws also expand mandates for nearly all law enforcement agencies to ensure Domestic Violence Restraining Orders and other firearm-prohibiting protection and restraining orders are promptly served and enforced, upon receiving a petitioner’s request for service. See AB 818 (Petrie Norris, 2023); SB 899 (Skinner, 2024); AB 451 (Petrie-Norris, 2025); Fam. Code, § 6383 (eff. Jan. 1, 2024); Code of Civ. Proc., § 527.12 (eff. Jan. 1, 2026); Pen. Code, § 13667.

<sup>167</sup> See Penal Code, §§ 18140 (requiring officer who requests an Emergency GVRO to promptly serve that order if the respondent can reasonably be located); 18160 (“An ex parte gun violence restraining order shall be personally served on the restrained person by a law enforcement officer, or by a person as provided in Section 414.10 of the Code of Civil Procedure, if the restrained person can reasonably be located.”) (emphasis added); 18197 (stating same for GVROs After Hearing or Consent). See also, GV-200 (Notice to Server stating “The server must . . . Not be the petitioner unless the Petitioner is a law enforcement officer.”).

<sup>168</sup> CARPOS is the California Restraining and Protective Order System, a repository of information about court protection and restraining orders reported by courts and law enforcement agencies to the California Department of Justice.

<sup>169</sup> Penal Code, § 18115(e)(1).

ensure all steps are timely completed *and* documented in both court and law enforcement record systems. For additional guidance, see the Best Practice Checklists in the Appendix.

## **A. Accomplish service and timely inform the respondent about the order and any scheduled court hearing.**

Unless the respondent received notice of a GVRO through physical or virtual presence in court, officers must ensure the respondent is promptly and safely served with GVRO forms, hearing notices, and other required forms.<sup>170</sup> (See Appendix A for a list of court forms used in GVRO cases). Many Emergency GVROs are served immediately at the scene when officers obtain the GVRO while responding to a call for assistance involving the respondent. Serving other GVROs outside of court can sometimes present more logistical challenges and potential safety concerns.

- For an Emergency GVRO, the respondent must receive a copy of the EPO-002 with the form's proof-of-service section properly completed and signed. The officer serves one copy of the EPO-002 on the respondent, retains one copy for their agency, and must promptly file a copy with the court as soon as practicable and no later than three court days after issuance.

When serving the Emergency GVRO, it is a best practice to also provide the respondent with a GV-800 Receipt Form to be used to document any firearms and other prohibited items relinquished by the respondent, and with a GV-800-INFO court form that provides information about how to comply with these requirements.

- For a Temporary GVRO, the respondent must generally receive all of the following:
  - A court file-stamped copy of the GV-100 GVRO Petition submitted by the petitioner.
  - A court file-stamped copy of the GV-109 (Notice of Court Hearing form).
  - A court file-stamped copy of the Temporary GVRO order (GV-110), if granted.
  - A blank GV-120 form (Response to Petition for GVRO) to be completed by the respondent.
  - A blank GV-120-INFO form (guidance for respondent on completing the GV-120).
  - A blank GV-125 form (Consent to GVRO and Surrender of Firearms) to be completed and submitted by respondent if the respondent wishes to consent to and not contest the GVRO.
  - Any other forms or documents ordered by the court.
  - It is a best practice to also provide the respondent with a GV-800 Receipt Form to be used to document any firearms and other prohibited items relinquished by the respondent, and with a GV-800-INFO court form that provides information about how to comply with these requirements.
- For a GVRO After Hearing/Consent, the respondent must generally receive:
  - A court file-stamped copy of the GVRO order (either a GV-030, GV-130, or GV-730 form).<sup>171</sup>
  - A blank GV-600 form (Request to Terminate GVRO).

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<sup>170</sup> Penal Code, §§ 18140, 18160(b), 18197.

<sup>171</sup> The GV-030 is a GVRO After Hearing/Consent following an EPO-002 Emergency GVRO. The GV-130 is a GVRO issued following a standard GV-100 GVRO petition. The GV-730 is a GVRO issued following a petitioner's request to renew an expiring GVRO After a Hearing or Consent. See Appendix A for a list of these and other GVRO court forms.

- It is a best practice to also provide the respondent with a GV-800 Receipt Form to be used to document any firearms and other prohibited items relinquished by the respondent, and with a GV-800-INFO court form that provides information about how to comply with these requirements.

## **B. Ensure service is documented in both court and law enforcement record systems.**

If law enforcement officers successfully serve GVROs, they must complete proof-of-service forms verifying that the respondent received notice of the GVRO and subsequent court hearings, and must ensure these forms are promptly filed with the court. Officers must also ensure that service information is promptly recorded in the law enforcement CARPOS database via CLETS.

These proof-of-service steps ensure that GVRO hearings are not cancelled or postponed, that the GVRO is enforceable by law enforcement nationwide, and that records of the GVRO are flagged in firearm-related background checks.

- **For Emergency GVROs:** The Emergency GVRO EPO-002 form includes a proof-of-service section at the bottom. The officer who obtains the Emergency GVRO must ensure a copy of the EPO-002 is filed with the court “as soon as practicable” and no more than three court days after issuance of the GVRO, and within one business day of service.<sup>172</sup> The officer serving the order must also ensure that their agency enters information about the Emergency GVRO and service of the GVRO in the CARPOS database via CLETS within one business day.<sup>173</sup>
- **For Temporary GVROs and GVROs After Hearing/Consent:** The GV-200 form is used to document proof-of-service for Temporary GVROs and GVROs After Hearing/Consent. The officer who serves these GVROs must ensure a completed GV-200 is promptly filed with the issuing court within one business day of service.<sup>174</sup> The officer must also ensure that their agency enters information documenting service of the Temporary or GVRO After Hearing/Consent in the CARPOS database via CLETS within one business day of service by law enforcement.<sup>175</sup>

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172 Penal Code, § 18140(c). If the court does not receive proof of service within three court days after issuance, it may be unable to set a hearing, if a hearing was not scheduled at the time the Emergency GVRO was issued; without proof of service, the court may also postpone or cancel any hearing previously scheduled.

173 Penal Code, §§ 18115(e), 18140(d).

174 Penal Code, §§ 18140(c); 18115 (e)(1). See also, Penal Code, § 13667(d).

175 Penal Code, §§ 18115(e), 18140(d). See also, Penal Code, § 13667(d).

**Quick Reference Guide:  
Documenting Service of GVROs and GVRO Hearing Notices**

**For Emergency GVROs:**

If judicial officer  
schedules hearing when  
issuing Emergency  
GVRO

Notice to respondent:

Law enforcement officer records hearing info on EPO-002 form and serves EPO-002 on respondent to provide notice of the GVRO **and** the court hearing.

Proof of service for the court:

Law enforcement agency files copy of the EPO-002 with the court within 3 court days to prove respondent received notice of the GVRO **and** the court hearing.

Proof of service for law enforcement:

Law enforcement agency reports Emergency GVRO in CARPOS (via CLETS) and records the order as served within one business day.

If judicial officer does NOT  
schedule hearing when  
issuing Emergency GVRO

Notice to respondent:

Law enforcement officer serves the EPO-002 form on respondent to provide notice of Emergency GVRO.

Court will schedule the hearing and mail a GV-009 notice of court hearing form to all parties *\*if\** copy of EPO-002 is filed with the court **within 3 court days after issuance.**

Proof of service for the court:

Law enforcement agency files copy of the EPO-002 with the court within 3 court days after issuance, so court can schedule court hearing.

Proof of service for law enforcement:

Law enforcement agency reports Emergency GVRO in CARPOS (via CLETS) and records the order as served within one business day.

## For Temporary GVROs & GVROs After Hearing:

Court schedules court hearing (GV-109 notice form) & may issue a Temporary GVRO (GV-110 form)

Notice to respondent:

Law enforcement officer serves GV-109 notice of court hearing form, other respondent documents, and Temporary GVRO (if any) at least five days before scheduled hearing (unless alternative timeline for service granted).

Proof of service for the court:

Officer files GV-200 Proof of Service form with the court showing that respondent received notice of the court hearing and any Temporary GVRO in effect.

Proof of service for law enforcement:

Upon service of Temporary GVRO, agency updates CARPOS (via CLETS) within one business day to record the Temporary GVRO as served.

Court issues GVRO After Hearing (GV-030, GV-130, or GV-730)

Notice to respondent:

If respondent received notice through physical or virtual presence at court hearing, additional personal service not required.

If respondent did not receive notice at court hearing, the GVRO After Hearing form must generally be personally served on respondent.

Proof of service for the court:

If personal service required, agency that served the order files GV-200 Proof of Service form with the court showing that respondent received notice of the GVRO.

Proof of service for law enforcement:

If personal service required, agency that serves the GVRO updates CARPOS (via CLETS) within one business day to record the GVRO as served.

