

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W16-04

Title	Action Requested
Request to Continue Hearing Date and Extend Temporary Restraining Order in Domestic Violence, Family Law, Juvenile Law, Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence Cases	Review and Submit Comments by January 22, 2016
Proposed Rules, Forms, Standards, or Statutes Amend Cal. Rules of Court, rules 5.94 and 5.630; revise forms DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505-INFO, FL-306, and JV-251	Proposed Effective Date July 1, 2016
Revise forms CH-115, CH-116, EA-115, EA-116, SV-115, SV-116, WV-115, and WV-116; adopt forms CH-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO	Contact For Family and Juvenile Law: Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov Frances Ho, 415-865-7662 frances.ho@jud.ca.gov For Civil and Small Claims: Bruce Greenlee, 415-865-7698 bruce.greenlee@jud.ca.gov Anne Ronan, 415-865-8933 anne.ronan@jud.ca.gov

Proposed by
Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Civil and Small Claims Advisory Committee
Hon. Raymond M. Cadei, Chair

Executive Summary and Origin

To implement the recent changes made by Assembly Bill 1081 (Stats. 2015, ch. 411) to Family Code section 245 and Welfare and Institutions Code section 213.5, the Family and Juvenile Law Advisory Committee proposes amendments and revisions to Judicial Council rules and forms

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

relating to a party's request to continue a hearing on a request for a restraining order in a Family or Juvenile Law case.

To implement the recent changes made by AB 1081 to Civil Code sections 527.6, 527.8, and 527.85 and Welfare and Institutions Code section 15657.03, the Civil and Small Claims Advisory Committee proposes revisions to Judicial Council forms relating to a party's request to continue a hearing on a request for a restraining order in a civil harassment, elder abuse, private postsecondary school violence, or workplace violence case.

Prior Circulation

The Family and Juvenile Law Advisory Committee proposed changes to rule 5.94 of the California Rules of Court and *Application and Order for Reissuance of Request for Order and Temporary Emergency Orders* (form FL-306) in the SPR15-16 invitation to comment, *Domestic Violence—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms*.¹ That proposal circulated for comment from April 17 to June 17, 2015. Subsequently, in October 2015, Governor Edmund G. Brown, Jr., approved AB 1081. Because the legislation amended Family Code section 245, rule 5.94 and form FL-306 are required to be recirculated to allow the public to comment on the substantive changes proposed by the committee.

There has been no prior circulation of the forms proposed by the Civil and Small Claims Advisory Committee.

The Proposal

Overview of proposals

Domestic violence and family law proposal. The recent amendments made to Family Code section 245 require a number of changes to existing domestic violence forms—forms DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505-INFO—as well as a family law rule of court and form, rule 5.94 and form FL-306.² The specific proposed changes are further described in the proposal; however, generally, the proposal involves conforming each to the new provisions in Family Code section 245, which include that:

- The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition;
- Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause;
- The request may be made in writing before or at the hearing or orally at the hearing;
- The court may also grant a continuance on its own motion;

¹ The invitation to comment is available online at www.courts.ca.gov/documents/SPR15-16.pdf.

² The legislation is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1081.

- If the court grants a continuance, any temporary restraining order that has been issued shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court;
- In granting a continuance, the court may modify or terminate a temporary restraining order; and
- A fee shall not be charged for the extension of the temporary restraining order.

Juvenile law proposal. The recent amendments to Welfare and Institutions Code section 213.5 require changes to *Application and Order for Reissuance of Temporary Restraining Order—Juvenile* (form JV-251) and rule 5.630 of the California Rules of Court. The specific proposed changes are further described in the proposal; however, generally, the proposal involves conforming each to the new provisions in Welfare and Institutions Code section 213.5, which include that:

- Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause;
- The responding party shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition;
- The request may be made in writing before or at the hearing or orally at the hearing;
- The court may also grant a continuance on its own motion;
- If the court grants a continuance, any temporary restraining order that has been issued shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court; and
- In granting a continuance, the court may modify or terminate a temporary restraining order.

Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence proposals. The recent amendments to Civil Code section 527.6 (Civil Harassment), 527.8 (Workplace Violence), 527.85 (Private Postsecondary School Violence), and to Welfare and Institutions Code section 15657.03 (Elder Abuse), require changes to Forms CH-115, EA-115, SV-115, and WV-115, all titled *Request to Continue Court Hearing and Reissue Temporary Restraining Order*, and to Forms CH-116, EA-116, SV-116, and WV-116, all titled *Notice of New Hearing Date and Order on Reissuance*. Additionally, the Civil and Small Claims Advisory Committee proposes adding new forms CH-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO, modeled after current form DV-115-INFO, to provide parties with the basic information needed to obtain a continuance of a hearing in these proceedings. The proposal involves conforming the forms to the new provisions in the Civil Code and Welfare and Institutions Code sections above regarding continuances, which include that:

- Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause;
- The responding party shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition;

- The request may be made in writing before or at the hearing or orally at the hearing;
- The court may also grant a continuance on its own motion;
- If the court grants a continuance, any temporary restraining order that has been issued shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court; and
- In granting a continuance, the court may modify or terminate a temporary restraining order.

Proposal details

Domestic violence forms / family law rule and forms proposal

Request to Continue Court Hearing and Reissue Temporary Restraining Order (form DV-115)

This form is currently drafted only for the “Person Asking for Protection” by a Domestic Violence Prevention Act temporary restraining order to ask the court to continue the hearing and reissue the orders. The request can be made, for example, if the “Person to be Restrained” has not been personally served with the *Notice of Court Hearing* (form DV-109) and *Temporary Restraining Order* (form DV-110) as required before the court date and the person to be protected wants the temporary restraining order to remain in effect while personal service is attempted for the new hearing date.

A number of revisions are proposed to conform form DV-115 to amended Family Code section 245. The major changes involve expanding its use by the party who was served with the forms (and is thereafter restrained by a *Temporary Restraining Order* (form DV-110) granted by the court). The form would also reflect the new provisions of the statute, as follows:

- The title of the form would be changed to “*Request to Continue Hearing Date (Temporary Restraining Order)*.”
- Item 1 would be changed by replacing the heading “Name of Person Asking for Protection” with “Name of Person Asking to Continue the Hearing Date.” Beneath this heading, two check boxes would require the person completing the form to indicate if he or she is the “Person asking for protection/Protected person” or the “Person to be restrained/Restrained person.”
- Item 2 would be changed by replacing the heading “Name of Person to be Restrained” with “Name of Other Party.” The committee also proposes removing the space for the other party’s mailing address because it is not needed on the form and will be included in the Proof of Service.
- At item 3, the heading would be modified as follows: “Request to Continue Hearing Date ~~and Reissue Temporary Restraining Order~~.”
- Item 3a. would be revised to focus on a party’s request to continue the hearing, and item 3b. would be simplified to identify the reason for the request.

- Under item 3b., two more preprinted subitems would be added to identify the reasons for the request to continue the hearing date. Item 3b.2. would state, “I am the restrained person and this is my first request to continue the hearing date.” Item 3b.3. would state, “I need more time to hire a lawyer or prepare a response.”
- In item 3, the proposal would delete current b., which prompts the user to identify the number of times that any temporary restraining orders have been reissued. The statute was recently revised to delete the provision about a fee being charged if the order was extended more than three times.³ For this reason, the committee believes that the information in the current 3b. is no longer required to implement the statute. However, the committee is interested in feedback about any impact of deleting the language and whether there is a reason for maintaining it on this form.
- Finally, the form would be revised to include a notice box to provide statutory language for the parties’ edification. It would state the following: “Notice: If the hearing date is continued, the *Temporary Restraining Order* (form DV-110) will remain in effect until the end of the continued hearing, unless otherwise ordered by the court.” Including this language will advise either party that the temporary restraining orders automatically remain in effect if the court hearing is continued, so a party does not have to specifically ask the court to extend the expiration date of the order on this form.

Notice of New Hearing and Order on Reissuance (form DV-116)

This form serves as the court order to continue the hearing date on the temporary restraining order. A number of revisions are proposed to conform form DV-116 to amended Family Code section 245, including expanding it for use by the restrained party. Other specific changes include:

- Renaming the form to *Order to Continue Hearing Date (Temporary Restraining Order)*;
- At item 1, changing the heading to “Name of Person Asking for Protection/Protected Person”;
- At item 2, changing the heading to “Name of Person to be Restrained/Restrained Person”;
- Adding a new item 3, “Person Seeking the Continuance,” to specify which party is seeking the continuance and his or her address;
- At item 4, changing the text from “Reason for New Hearing Date” to “Reason for the Continuance”;
- Under item 4, adding new subitems to state, “The person in 2 asked for a first continuance of the hearing,” and “The court orders a continuance in its discretion”;
- In the “New Hearing Date” box in item 5, stating, “The extended *Temporary Restraining Order* (form DV-110) expires at the end of the new hearing”;

³ Family Code section 245(c) formerly provided that “[n]o fee shall be charged for the reissuance of the order unless the order had been dissolved three times previously.”

