

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT**

R.L.,

Respondent,

v.

S.L.,

Appellant.

No. H053230

On Appeal From Superior Court of Santa Cruz County
Hon. Jordan Sheinbaum, No. 24FL00825

***AMICI CURIAE* BRIEF OF GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE AND BRADY CENTER TO
PREVENT GUN VIOLENCE IN SUPPORT OF
APPELLANT S.L.**

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I. INTRODUCTION

In this appeal from the denial of a domestic violence restraining order (“DVRO”), *amici curiae* Giffords Law Center to Prevent Gun Violence (“Giffords”) and Brady Center to Prevent Gun Violence (“Brady”) urge this Court to reverse the trial court’s order and require that the mandatory firearm prohibition and relinquishment requirements under the Domestic Violence Prevention Act (“DVPA”) be followed emphasizing the trial court’s critical role in ensuring compliance with these requirements.

California has long-standing, cutting-edge protections for victims of domestic violence, with a particular emphasis on breaking the terrifying cycle of violence caused by the presence and use of firearms. Given the well-established strong link between firearms and domestic violence-related harm, mandatory firearm relinquishment protects not just the petitioner from retaliatory violence, but also children, family members, and the public at large. Indeed, the Legislature has recognized that firearms and domestic violence are a uniquely lethal combination, and that disarming restrained individuals is therefore essential to the DVPA’s protective purpose.

The Family Code reflects decades of legislative action to prevent gun violence in the domestic-violence context, resulting in a comprehensive, straightforward statutory framework designed to promote the safety of survivors. Under the DVPA, as amended by SB 320 in 2021, any respondent to a qualifying protective order must relinquish ownership and control of any

firearms and ammunition and must file evidence with the court that they have done so. The court must review the file to ensure compliance, make findings of any non-compliance, and make referrals for non-compliance to the prosecuting attorney and/or law enforcement.

The undisputed facts of this case, however, demonstrate that the trial court did not follow the DVPA's requirements. After filing a petition for a DVRO, S.L. obtained a temporary restraining order ("TRO") against respondent R.L. At the time the TRO was issued, R.L. possessed or owned more than a dozen firearms, in addition to ammunition and body armor. Pursuant to the DVPA, R.L. was required to surrender all firearms, ammunition, and body armor within 24 hours of service, and to file proof of compliance within 48 hours. It is undisputed that respondent did neither.

Instead, after a court hearing nearly a month after service of the TRO, respondent partially complied by surrendering some—but not all—of the firearms and ammunition in his possession or control and filing the requisite receipt. Respondent made no effort, then or subsequently, to surrender the remaining firearms and body armor that respondent acknowledged were located at the family residence. Rather than make findings about this non-compliance, the trial court cancelled the firearm review hearing it had set and never addressed any of the violations of the TRO's firearm, ammunition, and body armor prohibitions.

The DVPA makes abundantly clear that no individual in California who is protected by a protective order should bear the

risk that the respondent will continue to own or possess firearms, ammunition, and body armor while the order is in effect. Yet that is exactly what happened here. *Amici* file this brief to urge the Court to reverse the trial court and apply the DVPA as written emphasizing the mandatory firearm relinquishment requirements of the DVPA and reminding trial courts about their obligation to ensure compliance with the review and enforcement provisions of the DVPA.

II. ARGUMENT

A. **Mandatory Firearm Relinquishment Under Cal. Family Code § 6389 is Central to the Domestic Violence Prevention Act’s Protective Purpose**

1. **Domestic Violence Prevention Act & Cal. Family Code § 6389**

In 1993, the Legislature enacted the DVPA (Cal. Fam. Code § 6200 et seq.)¹ to provide immediate legal protection for victims of domestic violence, primarily through the issuance of temporary and permanent restraining orders against alleged or convicted abusers. (*See Phillips v. Campbell* (2016) 2 Cal.App.5th 844 [discussing how the DVPA was created to protect people who have legitimate fears of physical harm from a domestic partner].) The DVPA was created with, and maintains, a “protective purpose” that is “broad both in its stated intent and its breadth of persons protected.” (*Caldwell v. Coppola* (1990) 219 Cal.App.3d 859, 863.) The DVPA seeks above all to “remedy the commission of domestic violence...to ensure the applicant’s safety.” (*In re*

¹ Undesignated statutory references are to the Family Code.

Marriage of J.Q. & T.B. (2014) 223 Cal.App.4th 687, 702; *see* §§ 6220, 6309(a) [DVPA designed to protect, separate, and provide safety]).

While Section 6200 establishes general provisions for protective orders for survivors of domestic violence, Section 6389 adopts specific firearm prohibitions that are critical to the DVPA’s protective purpose. This section prohibits individuals subject to protective orders from owning, possessing, purchasing, or receiving firearms or ammunition while the protective order is in effect, and it requires immediate relinquishment, no later than 24 hours after service of a qualifying protective order. (*See* Fam. Code § 6389.) As of 2024, the prohibition extends to ownership or possession of body armor as well. (*See* Penal Code § 31360(b)(1).)

