

RULE 5 LAW AND MOTION

(A.)-(B.) – no changes)

C. SPECIAL PROCEDURES FOR GUN VIOLENCE RESTRAINING ORDERS INVOLVING MINORS

(1) This section applies to all requests for a gun violence restraining order pursuant to Penal Code section 18100 et seq. for which the respondent is a minor.

(2)

- a. A petitioner, or law enforcement officer or law enforcement agency requesting a gun violence restraining order who is informed and believes that the person to be restrained is a minor must, at the time the Petition for Gun Violence Restraining Order (GV-100) or Gun Violence Emergency Protective Order (EPO-002) is submitted, request that information regarding the minor obtained or provided in connection with the request, including, but not limited to, the minor's full name, address, and the circumstances surrounding the request for a gun violence restraining order with respect to that minor, be kept confidential, by following subsection (3)b below, except as provided in subdivision (4).
- b. The person or entity submitting the request must complete and file confidential form Request to Keep Minor's Information Confidential – GVRO (attached form FM-1199) and must submit redacted and unredacted versions of the Petition for Gun Violence Restraining Order (form GV-100) or Gun Violence Emergency Protective Order (EPO-002) and any attachments. Form FM-1199 and the unredacted version of the ~~Petition for Gun Violence Restraining Order (form GV-100) or EPO-002~~ must be filed and maintained in a confidential case file. The respondent must be served with copies of form FM-1199 and the redacted and unredacted versions of the GV-100 or EPO-002 Petition. The court must determine whether to grant a request for confidentiality without requiring that notice of the request be given to the other party and without an adversarial hearing. The court may grant the entire request, deny the entire request, or partially grant the request for confidentiality.
- c. The court may order the information in subdivision (2)a be kept confidential if the court expressly finds all of the following:
 - i. The minor's right to privacy overcomes the right of public access to the information.
 - ii. There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential.
 - iii. The order to keep the information confidential is narrowly tailored.
 - iv. No less restrictive means exist to protect the minor's privacy.

(3)

- a. If the request for confidentiality is granted, except as provided in subdivision (4), the information regarding the minor must be maintained in a confidential case file and must not become part of the public file in the proceeding unless otherwise ordered by the court.
- b. On all subsequent pleadings and orders, the parties and the court must prepare redacted and unredacted copies and use the initials of the minor or other initials at the discretion of the court. Redacted pleadings and orders must be filed and maintained in the public file and the unredacted pleadings and orders must be filed and maintained in a confidential file.
- c. If the request for confidentiality is denied, the Clerk must file and provisionally maintain the unredacted Petition for Gun Violence Restraining Order (form GV-100) or Gun Violence Emergency Protective Order (EPO-002) and any attachments in a confidential case file for 15 days from the date of filing. During the 15-day period, the minor, the minor's legal guardian, or the attorney for the minor may file an ex parte motion to schedule a closed hearing on shortened time to determine whether there are additional facts that would support granting the request for confidentiality. Unless the court grants the request for confidentiality after the hearing, the Clerk must remove the Petition from the confidential case file after the 15-day period has expired and place it in the public file.
- d. Except as provided in subdivision (4), if the court determines that disclosure of confidential information has been made without a court order, the court may, in its discretion, impose a sanction pursuant to Code of Civil Procedure section 575.2. The minor may not be sanctioned for the disclosure of confidential information.

(4) – (5) no changes