



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 14–15, 2016

Title	Agenda Item Type
Protective Orders: Request to Continue Hearing and Extend Temporary Restraining Order	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.94 and 5.630; revise forms CH-115, CH-116, DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505-INFO, EA-115, EA-116, FL-306, JV-251, SV-115, SV-116, WV-115, and WV-116; approve forms CH-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115 INFO	July 1, 2016
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Raymond M. Cadei, Chair Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	March 30, 2016
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Executive Summary

To implement the recent changes made by Assembly Bill 1081 to Code of Civil Procedure sections 527.6, 527.8, and 527.85, Family Code section 245, and Welfare and Institutions Code sections 213.5 and 15657.03, the Civil and Small Claims Advisory Committee recommends 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 and dependent adult abuse, private postsecondary school violence, and workplace violence case, and the Family and Juvenile Law

Advisory Committee recommends amendments and revisions to Judicial Council rules and forms relating to such requests in a family or juvenile law case.

Recommendation

To implement recent statutory changes:

1. The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise forms CH-115, CH-116, EA-115, EA-116, SV-115, SV-116, WV-115, and WV-116, and the Family and Juvenile Courts Advisory Committee recommends that the Judicial Council revise forms DV-115, DV-116, FL-306, and JV-251, effective July 1, 2016, to:
 - Modify the form titles and content to refer to requests and orders to continue hearings;
 - Delete references to “reissuance” of the temporary restraining order (TRO) or other temporary order and replace them, when appropriate, with references to “extension” of the order;
 - Allow either party to request and the court to order a continuance of a hearing in a protective order proceeding;
 - Reflect that the responding party is entitled to one continuance as a matter of right;
 - Reflect that if the court grants a continuance, any temporary restraining order that has been issued will remain in effect until the end of the continued hearing, unless otherwise ordered by the court; and
 - Make other changes to increase consistency among these forms.

2. The Civil and Small Claims Advisory Committee recommends that the Judicial Council further revise forms CH-116, EA-116, SV-116, and WV-116 and the Family and Juvenile Courts Advisory Committee recommends that the Judicial Council further revise forms DV-116, FL-306, and JV-251, effective July 1, 2016, to:
 - Add an item to allow the court to indicate if the request for the continuance is granted or denied;
 - Add items to allow the court to indicate whether the TRO or temporary emergency order will be extended, extended and modified, or terminated;
 - If the TRO or temporary emergency order is modified, require that a new TRO on form 110 or temporary emergency order be attached;
 - On forms DV-116, CH-116, EA-116, FL-306, SV-116, and WV-116, add an optional item for “Other Orders;”
 - Expand the section on service of the order to include additional service options, including service on the person who requested the restraining order;
 - Add a new section to forms FL-306 and JV-251 to allow the court to indicate whether a TRO or other temporary emergency order is in effect; and
 - On DV-116 and JV-251, add a new section regarding entry of the order into the California Law Enforcement Telecommunications System (CLETS).

3. The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2016, approve new forms CH-115-INFO, EA-115-INFO, SV-115-INFO,

and WV-115-INFO and the Family and Juvenile Courts Advisory Committee recommends that the Judicial Council revise form DV-115-INFO, effective July 1, 2016, to provide litigants in protective order proceedings with current information about how to request a new hearing date;

4. The Family and Juvenile Courts Advisory Committee recommends that the Judicial Council, effective July 1, 2016
 - Amend Cal. Rules of Court, rule 5.94, to:
 - Add to the rule’s title “request to continue hearing and extend temporary emergency (ex parte) orders;”
 - Provide that both parties may ask the court for a continuance;
 - Provide that the court may modify or terminate the temporary restraining order;
 - State 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;
 - Specify that the completed form FL-306 must be attached as the cover page when service on the other party is required; and
 - Make other nonsubstantive changes, including eliminating references to reissuance and updated references to revised form titles.
 - Amend Cal. Rules of Court, rule 5.630, to change the title of subdivision (e) to “*Continuance*,” delete language that restates statutory provisions in paragraphs (e)(1) and (e)(2), and refer to form JV-251 by its recommended new title; and
 - Revise forms DV-200, DV-200-INFO, and DV-505-INFO to delete the terms “reissuance” and “reissue” and to reflect the recommended new titles of forms DV-115 and DV-116.

The text of the amended rules and the new and revised forms are attached at pages 15–60.

