

Reissue a Request For Order

(Getting More Time to Serve the Other Party)

Step 1	<p>Complete the following forms in blue or black ink:</p> <p><input checked="" type="checkbox"/> FL-306 Application and Order for Reissuance of Request For Order or Restraining Order (Juvenile) or Order to Show Cause</p>
Step 2	<p>Copies: Make <input checked="" type="checkbox"/> 3 copies, in addition to the original.</p>
<p>Step 3</p> <p><i>It is FREE to file.</i></p>	<p>File: Turn in the original and copies to the Clerk’s Office at:</p> <p><input type="checkbox"/> 170 Park Avenue, San Jose if the OSC hearing was set in Departments 71, 72, 73, 74, 75, or 76</p> <p><input type="checkbox"/> 99 Notre Dame Ave., San Jose if the OSC hearing was set in Departments 94 or 95</p> <p><input type="checkbox"/> 605 W. El Camino Real, Sunnyvale if the OSC hearing was set in Departments 80, 82 or 83</p> <p><input type="checkbox"/> 301 Diana Ave., Morgan Hill if the OSC was set for hearing in Department 107 or 108</p> <p><i>Monday-Friday from 8:30am to 4:00pm.</i></p>
Step 4	<p>Service:</p> <ul style="list-style-type: none"> ▪ You must serve a copy of the Reissuance and the papers you couldn’t serve before on the other party in your case and their attorney, if they have one. (So they know what the new court date is.) “<i>Service</i>” means that someone, NOT YOU, who is at least 18 years old, must hand-deliver a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve (deliver) the papers for you or you can look in the yellow pages and hire a “process server” to deliver the papers for you for a fee. ▪ All the forms must be served at least 16 <u>court</u> days before the next hearing (or 5 days before if emergency orders were granted). ▪ Whoever serves must complete the attached <i>Proof of Personal Service</i> form (FL-330)* and give it back to you. You must file the original and a copy of this form at the Clerk’s Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records. *Note: The server may need to fill out a Proof of Service of Summons (FL-115) instead if you opened a new case at the same time you filed the Request for Order. Ask the Self-Help Center if you have questions. <p><input type="checkbox"/> You must serve a copy to the Department of Child Support Services (DCSS) if they are involved in your case. Bring the DCSS copy to the Self-Help Center at the Notre Dame Courthouse and the Center will serve the DCSS for you.</p>
Step 5	<p>Go to the hearing:</p> <p>Go to your court hearing at the date and time on the Reissuance form.</p>
Note	<p>THE PROOF OF SERVICE FORM IS VERY IMPORTANT. IT MUST BE COMPLETED CORRECTLY AND EITHER FILED OR TAKEN TO THE HEARING.</p>

Please turn over for important information



WHEN IS A REISSUANCE USED?

A reissuance is used to extend your court date if you weren't able to serve the other party in your case at least 16 calendar days before your court hearing.

If you filed a Request for Order to get or change court orders, but weren't able to serve the other party you can file to reissue your court date to get more time to serve them.

You normally need to serve the other party at least 16 calendar days before the hearing (or another number of days if the Court granted an order shortening time to serve – look at the front of your FL-300 to see how many days before the hearing you have to serve the other party).

WHAT HAPPENS WHEN YOU FILE A REISSUANCE?

Once you file your reissuance, the clerk will fill in a new court date allowing you enough time to now get the Other Party and their attorney (if they have one) served 16 days before the hearing.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney;
- contact a Legal Services Agency such as Legal Aid or Pro Bono Project
- get the forms online at the state's website, (www.courts.ca.gov/selfhelp);
- use a self-help legal book or
- visit the Self-Help Center/Family Law Facilitator's Office in person, Monday through Thursday, starting at 8:30 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator's Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help