

HOW TO CHANGE A HEARING DATE FOR THE HEARING ON AN ELDER/DEPENDENT ADULT ABUSE RESTRAINING ORDER

SELF-HELP FORM PACKET



SHC-DV-10 (Rev. 07/30/2021)

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 (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 PROBATE as the case type on the form.

Clerk stamps date here when form is filed.

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

1 Parties Information

a. My name is: _____

b. I am the (*check one of the boxes below*):(1) Protected party (*skip to* **2**).(2) Person asking for protection for the protected party
(*name of elder or dependent adult*): _____
(*skip to* **2**).(3) 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: _____

E-Mail 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 There 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 the court date is rescheduled, the *Temporary Restraining Order* ([form EA-110](#)) will remain in effect until the end of the new court date unless otherwise ordered by the court.

4 Why Does the Court Date Need to be Rescheduled?

- a. 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 name of
 Lawyer Party Without Lawyer

Sign your name

This is not a Court Order.

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

- You are the person seeking protection and are unable to have *Notice of Court Hearing* (form [EA-109](#)) and other papers served in time before your court date.
- You are the person to be restrained and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule on a showing of good cause.)

2 What does form EA-115 do?

Use *Request to Continue Hearing* (form [EA-115](#)) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form [EA-110](#)) was granted, the TRO 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 hearing date.

3 Follow these steps:

- Fill out all of form [EA-115](#).
- Fill out items ① and ② on *Order on Request to Continue Hearing* (form [EA-116](#)).
- 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 [EA-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 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 your court date.
- The other party must be served a copy of the court papers as described in item ⑥ 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 *Proof of Personal Service* (form [EA-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). 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 TRO to the new court date, 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.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter into them evidence at its discretion.
- If you are the person seeking protection and you do not go to your court date, your TRO will expire on the date and time of your court date.
- 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.

5 Need help?

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

Clerk stamps date here when form is filed.

Complete items ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

_____ **The court will complete the rest of the this form** _____

③ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form EA-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**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New Court Date → Date: _____ Time: _____
Dept.: _____ Room: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

④ **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 still in full force and effect** because:

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

It now expires on (date): _____

(If no 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 EA-110).

c. Other (specify): _____

Warning and Notice to the Restrained Party:

If ④b is checked, an elder or dependent abuse restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 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: _____

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.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

b. **Restrained party**

c. **Court**

(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 [EA-109](#), item **5**, 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) Other: _____

(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: _____

(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.



7 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.

8 Other Orders

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.)

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 Hearing (Temporary Restraining Order)* (CLETS-TEA or TEF) (form EA-116) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.