2. The California Legislature Eliminated Judicial Discretion Over Firearm Possession to Address the Unique Lethality of Domestic Violence

The DVPA treats firearm ownership and possession very seriously, for good reason. Each year, more than 850 American women are shot to death by intimate partners.² That risk is especially acute where firearms are present: a woman is five times more likely to be killed if her abusive partner owns a gun. (*See* Campbell, et al., 2003: *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*

² Based on an average of 2020-2022 data. *See* Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “WISQARS National Violent Death Reporting System,” last accessed March 31, 2026. <https://wisqars.cdc.gov/nvdrs>.

American Journal of Public Health 93, 1089-1097.)

The Legislature recognized this risk in passing S.B. 218, the “Domestic Violence Omnibus Bill,” which amended the DVPA to address the combustive, deadly mix of firearms and domestic violence. (Assem. Com. On Judiciary, Analysis of S.B. 218 (1999-2000 Reg. Sess.), at 4.) The key change was to eliminate the trial court’s discretion to impose firearm prohibitions case by case and instead prohibit *all* restrained persons from possessing firearms, with very limited exceptions. (See Fam. Code § 6389(a); Leg. Counsel’s Dig., S.B. 218 (1999-2000 Reg. Sess.)) Section 6389 was designed to improve the safety of the public and the safety of domestic violence survivors by ensuring timely, mandatory disarmament. The law reflects a legislative judgment that anyone who obtains a TRO or DVRO requires immediate protection, particularly where the restrained party may react adversely to the imposition of legal constraints.

California’s comprehensive firearm relinquishment efforts further developed, in part, in response to a 2005 report by California’s Attorney General. The 2005 report identified varying “problematic practices” with regard to how domestic violence cases were being handled in the state.³

³ Report to the California Attorney General from the Task Force on Local Criminal Justice Response to Domestic Violence, *Keeping the Promise Victim Safety and Batterer Accountability*, June 2005, <https://files.giffords.org/wp-content/uploads/2025/08/CA-Attorney-General-Domestic-Violence-Report-June-2005.pdf>.

In response to this and other reports, over the past twenty-five years California has increasingly strengthened the provisions related to firearm relinquishment. (*See* AB 40-42.) These efforts include the passage of S.B. 320 in 2021, a key piece of legislation sponsored by Giffords. (2021 Cal. Stat. ch. 685 (S.B. 320).) This legislation built on and codified existing court rules regarding relinquishment procedures that were being inconsistently implemented and enforced statewide. (*See* Weber, “Implementation Challenges Plague Firearm Relinquishment Laws, *Domestic Violence Report*, Vol. 27, No. 6 (Aug./Sept. 2022).)

Among other provisions, S.B. 320 sets forth specific time frames for courts to review files or hold compliance hearings to determine whether the subject of the restraining order has complied. (*See* Fam. Code § 6322.5.) It also requires courts to report non-compliance with firearm prohibition to law enforcement and/or the prosecuting agency and to consider evidence regarding firearm access or ownership and ensure that relinquishment takes place within the required timeframe. (*See id.* § 6389(c)(2)(B)(4) & (d).) Further, courts are required to provide local information on *how* to comply with the relinquishment requirement to turn in or sell currently owned firearms within 24 hours of becoming prohibited. (*See id.* § 6304.)

In enacting S.B. 320, the Legislature recognized that “public safety is best served when law enforcement and the entire justice system take immediate action to remove firearms, whether registered or not, from the hands of a person who is statutorily barred from possessing them.” (S.B. 320, Sen.

Committee on Public Safety Rept. (Feb. 4, 2021) at 6 [internal quotation marks and citation omitted].) As Giffords wrote at the time, S.B. 320 ensures that “restrained parties receive necessary information about their relinquishment obligations” and thereby “increase[s] the likelihood that those required to relinquish firearms as a result of a domestic violence restraining order will be able to do so effectively and safely.” (*Id.* at 7 [internal quotation marks and citation omitted].)