If respondent received notice at court hearing, instead of personal service, court must ensure the order is promptly recorded as served in CARPOS.

## C. Facilitate relinquishment of all firearms and prohibited items.

California law requires law enforcement officers serving GVRs to take steps to immediately separate the respondent from any firearms and other prohibited items the respondent has in their possession or control.<sup>176</sup> Doing so quickly and safely at the time of service helps to protect the public and ensure a dangerous individual does not have time to conceal or misuse their weapons after receiving notice of the GVR.

At the time of service, a GVR respondent is required to *immediately* relinquish any firearms and other prohibited items they possess or control in a safe manner *if* an officer requests relinquishment of those items.<sup>177</sup> Law enforcement officers should request relinquishment of all firearms and related items at the time of service for all GVRs, and *must* do so if the court checked a relevant box on the GVR order indicating that the court found the respondent likely possesses firearms or ammunition.<sup>178</sup> The respondent is in violation of the GVR and state law if they refuse to do so upon request.<sup>179</sup> If a law enforcement officer does not serve the order, or does not request or recover the respondent's firearms, the respondent must relinquish any firearms and related items they possess or control within 24 hours of receiving notice of the GVR.<sup>180</sup> They can do so by selling or transferring those items to a licensed firearms dealer or transferring them to law enforcement.<sup>181</sup> Within 48 hours of receiving notice of the GVR, the respondent must then provide signed receipt forms verifying relinquishment compliance to the court that issued the order and the law enforcement agency (if any) that served the order.<sup>182</sup>

### Determine if the respondent has firearms:

Before serving the GVR, officers should seek to determine whether there is credible information from any source indicating that the respondent owns, possesses, or has custody or control of firearms, ammunition, or other prohibited items to relinquish.<sup>183</sup> Officers can check the Automated Firearms System (AFS) through CLETS to determine whether the respondent is recorded as the owner of any legally acquired firearms in that database. Witnesses and other sources may also indicate that the respondent has or controls firearms that are not recorded in AFS, such as illegally made ghost guns or other illegally acquired firearms, long guns acquired before 2014, firearms obtained out of state or through inheritance or family transfers that were not lawfully recorded with California DOJ, or firearms purchased by another person that the respondent effectively possesses or controls. Gathering pre-service information about the respondent's firearm access, if known, can help ensure officer safety and also protect the public by ensuring the respondent relinquishes all of their weapons.

At the time of service, law enforcement officers are required to ask a GVR respondent if they have firearms or other prohibited items in their possession or under their custody or control.<sup>184</sup> Officers serving a GVR are also required to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or otherwise lawful search, as necessary for the protection of the officer or other people present.<sup>185</sup>

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176 Penal Code, § 18120. See also, Penal Code, § 13667(d).

177 Penal Code, § 18120(b)(2).

178 Penal Code, § 18120. See also, Penal Code, § 13667.

179 Penal Code, §§ 18120(b)(2), 18205. See also, Penal Code, §§ 166(a)(4); 1524(a)(14).

180 Penal Code, § 18120(b)(2).

181 Penal Code, § 18120. The respondent may also relinquish ammunition and magazines to a licensed ammunition vendor pursuant to Penal Code section 29830; many but not all licensed ammunition vendors are also licensed firearms dealers.

182 Penal Code, § 18120(b)(2), (3).

183 Penal Code, § 13667(e)(1).

184 Penal Code, § 18160(b). See also, Penal Code, § 13667.

185 Family Code, § 6383(i); Penal Code, § 18250. See also, Penal Code, § 13667(e)(3).

### Inform the respondent about the GVRO:

Officers should seek to employ a warm and de-escalatory ‘knock and talk’ strategy to promote safe compliance, as appropriate for the circumstances.<sup>186</sup> Officers serving and enforcing GVROs can promote safety, compliance, and perceptions of fairness and procedural justice by treating GVRO respondents with calm, respect, and empathy, and by ensuring respondents have a clear understanding about the GVRO process, including its prohibitions, relinquishment requirements, and hearing provisions.<sup>187</sup> At the time of service, officers may emphasize that:

- The GVRO is a temporary order issued by a court.
- The GVRO is not issued to punish past conduct but to prevent future harm based on evidence that a person poses a significant danger of causing injury to themselves or others.
- The respondent can contest the GVRO by filing court forms and/or attending the scheduled court hearing.
- The respondent can file a GV-125 form with the court to consent to the GVRO without a hearing.
- The respondent must immediately relinquish any firearms, ammunition, body armor, ammunition magazines, and firearm precursor parts to the law enforcement agency.
- Compliance with the GVRO is important because it is a crime to possess, control, receive, or attempt to access these items while the GVRO is in effect. In addition to fines or criminal penalties, violations of the GVRO can also result in an additional 5-year prohibition on possessing and acquiring firearms and ammunition.
- Other people may face fines or criminal penalties if they permit the respondent to access *their* firearms or fail to secure firearms kept in a shared residence or location.
- Law enforcement will retain the respondent’s firearms and related items for safekeeping for the duration of the order.
- The respondent can sell or transfer any relinquished items through a licensed firearms dealer while the GVRO is in effect.<sup>188</sup>

Especially when these strategies are employed, respondents often promptly comply with the officer’s request and relinquish firearms and other items.<sup>189</sup> Officers may also consider communicating with the

<sup>186</sup> See Penal Code, § 18108(b)(1).

<sup>187</sup> See Prosecutors Against Gun Violence, “Firearm Removal/Retrieval in Cases of Domestic Violence,” p. 41-42 (Feb. 2016), <https://prosecutorsagv.org/wp-content/uploads/2019/09/pagv-consortium-firearm-removal-retrieval-dv-report.pdf>; National Council of Juvenile and Family Court Judges, “Suggested Components of Law Enforcement Protocols Addressing Firearms in DV Cases,” p. 4 (Mar. 2020), at <https://ncjfcj.org/wp-content/uploads/2023/10/LE-Protocol-Combined-FINAL.pdf>; Johns Hopkins Center for Gun Violence Solutions and Everytown for Gun Safety, “Promising Approaches for Implementing Extreme Risk Laws: A Guide for Practitioners and Policymakers,” p. 31-32 (May 2023), <https://publichealth.jhu.edu/sites/default/files/2023-05/2023-may-cgvs-promising-approaches-for-implementing-extreme-risk-laws.pdf>; Johns Hopkins Center for Gun Violence Solutions, National ERPO Resource Center, “Important Considerations for Law Enforcement in States with Extreme Risk Protection Order (ERPO) Laws,” p. 6 (Jan. 2025), [Law-Enforcement-FAQ-1.14.2025\\_updated.pdf](https://www.law-enforcement-faq.com/1.14.2025_updated.pdf).

<sup>188</sup> See, e.g., King County Chiefs Association and Snohomish County Chiefs Association, “Model Policies and Procedures Covering: Protection Orders, Extreme Risk Protection Orders, and Orders to Surrender Weapons” (Jun. 8, 2018), at [www.waspc.org/assets/ProfessionalServices/modelpolicies/protection%20orders%20orders%20to%20surrender%20weapons%20and%20extreme%20risk%20protection%20orders%20information.pdf](http://www.waspc.org/assets/ProfessionalServices/modelpolicies/protection%20orders%20orders%20to%20surrender%20weapons%20and%20extreme%20risk%20protection%20orders%20information.pdf).

<sup>189</sup> See, e.g., Johns Hopkins Center for Gun Violence Solutions and Everytown for Gun Safety, “Promising Approaches for Implementing Extreme Risk Laws: A Guide for Practitioners and Policymakers,” p. 32 (May 2023), <https://publichealth.jhu.edu/sites/default/files/2023-05/2023-may-cgvs-promising-approaches-for-implementing-extreme-risk-laws.pdf>.

respondent's family or household members before service, and assess whether having them present would promote safety and compliance.<sup>190</sup>

Obtain search warrants if necessary to ensure relinquishment:

Penal Code section 1524 provides specific authority for courts to issue search warrants to seize firearms and ammunition, if a respondent has been lawfully served with the GVRO and fails to comply with relinquishment requirements, including by refusing to relinquish firearms and prohibited items at the time of service to an officer requesting relinquishment.<sup>191</sup> Prior to serving the order, officers may consider requesting an anticipatory warrant authorizing search and seizure of firearms and other prohibited items at the time of service in the event that a GVRO respondent unlawfully refuses to relinquish those items to the officer serving the order.