Previous Council Action

Assembly Bill 1081 was Judicial Council–sponsored legislation. The purpose of the bill was to broaden and clarify the grounds for granting a continuance, to excise the concept of “reissuance” of a protective order from the statutes, and to clarify that a temporary restraining order may be extended to a new hearing date without first having to be “dissolved by the court.” The bill brings the statutes in this area in line with the actual practice in the courts.

Effective January 1, 2014, the Judicial Council revised and renumbered form FL-306/JV-251, separating them into two forms FL-306 and JV-251 to clarify what orders are appropriate in family and juvenile law proceedings.

Effective January 1, 2013, the Judicial Council revised forms DV-115-INFO and DV-116 to make technical revisions and improve the forms’ clarity by correcting omissions and language that caused confusion about the use of the forms in DVPA cases.

Effective January 1, 2012, the Judicial Council adopted form DV-116 and revised and renumbered forms DV-115, DV-115-INFO, DV-200, DV-200-INFO, and DV-505-INFO to implement Assembly Bill 1596 (Stats. 2010, ch. 572) and Assembly Bill 939 (Stats. 2010, ch. 352) and to coordinate the Domestic Violence Prevention Act (DVPA) forms with other civil restraining order forms relating to civil harassment, private postsecondary school violence, workplace violence, elder and dependent adult abuse, and juvenile law.

Rationale for Recommendation

Overview

California statutes establish procedures for individuals to obtain court orders to protect them from abuse and/or violence in a wide variety of settings. Separate statutory provisions address protective orders in proceedings relating to domestic violence (DV), family law (FL), juvenile law (JV), civil harassment (CH), elder abuse (EA), private postsecondary school violence (SV), and workplace violence (WV). Although these statutory schemes differ from each other in some important ways, the Judicial Council has worked with the Legislature to create consistency in protective order procedures when appropriate. The Judicial Council has also adopted sets of forms to assist in implementing the procedures in each of these settings, as well as rules relating to some of these procedures. Judicial Council advisory committees have worked with each other to ensure consistency in these implementing forms when appropriate.

Assembly Bill 1081 (Stats. 2015, ch 411), which took effect January 1, 2016, amended the statutes relating to a party's request to continue a hearing on a request for a restraining order in DV, FL, JV, CH, EA, SV, WV.¹ The new statutory provisions 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;
- In granting a continuance, the court may modify or terminate a temporary restraining order; and
- In domestic violence proceedings, a fee shall not be charged for the extension of the temporary restraining order.

¹ The legislation is available online at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1081. The relevant amendments were to Family Code section 245 (DV and FL), Code of Civil Procedure sections 527.6 (CH), 527.8 (WV), and 527.85 (SV), and to Welfare and Institutions Code sections 213.5 (JV) and 15657.03 (EA)

AB 1081 requires changes to the existing Judicial Council protective order forms that include content regarding continuances, as well as to two rules. The committees' specific recommendations are described below; however, generally, they implement the mandate of AB 1081 by conforming the forms and rules to the new statutory provisions.

Additionally, to implement the statutory changes, the Civil and Small Claims Advisory Committee recommends adopting new forms CH-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO. The forms are 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.

These revised and new forms will benefit court users and judicial officers by facilitating the process by which a continuance can be requested, and then either granted or denied. And as addressed below, the revised forms will also benefit law enforcement by placing all enforceable temporary restraining orders on a single form should the court elect to modify the TRO in granting a continuance.

Specific recommendations

Request to Continue Court Hearing (Forms CH-115, DV-115, EA-115, FL-306, JV-251, SV-115, and WV-115). Forms DV-115, CH-115, EA-115, SV-115, and WV-115, which are all currently entitled “Request to Continue Court Hearing and to Reissue Temporary Restraining Order,” are the existing forms used to request that a hearing in one of these protective order proceedings be continued and that the expiration date of the TRO be extended—previously referred to as “reissued.” These are all plain-language forms that contain similar provisions (the latter four forms are currently the same except for caption information). Form FL-306 and JV-251 are the existing forms used by an applicant to request and the court to order extension of the expiration date (“reissuance”) of the temporary emergency orders issued on a *Request for Order* (form FL-300) in a family law proceeding or a TRO in a juvenile proceeding. The order portion of both these forms includes spaces for the court to reset the hearing date.