B. The Firearm and Ammunition Relinquishment Requirement and Procedure Under California Law Is Mandatory and Unambiguous

1. Firearm and Ammunition Prohibition

Under current law, an individual subject to a protective order in California, including one entered *ex parte*, “shall not own, possess, purchase, or receive a firearm or ammunition” while that protective order is in effect. (Fam. Code § 6389(a), (g); (*Zachary H. v. Teri A.* (2023) 96 Cal.App.5th 1136, 1143 [“Section 6389 prohibits an individual subject to a DVRO from possessing a firearm or ammunition.”].)⁴

The trial court has no discretion concerning the firearm and ammunition prohibition when entering one of the specified

⁴ Family Code § 6389 has been amended twice since the TRO was entered in this action. These amendments have no import here. They concern the narrow exception to the firearm relinquishment requirement where possession of a firearm is necessary for employment as a peace officer or as a condition of employment. (*See* Stats. 2024, c. 544 (S.B. 899), § 9.5, eff. Jan. 1, 2025; Stats. 2025, c. 241 (S.B. 857), § 6, eff. Jan. 1, 2026.)

protective orders under Family Code § 6218.⁵ Instead, this prohibition “*automatically* activates when a court imposes or renews any of the enumerated forms of protective orders,” including TROs and DVROs. (*Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1294–95.) This accords with the Legislature’s intent “to entirely remove the trial court’s discretion and mandate relinquishment of firearms whenever a protective order is issued.” (*Id.* at 1296.)

The relinquishment process under subdivision (a) of Section 6389 is straightforward. Upon issuance of a qualifying protective order, if the respondent is in the courtroom, “the court shall order the respondent to relinquish any firearm or ammunition in the respondent’s immediate possession or control or subject to the respondent’s immediate possession or control.” (Fam. Code § 6389(c)(1); *see Ritchie*, 115 Cal.App.4th at 1295–97.)⁶

⁵ Under Section 6218, a “protective order” is defined as “an order that includes any of the following restraining orders, whether issued ex parte, after notice and hearing, or in a judgment;” the specified restraining orders are: (a) “[a]n order described in Section 6320 enjoining specific acts of abuse”; (b) “[a]n order described in Section 6321 excluding a person from a dwelling”; or (c) “[a]n order described in Section 6322 enjoining other specified behavior.”

⁶ Family Code § 6304 includes a similar mandate when both parties are present in court and a protective order is issued: “the court shall inform both the petitioner and the respondent of the terms of the order, including notice that the respondent is prohibited from owning, possessing, purchasing, or receiving or attempting to own, possess, purchase, or receive a firearm or ammunition, and including notice of the penalty for violation.”

Similarly, on “all forms providing notice that a protective order has been requested or granted,” the respondent “shall be ordered to relinquish possession or control of any firearms or ammunition.” (Fam. Code § 6389(b).) And the restraining order itself must “state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect.” (*Id.* § 6389(f); *see also* Penal Code § 29825(d) (“The Judicial Council shall provide notice on all protective orders issued within the state that the respondent is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect.”)).⁷

2. The Relinquishment Process

Mandatory relinquishment can occur in several ways. *First*, relinquishment “shall occur by immediately surrendering the firearm or ammunition in safe manner,” upon request of a law enforcement officer, “to the control of the officer,” at the time the protective order is served. (Fam. Code § 6389(c)(2).) To this end, a

⁷ This information is also provided in the California Court’s *Self-Help Guide*, “How to obey orders prohibiting firearms and ammunition,” (“If you have or own firearms, firearm parts, or ammunition, you must do **one** of the following **within 24 hours** of being served with the restraining order”) (<https://selfhelp.courts.ca.gov/respond-to-DV-restraining-order/obey-firearms-orders>), and Judicial Counsel Form DV-800-INFO, (<https://courts.ca.gov/sites/default/files/courts/default/2024-11/dv800info.pdf>) [stating that “[y]ou must turn in, sell, or store all of the following prohibited items that you have or own” including firearms and ammunition].)

law enforcement officer who serves a protective order “that indicates that the respondent possesses weapons or ammunition *shall request* that the firearm or ammunition be immediately surrendered.” (*Id.* [emphasis added].)⁸

Second, alternatively, if the law enforcement officer does not make a request, “the relinquishment *shall occur* within 24 hours of being served with the order, by either surrendering the firearm or ammunition in a safe manner to the control of local law enforcement officials, or by selling, transferring, or relinquishing for storage . . . the firearm or ammunition to a licensed gun dealer.” (*Id.* [emphasis added].) Under either alternative, all firearms and ammunition owned, controlled or possessed by the restrained individual *must* be relinquished within 24 hours of the service of the qualifying protective order.

Once relinquishment occurs, the restrained party *must*, within 48 hours after service of the protective order, file a receipt confirming relinquishment: (a) with the court showing the firearm or ammunition was “surrendered to a local law enforcement agency or sold to a licensed gun dealer.” (*Id.* § 6389(c)(A)-(B)) and (b) with the law enforcement agency that served the protective order (if so served by a law enforcement agency). Failure to do so “shall constitute a violation of the protective order.” (*Id.*) This information—about the methods and

⁸ This subdivision also requires each law enforcement agency in the state to “develop, adopt, and implement written policies and standards for law enforcement officers who request immediate relinquishment of firearms or ammunition.” (Fam. Code § 6389(c)(5).)

required timing of relinquishment and filing a receipt—must be included on the face of the restraining order. (*Id.* § 6389(f); *see also* Penal Code § 29825(d) (same).) It is also set forth in Judicial Counsel Form DV-800-INFO, which provides that “[y]ou must take” prohibited items to either law enforcement or a licensed gun dealer immediately, or within 24 hours of being served, and file receipts within 48 hours.