- Changing the heading in item 6 to “Extended Temporary Restraining Order” and revising this section to reflect the language of the statute;
- Revising item 7 to provide an order for the service requirements in the event that the restrained party obtains an order to continue the hearing date;
- At item 8, revising the text to clarify that no fee is required for the sheriff or marshal to serve the order on the restrained person; and
- Inserting a “CLETS Entry” section at item 9.

As to this form, the committee welcomes suggestions on terms that would be more understandable for self-represented litigants than “continuance.” In addition, the committee solicits comments on whether “Continuance Denied” should be expressly made a part of the forms, given that neither form DV-116 nor the corresponding civil forms provide for the court to deny a continuance.

How to Ask for a New Hearing Date (form DV-115-INFO)

Proof of Personal Service (form DV-200)

What is “Proof of Personal Service”? (form DV-200-INFO)

How Do I Ask for a Temporary Restraining Order? (form DV-505-INFO)

The proposal would revise these forms to (1) delete the term “reissuance” and “reissue” wherever they appear and replace them with “extend” or “extension,” and/or (2) reflect the proposed revised titles of forms DV-115 and DV-116. In addition, form DV-115-INFO would be revised to include a statement that the court can make orders against the restrained person if he or she does not go to the hearing.

Rule 5.94. Order shortening time; other filing requirements

In response to the statutory changes in Family Code section 245, the committee proposes minor as well as substantive changes to the rule. The minor changes include deleting the words “reissuance” and “reissued order” and replacing them with “extension” and “extended order.” The committee also recommends deleting the term “application” and replacing it with “request,” and referencing the term “continuance.”

The substantives changes would include amending the rule to:

- Clarify that failure to timely serve form FL-300 and any temporary emergency orders granted by the court will result in the expiration of the temporary emergency orders at the end of the continued hearing;
- Provide that both parties may ask the court for a continuance; and
- Include the procedure for either party to request the continuance.

The proposal would also include changes to the rule in response to public comments received when the rule previously circulated for comment. Specifically, the rule would be reformatted to improve reading comprehension and reflect the revised title of form FL-305 as of July 1, 2015. It

would also specify that the completed form FL-306 must be attached as the cover page when service on the other party is required.

Application and Order for Reissuance of Request for Order and Temporary Emergency Orders (form FL-306)

This form is used by the moving party to request that the court extend the expiration date of the temporary emergency orders issued on a *Request for Order* (form FL-300). To conform to the changes in Family Code section 245, the committee proposes the following changes:

- Renaming the form to *Request and Order to Continue Hearing Date and Extend Temporary Emergency (Ex Parte) Order*;
- Substituting the word “reissue” with “extend” wherever it appears in the form; and
- Expanding the form to two pages to include new sections for the court to make specific orders relating to the temporary emergency order (item 9) and service (item 10).

Under Family Code section 245, if the court grants a continuance, any temporary restraining order that has been issued shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. Because the extension is automatic under the amended statute, the committee does not propose including check boxes for a party to ask for the extension.

Further, in response to comments received about this form in previous cycles, the committee proposes that:

- The application portion of the form be reorganized and reflect some of the plain-language content in form DV-115;
- The term “court mediator or family court services” be updated to “child custody mediator or child custody recommending counselor”; and
- The form be revised to include an order shortening time for service or time for the hearing.

Finally, the committee proposes deleting the current item 5 at which a party indicates the number of times that the orders have been reissued. This information might have been added as a reference to Family Code section 245(c), which provided that “[n]o fee shall be charged for the reissuance of the order unless the order had been dissolved three times previously.” Because that language was deleted from the statute, effective January 1, 2016, the item may no longer be relevant or required. Without a specific statutory requirement for asking the question, the committee proposes that it be removed from the form. However, the committee seeks comment from the public giving any specific reason why the item should remain on the form.

Juvenile law proposal

Rule 5.630

In response to the statutory changes to Welfare and Institutions Code section 213.5, the committee proposes minor changes to rule 5.630(e). The proposed revisions are to:

- Rename the title of subdivision (e) to *Continuance* rather than *Reissuance*;
- Delete language that restates statutory provisions in paragraphs (e)(1) and (e)(2); and
- Refer to form JV-251 by its new title, *Application and Order to Continue Hearing Date (Temporary Restraining Order—Juvenile)*.

Application and Order to Continue Hearing Date (Temporary Restraining Order—Juvenile)
(form JV-251)

A number of revisions are proposed to conform form JV-251 to amended Welfare and Institutions Code section 213.5. The major changes involve expanding its use to allow either party to use the form to request a continuance. The form would also reflect the new provisions of the statute, as follows:

- The title of the form would be changed to *Application and Order to Continue Hearing Date (Temporary Restraining Order—Juvenile)*;
- Item 2 would be changed to allow either side to indicate that they are requesting a continuance;
- At item 3, the applicant would indicate the reason for the continuance, and additional grounds for a continuance would be added;
- At item 5, a new section would be added to allow the court to indicate whether a temporary restraining order is in effect and, if so, whether the court is extending, modifying, or terminating the temporary restraining order;
- Item 6, *Service of Order*, would be changed to include additional service options, including service on the petitioner (person who requested the restraining order); and
- A “Transmittal Order” section would be inserted at item 7.

Civil forms revisions proposal

Request to Continue Court Hearing and to Reissue Temporary Restraining Order
(Forms CH-115, EA-115, SV-115, and WV-115)

All four of these forms are currently the same except for caption information. The proposed revisions closely mirror those proposed above for Form DV-115, except that the four civil 115 forms would maintain the item that asks about previous requests for continuances and the number of prior continuances granted.

These forms are currently drafted only for use by the petitioner (the person who is seeking protection). The forms are proposed to be revised for use by either party. The titles would be changed to simply *Request to Continue Court Hearing*. All references to “reissuance” would be removed. The form would advise the person seeking the continuance that if a temporary restraining order (TRO) was issued in the case, it will be extended and remain in effect through the new hearing date. There is no need to specifically request that the TRO be extended.

The four civil 115 forms would also ask about previous requests for continuances and the number of prior continuances granted.

Notice of New Hearing Date and Order on Reissuance (Forms CH-116, EA-116, SV-116, and WV-116)

Like Form DV-116, these forms serve as the court order to continue the hearing date on the request for a restraining order. The four forms are currently the same except for caption information. Again, the proposed changes for the most part mirror those proposed above for DV-116, except as to the title.

Instead of *Order to Continue Hearing Date (Temporary Restraining Order)*, the Civil and Small Claims Advisory Committee proposes that the title of Forms CH-116, EA-116, SV-116, and WV-116 be changed to *Order on Request to Continue Hearing*. The committee seeks comments about whether the form names should be harmonized.

Neither Form DV-116 nor the corresponding civil forms provide for the court to deny a continuance. Comments are sought on whether “Continuance Denied” should be expressly made a part of the forms.

Again, all references to “reissuance” would be removed from the forms. Instead, proposed Item 6 would address the extension of the TRO through the new hearing date. There are options for the court to extend without change, extend but modify, or terminate the TRO, as permitted by the revised statutes.

As with proposed Form DV-116, there are expanded options for service of the form on the other party. In Item 8, there is an option to provide that the sheriff or marshal will serve the order without charge. This item differs from that on Form DV-116 because the civil proceedings statutes (except for Elder Abuse) do not automatically authorize free service.

How to Ask for a New Hearing Date (Forms CH-115-INFO, EA-115-INFO, SV-115 INFO, and WV-115 INFO)

The proposal would create four new information forms, CH-115-INFO, EA-115-INFO, SV-115 INFO, and WV-115 INFO, all titled *How to Ask for a New Hearing Date*. The forms would be virtually identical to DV-115-INFO, as revised as noted above.

Alternatives Considered

The Family and Juvenile Law Advisory Committee considered making technical changes to rule 5.94 and forms DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505-INFO, and FL-306 and including the revised forms in the report to the Judicial Council for SPR15-16 title *Domestic Violence—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms*. After further review of the broader impact of AB 1081 on Judicial Council rules and forms, the committee decided not to take this action.

The committee recognized that additional changes would be needed to comply with the mandate of AB 1081. For example, (1) juvenile rules and forms would also need to be revised to conform to AB 1081's amendments to Welfare and Institutions Code section 213.5; (2) efforts should be made to harmonize the domestic violence, civil harassment, juvenile, elder abuse, and workplace violence forms affected by the legislation; and (3) public comment should be sought on the proposal because it would involve more than minor, technical changes. In light of the complexity of the legislation, the committee decided to propose circulating the rules and forms affected by AB 1081 in a separate invitation to comment for the winter 2016 cycle.