Penal Code section 1542.5 requires special considerations for officers when executing search warrants to recover firearms and ammunition from a GVRO respondent in a jointly occupied location. This statute *generally* directs officers executing the warrant in a jointly occupied location to take custody of any firearm or other prohibited items discovered pursuant to a lawful search that the respondent owns or has in their possession, custody, or control. However, the statute states that if officers find a firearm or ammunition in the respondent's possession, custody, or control that is owned by a person other than the respondent, the firearm or ammunition should not be seized if **both** of the following conditions are met:

- (1) The firearm or ammunition is removed from the respondent's possession, custody, or control, and stored in a manner that will effectively prevent the respondent from gaining access or control.
- (2) There is no evidence that the owner possesses the firearm or ammunition unlawfully.<sup>192</sup>

Inform the respondent's household members of their obligations:

Officers should ensure the respondent cannot access firearms owned by another person, including in a location that is jointly occupied by the respondent and another person. If the respondent resides with other household members who lawfully own firearms, officers should advise those household members that:

- The respondent is prohibited from accessing firearms, ammunition, and related items while the GVRO remains in effect, and is subject to fines, arrest, and criminal penalties if the respondent accesses firearms owned by any person.
- The respondent's household members may also be subject to fines, arrest, and criminal penalties if they provide the respondent with access to firearms or ammunition, fail to lawfully

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jhu.edu/sites/default/files/2023-05/2023-may-cgvs-promising-approaches-for-implementing-extreme-risk-laws.pdf; Johns Hopkins Center for Gun Violence Solutions, National ERPO Resource Center, "Important Considerations for Law Enforcement in States with Extreme Risk Protection Order (ERPO) Laws," p. 6 (Jan. 2025), Law-Enforcement-FAQ-1.14.2025\_updated.pdf.

190 See, e.g., Johns Hopkins Center for Gun Violence Solutions and Everytown for Gun Safety, "Promising Approaches for Implementing Extreme Risk Laws: A Guide for Practitioners and Policymakers," p. 32 (May 2023), <https://publichealth.jhu.edu/sites/default/files/2023-05/2023-may-cgvs-promising-approaches-for-implementing-extreme-risk-laws.pdf>.

191 Penal Code, §§ 1524(a)(14); 18120.

192 Penal Code, § 1542.5. This statute also states that If a locked gun safe belonging to someone other than the respondent is discovered, officers should not search the contents of the safe unless the owner of the safe consents or there is a valid search warrant for the safe. A search of the safe should be conducted in the owner's presence. Officers should seek consent to access the safe or request a search warrant for the safe pursuant if there is probable cause to believe the respondent owns, possesses, or controls firearms or ammunition in the safe, or is able to unlock the safe to access firearms or ammunition kept in the safe.

securely store their firearms and ammunition to prevent access by the respondent, or otherwise aid and abet a violation of the GVRO.<sup>193</sup>

#### Firearms that cannot be immediately relinquished:

In some cases, a respondent may credibly indicate that they have firearms or other prohibited items at a location other than their primary residence. Officers should work to proactively ensure these items are relinquished promptly and safely within 24 hours, as required by law, in a manner that prevents the respondent from having unsupervised access to these weapons whenever possible, including by coordinating with other law enforcement agencies or the respondent’s family members or support network, as appropriate.<sup>194</sup>

If the respondent credibly asserts that they no longer own, possess, or control firearms identified through a CLETS check of the Automated Firearms System, but the CLETS check contradicts this credible assertion, officers should instruct the respondent to complete and submit to the California Department of Justice a “Notice of No Longer in Possession Form” for each firearm, with supporting documentation and a declaration under penalty of perjury that the respondent no longer possesses the firearm.<sup>195</sup>

This will help ensure that information in the Automated Firearms System is updated and accurate if, for example, the respondent already relinquished all firearms to a law enforcement agency that has not timely reported information about those relinquished firearms into the Automated Firearms System.<sup>196</sup>

### **D. Document firearm relinquishment for both court and law enforcement record systems.**

The law enforcement officer or firearms dealer who takes custody of the respondent’s firearms and related items must issue a signed receipt to the respondent documenting any prohibited items relinquished by the respondent.<sup>197</sup> The GV-800 court form is typically used as the receipt to document firearm relinquishment for the court in GVRO cases. Within 48 hours of being served or notified of the GVRO, the respondent must file this receipt with the court that issued the GVRO and the law enforcement agency, if any, that served the order.<sup>198</sup> The GV-800-INFO court form provides information about how the respondent may comply with these requirements.<sup>199</sup>

When serving an Emergency GVRO, officers are also required to document firearm-related information on the EPO-002 court form about whether firearms were “observed” by the officer, “reported” (by the respondent, the Automated Firearms System, witnesses, or any other sources), “searched for,” and/or “seized” (including through relinquishment compliance). Documenting firearm relinquishment on these forms helps courts proactively identify noncompliance when a respondent illegally retains access to

193 See Pen. Code, §§ 25100 (requiring secure firearm storage to prevent access by prohibited person), 25135 (secure firearm storage in residence with prohibited persons), and 27500 (giving possession or control of firearms to prohibited persons). See also, Pen. Code, §§ 1542.5 (considerations when executing search warrants to recover firearms and ammunition a GVRO respondent can possess or control in a jointly occupied location); 31 (aiding and abetting); 18205 (violations of GVRO).

194 See, e.g., Penal Code, §§ 13667(f); 18120; King County Chiefs Association and Snohomish County Chiefs Association, “Model Policies and Procedures Covering: Protection Orders, Extreme Risk Protection Orders, and Orders to Surrender Weapons” (Jun. 8, 2018), at [www.waspc.org/assets/ProfessionalServices/modelpolicies/protection%20orders%20orders%20to%20surrender%20weapons%20and%20extreme%20risk%20protection%20orders%20information.pdf](http://www.waspc.org/assets/ProfessionalServices/modelpolicies/protection%20orders%20orders%20to%20surrender%20weapons%20and%20extreme%20risk%20protection%20orders%20information.pdf).

195 See Penal Code, § 13667(f). See also, Pen. Code, § 28000(h).

196 Penal Code section 11108.2 generally requires law enforcement agencies to enter or cause to be entered into the Department of Justice Automated Firearms System information about each firearm that has been relinquished to the agency, or seized or recovered for safekeeping by the agency, within seven calendar days.

197 Penal Code, §§ 13667(e)(4); 18120(b)(4).

198 Id.

199 See GV-800-Info Form (“How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, Ammunition, and Magazines”), [www.courts.ca.gov/documents/gv800info.pdf](http://www.courts.ca.gov/documents/gv800info.pdf).

firearms and related items in violation of the GVRO.<sup>200</sup>

Law enforcement agencies must also ensure that firearm relinquishment information is promptly recorded in law enforcement record systems too, by ensuring that the Automated Firearms System (AFS) is updated through CLETS to record any firearms that the law enforcement officer has taken into custody from the respondent.<sup>201</sup> Agencies' failure to timely update this information in AFS, as required by law, too often causes California DOJ and other law enforcement agencies to waste scarce time and investigative resources deploying officers to attempt to recover firearms from potentially dangerous individuals who were already separated from all firearms.

## **E. Monitor for noncompliance and other warning signs of escalating risk.**

Knowing or willful violations of court orders mandating relinquishment of firearms and related items are a significant public safety concern, and may be an indicator of heightened risk. Section 13667(g) of the Penal Code requires law enforcement agencies to develop processes to proactively identify people subject to firearm-prohibiting court protection and restraining orders, including GVROs, "who are illegally armed in violation of the court order and state law," in coordination with court staff and other law enforcement agencies and stakeholders.

Law enforcement officers should proactively verify that GVRO respondents have relinquished all firearms and related items in their possession and control, either immediately to an officer requesting relinquishment or within 24 hours after receiving notice of the order. If there is credible information from any source indicating that the respondent has failed to comply with these requirements, officers should act to quickly facilitate compliance, notify any individuals in danger, and promote accountability as appropriate to address the criminal contempt of court and criminal violation of the GVRO in violation of Penal Code sections 166 and 18205.<sup>202</sup>

Officers can also present evidence of noncompliance to the court and participate in noncompliance review hearings, as necessary. When relevant information is presented to the court at any noticed hearing indicating that a GVRO respondent has possession or control of firearms, the court is required to determine whether the respondent has violated the GVRO, including by scheduling a noncompliance review hearing if necessary where the respondent is required to provide proof of relinquishment compliance.<sup>203</sup>

Upon determining that a respondent has violated the GVRO, courts are required to notify the prosecuting attorney in the jurisdiction where the order was issued and other "appropriate law enforcement officials."<sup>204</sup>

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200 Effective January 1, 2026, a new Penal Code section 18120.5 requires courts to make determinations in certain cases about whether a GVRO respondent has violated relinquishment requirements, and to report that finding to all parties.

201 Penal Code, §§ 13667(e)(5); 11108.2.

202 See Penal Code, § 13667(g).

203 Penal Code, § 18120.5. See also, Penal Code, § 18120(b)(6).

204 Penal Code, § 18120(b)(6).



## Part 7. Renewing GVROs After Hearing/ Consent

Law enforcement agencies who obtain longer-term GVROs After Hearing or Consent should ensure case management systems track when those GVROs are set to expire, so that agencies can file petitions requesting timely renewal of those orders in cases involving persistent danger and necessity.