In sum, a restrained person must: (1) immediately, and no later than 24 hours after service of the protective order, relinquish any firearms or ammunition they own or possess; and (2) within 48 hours of service of the protective order, file a receipt demonstrating relinquishment with the court and requisite law enforcement agency. Two simple but mandatory steps.

3. Mandatory Court Review of Compliance

Given the undeniable importance of firearm relinquishment in the domestic violence context, there are several review and enforcement mechanisms built into the statutory framework:

1. When holding a hearing after issuance of a protective order, the court “shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement[s]” of Section 6389. (Fam. Code § 6389(c)(4).) Any violation of the firearm prohibition “shall be reported to the prosecuting attorney in the jurisdiction” within two business days unless a receipt is provided showing compliance. (*Id.*)

2. Similarly, before any noticed hearing concerning a protective order, the court must run a search to determine if the subject of a proposed protective order “owns or possesses a firearm as reflected in the Department of Justice Automated Firearms System.” (Fam. Code § 6306(a)(1).) If the court finds evidence of firearm ownership, the court must “make a written record” as to whether the subject has relinquished the firearm or ammunition and provided proof of relinquishment pursuant to Section 6389. (*Id.*) Absent such proof, “the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials” and “law enforcement officials so notified shall take all actions necessary to obtain those and any other firearms or ammunition owned, possessed, or controlled by the restrained person.” (*Id.*)

3. When presented with information at any noticed hearing that a restrained person has a firearm or ammunition, the court must “determine, by a preponderance of the evidence, whether the person subject to a protective order has a firearm or ammunition in, or subject to, their immediate possession or control in violation of Section 6389.” (*Id.* § 6322.5(a).) If the court determines there has been a violation of Section 6389, “the court shall make a written record of the determination.” (*Id.* § 6322.5(b)(3).) Any violation may be considered by the court in issuing an order to show cause for contempt or an order for monetary sanctions. (*Id.* § 6322.5(d).)

Collectively, these procedures *require* that firearms and ammunition be relinquished at the *earliest possible opportunity*

after a qualifying protective order is served, and no later than 24 hours after service; that *proof of compliance* be filed with the court within 48 hours of service; and that courts carefully review the file and information about *any* potential violations of Section 6389 to ensure that the relinquishment requirements are satisfied, with *mandatory notice* to law enforcement and/or the prosecuting attorney of any violations. In addition to possible civil contempt and monetary sanctions, violation of the firearm prohibitions of Section 6389 is punishable under Section 29825 of the Penal Code by a fine of up to \$1,000 and/or imprisonment.

Furthermore, California has prioritized strengthening compliance with firearm relinquishment requirements through training and funding efforts to ensure in part that judges understand how to comply with these laws. The state provided \$40 million in 2022 to establish the nation’s largest court-based firearm relinquishment program.⁹ This funding supports efforts through the California Judicial Council to “ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition pursuant to court order.” And in 2025, California enacted Assembly Bill 451, requiring all law enforcement agencies to develop protocols for serving protection orders and encouraging

⁹ Domestic Violence & Firearms in California, Giffords L. Ctr. to Prevent Gun Violence (Jan. 5, 2026), <https://giffords.org/lawcenter/state-laws/domestic-violence-and-firearms-in-california/>; See Section 1, Provisions 11-18 of 2022 Cal. Stat. ch.45 (A.B. 178).

relinquishment at the time of service.¹⁰ Dedicated funding has been used to provide targeted training for judges, law enforcement, court staff, community-based organizations, and victim advocates on the heightened risks associated with firearm access in domestic violence cases.¹¹

C. The Trial Court Failed to Properly Enforce Section 6389 and Related Provisions

In this case, the trial court did not faithfully implement the relinquishment rules and procedures described above, which exposed the protected individual and the public to an undue risk of harm and conflicts with the law.

1. Failure to Comply with the TRO and Firearm Prohibition

On August 21, 2024, S.L. petitioned for a DVRO against R.L. (1 AA 19.) S.L.’s petition noted the unknown number of firearms and ammunition that R.L. owned, and given past alleged incidents of R.L.’s unsafe gun storage among other concerns, requested that R.L. be ordered to “surrender his guns to ensure that they are nowhere near our children, especially during these proceedings.” (1 AA 24, 38 [¶ 23].)

On August 22, 2024, the trial court issued a TRO on Judicial Council Form DV-110 protecting S.L. and the parties’

¹⁰ 2025 Cal. Stat. ch. 693 (A.B. 451).