The Civil and Small Claims Advisory Committee did not consider proceeding with technical changes, without circulating the forms for comment, for the reasons noted above. The committee was concerned, however, that if these forms are not in place by January 1, 2016, the current forms, which do not accurately reflect the law, will continue to be available for use for another six months. Therefore, the committee considered, but rejected, the option of temporarily revoking the 115 and 116 forms and replacing them with these proposed forms for July 1. The committee also considered asking for immediate approval of the forms for January 1, 2016, with circulation for comment to follow. However, the Civil and Small Claims Advisory Committee decided that it would be best to circulate the civil forms together with the Family and Juvenile Law forms during this comment period, with a July 1, 2016 effective date for all the new and revised forms.

Implementation Requirements, Costs, and Operational Impacts

The committees anticipate that these proposals will result in some costs incurred by the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the changes are required by the recent legislation. Furthermore, the committee expects that the changes will save court resources by clarifying and simplifying procedures.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Should forms FL-306, DV-115, CH-115, EA-115, SV-115, and WV-115 maintain an item for a party to indicate the number of times the hearing has been continued?
- Should the forms maintain an item for a party to specify the date of the last hearing?
- Are there ways to further harmonize the domestic violence and juvenile law forms in this proposal with the changes proposed by the Civil and Small Claims Advisory Committee to the civil harassment, elder abuse, and workplace violence forms?
- Should the 116 forms for the court's order include an option to deny a continuance?
- Should the title of form DV-116 be made the same as that on the other civil forms? Is there another title that would be more suitable for these forms in light of the requirements of AB 1081? Is there a term that is more understandable for self-represented litigants than "continuance"?
- How would this proposal affect low- or moderate-income members of the public?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What are the implementation requirements for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Is the notice provided in plain language such that it will be accessible to a broad range of litigants, including self-represented litigants?

Attachments

1. Cal. Rules of Court, rules 5.94 and 5.630, at pages 12–15
2. Forms DV-115, DV-115-INFO, and DV-116, at pages 16–20
3. Forms DV-200, DV-200-INFO, and DV-505, at pages 21–26
4. Form FL-306, at pages 27–28
5. Form JV-251, at pages 29–30
6. Forms CH-115, CH-115-INFO, and CH-116, at pages 32–36
7. Forms EA-115, EA-115-INFO, EA-116, at pages 37–42
8. Forms SV-115, SV-115-INFO, SV-116, at pages 43–48
9. Forms WV-115, WV-115-INFO, WV-116, at pages 49–54

Rules 5.94 and 5.630 of the California Rules of Court would be amended, effective July 1, 2016, to read:

1 **Rule 5.94. Order shortening time; other filing requirements; request to continue**
 2 **hearing date and extend temporary emergency (ex parte) orders**

3
 4 **(a) Order shortening time**

5
 6 * * *

7
 8 **(b) Time for filing proof of service**

9
 10 * * *

11
 12 **(c) ~~(d)~~ Filing of late papers**

13
 14 No moving or responding papers relating to a request for order may be rejected for
 15 filing on the ground that ~~it was~~ they were untimely submitted for filing. If the court,
 16 in its discretion, refuses to consider a late filed paper, the minutes or order must so
 17 indicate.

18
 19 **(d) ~~(e)~~ Computation of Timely submission to court clerk**

20
 21 Moving or responding papers are deemed timely filed if they are submitted: before
 22 the close of the clerk's office to the public on the day that the paper is due is
 23 deemed timely filed.

24
 25 (1) Before the close of the court clerk's office to the public; and

26
 27 (2) On or before the day the papers are due.

28
 29 **(e) ~~(e)~~ Failure to timely serve ~~moving papers~~ request for order and temporary**
 30 **emergency (ex parte) orders**

31
 32 ~~If a *Request for Order* (FL 300) is not timely served on the opposing party, the~~
 33 ~~moving party must notify the court as soon as possible before the date assigned for~~
 34 ~~the court hearing and request a new hearing date to allow additional time to serve~~
 35 ~~the *Request for Order* (FL 300) and supporting documents.~~

36
 37 ~~The moving party must also request that the court reissue the *Request for Order*~~
 38 ~~(FL 300) and any temporary orders. To do so, the moving party must complete and~~
 39 ~~submit to the court an *Application and Order for Reissuance of Request for Order*~~
 40 ~~(form FL 306).~~

1 The Request for Order (form FL-300) and Temporary Emergency (Ex Parte)
 2 Orders (form FL-305) will expire on the date and time of the scheduled hearing if
 3 the moving party fails to:

- 4
 5 (1) Have the other party timely served before the hearing with the Request for
 6 Order (form FL-300), supporting documents, and any orders issued on
 7 Temporary Emergency (Ex Parte) Orders (form FL-305); or
 8
 9 (2) Obtain a court order to continue the hearing.

10
 11 **(f) Procedures to request continued hearing date and extension of temporary**
 12 **emergency (ex parte) orders**

13
 14 (1) If a Request for Order (form FL-300) that includes temporary emergency
 15 orders is not timely served on the other party before the date of the hearing,
 16 and the party granted the temporary emergency (ex parte) order wishes to
 17 proceed with the request, he or she must ask the court to continue the hearing
 18 date. On a showing of good cause, or on its own motion, the court may grant:

19
 20 (A) The continuance and extend the expiration date of the temporary
 21 emergency order until the end of the continued hearing or to another date
 22 ordered by the court.

23
 24 (B) The party's request to modify the temporary emergency (ex parte) order.

25
 26 (C) The party's request to terminate the temporary emergency (ex parte)
 27 order.

28
 29 (2) The party served with a Request for Order (form FL-300) that includes a
 30 temporary emergency (ex parte) order:

31
 32 (A) Is entitled to one continuance for a reasonable period of time to respond
 33 and, thereafter, to a continuance based on a showing of good cause.

34
 35 (B) Must file and serve a Responsive Declaration to Request for Order (form
 36 FL-320) as required by the court order.

37
 38 (3) The following procedures apply to either party's request to continue the
 39 hearing:

40
 41 (A) The party asking for the continuance must complete and submit an
 42 original Request and Order to Continue Hearing Date and Extend

1 Temporary Emergency (Ex Parte) Order (form FL-306) with two copies
2 for the court to review, as follows:

3
4 (i) The form should be submitted to the court no later than five court
5 days before the hearing date originally set on the Request for
6 Order.

7
8 (ii) The party may present the form to the court at the hearing of the
9 Request for Order.

10
11 (iii) The party who makes an oral request to the court on the date of
12 the hearing is also required to complete and submit form FL-306
13 if the court grants the request.

14
15 (B) After the court signs and files form FL-306, a filed copy must be served
16 on the other party, unless the court orders otherwise. If the continuance
17 is granted:

18
19 (i) Before the other party is served with notice of the hearing and
20 temporary emergency (ex parte) order, then form FL-306 must be
21 attached as the cover page and served along with the Request for
22 Order (form FL-300), the original or modified temporary
23 emergency (ex parte) order, and supporting documents.

24
25 (ii) To the responding party, and the party who asked for the
26 temporary emergency order was absent when the continuance was
27 granted, then form FL-306 must be attached as the cover page to
28 any documents the court orders served on that party.

29
30 (iii) Service must be in the manner required by rule 5.92 or as ordered
31 by the court.

32
33 (C) If the Request and Order to Continue Hearing Date and Extend
34 Temporary Emergency (Ex Parte) Order (form FL-306), Request for
35 Order (FL-300), original or modified temporary emergency order, and
36 supporting documents are not timely served on the other party, and the
37 moving party wishes to proceed with the hearing, he or she must repeat
38 the procedures in this rule.

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1 **Rule 5.630. Restraining orders**

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(a)–(d) * * *

(e) **Reissuance**Continuance

- (1) ~~The court may, on its own motion or the filing of a declaration by the person seeking the restraining order, find that the person to be restrained could not be served within the time required by the law and reissue an order previously issued and dissolved by the court for failure to serve the person to be restrained. The court may grant a continuance under Welfare and Institutions Code section 213.5.~~
- (2) ~~The reissued order must state on its face the date of expiration of the order.~~
- (3) Either *Application and Order for Reissuance of to Continue Hearing Date (Temporary Restraining Order—Juvenile)* (form JV-251) or a new *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) must be used for this purpose.

(f)–(k) * * *

DV-115

**Request to Continue Hearing Date
(Temporary Restraining Order)**

Clerk stamps date here when form is filed.

DRAFT A

**NOT APPROVED
BY THE JUDICIAL
COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Use this form to ask the court to change the hearing date listed on form [DV-109, Notice of Court Hearing](#). (Read [DV-115-INFO](#), How to Ask for a New Hearing Date for more information).