Penal Code section 18190 authorizes law enforcement, or any other person who is eligible to petition for a GVRO, to request that a court renew a GVRO After Hearing or Consent if that order is currently in effect but set to expire within the next 90 days.<sup>205</sup> A law enforcement agency may request renewal of the GVRO even if that agency did not serve as the petitioner for the expiring GVRO.<sup>206</sup>

If the GVRO has already expired, law enforcement or other petitioners must file a new GVRO petition. The court will not renew a GVRO that has already expired.

The GV-700 court form is used to petition for renewal of an expiring GVRO After Hearing or Consent. The GV-700 asks the petitioner to provide information about why they are requesting renewal of the GVRO. Upon receiving the GV-700 petition form, the court will schedule a hearing, and provide notice of that hearing to all parties through the GV-710 form. On the GV-710, the court will indicate whether the court documents must be personally served on the respondent or whether they may be served by mail instead. After receiving this notice, the respondent may file a GV-720 *Response to Request to Renew GVRO* form either contesting or consenting to renewal of the GVRO.

If the respondent does not consent to renewal of the order, the court must grant the request and renew the GVRO for up to five years, if after a hearing, the petitioner provides clear and convincing evidence that (1) the respondent continues to pose a significant danger of causing personal injury to themselves or others with firearms, and (2) that a GVRO is necessary under the circumstances.<sup>207</sup> The court is required to consider “any evidence of an increased risk for violence” and renews the GVRO for a period between one and five years based on consideration of “the length of time that the circumstances [providing grounds for issuing the GVRO] are likely to continue[.]”<sup>208</sup>

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205 Penal Code, § 18190(a).

206 See Penal Code, § 18190(a); GV-700 court form.

207 Penal Code, § 18190(b), (d), (e).

208 Penal Code, § 18190(c), (f).



## Conclusion

Few headlines are written about shootings prevented, but California has transformed from a state with one of the highest rates of gun violence in the nation to one of the lowest, as detailed in other reports by the Office of Gun Violence Prevention.<sup>209</sup> This did not happen by accident.

California law provides law enforcement officers and community members with vital tools to proactively intervene and prevent violence before it occurs or escalates. Tools like the Gun Violence Restraining Order empower agencies to serve not just as brave responders, but as lifesaving preventers and protectors—applying the principles of behavioral threat assessment and management in practice.

Navigating the GVRO’s civil court process can present new and unique challenges for law enforcement. But with training, leadership support, and sustained partnerships, law enforcement agencies around California have effectively utilized the GVRO to mitigate clear dangers to life and safety in their communities.

Standard checklists can also help officers track and consistently follow the procedural requirements necessary to effectively utilize this process. The Appendices below include checklists to help law enforcement agencies and their legal counsel successfully obtain GVROs through both the Emergency GVRO and GV-100 court petition pathways, prepare for the subsequent court hearing, and effectively serve, record, and enforce GVROs.

The DOJ Office of Gun Violence Prevention encourages law enforcement agencies and their legal counsel to utilize this GVRO Implementation Guide and other resources to support effective use of this critical safety intervention.

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<sup>209</sup> See DOJ Office of Gun Violence Prevention, “Data Report: The Impact of Gun Violence in California” (Aug. 2023), <https://oag.ca.gov/system/files/media/OGVP-Data-Report-2022>.

# Appendix A: List of GVRO Court Forms

## GVRO Court Orders

- 1. EPO-002 (“Gun Violence Emergency Protective Order – CLETS-EGV”)**  
Emergency GVRO court order. Used in Emergency GVRO Pathway in circumstances involving immediate and present danger. Provides notice of an Emergency GVRO and documents proof-of-service for Emergency GVRO. Also provides notice of a subsequent court hearing if the judicial officer granting the request for the Emergency GVRO also provided a date, time, and location for the subsequent hearing.
- 2. GV-110 (“Temporary Gun Violence Restraining Order – CLETS-TGV”)**  
Temporary GVRO court order. Provides notice of a Temporary GVRO.
- 3. GV-116 (“Order on Request to Continue Hearing”)**  
Provides notice that the court has granted the petitioner or respondent’s request to “continue” (reschedule) the GVRO court hearing and extend the duration of any Emergency or Temporary GVRO already in effect.
- 4. GV-030 (“Gun Violence Restraining Order After Hearing on EPO-002 – CLETS-HGV”)**  
GVRO After Hearing/Consent court order. Provides notice of a GVRO After Hearing/Consent issued following an EPO-002 Emergency GVRO. Also documents whether respondent received notice of the GVRO in court or must be personally served with the order.
- 5. GV-130 (“Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order – CLETS-OGV”)**  
GVRO After Hearing/Consent court order. Provides notice of a GVRO After Hearing/Consent issued following a GV-100 petition. Also documents whether respondent received notice of the GVRO in court or must be personally served with the order.
- 6. GV-730 (“Order on Request to Renew Gun Violence Restraining Order”)**  
GVRO After Hearing/Consent court order. Provides notice that a GVRO After Hearing/Consent has been renewed.

## GVRO Petition Forms

- 1. EPO-002 (“Gun Violence Emergency Protective Order – CLETS-EGV”)**  
Emergency GVRO court order. Also documents basis for Emergency GVRO in circumstances involving immediate and present danger. Petitioner files a copy with the court to ensure court can proceed with subsequent GVRO hearing.
- 2. GV-100 (“Petition for Gun Violence Restraining Order”)**  
Used to request GVRO through the standard court petition pathway. Requests hearing to occur within 21 days on request for a GVRO After Hearing/Consent. Provides petitioners with the option to request a Temporary GVRO to last until court hearing. Can be filed in paper or electronic form. (The GV-100-INFO form provides information about how to complete the GV-100).
- 3. GV-700 (“Request to Renew Gun Violence Restraining Order”)**  
Used to request that court renew a GVRO After Hearing/Consent that is currently in effect but set to expire within 90 days. Similar to GV-100 Petition, requests renewal of the GVRO and describes basis for renewing the GVRO.

## Other Forms Used with GVRO Petitions

- 1. CLETS-001 (“Confidential Information for Law Enforcement”)**  
Must be completed by petitioner and submitted with petition for GVRO. Provides information about the case to be reported through CLETS to law enforcement agencies statewide.
- 2. CM-010 (“Civil Case Cover Sheet”)**  
Used as cover sheet when filing civil court case. (Check box for “Other petition (*not specified above*)” under “Miscellaneous Civil Petition”).
- 3. MC-030 (“Declaration”)**  
Used for witness statements or when additional space is needed for petitioner to provide information to the court.
- 4. MC-031 (“Attached Declaration”)**  
Used as attachment for GVRO Petition if petitioner requires additional space to provide information to the court.
- 5. GV-110 (“Temporary Gun Violence Restraining Order – CLETS-TGV”)**  
Temporary GVRO court order. If requesting a Temporary GVRO, the petitioner must follow instructions on the GV-110 to complete certain sections and submit the GV-110 for the court to complete and sign.

## GVRO Hearing Notice Forms

- 1. EPO-002 (“Gun Violence Emergency Protective Order – CLETS-EGV”)**  
Emergency GVRO court order. Provides notice of subsequent court hearing if the judicial officer granting the request for the Emergency GVRO also provided a date, time, and location for the subsequent hearing. If judicial officer did not schedule the hearing when issuing the Emergency GVRO, the EPO-002 notifies respondent that the hearing will be set within 21 days.
- 2. GV-009 (“Notice of Court Hearing” following EPO-002 Emergency GVRO)**  
Provides notice of a pending court hearing in a GVRO case following an Emergency GVRO if the date, time, and location for the hearing was not specified on the EPO-002. Typically mailed by court clerk to both parties, if the EPO-002 did not provide notice of court hearing.
- 3. GV-109 (“Notice of Court Hearing” following GV-100 Petition)**  
Provides notice of a pending court hearing in a GVRO case following a GV-100 Petition. Specifies a minimum number of days before the hearing by which the respondent must be personally served with relevant documents.
- 4. GV-116 (“Order on Request to Continue Hearing”)**  
Provides notice that the court has granted the petitioner or respondent’s request to “continue” (reschedule) the GVRO court hearing and extend the duration of any Emergency or Temporary GVRO already in effect. Provides date, time, and location for rescheduled hearing.
- 5. GV-710 (“Notice of Hearing on Request to Renew Gun Violence Restraining Order”)**  
Provides notice of a pending court hearing regarding a request to renew a GVRO After Hearing/ Consent, and specifies a minimum number of days before the hearing by which the respondent must be served with relevant documents.

