

HOW TO CHANGE A HEARING DATE FOR THE HEARING ON DV RESTRAINING ORDERS

SELF-HELP FORM PACKET



SHC-DV-03 (Rev. 01/04/2024)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to www.occourts.org/self-help (click the button labeled *Contact Self-Help*), attach the PDF, and complete the online request form. Make sure to select FAMILY LAW as the case type on the form.

1 You may need to ask for a new court date if:

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

2 What does form DV-115 do?

Use form [DV-115](#) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (form [DV-110](#)) was granted, that order will be extended until the end of your new court date, unless the court decides to modify or terminate it. “Extend” means to keep any temporary orders in effect until the new court date.

3 Follow these steps:

- Fill out all of form [DV-115](#).
- Fill out items ① through ② on form [DV-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 reschedule your court date.
- If the judge signed form [DV-116](#), you will have a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location that is 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 your court date.
- The other party must be served a copy of the court papers as described in item ⑥ 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 your court date.
- If the court reschedules your court date and extends the expiration date of the temporary restraining order to the end of your new court date, 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.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a copy of the filed proof of service form. Your documents may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If the protected party does not go to the court date, the temporary domestic violence restraining orders will expire on the date and time of the court date. If the restrained party does not go to the court date, the court can still make orders against them that can last for up to five years.

5 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.

Clerk stamps date here when form is filed.

Instructions: Use this form to ask the court to reschedule the court date listed on form **DV-109**, *Notice of Court Hearing*. Read form **DV-115-INFO**, *How to Ask for a New Hearing Date*, for more information.

1 My Information

a. My name is: _____

b. I am the:

(1) **Protected party** (skip to **2**).(2) **Restrained party** (give your contact information below).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: _____

City: _____ State: _____ Zip: _____

My contact information (optional):

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information (skip if you do not have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Information About My Case**

a. The other party in this case is (full name): _____

b. I have a court date currently scheduled for (date): _____

This is not a Court Order.

3 Is a Temporary Restraining Order in effect?

- Yes. Date the order was made, if known: _____
Please attach a copy of the order if you have one.
- No.
- I don't know.

Notice: If your court date is rescheduled, the *Temporary Restraining Order (form DV-110)* will remain in effect until the end of the new court date, unless otherwise ordered by the court.

4 Why does your court date need to be rescheduled?

- a. I am the person asking for protection, and I need more time to have the restrained party personally served.
- b. I am the restrained party, and this is my first request to reschedule the court date.
- c. Other reason: _____

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

Clerk stamps date here when form is filed.

(Complete 1 and 2 only. The court will complete the rest of this form.)

1 Protected Party: _____

2 Restrained Party: _____

3 Next Court Date

a. [] The request to reschedule the court date is denied.

Your court date is: _____

(1) Any Temporary Restraining Order (form DV-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

b. [] The request to reschedule the court date is granted. The new court date is listed below. See 4-9 for more information.

New Court Date -> Date: _____ Time: _____ Dept.: _____ Room: _____

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

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

4 Option to Attend Court Hearing By Phone or Videoconference

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website go to: www.courts.ca.gov/find-my-court.htm.

5 Temporary Restraining Order

a. [] There is no Temporary Restraining Order (TRO) in this case until the next court date because:

(1) [] A TRO was not previously granted by the court.

(2) [] The court terminates (cancels) the previously granted TRO because: _____

b. [] A Temporary Restraining Order (TRO) is in full force and effect because:

(1) [] The court extends the TRO previously granted on (date): _____

It now expires on (date): _____ (If no expiration date is listed, the TRO expires at the end of the court date listed in 3b).

(2) [] The court changes the TRO previously granted and signs a new TRO (form DV-110).

c. [] Other (specify): _____

Warning and Notice to the Restrained Party: If 5b is checked, a domestic violence restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



6 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

- (1) The protected party has not served the restrained party.
- (2) Other (*explain*):

- b. This is the first time that the restrained party has asked for more time to prepare.
- c. The court reschedules the court date on its own motion.

7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

- (1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.
- (2) You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form [DV-109](#), item **6**, by (*date*): _____.
- (3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (*date*): _____.
- (4) The court gives you permission to serve the restrained party as listed on the attached form DV-117.
- (5) Other:

b. **Restrained party**

- (1) You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.
- (2) You must have the protected party personally served with a copy of this order by (*date*): _____.
- (3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (*date*): _____.
- (4) Other:

c. **Court**

- (1) Further notice is not required.
- (2) The court will mail a copy of this order to all parties by (*date*): _____.
- (3) Other:

This is a Court Order.



8 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

9 Other Orders

10 Attached pages (*All of the attached pages are part of this order.*)

- a. Number of pages attached to this three-page form: _____
- b. Attachments include forms (*check all that apply*):
 DV-110 DV-820 Other: _____

Judge's Signature

Date: _____

Judge or 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 *Disability Accommodation Request (form MC-410)*. (Civil Code section 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Court Hearing (Temporary Restraining Order) (CLETS-TRO)* (form DV-116) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.