1 Name of Person Asking to Continue the Hearing Date

I am the: Person asking for protection/Protected person
 Person to be restrained/Restrained Person

Your lawyer in this case (if you have one):
Name: _____ State Bar No.: _____
Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)

Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
E-Mail Address: _____

2 Name of Other Party

3 Request to Continue Hearing Date

- a. I ask the court to continue the hearing currently scheduled on (date): _____
- b. I ask the court to continue the hearing date because (specify): _____
 - (1) I could not get the papers served before the hearing date.
 - (2) I am the restrained person and this is my first request to continue the hearing date.
 - (3) I need more time to hire a lawyer or prepare a response.
 - (4) Other (specify): _____

Notice: If the hearing date is continued, the Temporary Restraining Order (Form [DV-110](#)) will remain in effect until the end of the continued hearing, unless otherwise ordered by the court.

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

Date: _____

Type or print your name

Sign your name

Date: _____

Lawyer's name, if you have one

Lawyer's signature

This is not a Court Order.

DV-115-INFO How to Ask for a New Hearing Date

You may need to ask for a new hearing date if:

- You are the **person asking for protection/protected person** and are unable to have form [DV-109, Notice of Court Hearing](#), and other papers served in time before the hearing date.
- You are the **restrained person** and it is your first time asking the court to continue the hearing.
- Either person has a good reason for needing a new hearing date (the court may grant a request to continue the hearing on a showing of “good cause”).

What does form DV-115 do?

Use form [DV-115](#) to ask the court to “continue” the hearing. You may also ask to “extend” any temporary restraining orders using form [DV-110, Temporary Restraining Order](#).

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of form [DV-115](#).
- Fill out items ① through ③ on form [DV-116, Order to Continue Hearing Date \(Temporary Restraining Order\)](#).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signed form [DV-116](#), the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on form DV-109.
- Next, file both forms DV-115 and DV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item ⑦ on form [DV-116](#).
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use form [DV-200, Proof of Personal Service](#). If service was by mail, use form [DV-250, Proof of Service by Mail](#). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before the hearing.
- If the court continues the hearing date and extends the expiration date of the temporary restraining order to the date of the new hearing, the clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

Go to the hearing

- Take with you to the court hearing a copy of all of your papers and the original *Proof of Service*.
- If the protected person does not go to the hearing, the temporary domestic violence restraining orders will expire on the date and time of the hearing. If the restrained person does not go to the hearing, the court can still make orders against him or her that can last for up to five years.

Need help?

Ask the court clerk about free or low-cost legal help. For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline: **1-800-799-7233 (TDD: 1-800-787-3224)**. It’s free and private. They can help you in more than 100 languages.

DV-116

Order to Continue Hearing Date (Temporary Restraining Order)

Clerk stamps date here when form is filed.

**NOT APPROVED
BY THE JUDICIAL
COUNCIL**

Complete items (1), (2), and (3). (The Court will fill out all other sections)

1 Name of Person Asking for Protection/Protected Person:

2 Name of Person to Be Restrained/Restrained Person:

3 Person Seeking the Continuance

I am the: person in (1) person in (2).

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

4 Reason for the Continuance

a. The hearing currently scheduled for (date): _____ is continued to the date, time, and location in (5).

b. The continuance is needed because:

(1) The person in (2) was not served before the current hearing date.

(2) The parties were referred to Family Court Services.

(3) The person in (2) asked for a first continuance of the hearing.

(4) The person in (2) asked for more time to hire a lawyer or prepare a response.

(5) Other (specify): _____

c. The court orders a continuance in its discretion.

5 Order for Continuance and Notice of New Hearing

The Notice of Court Hearing (form DV-109) is continued to the date, time, and location shown below:

**New
Hearing
Date**

Date: _____ Time: _____ Name and address of court, if different from above: _____

Dept.: _____ Room: _____ _____

The extended Temporary Restraining Order (form DV-110) expires at the end of the new hearing.

This is a Court Order.

**Order to Continue Hearing Date
(Temporary Restraining Order) (CLETS-TRO)
(Domestic Violence Prevention)**



Case Number:

6 Extended Temporary Restraining Order

- a. No temporary restraining orders were issued in this case.
- b. By granting the request to continue the hearing, the orders listed in *Temporary Restraining Order* (form DV-110), issued on (date): _____, remain in effect until the end of the hearing in **5**.
- c. The Temporary Restraining Order is MODIFIED. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in **5**.
- d. The Temporary Restraining Order is TERMINATED.
- e. Other (specify): _____
- _____
- _____
- _____

Warning and Notice to the Person in 2

If **6** b or c is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in **5**.

7 Service of Order

- a. No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b. The court granted the **protected person's** request to continue the hearing date. A copy of this Order must be served on the **restrained person** at least _____ days before the hearing in **5**.
- (1) All other documents requesting domestic violence restraining orders as shown in Form DV-109, *Notice of Court Hearing* (at item **6**) must also be served on the **person to be restrained**.
- (2) The *Temporary Restraining Order* (Form DV-110) has been modified and must be served on the **person to be restrained/restrained person**.
- (3) A copy of the *Temporary Restraining Order* must NOT be served because the order was terminated in 6d.
- c. The court granted the **restrained person's** request to continue the hearing date. A copy of this Order must be served on the **protected person** at least _____ days before the hearing in **5**. A copy of the *Temporary Restraining Order* (Form DV-110) must be served if it was modified by the court in item **6**.
- d. All documents must be personally served unless otherwise specified below.
- e. Other (specify): _____

This is a Court Order.

**Order to Continue Hearing Date
(Temporary Restraining Order)(CLETS-TRO)
(Domestic Violence Prevention)**

DV-116, Page 2 of 3



Case Number: **8 No Fee to Serve (Notify) Restrained Person**

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

9 CLETS Entry

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)***—Clerk's Certificate—**

Clerk's Certificate
[seal]

I certify that this *Order to Continue Hearing Date (Temporary Restraining Order)* (CLETS-TRO) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-200 Proof of Personal Service

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1 or 3 of form DV-100, Request for Domestic Violence Restraining Order.
- Give a copy of all documents checked in 4 to the restrained person in 2. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in 1.



4 I gave the person in 2 a copy of all the documents checked:

- a. DV-109 with DV-100 and a blank DV-120 (Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order)
- b. DV-110 (Temporary Restraining Order)
- c. DV-105 and DV-140 (Request for Child Custody and Visitation Orders, Child Custody and Visitation Order)
- d. FL-150 with a blank FL-150 (Income and Expense Declaration)
- e. FL-155 with a blank FL-155 (Financial Statement (Simplified))
- f. DV-115 (Request to Continue Hearing Date (Temporary Restraining Order))
- g. DV-116 (Order to Continue Hearing Date (Temporary Restraining Order))
- h. DV-130 (Restraining Order After Hearing)
- i. Other (specify):

5 I personally gave copies of the documents checked above to the person in 2 on:

- a. Date: _____ b. Time: _____ a.m. p.m.
- c. At this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

DRAFT -
NOT APPROVED BY THE
JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court clerk fills in case number when form is filed.

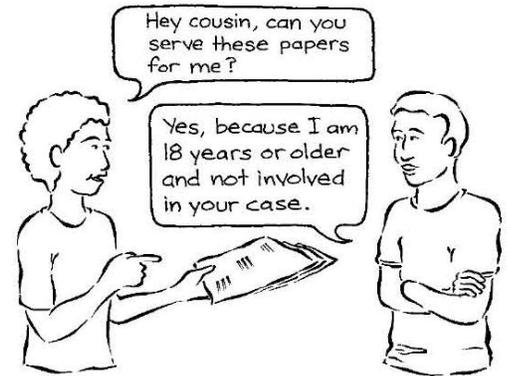
Case Number:

DV-200-INFO What Is “Proof of Personal Service”?

What is “service”?

Service is the act of giving your legal papers to the other person. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Notice of Court Hearing* (form DV-109), *Request for Domestic Violence Restraining Order* (form DV-100), and *Temporary Restraining Order* (form DV-110) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the person to be restrained a copy of the forms. You cannot send them by mail. Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond



Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order *unless* the restrained person knows about the order.
- The *judge cannot make the orders permanent* unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency (for example, a sheriff) to personally serve (give) a copy of the orders to the person to be restrained. You *cannot* send the forms to that person by mail.

The server must:

- Be 18 years of age or over
- Not be you or anyone to be protected by the orders

A sheriff can serve the order at no cost to you.

A “registered process server” is a business you pay to deliver court forms.

Look for “Process Serving” in the Yellow Pages or on the Internet.

(Note: If a law enforcement agency or the process server uses a different proof of service form, make sure it lists the forms served.)



Don't serve it by mail!

How does the server “serve” the legal papers?