## Proof of Service Forms

- 1. EPO-002 (“Gun Violence Emergency Protective Order – CLETS-EGV”)**  
Emergency GVRO court order. Bottom section provides proof-of-service information verifying that respondent was personally served with notice of the Emergency GVRO and the court hearing.
- 2. GV-200 (“Proof of Personal Service” in GVRO case)**  
Used to document that GVRO court documents were personally served on respondent, including GVRO court orders, notices of court hearings, and response documents for respondent. (The GV-200-INFO form provides information about how to complete the GV-200).
- 3. GV-250 (“Proof of Service by Mail” in GVRO case)**  
Used to document that GVRO court documents were served by mail. (Typically used by respondent to verify that petitioner was served by mail with a copy of the GV-120 Response to GVRO Petition and other documents. Generally, a respondent must be personally served (not served by mail) with GVRO orders, petition forms, and notices of court hearings, except if court authorizes alternative methods of service when issuing a GV-710 notice of hearing on a request to renew a GVRO After Hearing/Consent).

## Forms for GVRO Respondents

- 1. GV-120 (“Response to Petition for Gun Violence Restraining Order”)**  
Used by respondent to contest the GVRO Petition and indicate whether they possess or control firearms and related items. (The GV-120-INFO form provides information about how to complete the GV-120).
- 2. GV-125 (“Consent to Gun Violence Restraining Order and Surrender of Firearms”)**  
Used by respondent to indicate that they consent to a longer-term GVRO After Hearing or Consent.
- 3. GV-600 (“Request to Terminate Gun Violence Restraining Order”)**  
Used by respondent to request that court terminate a GVRO early.
- 4. GV-720 (“Response to Request to Renew Gun Violence Restraining Order”)**  
Used by respondent to indicate whether they oppose or consent to a petitioner’s request to renew an expiring GVRO After Hearing/Consent.
- 5. GV-800 (“Receipt for Firearms, Firearm Parts, Ammunition, and Magazines”)**  
Used to document that respondent relinquished firearms and other prohibited items. Law enforcement or licensed firearms dealer sign and list any firearms and related items they received from respondent. Respondent files GV-800 with the court and provides copy to law enforcement agency, if any, that served notice of the GVRO. (The GV-800-INFO form provides information about how to complete and file the GV-800 to demonstrate compliance with the GVRO).

## Other GVRO Forms

- 1. GV-115 (“Request to Continue Court Hearing” in GVRO Case)**  
Used by any party to request that the court reschedule the GVRO court hearing.
- 2. GV-820 (“Prohibited Items Finding and Orders”)**  
Used by court to document the court’s findings related to firearms and other prohibited items, including findings that a person subject to a GVRO has firearms or other prohibited items, set a relinquishment compliance review hearing, provide notice of that hearing, and document findings of noncompliance.

3. **GV-830 (“Noncompliance with Firearms, Ammunition, and Magazines Order”)**  
Notice form alerting law enforcement or prosecuting agency that the court has made a finding of relinquishment noncompliance and that the GVRO has been violated.
4. **GV-840 (“Notice of Compliance Hearing for Firearms, Firearm Parts, Ammunition, and Magazines”)**  
Notice form to be completed by the court to alert respondent that the court has set a relinquishment compliance review hearing, and has made relevant findings that the person has violated relinquishment requirements.

## **Informational Forms About the GVRO**

1. **GV-100-INFO (“Can a Gun Violence Restraining Order Help Me?”)**  
Provides information to prospective petitioners about the GVRO process and petition form.
2. **GV-120-INFO (“How Can I Respond to a Petition for a Gun Violence Restraining Order?”)**  
Provides information to respondents about the GVRO process and how to respond to a GVRO petition.
3. **GV-200-INFO (“What is ‘Proof of Personal Service?’”)**  
Provides information to prospective petitioners about serving GVROs and filing proof-of-service with the court.
4. **GV-800-INFO (“How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?”)**  
Provides information to respondent about how to comply with GVRO relinquishment requirements.

## Appendix B: Checklist for Emergency GVRO Pathway

1. **Consider whether to request an EPO-001 Emergency Protective Order, an EPO-002 Emergency GVRO, or both.** The EPO-001 includes firearm prohibitions and other important protections for victim-survivors but expires within five court days or seven calendar days after issuance. The Emergency GVRO includes firearm prohibitions only, lasts for up to 21 days, and schedules a hearing to request a longer-term GVRO After Hearing/Consent that prohibits firearm access for up to five years. In some cases, agencies request both emergency orders.
  
2. **Obtain the Emergency GVRO.**
  - A. Contact the designated on-duty judicial officer to request the Emergency GVRO.
  - B. Explain why there is reasonable cause to believe that the respondent poses an immediate and present danger of causing personal injury to themselves and/or other people with firearms. (The judicial officer can issue a GVRO whether or not the respondent has any firearms, but make sure to inform the judicial officer if there is credible information from any source indicating that the respondent already has firearms in their possession or control or has attempted to access or acquire them).
  - C. Explain that a GVRO is necessary under the circumstances, either because less restrictive alternatives have been tried and found to be ineffective, *or* would be inadequate and inappropriate to address the respondent’s dangerousness. (By definition, “less restrictive alternatives” would not include a comparable legally enforceable restriction on the respondent’s ability to possess or acquire firearms and ammunition, and would not prevent the respondent from passing firearm-related background checks).
  - D. If the judicial officer grants the request for the Emergency GVRO, request that the judicial officer also provide a date, time, and location for the court hearing to occur within 21 days so that hearing information may be recorded on the EPO-002.
  - E. Consider whether to request an anticipatory search warrant pursuant to Penal Code section 1524 authorizing immediate search and seizure of firearms and other prohibited items at the time of service in the event that the respondent unlawfully refuses to immediately relinquish any firearms or ammunition in their possession and control to an officer requesting relinquishment of those items.
  
3. **Document the Emergency GVRO on the EPO-002.** The officer who requested the Emergency GVRO should complete and sign three copies of the EPO-002 form, which documents the Emergency GVRO, the basis for the GVRO, and proof that the GVRO was served on the respondent. One copy is for the respondent, one is for the law enforcement agency, and one is to be filed with the court. To complete the EPO-002:
  - A. If the judicial officer issuing the Emergency GVRO provides a date, time, and location for the court hearing, document that hearing information and check the second box in Item 4 on the EPO-002 form. Otherwise, check the box indicating that the court hearing will be set within 21 days.
  - B. In Item 6, record the name of the judicial officer who granted the Emergency GVRO and the date and time the GVRO was issued.

- C. In Item 7, document the statements that the officer provided to the judicial officer in support of the request for the Emergency GVRO. (These statements should explain why the officer has reasonable cause to believe that the respondent poses an immediate and present danger of causing personal injury to themselves or others with firearms, and why a GVRO is necessary under the circumstances. Be as thorough as possible within the limited space provided on the EPO-002).
  - D. In Item 7, describe the number, type, and location of any firearms or related items that the officer believes the respondent owns, possesses, or controls.
  - E. In Item 8, check any of the boxes, as appropriate, to indicate if:
    - i. The officer personally *observed* that the respondent possesses or controls firearms or ammunition.
    - ii. It was *reported* to the officer (by the respondent, any other person, or by a CLETS check) that the respondent owned, possessed, or controlled firearms or ammunition.
    - iii. Officers physically *searched* for the respondent's firearms or ammunition.
    - iv. Officers *seized* (took into custody) any of the respondent's firearms or ammunition.
  - F. Under Item 8, print the requesting officer's name, agency, telephone number, badge number, and agency address, and sign to declare under penalty of perjury that the information provided on the EPO-002 is true and correct.
4. **Serve the order.** The EPO-002 should be served on the respondent as soon as it is safe and practicable to do so, if the respondent can reasonably be located. At the time of service:
- A. Inform the respondent that they are temporarily prohibited from possessing, accessing, or acquiring, or attempting to acquire, any firearms, firearm precursor parts, ammunition, ammunition magazines, and body armor while the GVRO remains in effect. On the EPO-002, Item 3 states that the order will last until the 21<sup>st</sup> calendar day following the day the order is granted.
  - B. Inform the respondent that there will be a court hearing to adjudicate a request for a longer-time GVRO After Hearing or Consent that may remain in effect for up to five years. Inform the respondent that the court hearing will occur on the date recorded on Item 4 on the EPO-002 form (if the judicial officer scheduled the hearing when issuing the Emergency GVRO), or to be subsequently set by the court in a mailed notice form (if the judicial officer did not schedule the hearing when issuing the Emergency GVRO).
  - C. Inform the respondent that they may contest the GVRO at the court hearing.
  - D. Inform the respondent that they may instead file a GV-125 form with the court to consent to the GVRO without a hearing.
5. **Document service of the order.** An officer serving the EPO-002 on the respondent should record all of the following on the EPO-002:
- A. In Item 9, complete the "Proof of Service" section, indicating that the officer personally delivered copies of the EPO-002 to the respondent. Record the date of service, time of service, and address where service occurred.
  - B. In Item 10, write "Yes" to indicate that the person serving the order is at least 18 years of age.