¹¹ Julia Weber, Implementing Gun Laws in California: Successes Provide Models for Other Jurisdictions, Giffords L. Ctr. to Prevent Gun Violence (Aug. 14, 2025), <https://giffords.org/analysis/implementing-gun-laws-in-california-successes-provide-models-for-other-jurisdictions/>.

children. (1 AA 69-77.) DV-110 is a standardized, “Mandatory Form” for domestic violence prevention TROs. (1 AA 69; *see* Cal. R. Ct. 1.31(a), (d) [mandatory forms]). As required by Section 6389, the TRO ordered that R.L. could not “*own*, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item,” including firearms and ammunition:

To the Person in ②

The judge has granted temporary orders. See ⑤ through ⑳. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

⑤ No Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.

(1 AA 70 [emphasis added].) The TRO further instructed R.L. that he could not “own, possess, have, buy or try to buy, receive or try to receive” body armor. (1 AA 72.)

The TRO detailed the two-step relinquishment process and deadlines under Section 6389:

- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use [form DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition.](#)) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

(1 AA 70.) The TRO instructed R.L. that there would be a court hearing to assess compliance and confirm that all prohibited items have been “properly turned in, sold, or stored.” (1 AA 71.) The concluding “Warnings and Notices” section of the TRO again reiterated the firearm prohibition:

Firearms (Guns), Firearm Parts, and Ammunition

Under California law, you cannot have any firearms (guns), certain firearm parts, or ammunition. (Family Code sections 6216 and 6389(a)). Ask the court for information on how to properly turn in, sell, or store these items in your city or county. You can also contact your local police department for instructions.

(1 AA 75.) There are no “conflicting provisions” in this mandatory language of the DV-110 form, as R.L. contends. (RB 41.) DV-110 clearly sets forth the firearm prohibition and relinquishment requirements with the “reasonable specificity” required for such an order to be enforced. (*In re Sheena K.* (2007) 40 Cal. 4th 875, 890.)

R.L. was served with the TRO on August 23, 2024. (1 AA 212 [¶ 5].)¹² Yet the record reflects that R.L. did not take any steps to comply with the firearm prohibitions of the TRO. At the time the TRO was served, R.L. apparently owned four firearms plus a box of ammunition stored at his parents’ residence (1 AA 90), where R.L. was staying after leaving the family home (2 RT 323:15-17.) R.L. also continued to own more than a dozen firearms that were located at the family home, plus body armor, where S.L. resided with the minor children. (1 AA 93.) None of these firearms or ammunition were relinquished within 24 hours of service of the TRO. No receipt was filed with the court.

¹² Among other information, the Superior Court for Santa Cruz County publishes a notice on their website entitled “How to Safely Turn In Firearms and Ammunition” that describes the relinquishment process and provides contact information for the Santa Cruz County Sheriff’s Department and several local police agencies (*see* <https://www.santacruz.courts.ca.gov/system/files/how-safely-turn-firearms-and-ammunition.pdf>.)

2. Failure to Follow Mandatory Review Procedures

At a September 19, 2024, review hearing, the minute order reflects that R.L. informed the court that “he does not have access to firearms as they are in a safe at the family home and at his parent’s house.” (1 AA 87.) Both parties agree, however, that R.L. disclosed at the hearing that he had at least one firearm inside a safe at his parents’ home. (1 AA 97, 245.) R.L.’s counsel also informed the court that R.L. owned firearms in the family home, where S.L. resided. (1 AA 245.) R.L. had, in other words, indisputably violated the TRO and Section 6389, since R.L. had neither relinquished his firearms nor filed the required receipt.

Despite his non-compliance, the trial court solely ordered that R.L. was “required to file form DV-800”—something R.L. was already required to do no later than August 25, 2024—and setting a review hearing for compliance one week later, on September 26, 2024. (1 AA 88.) At a minimum, the court needed to, but did not, make “a written record of the determination” that R.L. had failed to comply with the firearm prohibition of the TRO, because R.L. had “a firearm or ammunition in, or subject to, [his] immediate possession or control in violation of Section 6389.” (Fam. Code § 6322.5(a), (b)(3).) California law makes abundantly clear that restrained persons are not permitted to own or have access to firearms and ammunition.¹³

¹³ It is also not clear whether, before the September 19 hearing, the trial court conducted the mandatory inquiry to determine if the respondent “owns or possesses a firearm as reflected in the Department of Justice Automated Firearms System.” (Fam. Code

After the hearing, R.L. still did not fully comply. Three days later, on September 22, 2024, R.L. surrendered four firearms and ammunition to the Santa Cruz County Sheriff's Office. (1 AA 89-90.) The fact that R.L. was readily able to surrender these items demonstrates they were "in, or subject to, [his] immediate possession or control in violation of Section 6389." (Fam. Code § 6322.5(b)(3).) R.L. also appended to the DV-800 form an additional list of more than a dozen firearms that R.L. stated were "located in a safe at the community residence that I have been ordered to stay away from and do not have access to pursuant to the current Temporary Restraining Order in effect in this case." (1 AA 93.)