Ask the server to:

- Walk up to the person to be served.
- Make sure it’s the right person. Ask the person’s name.
- Give the person copies of all papers checked on [form DV-200, Proof of Personal Service](#).
- Fill out and sign [form DV-200](#).
- Give the signed [form DV-200](#) to you.

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

- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up.



DV-200-INFO What Is “Proof of Personal Service”?

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on [form DV-109](#):

First, look at the hearing date on page 1 of [form DV-109](#). Next, look at the number of days written in item ⑤ on page 2.

③ **Notice of Court Hearing**
A court hearing is scheduled on the request.

Hearing Date	Date: _____ Time: _____
	Dept.: _____ Room: _____

⑤ **Service of Documents and Time for**
At least five or _____ days before the hearing to the person in ② protected—must personally give (serve) a copy of the following (Hearing) to the person in ② along with a copy of:

- a. Form DV-100, *Request for Domestic Violence Restraining Order*
- b. Form DV-110, *Temporary Restraining Order*
judge
- c. Form DV-120, *Response to Request for Restraining Order*
Form DV-250, *Proof of Personal Service*

Look at a calendar. Subtract the number of days in item ⑤ from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in item ⑤ you must have the papers served at least five (5) days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the orders can sign the *Proof of Personal Service* ([form DV-200](#)). You do not sign it. The person to be restrained does not sign it.

What happens if I cannot get the papers served before the hearing date?

Before your hearing, fill out and file a *Request to Continue Hearing Date* ([form DV-115](#)) and *Order to Continue Hearing Date (Temporary Restraining Order)* ([form DV-116](#)). These forms ask the judge for a new hearing date and make any temporary orders last until then. Ask the clerk for the forms or go to www.courts.ca.gov.

You **must** attach a copy of [form DV-115](#) and [form DV-116](#) to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read [form DV-115-INFO](#), *How to Ask for a New Hearing Date*.

What do I do with the completed *Proof of Personal Service*?

Bring a copy of the original *Proof of Personal Service* ([form DV-200](#)) to your hearing.

If the sheriff serves the orders, he or she will send the *Proof of Personal Service* to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.

If someone other than the sheriff serves the orders, you should:

- If possible, file the original *Proof of Personal Service* ([form DV-200](#)) with the court at least two (2) days before your hearing. If you were unable to do this, bring the original *Proof of Personal Service* to your hearing.
- The clerk will send it to CLETS.
- Always keep an extra copy of the restraining orders with you for your safety.

DV-505-INFO How Do I Ask For a Temporary Restraining Order?**1 Use this form as a checklist.**

(Look at the numbers at the top of your forms.)

a. For a restraining order you need these forms:

- [DV-100](#) Request for Domestic Violence Restraining Order
- [CLETS-001](#) (Confidential CLETS Information)
- [DV-109](#) Notice of Court Hearing
- [DV-110](#) Temporary Restraining Order

b. If you have children with the person you want protection from, you also need these forms:

- [DV-105](#) Request for Child Custody and Visitation Orders
- [DV-140](#) Child Custody and Visitation Order

c. If you want child support or spousal support, you also need form:

- [FL-150*](#) Income and Expense Declaration or
- [FL-155*](#) Financial Statement (Simplified)

* Read *Which Financial Form—FL-155 or FL-150?* (form [DV-570](#)) to know which one is right for you.

d. Ask the clerk if your county has special forms or rules.

e. There are other forms you will need later (*do not fill them out now*):

- [DV-120](#) Response to Request for Domestic Violence Restraining Order
- [DV-130](#) Restraining Order After Hearing (Order of Protection)
- [DV-200](#) Proof of Personal Service

DV-109 Notice of Court Hearing

① Name of Person Asking for Order

Your lawyer in this case (if you have one)

2 Fill out the forms you need and take them to the court clerk. The clerk will give your forms to the judge. The judge will look at them and decide whether to make (“grant”) the temporary orders. Sometimes the judge will want to talk to you. If so, the clerk will tell you.

3 Find out if the judge made the temporary restraining orders. Ask the clerk when to come back to see if the judge signed the order ([Form DV-110](#)). The judge must decide by the next business day. If the judge grants a temporary restraining order, check it carefully to see what the orders are. The judge might not order everything you requested. The court will set a hearing date on [Form DV-109](#) whether or not the judge grants any temporary orders.

4 “File” the judge’s order. The clerk will keep the original forms for the court and will file-stamp up to three copies for you. If you need more, you may make them yourself.

What to do with your copies:

- Keep one copy with you, always. You may need to show it to the police.
- Keep another copy in a safe place.
- Give a copy to anyone else protected by the order.
- Take copies to places where the restrained person is ordered not to go (school, work, child care, etc.)
- Give a copy to the security officers in your apartment building and workplace.

Restraining orders get entered into CLETS, a statewide computer system that lets police know about your order. The court will send the order to law enforcement or CLETS for you.



DV-505-INFO How Do I Ask For a Temporary Restraining Order?

5 Know your hearing date: [Form DV-109](#)

Look at [Form DV-109](#) for the date and time of your hearing. You **must** go to your hearing to get a permanent order.

The order you have now only lasts for about three weeks. Any orders made on [Form DV-110](#) (*Temporary Restraining Order*) will end on the hearing date.

You have the right to cancel the hearing. Read page 2 of [Form DV-109](#) for information.

6 “Serve” the restrained person.

Ask someone you know, a process server, or law enforcement to personally “serve” (give) the restrained person a copy of the notice of hearing, the order, and other papers. You **cannot** serve the papers yourself. They **cannot** be sent by mail. The server must:

- Be 18 years of age or older
- Not be listed in item ① or ③ of [Form DV-100](#), *Request for Domestic Violence Restraining Order*.

Law enforcement will serve the orders for **free**, but you have to ask.

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”

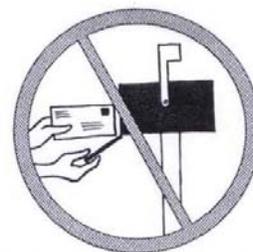
If law enforcement or the process server uses a different Proof of Service form, make sure the form lists all the forms served.

7 File the *Proof of Personal Service* ([Form DV-200](#)).

The *Proof of Personal Service* shows the judge and police that the restrained person got a copy of the request for orders. Make three copies of the completed *Proof of Personal Service*. Take the original and copies to the court clerk as soon as possible **before your hearing**. The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy to your hearing.

Keep one copy with you and another in a safe place in case you need to show it to the police. Give the other copies out as you did in ④. The court will send your completed *Proof of Personal Service* to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about your order.

If the sheriff serves your order, he or she will send the *Proof of Personal Service* to the court and to CLETS for you.



Don't serve it by mail!

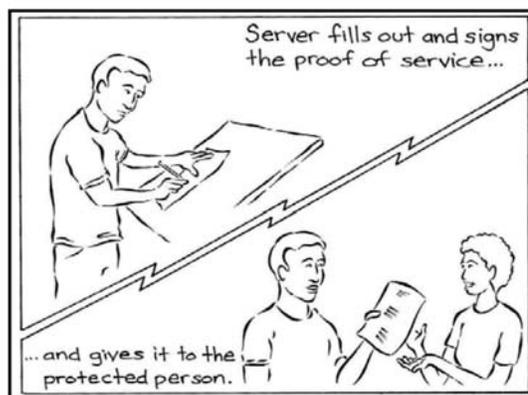


DV-505-INFO How Do I Ask For a Temporary Restraining Order?

8 If the restrained person wasn't served . . .

The restrained person **must** be served before the hearing. If the restrained person wasn't served, fill out [Form DV-115](#) (*Request to Continue Hearing Date*) and the top of [Form DV-116](#) (*Order to Continue Hearing Date*) to ask the judge for a new hearing date. Do this **before** or **at** your hearing. (If you wait until after the hearing, you have to start from the beginning and complete all of the forms again.)

If the judge signs [Form DV-116](#), any restraining orders will last until the new hearing date.



- File the signed order ([Form DV-116](#)) with the clerk. The clerk will send it to law enforcement or CLETS for you.
- Attach Form DV-115 and Form DV-116 to your other court papers and have the restrained person personally served.
- After serving the orders, the server fills out and signs [Form DV-200](#), *Proof of Personal Service*, and gives it to you.
- File the original Form DV-200, *Proof of Personal Service*, and bring a copy to your hearing.
- Bring a copy of Form DV-115 and Form DV-116 to your hearing.

9 Need help?

The clerk has information sheets that can help you. Or you can get them at www.courts.ca.gov/forms.