The committees recommend a number of revisions to conform these forms to the amended protective order statutes. The recommended changes to forms DV-115, CH-115, EA-115, SV-115, and WV-115 include:

- Revising the forms for use by either party to request a continuance, including:
 - Changing the title of the forms to “*Request to Continue Hearing*;”
 - Revising the party identifiers in the caption to “Party Seeking Continuance” and “Other Party;” and
 - Adding the new statutory language, which provides that the restrained party is entitled, as a matter of course, to one continuance for a reasonable period, to respond to the request for a restraining order;
- Deleting all references to the term “reissuance;”

- Notifying the party that if the court grants the request to continue the hearing, any temporary restraining order issued in the case will be extended and remain in effect until the end of the new hearing; and
- Expanding the forms to two pages to include the additional, mandatory content.

The Family and Juvenile Law Advisory Committee is recommending changes to forms FL-306 and JV-251 that are similar in concept to the changes recommended to forms DV-115, CH-115, EA-115, SV-115, and WV-115, including:

- Changing the titles of the forms: form FL-306 would become *Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders*, and form JV-251 would become *Request and Order to Continue Hearing (Temporary Restraining Order—Juvenile)*;
- Adding an item to allow either side to request a continuance; and
- Adding a new section for the applicant to indicate the reason for the continuance and additional grounds.

In addition, the committee recommends reorganizing form FL-306 to reflect some of the plain-language content in form DV-115. The term “court mediator or family court services” is changed to “child custody mediator or child custody recommending counselor” to reflect current language in the Family Code. The form now also reflects that the court can grant temporary emergency orders using the stand-alone form *Temporary Emergency (Ex Parte) Orders* (form FL-305).

As discussed in the comments section below, the committee also recommends deleting the items currently on forms DV-115 and FL-306 that ask the party to indicate the number of times the orders were reissued.

Order on Request to Continue Hearing (Forms CH-116, DV-116, EA-116, FL-306, JV-251, SV-116, and WV-116). Forms DV-116, CH-116, EA-116, SV-116, and WV-116, which are all currently entitled “*Notice of New Hearing Date and Order on Reissuance*” are the existing forms that serve as the court order to continue the hearing date on the request for a restraining order in these types of protective order proceedings. These are all plain-language forms that contain similar provisions (the four latter forms are currently the same except for caption information). As discussed above, forms FL-306 and JV-251 serve as not only the application, but also the court order regarding extending the date of temporary emergency orders in family law protective order proceedings and TROs in juvenile law proceedings.

The committees recommend a number of revisions to all of these forms to conform them to the amended protective order statutes, including:

- Changing the titles of these forms:
 - Forms DV-116, CH-116, EA-116, SV-116, and WV-116 would become “*Order on Request to Continue Hearing;*” and

- As noted above, form FL-306 would become *Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders* and form JV-251 would become *Request and Order to Continue Hearing*.
- Deleting references to “reissuance” of the TRO or other temporary order and replacing them, where appropriate, with references to “extension” of the order;
- On forms DV-116, CH-116, and EA-116, revising the party identifiers in the caption to “Protected Party” or “Protected Person” and “Restrained Party” or “Restrained Person”
- Adding an item to allow the court to indicate if the request for the continuance is granted or denied. If denied, the forms specify that the parties are ordered to appear on the currently scheduled hearing date;
- Adding items to allow the court to indicate whether the TRO or temporary emergency order will be extended, extended and modified, or terminated;
- If the TRO or temporary emergency order is modified:
 - On forms DV-116, CH-116, EA-116, SV-116, and WV-116, requiring that a new TRO on form 110 be attached to the order;
 - On forms FL-306 and JV-251, requiring that the modified TRO or temporary emergency order be attached to the order;
 (Having all the orders included in one, instead of having to refer back to the original order, will increase the parties’ awareness of the current orders and facilitate enforcement of the correct orders by law enforcement agencies.)
- On forms DV-116, CH-116, EA-116, FL-306, SV-116, and WV-116, adding an optional item for “Other Orders” should there be other issues that the court needs to address; and
- Expanding the section on service of the order to include additional service options, including service on the person who requested the restraining order.

The Family and Juvenile Law Advisory Committee is also recommending the following additional changes:

- Adding a new section to FL-306 to allow the court to indicate whether a temporary emergency order was granted on form FL-300 or FL-305 and to JV-251 to allow the court to indicate whether a temporary restraining order is in effect; and
- On DV-116 and JV-251, adding a new section regarding entry of the order into CLETS.

Information forms and DV Proof of Personal Service forms

Several current DV forms include references to the “reissuance” of a temporary restraining order or refer to form DV-115: *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); and *How Do I Ask for a Temporary Restraining Order?* (form DV-505-INFO). The Family and Juvenile Law Advisory Committee recommends revising these forms to (1) delete the term “reissuance” and “reissue” wherever they appear and replace them with “extend” or “extension,” and (2) reflect the recommended revised titles of forms DV-115 and DV-116. In addition, the committee recommends revising form DV-115-INFO to include a statement that the court can make orders against the restrained person if he or she does not go to the hearing.