After the DV-800 form was filed, the court cancelled the review hearing. (1 AA 591.) This, too, was error. R.L.'s DV-800 form disclosed continuing violations of Section 6389 and the TRO, because R.L. continued to own firearms, ammunition, and body armor more than a month after the TRO entered. (1 AA 93.) Contrary to R.L.'s argument (RB 40), there is no exception in Section 6389 for firearms and ammunition located in the family home from which the restrained person has been ordered to stay away. Section 6389 and DV-110 clearly state that the restrained

§ 6306(a)(1).) Because R.L. provided no evidence of compliance with the firearms prohibitions before this date, the court should have "order[ed] the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm or ammunition, and of any other information obtained through the search that the court determines is appropriate." (*Id.* § 6389(f).)

person may not “*own*, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item,” including firearms and ammunition. (1 AA 70 [emphasis added].) Nothing in R.L.’s TRO purported to or did carve out from its firearm ownership prohibition the firearms and ammunition owned by the respondent at the family home, and California law does not allow for any such blanket exemption. R.L. was not without recourse to have these firearms removed. Among other alternatives, Respondent could have designated his attorney or other individual to accomplish the mandatory relinquishment via a power of attorney.¹⁴

Furthermore, as a factual matter, being ordered to stay away from the family home is not the same as having no access to the family home. The firearm prohibitions of Section 6389 are prophylactic and designed to protect against the worst-case—but all too common—scenarios where an abuser does not faithfully observe the prohibitions of a TRO or DVRO. Reported California decisions are chock full of examples. (*See, e.g., Lister v. Bowen,*

¹⁴ *See, e.g.,* <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/sb950frm1107.pdf>. In limited circumstances not applicable here, Section 6389(m) allows the court to exclude certain firearms or ammunition “not in their immediate possession” from the scope of the TRO. The court may grant such an order *only* if “the judge is satisfied the respondent is unable to gain access to that firearm or ammunition while the protective order is in effect.” (*Ibid.*) The record does not reflect any modification of the TRO in question, however, nor was there grounds to modify the TRO under the circumstances here, where respondent owned the guns at the family home, which presented a grave risk if the stay away order was violated

(2013) 215 Cal. App. 4th 319, 334 [describing violation of protective order through stalking of the protected individual's workplace].) As the Legislature (*see* S.B. 320, Sen. Committee on Public Safety Rept. (Feb. 4, 2021) at 4) and the U.S. Supreme Court have recognized, “[f]irearms and domestic strife are a potentially deadly combination nationwide,” (*U.S. v. Hayes* (2009) 555 U.S. 415, 427.)

Accordingly, the court should not have cancelled the review hearing, because it was statutorily required to address respondent's admitted and ongoing violation of the TRO. (Fam. Code § 6322.5(a).) Continuing to own more than a dozen firearms, ammunition, and body armor, after a court issues a TRO prohibiting ownership of such items, is an express violation of the TRO and mandatory prohibitions of California law. (*See, e.g., Bailey v. Murray* (2024) 102 Cal. App. 5th 677, 687 [affirming trial court's finding respondent in violation of TRO after report showing he was the registered owner of a handgun but respondent failed to submit accurate DV-800 form showing relinquishment].) The trial court thus “[had] no discretion to treat an unquestionable violation of the [TRO] as if it were not really a violation.” (*Michael M. v. Robin J.* (2023) 92 Cal. App. 5th 170, 182 [internal quotation marks omitted].)

For all the reasons set forth above, the trial court clearly erred. In doing so, the trial court significantly undermined the protective purpose of the DVPA by permitting serial violations of the mandatory firearm and ammunition relinquishment prohibitions of Section 6389, without invoking the proper

procedure for addressing such violations and making the required findings and, if necessary, referrals to law enforcement and the prosecuting attorney.

D. The Public Policy Importance of Enforcing Mandatory Firearm Relinquishment

Failing to enforce mandatory firearm relinquishment under Section 6389 has serious public-policy consequences, including diminished survivor and public safety. Strict enforcement of Section 6389 as written is essential to safeguarding survivors and the public.

The strong link between firearms and domestic violence-related harm is well-established. Victims of domestic violence have a high chance of repeat violence, or even death, at the hands of their domestic abusers. Experts have found that past abuse is the strongest predictor of future abuse and the leading risk factor for intimate partner homicide. (Zeoli & Frattaroli, *Evidence for Optimism* (2013), at p. 56.) In 2021, for example, California homicide records reported to the California Department of Justice indicated that at least 43% of female homicide victims, and 7% of male victims, were killed by a current or former intimate partner or family member. (Cal. Dep't of Just., Off. of Gun Violence Prevention, *Domestic Violence Involving Firearms in California* (Nov. 2023).)¹⁵ There is also the risk that abusers

¹⁵ California Department of Justice, Office of the Attorney General, Office of Gun Violence Prevention, *Domestic Violence Involving Firearms in California* (Nov. 2023), <https://www.oag.ca.gov/system/files/attachments/press-docs/OGVP%20Report%20->

may become increasingly violent in response to a survivor's efforts to seek help, particularly legal protection.