- *Can a Domestic Violence Restraining Order Help Me?* ([Form DV-500-INFO](#))
- *What Is "Proof of Personal Service"?* ([Form DV-200-INFO](#))
- *Get Ready for the Court Hearing* ([Form DV-520-INFO](#))
- *How to Enforce Your Restraining Order* ([Form DV-530-INFO](#))
- *How Can I Respond to a Request for Domestic Violence Restraining Order?* ([Form DV-120-INFO](#))
- *How Do I Ask the Court to Renew My Restraining Order?* ([Form DV-700-INFO](#))
- *Which Financial Form—FL-155 or FL-150?* ([Form DV-570](#))

10 Need more help?

- Ask the court clerk about free or low-cost legal help.
- For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence : Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private. They can help you in more than 100 languages.

PETITIONER:	CASE NUMBER:
RESPONDENT:	
OTHER PARENT/PARTY:	

9. Temporary emergency (ex parte) orders

- a. No temporary emergency orders were issued in the case. Therefore, no orders are extended.
- b. The orders issued in *Request for Order* (form FL-300) on (date): _____ are (check one)
- (1) modified. See attached modified order issued as of this date.
- (2) terminated.
- c. The orders issued in *Temporary Emergency (Ex Parte) Order* (form FL-300) on (date): _____ (check one)
- (1) modified. See attached modified order issued as of this date.
- (2) terminated.
- d. Other (specify): _____

10. Orders regarding service

- a. No further service is required. Both parties were present at the hearing when the court granted this order.
- b. The Petitioner Respondent Other Parent/Party Other (specify): _____ must be served the following documents (specify):
- (1) A filed copy of this order (form FL-306) as the cover page to any other documents served on the party.
- (2) A copy of the filed *Request for Order* (form FL-300)
- (3) A copy of the filed *Temporary Emergency (Ex Parte) Order* (form FL-305)
- (4) A copy of the modified temporary emergency (ex parte) order
- (5) Other (specify): _____
- c. The documents must be served by (specify):
- (1) Personal service.
- (2) Mail.
- d. Other orders regarding service (specify): _____

11. Other orders

Date: _____



 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
APPLICATION AND ORDER TO CONTINUE HEARING DATE (TEMPORARY RESTRAINING ORDER—JUVENILE)	CASE NUMBER:

1. Name of applicant: _____
2. I ask the court to continue the hearing currently scheduled on (*date*): _____
3. I ask the court to continue the hearing date because _____
 - a. I could not get the papers served before the hearing date. _____
 - b. I am the restrained person and this is my first request to continue the hearing date. _____
 - c. I need more time to hire a lawyer or prepare a response. _____
 - d. Other (*specify*): _____

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

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE)

(The court will complete the section below)

ORDER

4. The hearing is reset as follows: _____

New Hearing Date: _____	Time: _____	Dept.: _____	Room: _____
Name and address of court if different from above: _____			
Any orders granted in item 5 remain in effect until the end of the new hearing.			

5. **TEMPORARY RESTRAINING ORDER** _____
- a. No temporary restraining orders were issued in this case and therefore no orders are extended. _____
 - b. The *Temporary Restraining Order* (form JV-250) issued on (*date*): _____ remains in effect until the end of the hearing in item 4. _____
 - c. The *Temporary Restraining Order* is MODIFIED. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in item 4. _____
 - d. The *Temporary Restraining Order* (form JV-250) issued on (*date*): _____ is TERMINATED. _____
 - e. Other (*specify*): _____

CASE NAME:	CASE NUMBER:
------------	--------------

6. **Service of Order**

- a. No further service of this Order is required. Both parties were present at the hearing.
- b. Applicant's request to continue the hearing is granted. A copy of this Order must be served on the restrained person at least _____ days before the hearing in item 4.
 - (1) In addition, a copy of the *Request for Restraining Order* (form JV-245) and *Temporary Restraining Order* (form JV-250) must be served on the restrained person.
- c. Restrained person's request to continue the hearing is granted. A copy of this Order must be served at least _____ days before the hearing in item 4 on the: Petitioner (Person who requested restraining order)
 Other: _____
- d. Other (*specify*): _____

7. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CARPOS through CLETS directly.
- b. The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.
If designee, insert name: _____

8. All orders will end at the end of the hearing scheduled for the date and time shown in item 4 unless otherwise ordered.

Date: _____

JUDICIAL OFFICER

CH-115-INFO How to Ask for a New Hearing Date

You may need to ask for a new hearing date if:

- You are the **Person Asking for Protection** and are unable to have form CH-109, *Notice of Court Hearing*, and other papers served in time before the hearing date.
- You are the **Person to Be Restrained**, and this is your first time asking the court to continue the hearing.
- Either person has a good reason for needing a new hearing date. (The court may grant a request to continue the hearing on a showing of "good cause.")

What does Form CH-115 do?

Use Form [CH-115](#) to ask the court to “continue” the hearing. If the court continues the hearing and a *Temporary Restraining Order* (TRO, Form [CH-110](#)) was issued, the TRO will be extended until the end of the new hearing unless the court decides to modify or terminate it.

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of Form [CH-115](#).
- Fill out items ① through ④ on Form [CH-116](#), *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signs Form [CH-116](#), the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on Form CH-109.
- Next, file both Forms CH-115 and CH-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item ⑦ on Form [CH-116](#).
- Ask the person who serves the papers to complete a *Proof of Service* form and give it to you. If service was in person, use Form [CH-200](#), *Proof of Personal Service*. If service was by mail, use Form CH-250, *Proof of Service of Response by Mail*. Make two copies of the completed forms.
- File the completed and signed *Proof of Service* form with the clerk's office before the hearing.
- If the court continues the hearing date and extends the TRO to the date of the new hearing, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

Go to the hearing.

- Take a copy of all of your papers and the original *Proof of Service* with you to the court hearing.
- If you are the **Person Seeking Protection** and you do not go to the hearing, the *Temporary Restraining Order* will expire on the date and time of the hearing. If you are the **Person to Be Restrained** and you do not go to the hearing, the court can still make orders against you that can last for up to five years.

Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

CH-115

Request to Continue Court Hearing

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Party Seeking Continuance

a. Full Name: _____

I am the: Party seeking protection.
 Party from whom protection is sought.

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Other Party

Full Name: _____

3 Request to Continue Hearing

a. I ask the court to continue the hearing currently scheduled for (date): _____

b. I request that the hearing be continued because (check any that apply):

- (1) The party from whom protection is sought could not be served before the hearing date.
- (2) I am the party from whom protection is sought and this is my first request to continue the hearing date.
- (3) I need more time to hire a lawyer or prepare a response.
- (4) Other good cause as stated: below on Attachment 3b(4)

- c. (1) This is my first request for a continuance.
- (2) The hearing has previously been continued _____ times.

This is not a Court Order.

4 Extension of Temporary Restraining Order

a. A *Temporary Restraining Order* (Form CH-110) was issued on (date): _____
Please attach a copy of the order if you have one.

b. **Notice: If the hearing date is continued, the *Temporary Restraining Order* will remain in effect until the end of the new hearing unless otherwise ordered by the court.**

Date: _____

Lawyer's name, if you have one



Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Type or print your name



Sign your name

CH-116

Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Complete items ①, ②, ③, and ④a. The court will fill out the rest of the form.

① Person Asking for Protection

Full Name: _____

② Person From Whom Protection is Sought

Full Name: _____

③ Person Seeking Continuance

I am the: person in ① person in ②

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-Mail: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

④ Reason for the Continuance

a. The hearing currently set for (date): _____ is rescheduled to the date, time, and location in ⑤.

b. The continuance is needed because:

- (1) The person in ② was not served before the current hearing date.
- (2) The person in ② asked for a first continuance of the hearing.
- (3) The person in ② asked for more time to hire a lawyer or prepare a response.
- (4) Other good cause as stated: below on Attachment 4b(4)

c. The court orders a continuance in its discretion.

⑤ Order for Continuance and Notice of New Hearing

The court hearing on the Request for Civil Harassment Restraining Orders (Form CH-100) is continued and rescheduled as follows:

New Hearing Date	→	Date: _____ Time: _____	Name and address of court if different from above:
		Dept.: _____ Room: _____	_____
The extended Temporary Restraining Order (Form CH-110) expires at the end of this hearing.			

This is a Court Order.



Case Number: **6 Extension of Temporary Restraining Order**

- a. No Temporary Restraining Order was issued in this case.
- b. Extension of the *Temporary Restraining Order* (TRO: Form CH-110) issued on (date): _____ until the new hearing date is:
- (1) GRANTED. There are no changes to the TRO except for the expiration date. The TRO remains in effect until the end of the hearing in **(5)**.
- (2) GRANTED AS MODIFIED. The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in **(5)**.
- (3) DENIED and the Temporary Restraining Order is TERMINATED for the reasons stated:
 below on Attachment 6b(3)

Warning and Notice to the Person in **(2)**

If **(6) b(1)**, or **b(2)** is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in **(5)**.