- C. Under Item 10, the serving officer should print the officer's name, the date of signature, and address, and sign to declare under penalty of perjury that the information provided regarding proof of service is true and correct.
- 6. Determine if the respondent owns, possesses, or controls firearms.** Take steps to determine whether there is credible information from any source indicating that the respondent owns, possesses, or has custody or control of firearms, ammunition, or other prohibited items. *(Note that firearms may be identified in some sources but not others. The Automated Firearms System (AFS) accessed through CLETS contains records of many legally acquired firearms but generally does not include information identifying firearms that were acquired illegally, long guns acquired legally prior to 2014, or firearms that were legally acquired by someone else that may be in the respondent's effective possession or control).*
- A. Pursuant to Penal Code sections 6383(i) and 18250, conduct a consensual or other lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.
  - B. Ask the respondent if they own, possess, or control any firearms, ammunition, body armor, or other prohibited items.
  - C. If it is safe to do so, ask other witnesses if they have reason to believe that the respondent owns, possesses, or controls any firearms, ammunition, body armor, or other prohibited items.
  - D. Query the Automated Firearms System (AFS) through CLETS to determine whether the respondent is recorded as owning any legally acquired firearms in that database.
  - E. Ensure that information is documented on the EPO-002 about firearms observed, reported, searched for, and/or seized from the respondent.
- 7. Facilitate firearm relinquishment.**
- A. Notify the respondent that they are required to relinquish all firearms and prohibited items subject to their immediate possession or control immediately to the officer serving the order. Request that they do so immediately and safely.
  - B. Consider requesting a search warrant pursuant to Penal Code section 1524, if necessary, to authorize search and seizure of firearms and other prohibited items in the event that the respondent unlawfully refuses to immediately relinquish any firearms or ammunition in their possession and control to an officer requesting relinquishment of those items.
  - C. If the respondent credibly indicates that they cannot immediately relinquish their firearms or other items because those items are at another location, take steps to ensure that these items are lawfully relinquished as soon as possible and within 24 hours of the respondent receiving notice of the order, such as by:
    - i. Notifying the respondent that they are required by law to relinquish all firearms and other prohibited items that they possess or control to a law enforcement officer or licensed firearms dealer within 24 hours of being notified about the GVRO, and may face fines, arrest, and criminal penalties if they fail to do so.
    - ii. Notifying the respondent that they are required by law, within 48 hours of being notified about the GVRO, to provide copies of a signed receipt (the GV-800 court form) to the court that issued the order, and to any law enforcement agency that served the court order, verifying that they relinquished all firearms and other prohibited items that they own, possess, or control to a law enforcement officer or licensed dealer.

- iii. Coordinating a safe relinquishment plan with the respondent to verify that the respondent's firearms and other prohibited items will be transferred to a law enforcement officer or licensed dealer within 24 hours of service, as required, preferably in a manner that prevents the respondent from physically accessing firearms or other prohibited items without law enforcement supervision.
- D. If the respondent credibly indicates that they no longer own, possess, or control firearms identified through a CLETS check, the officer should:
- i. Instruct the respondent to complete and submit to DOJ a "Notice of No Longer in Possession Form" ([DOJ BOF 4546](#)) for each firearm, with supporting documentation and a declaration under penalty of perjury that the respondent is no longer in possession of the firearm.
  - ii. Notify the respondent that they face fines, arrest, and criminal penalties if they are found to possess or have custody or control of any firearms, ammunition, body armor, or other prohibited items while the GVRO is in effect, and that if they are convicted of violating the GVRO, they may be prohibited from possessing firearms for an additional five years after the GVRO expires.

## 8. Document firearm relinquishment.

- A. If any firearms or other prohibited items were relinquished or seized from the respondent, complete and sign the GV-800 court form to document these items and issue the receipt form to the respondent.
- B. Follow agency record reporting procedures to ensure the Automated Firearms System (AFS) is promptly updated, through CLETS, to record any relinquished firearms that the law enforcement officer has taken into custody.

## 9. Document the order and service of the order in CARPOS (through CLETS). Promptly reporting this information helps to ensure that the respondent would fail a firearm or ammunition background check and that other law enforcement officers have information necessary to enforce the GVRO.

- A. Ensure information about issuance of the Emergency GVRO is entered into CARPOS through CLETS as soon as possible and no later than one business day after the order was issued.
- B. Ensure information about service of the Emergency GVRO is promptly entered into CARPOS through CLETS no later than one business day after the order was served.

## 10. File a copy of the EPO-002 with the court within three court days after issuance. Ensure a copy of the completed EPO-002 is filed with the superior court as soon as practicable, and **no later than three court days after the Emergency GVRO was issued**. This helps ensure that the court receives proof of service to proceed with the court hearing, and documents the basis for the Emergency GVRO.

## 11. Request a continuance (postponing the court hearing) if necessary. If the EPO-002 has not been successfully served in a timely manner, use the GV-115 form to request a continuance to postpone the hearing.

## 12. Prepare for and attend the scheduled court hearing. Follow the steps to prepare for the court hearing described in Appendix D.

# Appendix C: Checklist for Standard Court Petition GVRO Pathway

## 1. Complete the GVRO Petition (GV-100 court form).

- A. Identify all relevant evidence that will be submitted in support of the GVRO petition. (The MC-030 declaration form or MC-031 attached declaration form can be used for written witness statements and additional space for presenting evidence).
- B. In Item 5, record whether there is credible information from any source indicating that the respondent has firearms, firearm precursor parts, ammunition, magazines, or body armor, in their possession or control, including information, if known, about the number, type, and location of these items. (The court can issue a GVRO whether or not the respondent has any firearms or related items, but make sure to inform the court if there is information indicating that the respondent already has any firearms or ammunition in their possession or control or has attempted to access or acquire them. This may be indicated from information reported by witnesses, CLETS, police reports, or other evidence.)
- C. In Item 6 on the GV-100 (or on an “attached declaration” MC-031 court form), explain why there is clear and convincing evidence that the respondent poses a significant danger of causing personal injury to themselves and/or other people with firearms. Also, explain why a GVRO is necessary under the circumstances, either because less restrictive alternatives have been tried and found to be ineffective, *or* would be inadequate and inappropriate to address the respondent’s dangerousness. (By definition, “less restrictive alternatives” would not include a comparable legally enforceable restriction on the respondent’s ability to possess or acquire firearms and ammunition, and would not prevent the respondent from passing firearm-related background checks).
- D. In Item 7, state the number of years you are requesting the GVRO to remain in effect (between one and five years). Explain why a GVRO will likely continue to be necessary to address the respondent’s danger to self or others for this period of time.
- E. Determine whether to request a Temporary GVRO to remain in effect against the respondent until the court hearing. (The court may issue the Temporary GVRO based on evidence that the respondent is a significant danger *in the near future*.)
- F. \*If requesting a Temporary GVRO\* to last until the court hearing, make sure to do all of the following:
  - i. Request the Temporary GVRO on the GV-100 Petition by checking the box in Item 11 next to “Temporary Gun Violence Restraining Order.”
  - ii. In Item 11 on the GV-100, check Yes or No to indicate whether the respondent has been told about the request for a Temporary GVRO. (If No, explain why the respondent was not notified in advance, such as if prior notification may endanger public safety).
  - iii. In Item 11 on the GV-100, explain why the respondent is a significant danger of causing injury to themselves or others with firearms *in the near future* and that a Temporary GVRO is necessary under the circumstances.
  - iv. On the GV-110 court form (Temporary GVRO), Complete Items 1 and 2.

v. File the GV-110 with the GV-100 Petition for the court's signature.

G. Print the requesting officer's name and sign to declare under penalty of perjury that the information provided on the GV-100 and any attachments is true and correct.

**2. Complete and file other required forms with the GV-100 Petition, including:**

**A. Confidential CLETS Information form (CLETS-001).** Some information is mandatory and is marked with an asterisk (\*). You may not have all the other information about the respondent. Fill in as much as you can to ensure that information identifying the respondent is recorded in the CARPOS database and CLETS.

**B. Civil Case Cover Sheet form (CM-010).** Required to file a civil court case. In Item 1, check the box in the bottom right ("Other petition (*not specified above*)") under "Miscellaneous Civil Petition." In Item 2, check the box indicating that the case is **not** complex under rule 3.400 of the California Rules of Court. In Item 3, check the box for "b. nonmonetary; declaratory or injunctive relief." In Item 4, indicate that there is one cause of action, a request for a GVRO. In Item 5, indicate that the case is not a class action suit.

**C. Notice of Court Hearing form (GV-109).** Complete Items 1 and 2 only.

**D. \*If requesting a Temporary GVRO\*,** include the GV-110 with Items 1 and 2 completed.

**E. Local court forms, if required under local court rules.** Some county courts have additional local forms that must be completed and submitted with the GVRO petition. Contact your local court clerk's office or [Self-Help Center](#) for more information about local rules and form requirements.