The presence of firearms dramatically increases the potential for harm. For example, when a firearm was used in the most severe incident of domestic violence the odds of it ending in homicide were 41 times that of when a firearm was not used.¹⁶ More than four and a half million American women report being threatened with a gun by an intimate partner, and nearly 1 million American women have been nonfatally shot or shot at by an intimate partner.¹⁷ Moreover, in the United States, an average of approximately 70 women are killed each month by a firearm wielded by an intimate partner.¹⁸

Further, research has found that state laws with mandatory relinquishment provisions are acutely effective at reducing intimate partner violence-related gun deaths.¹⁹

%20Domestic%20Violence%20%26%20Firearms%20in%20CA.pdf

¹⁶ Campbell, et al., *2003: Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study* *American Journal of Public Health* 93, 1089-1097.

¹⁷ Susan Sorenson and Rebecca Schut, Nonfatal gun use in intimate partner violence: A systemic review of the literature, 19 *Trauma Violence Abuse* 4, 431-442 (2018).

¹⁸ Nat'l Resource Ctr. on Domestic Violence & Firearms, *Research at the Intersection of Intimate Partner Violence and Firearms* (Oct. 4, 2024), <https://nrcdvh.org/wp-content/uploads/2024/10/research-at-the-intersection-of-intimate-partner-violence.pdf>.

¹⁹ See, e.g., Carolina Díez, et al., State Intimate Partner Violence-Related Firearm Laws and Intimate Partner Homicide [IPH] Rates in the United States, 1991 to 2015, 167 *Annals Internal*

Similarly, states with firearm relinquishment laws have been shown to lower homicide rates as well as crime.²⁰ Studies show that firearm relinquishment requirements matter: laws requiring individuals subject to intimate partner violence-related restraining orders to relinquish firearms are associated with a 9.7% reduction in total intimate partner homicides and a 14% reduction in firearm-related intimate partner homicides²¹, and DVROs that mandate firearm removal are associated with a 12% reduction in intimate partner homicide.²²

States that required firearm relinquishment for individuals subject to domestic violence restraining orders were found to

Med. 536 (2017), <https://doi.org/10.7326/M16-2849>. (finding that restraining order relinquishment laws associated with 8.4% lower IPH rates; concluding that “laws prohibiting firearm possession by persons subject to IPV-related restraining orders may be associated with lower rates of firearm-related IPH, but only if the law includes an explicit requirement that these persons relinquish their firearms.”)

²⁰ Alice M. Ellyson, Julie Kafka, Avanti Adhia, Sandra Shanahan, Deirdre Bowen, and Ali Rowhani-Rahbar, “Crime reductions after enhanced implementation of Washington state’s domestic violence protection order firearm relinquishment law,” *Journal of Criminal Justice* 102 (2026): 102591.

²¹ Carolina Díez, et al., *State Intimate Partner Violence–Related Firearm Laws and Intimate Partner Homicide Rates in the United States, 1991 to 2015*, 167 *Annals Internal Med.* 536 (2017), <https://doi.org/10.7326/M16-2849>.

²² April M. Zeoli, et al., *Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations with Intimate Partner Homicide*, 187 *Am. J. Epidemiology* 2365 (2018), <https://doi.org/10.1093/aje/kwy174>.

have lower rates of pregnancy-associated homicide.²³ As appellant points out, mandatory firearm relinquishment protects not just the petitioner from retaliatory violence, but also children, family members, and the public at large. (See A.B. 43.) In fact, one study found that 68% of a subset of mass shooting incidents between 2014 and 2019 involved a family member or partner of the shooter as a victim.²⁴ Accordingly, failure by courts or law enforcement to enforce firearm prohibitions can “interfere with and cause injury to public peace or safety.” (*Id.*)

Mandatory firearm relinquishment builds directly on the Legislature’s commitment to survivor and public safety. Through the Armed and Prohibited Persons System (“APPS”), California has monitored individuals who are known to have legally purchased or acquired firearms, but later failed to relinquish them after becoming prohibited from owning or possessing them since 2006. In 2025 alone, over 12,000 individuals were added to the APPS database, with one of the primary drivers of new entrants--4,794--being individuals that have failed to relinquish firearms after becoming prohibited due to a court restraining or protection order. That is why the state emphasizes that “the best

²³ Maeve E. Wallace, Dovile Vilda, Katherine P. Theall, and Charles Stoecker, “Firearm Relinquishment Laws Associated With Substantial Reduction In Homicide Of Pregnant and Postpartum Women: Study examines the association of firearm relinquishment laws with homicide of pregnant and postpartum women,” *Health Affairs* 40, no. 10 (2021): 1654-1662.

