

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

SELF-HELP FORM PACKET



SHC-DV-03 (Rev. 07/27/2021)

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**](http://www.occourts.org/self-help) (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select FAMILY LAW as the case type on the form.

You may need to ask for a new hearing 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 the hearing date.
- You are the **restrained party** and it is your first time asking the court to continue the hearing and you need time to hire a lawyer to prepare a response.
- You have 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. If the court continues the hearing and a *Temporary Restraining Order* (form [DV-110](#)) was issued, that order will be extended until the end of the new hearing date, 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 [DV-115](#).
- Fill out items ① through ③ 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 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 ⑨ 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 at least two copies of your documents and filed forms to the hearing. Include a copy of the filed proof of service form. Your documents may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.
- If the protected party 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 party 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.

Clerk stamps date here when form is filed.

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 Party Seeking Continuance

a. Full Name: _____

I am the: Party seeking protection.
 Restrained Party.

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 Orange
341 The City Drive South
Orange, CA 92868

Lamoreaux Justice Center

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) I could not get the papers served before the hearing date.
- (2) I am the restrained party, and this is my first request to continue the hearing.
- (3) I need more time to hire a lawyer or prepare for the hearing or trial.
- (4) Other good cause as stated below [on Attachment 3b\(4\)](#).

This is not a Court Order.

4 Extension of Temporary Restraining Order

a. A *Temporary Restraining Order* (Form DV-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* (Form DV-110) will remain in effect until the end of the new 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 name of
 Lawyer Party Without Lawyer

▲ _____
Sign your name

Clerk stamps date here when form is filed.

Complete items ①, ②, and ③.

① Protected Party:

② Restrained Party:

③ Party Seeking Continuance

I am the Protected Party Restrained Party

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 Orange
341 The City Drive South
Orange, CA 92868

Lamoreaux Justice Center

Fill in case number:

Case Number:

The court will complete the rest of this form.

④ Order on Request for Continuance

a. The hearing in this matter is currently scheduled for (date): _____.

b. The request for a continuance is DENIED for the reasons set forth below [on Attachment 4b](#).

The hearing shall be held as currently scheduled above. The *Temporary Restraining Order* (form DV-110) issued on (date): _____ remains in full force and effect until the hearing date.

c. The request for a continuance is GRANTED as set forth below.

⑤ Order Granting Continuance and Notice of New Hearing

The court hearing on the *Request for Domestic Violence Restraining Order* (form DV-100) is continued to the date, time, and location shown below:

| | | | |
|---|--------------|-------------|---|
| <div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> New Hearing Date </div> | 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 this hearing.

This is a Court Order.



6 Reason for the Continuance

a. The continuance is needed because:

- (1) The person in **(2)** was not served before the current hearing date.
- (2) The parties were referred to child custody mediation or child custody recommending counseling.
- (3) The person in **(2)** asked for a first continuance of the hearing.
- (4) The person in **(3)** asked for more time to hire a lawyer or prepare for the hearing or trial.
- (5) Other good cause as stated below on [Attachment 6a\(5\)](#).

b. The court finds good cause and orders a continuance in its discretion.

7 Extension of 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. A new *Temporary Restraining Order* (form DV-110) is issued as of this date. The orders remain in effect until the end of the hearing in **(5)**.
- d. The Temporary Restraining Order is TERMINATED for the reasons stated below on [Attachment 7d](#).

e. Other (specify): _____

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

If **(7) 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)**.**

8 **Other Orders** (specify):

Additional orders are included at the end of this order on [Attachment 8](#).

This is a Court Order.



9 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 party's request to continue the hearing date. A copy of this order must be served on the restrained party 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 **(5)**) must also be personally served on the restrained party.
 - (2) The *Temporary Restraining Order* (Form DV-110) has been modified and must be personally served on the restrained party.
 - (3) A copy of the *Temporary Restraining Order* must NOT be served because the order was terminated in 7d.
- c. The court granted the restrained party's request to continue the hearing date. A copy of this order must be served on the protected party 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 **(7)**.
- d. All documents must be personally served unless otherwise specified below.

- e. Other (*specify*):

10 No Fee to Serve

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

11 CLETS Entry

If the hearing is continued, 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 I certify that this *Order On Request to Continue Hearing (Temporary Restraining Order)* (CLETS-TRO) is a true and correct copy of the original on file in the court.
[seal]

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.