**3. Ensure court documents are promptly served on the respondent, so the court hearing can proceed and any Temporary GVRO takes effect quickly.**

**A.** Ensure that the respondent timely receives copies of all of the following documents:

- i. The GV-100 GVRO petition (file-stamped).
- ii. The GV-110 Temporary GVRO (filed-stamped) (\*if a Temporary GVRO was requested and granted by the court\*).
- iii. A blank GV-120 form (Response to Petition for GVRO).
- iv. A GV-120-INFO form (Information form for respondent).
- v. A blank GV-125 form (Consent to GVRO).
- vi. A blank GV-800 form (Proof of relinquishment receipt form).

**4. File proof-of-service forms with the court.** An officer serving court documents on the respondent should do all of the following to record that the respondent received notice of the court hearing and of any Temporary GVRO the court issued. (This must occur at least five days prior to the court hearing, unless the court indicated on the GV-109 that the court would permit service within five days of the court hearing.):

- A. Complete and sign the GV-200 Proof of Personal Service form. Retain a copy.
  - B. File the signed and completed GV-200 with the court to ensure that the hearing is not cancelled or delayed.
- 5. If the court issued a Temporary GVRO, facilitate firearm relinquishment at the time of service.**
- A. Determine if there is credible information from any source indicating that the respondent owns, possesses, or has custody or control of firearms, ammunition, or other prohibited items.
  - B. Pursuant to Penal Code sections 6383(i) and 18250, conduct a consensual or other lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.
  - C. Ask the respondent if they own, possess, or control any firearms, ammunition, body armor, or other prohibited items.
  - D. If it is safe to do so, ask other witnesses if they have reason to believe that the respondent owns, possesses, or controls any firearms, ammunition, body armor, or other prohibited items.
  - E. Query the Automated Firearms System (AFS) through CLETS to determine whether the respondent is recorded as owning any legally acquired firearms in that database.
  - F. Notify the respondent that they are required to relinquish all firearms and prohibited items subject to their immediate possession or control immediately to the officer serving the order. Request that they do so immediately and safely. (Some courts have local forms that provide locally tailored information about how the respondent can lawfully relinquish their firearms and provide proof-of-relinquishment receipts to the court; these should be used if available).
  - G. Consider whether to request an anticipatory warrant pursuant to Penal Code section 1524 authorizing search and seizure of firearms and other prohibited items in the event that the respondent unlawfully refuses to immediately relinquish any firearms or ammunition in their possession and control to an officer requesting relinquishment of those items.
  - H. If the respondent credibly indicates that they cannot immediately relinquish their firearms or other items because those items are at another location, the officer should take steps to ensure that these items are lawfully relinquished as soon as possible and within 24 hours of the respondent receiving notice of the order, such as by:
    - i. Notifying the respondent that they are required by law to relinquish all firearms and other prohibited items that they possess or control to a law enforcement officer or licensed firearms dealer within 24 hours of being served with the order and may face fines, arrest, and criminal penalties if they fail to do so.
    - ii. Notifying the respondent that they are required by law, within 48 hours of being served with the order, to provide copies of a signed receipt (the GV-800 court form) to the court that issued the order, and to the law enforcement agency that served the court order, verifying that they relinquished all firearms and other prohibited items that they own, possess, or control to a law enforcement officer or licensed dealer.
    - iii. Coordinating a safe relinquishment plan with the respondent to verify that the respondent's firearms and other items will be transferred to a law enforcement officer or licensed dealer within 24 hours of service, as required, preferably in a manner that prevents the respondent from physically accessing firearms or other prohibited items without law enforcement supervision.

- I. If the respondent credibly indicates that they no longer own, possess, or control firearms identified in CLETS, the officer should:
  - i. Instruct the respondent to complete and submit to DOJ a “Notice of No Longer in Possession Form” ([DOJ BOF 4546](#)) for each firearm, with supporting documentation and a declaration under penalty of perjury that the respondent is no longer in possession of the firearm.
  - ii. Notify the respondent that they face fines, arrest, and criminal penalties if they are found to possess or have custody or control of any firearms, ammunition, body armor, or other prohibited items while the GVRO is in effect, and that if they are convicted of violating the GVRO, they may be prohibited from possessing firearms for an additional five years after the GVRO expires.

**6. Document firearm relinquishment.**

- A. If firearms or other prohibited items were relinquished or seized from the respondent, complete and sign the GV-800 court form to document these items and issue the receipt form to the respondent.
- B. Follow agency record reporting procedures to ensure the Automated Firearms System (AFS) is updated, through CLETS, to record any relinquished firearms that the law enforcement officer has taken into custody.

**7. Document service of any Temporary GVRO in CARPOS (through CLETS).**

Ensure information about service of any Temporary GVRO is promptly entered into CARPOS through CLETS as soon as possible and no later than one business day after the order was served. Promptly reporting this information helps to ensure that other law enforcement officers have information necessary to enforce the GVRO.

**8. Request a continuance if necessary.** If all required documents have not been successfully served on the respondent in a timely manner prior to the court hearing, request a continuance to postpone the hearing to a later date using the GV-115 (Request to Continue Court Hearing for a GVRO) court form.

**9. Prepare for and attend the scheduled court hearing.** Follow the steps in Appendix D “Preparing for the Court Hearing Checklist” below.

# Appendix D: Checklist for Preparing for the GVRO Court Hearing

1. **Verify that there are grounds for continuing to request a longer-term GVRO After a Hearing.**
  - A. Consider whether the respondent continues to pose a significant danger of causing personal injury to themselves and/or other people with firearms. (If the respondent was already temporarily separated from all firearms pursuant to an Emergency or Temporary GVRO or other intervention, they may still pose a significant danger of causing personal injury with firearms, especially if the respondent would regain their ability to legally possess, purchase, and acquire firearms and ammunition upon expiration of the Emergency or Temporary GVRO.)
  - B. Consider whether the respondent may be subject to other legally enforceable prohibitions on possessing and acquiring firearms that would also prevent them from passing firearm-related background checks for at least the next five years. If so, a GVRO may be unnecessary. (If the respondent is subject to current firearm prohibitions that will likely expire within the next five years, or that are more limited in time or scope, prepare to explain to the court why a GVRO is necessary under the circumstances to prevent the respondent from possessing or acquiring firearms and passing firearm-related background checks within the requested time period.)
  - C. Consider whether additional or alternative interventions would effectively reduce risk, including to protect any identifiable people or places in particular danger.
2. **Consider additional investigation** to identify and document additional or corroborating evidence, in addition to the evidence presented in the EPO-002 or GV-100. Additional evidence and explanation may be provided on the MC-030 or MC-131 (blank declaration) forms. Share copies of these forms or any additional evidence with the court clerk and respondent prior to the hearing.
3. **Identify who will attend and testify at the court hearing (remotely or in person) on behalf of the petitioning law enforcement agency.** Consider whether legal counsel, agency GVRO coordinators, or other staff with expertise in the GVRO process may be available to represent or assist the law enforcement agency in the court hearing. Ensure that those responsible for testifying at the court hearing will be available to appear and testify (remotely or in person).
4. **Identify and coordinate with any witnesses who will be required to directly testify in support of the GVRO petition at the hearing (whether remotely or in person).** Obtain written declarations from witnesses documenting their testimony in writing, if possible. Consider referring witnesses or other people in danger to receive victim services, safety planning resources, and protection as needed.
5. **Determine whether officers or other witnesses will seek to participate in the hearing remotely (via videoconference, etc.).** Request approval from the court in advance if the petitioner and/or other witnesses plan to appear at the court hearing remotely. (Visit the Superior Court's website to see instructions for requesting to participate in the GVRO hearing remotely).
6. **Organize the facts and prepare to present your case to the judge in a clear, concise manner.** Prepare to explain how the evidence presented in the petition and at the hearing constitutes clear and convincing evidence that both of the following are true:
  - A. The respondent's behavior, communications, or other evidence indicate that they pose a significant danger of causing personal injury to themselves and/or other people with firearms. (The judge may not be deeply versed in behavioral threat assessment or management, so

prepare to explain how certain behaviors or communications indicate that the respondent poses a significant danger of causing injury with firearms, whether the respondent currently possesses any firearms or not.)

- B. A GVRO is necessary under the circumstances because less restrictive alternatives have already been tried and found to be ineffective, *or* are inadequate or inappropriate for the dangerous circumstances. (By definition, “less restrictive alternatives” would not include a comparable enforceable restriction on the respondent’s ability to possess or acquire firearms and ammunition and pass firearm-related background checks, so prepare to explain why this legally enforceable restriction is necessary under the circumstances).