7 Service of Order

- a. No further service of this Order is required because both parties were present at the initial hearing date in item 4a, and both were given a signed copy of this Order.
- b. The court granted the **Person in (1)**'s request to continue the hearing date. A copy of this Order must be served on the **Person in (2)** at least ____ days before the hearing in **(5)**.
- (1) All other documents requesting civil harassment restraining orders as shown in Form CH-109, *Notice of Court Hearing* item **(5)** must also be served on the Person in **(2)**.
- (2) The *Temporary Restraining Order* (Form CH-110) has been modified and must be served on the Person in **(2)**.
- (3) A copy of the *Temporary Restraining Order* must NOT be served because extension of the order is denied in item 6b(3).
- c. The court granted the **Person in (2)**'s request to continue the hearing date. A copy of this Order must be served on the **Person in (1)** at least ____ days before the hearing in **(5)**. A copy of the *Temporary Restraining Order* (Form CH-110) must be served if it was modified by the court in item 6b(2).
- d. All documents must be personally served unless otherwise specified below.

This is a Court Order.

Case Number: **8 No Fee to Serve (Notify) Restrained Person** **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person requesting the Order is entitled to a fee waiver.

9 CLETS Entry

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)***—Clerk's Certificate—**

Clerk's Certificate I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

4 Extension of Temporary Restraining Order

a. A *Temporary Restraining Order* (Form EA-110) was issued on (date): _____
Please attach a copy of the order if you have one.

b. **Notice: If the hearing date is continued, the *Temporary Restraining Order* will remain in effect until the end of the new hearing unless otherwise ordered by the court.**

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

EA-115-INFO How to Ask for a New Hearing Date

You may need to ask for a new hearing date if:

- You are the **Person Asking for Protection** and are unable to have form EA-109, *Notice of Court Hearing*, and other papers served in time before the hearing date.
- You are the **Person to Be Restrained**, and this is your first time asking the court to continue the hearing.
- Either person has a good reason for needing a new hearing date. (The court may grant a request to continue the hearing on a showing of "good cause.")

What does Form EA-115 do?

Use Form [EA-115](#) to ask the court to “continue” the hearing. If the court continues the hearing and a *Temporary Restraining Order* (TRO, Form [EA-110](#)) was issued, the TRO will be extended until the end of the new hearing unless the court decides to modify or terminate it.

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of Form [EA-115](#).
- Fill out items ① through ④a on Form [EA-116](#), *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signs Form [EA-116](#), the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on Form EA-109.
- Next, file both Forms EA-115 and EA-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item ⑦ on Form [EA-116](#).
- Ask the person who serves the papers to complete a *Proof of Service* form and give it to you. If service was in person, use Form [EA-200](#), *Proof of Personal Service*. If service was by mail, use Form EA-250, *Proof of Service of Response by Mail*. Make two copies of the completed forms.
- File the completed and signed *Proof of Service* form with the clerk's office before the hearing.
- If the court continues the hearing date and extends the TRO to the date of the new hearing, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

Go to the hearing.

- Take a copy of all of your papers and the original *Proof of Service* with you to the court hearing.
- If you are the **Person Seeking Protection** and you do not go to the hearing, the *Temporary Restraining Order* will expire on the date and time of the hearing. If you are the **Person to Be Restrained** and you do not go to the hearing, the court can still make orders against you that can last for up to five years.

Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

EA-116

Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Complete items ①, ②, ③, and ④a. The court will fill out the rest of the form.

① Person Asking for Protection

Full Name: _____

② Person From Whom Protection is Sought

Full Name: _____

③ Person Seeking Continuance

I am the: person in ① person in ②

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-Mail: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

④ Reason for the Continuance

a. The hearing currently set for (date): _____ is rescheduled to the date, time, and location in ⑤.

b. The continuance is needed because:

- (1) The person in ② was not served before the current hearing date.
- (2) The person in ② asked for a first continuance of the hearing.
- (3) The person in ② asked for more time to hire a lawyer or prepare a response.
- (4) Other good cause as stated: below on Attachment 4b(4)

c. The court orders a continuance in its discretion.

⑤ Order for Continuance and Notice of New Hearing

The court hearing on the Request for Elder or Dependent Adult Abuse Restraining Orders (Form EA-100) is continued and rescheduled as follows:

New Hearing Date	→	Date: _____ Time: _____	Name and address of court if different from above:
		Dept.: _____ Room: _____	_____
The extended <i>Temporary Restraining Order</i> (Form EA-110) expires at the end of this hearing.			

This is a Court Order.



Case Number: _____

6 Extension of Temporary Restraining Order

- a. No Temporary Restraining Order was issued in this case.
- b. Extension of the *Temporary Restraining Order* (TRO: Form CH-110) issued on (date): _____ until the new hearing date is:
- (1) GRANTED. There are no changes to the TRO except for the expiration date. The TRO remains in effect until the end of the hearing in (5) .
- (2) GRANTED AS MODIFIED. The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in (5) .
- (3) DENIED and the Temporary Restraining Order is TERMINATED for the reasons stated:
 below on Attachment 6c(3)

Warning and Notice to the Person in (2)

If (6) b(1) or b(2) is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in (5) .

7 Service of Order

- a. No further service of this Order is required because both parties were present at the initial hearing date in item 4a, and both were given a signed copy of this Order.
- b. The court granted the **Person in (1)**'s request to continue the hearing date. A copy of this Order must be served on the **Person in (2)** at least ____ days before the hearing in (5) .
- (1) All other documents requesting elder or dependent adult abuse restraining orders as shown in Form EA-109, *Notice of Court Hearing* item (5) must also be served on the Person in (2) .
- (2) The *Temporary Restraining Order* (Form EA-110) has been modified and must be served on the Person in (2) .
- (3) A copy of the *Temporary Restraining Order* must NOT be served because extension of the order is denied in item 6b(3).
- c. The court granted the **Person in (2)**'s request to continue the hearing date. A copy of this Order must be served on the **Person in (1)** at least ____ days before the hearing in (5) . A copy of the *Temporary Restraining Order* (Form EA-110) must be served if it was modified by the court in item 6b(2).
- d. All documents must be personally served unless otherwise specified below.

This is a Court Order.

Case Number: **8 No Fee to Serve (Notify) Restrained Person**

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

9 CLETS Entry

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: _____

Judicial Officer**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Party Seeking Continuance

a. Full Name: _____

I am the: Petitioner
 Respondent

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Other Party

Full Name: _____

3 Request to Continue Hearing

a. I ask the court to continue the hearing currently scheduled for (date): _____

b. I request that the hearing be continued because (check any that apply):

- (1) The Respondent could not be served before the hearing date.
- (2) I am the Respondent, and this is my first request to continue the hearing date.
- (3) I need more time to hire a lawyer or prepare a response.
- (4) Other good cause as stated: below on Attachment 3b(4)

- c. (1) This is my first request for a continuance.
- (2) The hearing has previously been continued _____ times.

This is not a Court Order.

4 Extension of Temporary Restraining Order

a. A *Temporary Restraining Order* (Form SV-110) was issued on (date): _____
Please attach a copy of the order if you have one.

b. **Notice: If the hearing date is continued, the *Temporary Restraining Order* will remain in effect until the end of the new hearing unless otherwise ordered by the court.**

Date: _____

Lawyer's name, if you have one



Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Type or print your name



Sign your name

You may need to ask for a new hearing date if:

- You are the **Petitioner** and are unable to have form SV-109, *Notice of Court Hearing*, and other papers served in time before the hearing date.
- You are the **Respondent**, and this is your first time asking the court to continue the hearing.
- Either person has a good reason for needing a new hearing date. (The court may grant a request to continue the hearing on a showing of "good cause.")

What does form SV-115 do?

Use form [SV-115](#) to ask the court to “continue” the hearing. If the court continues the hearing and a *Temporary Restraining Order* (TRO, form [SV-110](#)) was issued, the TRO will be extended until the end of the new hearing unless the court decides to modify or terminate it.

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of form [SV-115](#).
- Fill out items ① through ④a on form [SV-116](#), *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signs form [SV-116](#), the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on form SV-109.
- Next, file both Forms SV-115 and SV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item ⑦ on form [SV-116](#).
- Ask the person who serves the papers to complete a *Proof of Service* form and give it to you. If service was in person, use form [SV-200](#), *Proof of Personal Service*. If service was by mail, use form SV-250, *Proof of Service of Response by Mail*. Make two copies of the completed forms.
- File the completed and signed *Proof of Service* form with the clerk's office before the hearing.
- If the court continues the hearing date and extends the TRO to the date of the new hearing, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

Go to the hearing.

- Take a copy of all of your papers and the original *Proof of Service* with you to the court hearing.
- If you are the **Petitioner** and you do not go to the hearing, the *Temporary Restraining Order* will expire at the end of the hearing. If you are the **Respondent** and you do not go to the hearing, the court can still make orders against you that can last for up to three years.

Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

SV-116

Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Complete items ①, ②, ③, and ④ a. The court will fill out the rest of the form.

① **Petitioner (Educational Institution or Officer)**
Full Name: _____

② **Respondent**
Full Name: _____

③ **Person Seeking Continuance**
I am the: Petitioner Respondent
Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

E-Mail: _____

④ Reason for the Continuance

- a. The hearing currently set for (date): _____ is rescheduled to the date, time, and location in ⑤.
- b. The continuance is needed because:
 - (1) The Respondent was not served before the current hearing date.
 - (2) The Respondent asked for a first continuance of the hearing.
 - (3) The Respondent asked for more time to hire a lawyer or prepare a response.
 - (4) Other good cause as stated: below on Attachment 4b(4)

c. The court orders a continuance in its discretion.

⑤ Order for Continuance and Notice of New Hearing

The court hearing on the Request for Private Postsecondary School Violence Restraining Orders (Form SV-100) is continued and rescheduled as follows:

New Hearing Date	→	Date: _____ Time: _____ Dept.: _____ Room: _____	Name and address of court if different from above: _____ _____
The extended <i>Temporary Restraining Order</i> (Form SV-110) expires at the end of this hearing.			

This is a Court Order.



Case Number: **6 Extension of Temporary Restraining Order**

- a. No Temporary Restraining Order was issued in this case.
- b. Extension of the *Temporary Restraining Order* (TRO: Form SV-110) issued on (date): _____ until the new hearing date is:
- (1) GRANTED. There are no changes to the TRO except for the expiration date. The TRO remains in effect until the end of the hearing in (5).
- (2) GRANTED AS MODIFIED. The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in (5).
- (3) DENIED and the Temporary Restraining Order is TERMINATED for the reasons stated:
 below on Attachment 5b(3)

Warning and Notice to the Respondent

If (6) b(1) or b(2) is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in (5).

7 Service of Order

- a. No further service of this Order is required because both parties were present at the initial hearing date in item 4a, and both were given a signed copy of this Order.
- b. The court granted the **Petitioner's** request to continue the hearing date. A copy of this Order must be served on the **Respondent** at least ____ days before the hearing in (5).
- (1) All other documents requesting private postsecondary school violence restraining orders as shown in form SV-109, *Notice of Court Hearing* item (5) must also be served on the Respondent.
- (2) The *Temporary Restraining Order* (form SV-110) has been modified and must be served on the Respondent.
- (3) A copy of the *Temporary Restraining Order* must NOT be served because extension of the order is denied in item 6b(3).
- c. The court granted the **Respondent's** request to continue the hearing date. A copy of this Order must be served on the **Petitioner** at least ____ days before the hearing in (5). A copy of the *Temporary Restraining Order* (form SV-110) must be served if it was modified by the court in item 6b(2).
- d. All documents must be personally served unless otherwise specified below.

This is a Court Order.

Case Number:

8 No Fee to Serve (Notify) Respondent **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
 b. The person requesting the Order is entitled to a fee waiver.

9 CLETS Entry

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.
[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

**NOT APPROVED BY THE
JUDICIAL COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Party Seeking Continuance

a. Full Name: _____

I am the: Petitioner
 Respondent

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Other Party

Full Name: _____

3 Request to Continue Hearing

a. I ask the court to continue the hearing currently scheduled for (date): _____

b. I request that the hearing be continued because (check any that apply):

- (1) The Respondent could not be served before the hearing date.
- (2) I am the Respondent, and this is my first request to continue the hearing date.
- (3) I need more time to hire a lawyer or prepare a response.
- (4) Other good cause as stated: below on Attachment 3b(4)

- c. (1) This is my first request for a continuance.
- (2) The hearing has previously been continued _____ times.

This is not a Court Order.

4 Extension of Temporary Restraining Order

a. A *Temporary Restraining Order* (Form WV-110) was issued on (*date*): _____

Please attach a copy of the order if you have one.

b. **Notice: If the hearing date is continued, the *Temporary Restraining Order* will remain in effect until the end of the new hearing unless otherwise ordered by the court.**

Date: _____

Lawyer's name, if you have one



Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Type or print your name



Sign your name

You may need to ask for a new hearing date if:

- You are the **Petitioner** and are unable to have form WV-109, *Notice of Court Hearing*, and other papers served in time before the hearing date.
- You are the **Respondent**, and this is your first time asking the court to continue the hearing.
- Either person has a good reason for needing a new hearing date. (The court may grant a request to continue the hearing on a showing of "good cause.")

What does form WV-115 do?

Use form [WV-115](#) to ask the court to “continue” the hearing. If the court continues the hearing and a *Temporary Restraining Order* (TRO, form [WV-110](#)) was issued, the TRO will be extended until the end of the new hearing unless the court decides to modify or terminate it.

- “Continue” the hearing means to give you a new hearing date.
- “Extend” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of form [WV-115](#).
- Fill out items ① through ④ a on form [WV-116](#), *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signs form [WV-116](#), the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on form WV-109.
- Next, file both forms WV-115 and WV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item ⑦ on form [WV-116](#).
- Ask the person who serves the papers to complete a *Proof of Service* form and give it to you. If service was in person, use form [WV-200](#), *Proof of Personal Service*. If service was by mail, use form WV-250, *Proof of Service of Response by Mail*. Make two copies of the completed forms.
- File the completed and signed *Proof of Service* form with the clerk's office before the hearing.
- If the court continues the hearing date and extends the TRO to the date of the new hearing, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

Go to the hearing.

- Take a copy of all of your papers and the original *Proof of Service* with you to the court hearing.
- If you are the **Petitioner** and you do not go to the hearing, the *Temporary Restraining Order* will expire at the end of the hearing. If you are the **Respondent** and you do not go to the hearing, the court can still make orders against you that can last for up to three years.

Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

WV-116

Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Complete items ①, ②, ③, and ④ a. The court will fill out the rest of the form.

① Petitioner (Employer)

Full Name: _____

② Respondent

Full Name: _____

③ Person Seeking Continuance

I am the: Petitioner Respondent

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-Mail: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

④ Reason for the Continuance

a. The hearing currently set for (date): _____ is rescheduled to the date, time, and location in ⑤.

b. The continuance is needed because:

- (1) The Respondent was not served before the current hearing date.
- (2) The Respondent asked for a first continuance of the hearing.
- (3) The Respondent asked for more time to hire a lawyer or prepare a response.
- (4) Other good cause as stated: below on Attachment 4b(4)

c. The court orders a continuance in its discretion.

⑤ Order for Continuance and Notice of New Hearing

The court hearing on the *Request for Workplace Violence Restraining Orders* (Form WV-100) is continued and rescheduled as follows:

New Hearing Date	→	Date: _____ Time: _____	Name and address of court if different from above:
		Dept.: _____ Room: _____	_____
The extended <i>Temporary Restraining Order</i> (Form WV-110) expires at the end of this hearing.			

This is a Court Order.



Case Number: **6 Extension of Temporary Restraining Order**

- a. No Temporary Restraining Order was issued in this case.
- b. Extension of the *Temporary Restraining Order* (TRO: Form SV-110) issued on (date): _____ until the new hearing date is:
- (1) GRANTED. There are no changes to the TRO except for the expiration date. The TRO remains in effect until the end of the hearing in **(5)**.
- (2) GRANTED AS MODIFIED. The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in **(5)**.
- (3) DENIED and the Temporary Restraining Order is TERMINATED for the reasons stated:
 below on Attachment 5b(3)

Warning and Notice to the Respondent

If **(6)b(1)** or **b(2)** is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in **(5)**.

7 Service of Order

- a. No further service of this Order is required because both parties were present at the initial hearing date in item 4a, and both were given a signed copy of this Order.
- b. The court granted the **Petitioner's** request to continue the hearing date. A copy of this Order must be served on the **Respondent** at least ____ days before the hearing in **(5)**.
- (1) All other documents requesting workplace violence restraining orders as shown in Form SV-109, *Notice of Court Hearing* item **(5)** must also be served on the Respondent.
- (2) The *Temporary Restraining Order* (Form SV-110) has been modified and must be served on the Respondent.
- (3) A copy of the *Temporary Restraining Order* must NOT be served because extension of the order is denied in item 6b(3).
- c. The court granted the **Respondent's** request to continue the hearing date. A copy of this Order must be served on the **Petitioner** at least ____ days before the hearing in **(5)**. A copy of the *Temporary Restraining Order* (Form WV-110) must be served if it was modified by the court in item 6b(2).
- d. All documents must be personally served unless otherwise specified below.

This is a Court Order.

Case Number:

8 No Fee to Serve (Notify) Respondent **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
 b. The person requesting the Order is entitled to a fee waiver.

9 CLETS Entry

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: _____

Judicial Officer



Request for Accommodations

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(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.
[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.