²⁴ Lisa B. Geller, Marisa Booty, and Cassandra K. Crifasi, “The role of domestic violence in fatal mass shootings in the United States, 2014-2019,” *Injury Epidemiology* 8, no. 1 (2021):38

time for illegal firearm relinquishment is at local-level courts and [local law enforcement agencies].”

<https://oag.ca.gov/system/files/media/2024-apps-report.pdf>

These provisions were enacted to reduce firearm-related harm, and when properly enforced, can protect individual survivors, families, and the greater public. Collectively, California’s legislative reforms, funding commitments, and training initiatives reflect a deliberate shift toward treating firearm relinquishment as a coordinated, enforceable public-safety mandate rather than solely a mandatory procedural requirement.

Firearm relinquishment is, therefore, vitally important in the context of DVROs where there is a significant risk of firearms being used to threaten, maim, or murder a family member or intimate partner.²⁵ And research shows that laws like California’s Section 6389 meaningfully reduce domestic violence related-harm.

III. CONCLUSION

The Legislature enacted Section 6389 “to entirely remove the trial court’s discretion and mandate relinquishment of firearms whenever a protective order is issued.” (*Ritchie*, 115 Cal. App. 4th at 1296.) That purpose is served, however, only if trial

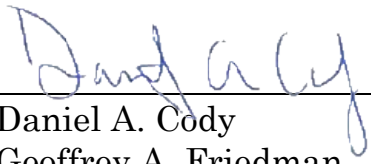
²⁵ Firearm Relinquishment, Giffords L. Ctr. to Prevent Gun Violence, <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/firearm-relinquishment/> (last visited Mar. 17, 2026).

courts follow the mandatory relinquishment procedures of the DVPA, and ensure consequences for non-compliance.

The trial court in this case repeatedly failed to follow the mandatory procedures of the DVPA, including the stringent relinquishment procedures codified by S.B. 320. The Court should therefore reverse the trial court's order and require that the DVPA be followed in this case emphasizing that adherence to the mandatory procedures of the DVPA is required for each and every domestic violence TRO or DVRO in California.

Dated: April 1, 2026

MINTZ, LEVIN, COHN,
FERRIS, GLOVSKY AND
POPEO, P.C.

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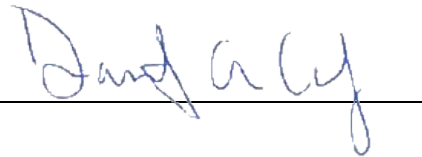
CERTIFICATE OF WORD COUNT

I certify pursuant to California Rules of Court 8.204 and 8.504(d) that this *Amici Curiae* Brief is proportionally spaced, has a typeface of 13 points or more, contains 6, 166 words, excluding the cover, the tables, the signature block, verification, and this certificate, which is less than the total number of words permitted by the Rules of Court. Counsel relies on the word count of the Microsoft Word word-processing program used to prepare this brief.

Dated: April 1, 2026

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

By: _____

A handwritten signature in blue ink, appearing to read "Dana Kelly", is written over a horizontal line.

**PROOF OF SERVICE
(C.C.P. § 1013a)**

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I, Philip Dobbs, declare:

I am a resident of the state of California and over the age of eighteen years and not a party to the within action. My business address is 44 Montgomery Street, 36th Floor, San Francisco, California 94104.

On April 1, 2026, I served the foregoing documents:

**APPLICATION OF GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE AND BRADY CENTER TO
PREVENT GUN VIOLENCE FOR PERMISSION TO FILE
BRIEF AS *AMICI CURIAE* IN SUPPORT OF APPELLANT
S.L.
AND
AMICI CURIAE BRIEF OF GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE AND BRADY CENTER TO
PREVENT GUN VIOLENCE IN SUPPORT OF
APPELLANT S.L.**

on the interested parties in this action as stated in the service list below:

[X] BY TRUEFILING: I caused the foregoing documents to be electronically filed with the court using the court's e-filing system. The following parties and/or counsel of record are designated for electronic service in this matter on the TrueFiling website.

LAW OFFICE OF LESLIE ELLEN SHEAR Julia Claire Shear Kushner 16133 Ventura Boulevard, Suite 700 Encino, CA 91436-2406 Email: Juliack@me.com	<i>Co-Counsel for Respondent R.L.</i>
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[X] BY FIRST CLASS MAIL: I caused the envelope to be placed for collection and mailing following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.


The envelope was addressed and mailed to all interested parties as follows:

Hon. Jordan Sheinbaum
Watsonville Courthouse
1 Second Street, Department D
Watsonville, California 95076

Trial Court

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

Executed on April 1, 2026 at San Francisco, California.



Philip Dobbs