**7. Prepare and print three copies of relevant documents and evidence you want the court to review.**

One copy is for the petitioner, one is for the judge, and one is for the respondent. If you have audio or video recordings, check in before your court date with the court’s [Self-Help Center](#), or if applicable, with any attorneys designated to provide legal representation to the law enforcement agency, for guidance. (Some judges may require a transcript of any recording submitted as evidence.)

**8. Ensure the respondent received timely notice of the court hearing.**

A. For the standard GV-100 court petition pathway: the respondent must generally be personally served with a GV-109 Notice of Court Hearing form at least five days prior to the court hearing, and the officer or other person who served the GV-109 must file a completed GV-200 Proof-of-Service form with the court verifying that this occurred.

B. For the Emergency GVRO pathway:

- i. If the EPO-002 already specified the date, time, and location of the GVRO court hearing, a copy of the EPO-002 must be filed with the court to provide proof that the respondent received timely notice of the hearing.
- ii. If the EPO-002 did not specify the date, time, and location of the GVRO court hearing, a copy of the EPO-002 must be filed with the court within three court days after the Emergency GVRO was issued so the court has time to schedule the hearing and mail all parties a GV-009 Notice of Court Hearing form.

**9. Bring copies of proof-of-service documents or other relevant evidence showing that the respondent received notice of the court hearing,** such as through an EPO-002, GV-009, or GV-109. (If the respondent does not appear at the court hearing, the court can proceed with the hearing but may require documentation confirming that the respondent received notice).

**10. Bring any documents or information indicating that the respondent has violated any Emergency or Temporary GVRO in effect prior to the court hearing, or any other current or previous protective or restraining order, by failing to relinquish all firearms and related items within 24 hours of receiving notice of that order.** (Penal Code section 18120.5 requires the court to consider such information at any noticed hearing to inform a potential finding that the respondent is in noncompliance with the GVRO; violations of an existing or previous protective or restraining order may also be considered as grounds for issuance of the GVRO).

## Appendix E: Checklist for Serving and Enforcing a GVRO After Hearing/Consent

1. **Determine whether the GVRO After Hearing/Consent must be personally served on the respondent.** The respondent must generally be personally served with forms notifying them about the GVRO After Hearing (CLETS-OGV or CLETS-HGV) *unless* the respondent was either (a) present at the hearing (physically or remotely) to receive notice of the GVRO from the court, or (b) if the respondent filed a GV-125 form consenting to the GVRO. The court will record on the GV-030, GV-130, or GV-730 GVRO Order whether personal service is required (under the “Service of Order on the Restrained Person” section near the end of these forms).
2. **If personal service of the order *is* required, ensure all required court documents are promptly served on the respondent, including all of the following:**
  - A. A court file-stamped copy of the GVRO order (a GV-030, GV-130, or GV-730 form).
  - B. A blank GV-600 form (Request to Terminate GVRO).
  - C. A blank GV-800 Receipt Form to be used to document any firearms and other prohibited items relinquished by the respondent, and a GV-800-INFO court form that provides information about how to comply with these requirements.
3. **If personal service of the order *is* required, promptly file proof-of-service forms with the court.** An officer serving court documents on the respondent should do all of the following to record that the respondent received notice of the GVRO.
  - A. Complete and sign the GV-200 Proof of Personal Service form.
  - B. Timely file the signed and completed GV-200 with the court.
4. **Determine whether the respondent has prohibited items to relinquish.** If the respondent already lawfully relinquished all firearms and other prohibited items pursuant to an Emergency or Temporary GVRO, or other intervention, they may no longer have any prohibited items to relinquish.
5. **Facilitate relinquishment of any remaining prohibited items.** If the respondent has prohibited items to relinquish, and personal service of the GVRO *is* required, officers should facilitate relinquishment immediately upon serving the order. If the respondent has prohibited items to relinquish, and personal service of the GVRO is *not* required, the respondent must immediately relinquish all prohibited items to any officer requesting relinquishment, or otherwise within 24 hours to a licensed firearms dealer or law enforcement agency.
  - A. When serving a GVRO, pursuant to Penal Code sections 6383(i) and 18250, conduct a consensual or other lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.
  - B. Ask the respondent if they own, possess, or control any firearms, ammunition, body armor, or other prohibited items that they have not already relinquished to a licensed firearms dealer or law enforcement agency.

- C. If it is safe to do so, ask other witnesses if they have reason to believe that the respondent owns, possesses, or controls any firearms, ammunition, body armor, or other prohibited items that they have not already relinquished to a licensed firearms dealer or law enforcement agency.
- D. Query the Automated Firearms System (AFS) through CLETS to determine whether the respondent is recorded as owning any legally acquired firearms in that database that they have not already relinquished.
- E. Notify the respondent that they are required to relinquish all firearms and prohibited items subject to their immediate possession or control immediately to the officer serving the order. Request that they do so immediately and safely. Some courts have local forms that provide additional locally-tailored information about how the respondent can lawfully relinquish their firearms and provide proof-of-relinquishment receipts to the court.
- F. Consider whether to request an anticipatory warrant pursuant to Penal Code section 1524 authorizing search and seizure of firearms and other prohibited items in the event that the respondent unlawfully refuses to immediately relinquish any firearms or ammunition in their possession and control to an officer requesting relinquishment of those items.
- G. If the respondent credibly indicates that they cannot immediately relinquish their firearms or other items because those items are at another location, the officer should take steps to ensure that these items are lawfully relinquished as soon as possible and within 24 hours of the respondent receiving notice of the order, such as by:
  - i. Notifying the respondent that they are required by law to relinquish all firearms and other prohibited items that they possess or control to a law enforcement officer or licensed firearms dealer within 24 hours of being served with a GVRO and may face fines, arrest, and criminal penalties if they fail to do so.
  - ii. Notifying the respondent that they are required by law, within 48 hours of being served with a GVRO, to provide copies of a signed receipt (the GV-800 court form) to the court that issued the order, and to the law enforcement agency that served the court order, verifying that they relinquished all firearms and other prohibited items that they own, possess, or control to a law enforcement officer or licensed dealer.
  - iii. Coordinating a safe relinquishment plan with the respondent to verify that the respondent's firearms and other items will be transferred to a law enforcement officer or licensed dealer within 24 hours of service, as required, preferably in a manner that prevents the respondent from physically accessing firearms or other prohibited items without law enforcement supervision.
- H. If the respondent credibly indicates that they no longer own, possess, or control firearms identified in CLETS, the officer should:
  - i. Instruct the respondent to complete and submit to DOJ a "Notice of No Longer in Possession Form" ([DOJ BOF 4546](#)) for each firearm, with supporting documentation and a declaration under penalty of perjury that the respondent is no longer in possession of the firearm.
  - ii. Notify the respondent that they face fines, arrest, and criminal penalties if they are found to possess or have custody or control of any firearms, ammunition, body armor, or other prohibited items while the GVRO is in effect, and that if they are convicted of

violating the GVRO, they may be prohibited from possessing firearms for an additional five years after the GVRO expires.

**6. Document firearm relinquishment.**

- A. If firearms or other prohibited items were relinquished or seized from the respondent, complete and sign the GV-800 court form to document these items and issue the receipt form to the respondent.
- B. Follow agency record reporting procedures to ensure the Automated Firearms System (AFS) is updated, through CLETS, to record any relinquished firearms that the law enforcement officer has taken into custody.

**7. Verify that the court has promptly recorded information about the GVRO in CARPOS.** (The court typically reports this information through the sheriff's department or other designated law enforcement agency partner.)

- A. Verify that the CARPOS information in CLETS properly records all relevant information about the GVRO issued against the respondent, including an accurate expiration date and GVRO type ("HGV" or "OGV" for a GVRO After Hearing/Consent). This information should be updated and recorded in CARPOS within one business day after the court issued the order.
- B. If personal service of the order was *not* required because the respondent received notice in court or consented to the order: verify that the court has promptly recorded information in CARPOS to record the order as served. This information should be updated and recorded in CARPOS within one business day.
- C. If personal service of the order *was* required and provided by someone other than law enforcement: after the order has been served and a completed GV-200 proof-of-service form has been filed with the court, verify that the court promptly recorded information in CARPOS to record the order as served. This information should be updated and recorded in CARPOS within one business day.

**8. Document service in CARPOS (through CLETS).** If personal service of the order *was* required and provided by law enforcement, that agency must ensure service information is promptly entered into CARPOS through CLETS as soon as possible and no later than one business day after the order was served. Promptly reporting this information helps to ensure that other law enforcement officers have information necessary to enforce the GVRO.

**9. Monitor for violations of the GVRO or other indicators of escalating risk severity.**

**10. Track the GVRO in appropriate case management systems & determine whether to petition the court to renew the GVRO After Hearing/Consent before it expires in cases involving persistent danger and necessity.** Petitioners may file a GV-700 form requesting that the court renew a GVRO After Hearing/Consent that is set to expire within 90 days.