To provide individuals in civil harassment, elder abuse, school violence, and workplace violence prevention proceedings with information about how to request a continuance, the Civil and Small Claims Advisory Committee recommends creating 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 are virtually identical to the current DV-115-INFO, as revised.

Rules. The Family and Juvenile Law Advisory Committee is recommending revisions to two existing rules of the California Rules of Court that contain provisions relating to continuances to reflect both the recent statutory amendments and the implementing modifications to forms that are also being recommended.

Rule 5.94. Order shortening time; other filing requirements

In response to the statutory changes in Family Code section 245, the committee recommends technical as well as substantive changes to this rule. The technical changes include deleting the word “reissuance” and replacing it with “extension.” The committee also recommends deleting the term “application” and replacing it with “request,” and referencing the term “continuance.”

The recommended substantives changes include (1) changing the rule’s title to “Order shortening time; other filing requirements; request to continue hearing and extend temporary emergency (ex parte) orders,” (2) amending the rule to provide that both parties may ask the court for a continuance and that the court may modify or terminate the temporary restraining order, and (3) stating 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.

The recommendations 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 to reflect the revised title of form FL-305 to *Temporary Emergency (Ex Parte) Orders*. It would also specify that completed form FL-306 must be attached as the cover page when service on the other party is required.

Rule 5.630

In response to the statutory changes to Welfare and Institutions Code section 213.5, the committee recommends minor changes to rule 5.630, subdivision (e). Specifically, the committee recommends renaming the title of subdivision (e) to “Continuance” rather than “Reissuance,” deleting language that restates statutory provisions in paragraphs (e)(1) and (e)(2), and referring to form JV-251 by its new title, *Request and Order to Continue Hearing*.

Comments, Alternatives Considered, and Policy Implications

Public comments

Drafts of the proposed revised forms, new forms, and amended rules were circulated for public comment from December 11, 2015 through January 22, 2016. Sixteen comments were received,

all addressing multiple forms and rules: seven from courts or court personnel, six from attorneys or attorney organizations, one from an unrepresented litigant assistance organization, and one from the California Department of Justice. One commentator opposed any changes to the family law rule and form. Otherwise, comments were directed toward specific items in the forms that might be presented differently.

Staff from both the Civil and Small Claims and Family and Juvenile Law Advisory Committees reviewed all comments and prepared responses. The Protective Orders Working Group (POWG) then made recommendations on several key issues (outlined below) for the advisory committees to consider relating to the forms.² Each advisory committee reviewed the public comments and the POWG's recommendations and made specific recommendations as to the particular rules and forms within their purview.

Request for specific comments: “number of previous continuances.” The invitation to comment requested specific comments on whether the forms for requesting a continuance should include an item to indicate the number of times the temporary order has been continued. This issue arose because the two advisory committees' proposals differed on how to revise the forms to implement AB 1081. The Civil and Small Claims Advisory Committee proposed maintaining the question on the civil 115 forms with the revision that the party indicate the number of times the hearing has been “continued” rather than “reissued.” Form FL-306 currently includes a similar item asking the number of times the orders have been reissued, but neither form DV-115 nor form JV-251 currently require the party to provide this information. The Family and Juvenile Law Advisory Committee proposed deleting the item from form FL-306 because there no longer appeared to be a statutory basis for asking about the number of continuances in family law matters.³

Of the public commentators who responded, eight favored keeping the item on the request forms and three opposed it. Those in favor focused on the practical view that the information would be helpful to the courts. Keeping a TRO in effect over long periods of multiple continuances is a significant burden on the respondent's freedom, so the information on the form would quickly let judges know how long it has been since the TRO was issued. Arguments against centered on the likelihood that the requesting party might not have that information at hand and would enter an incorrect number.

This issue was discussed by POWG following the comment period. The group did not reach a consensus, but did agree that all the forms did not need to be the same. The advisory committees

² The POWG is a working group comprised of members from three advisory committees: Civil and Small Claims; Family and Juvenile Law; and Criminal Law. The POWG is charged with reviewing all proposals regarding protective orders in all proceedings in which they might be issued. The POWG attempts to harmonize and reach consensus across subject areas and makes recommendations for approval to each of the parent committees.

³ AB 1081 deleted 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.”

then reached different recommendations. The Civil and Small Claims Advisory Committee recommended keeping this item on forms CH-115, EA-115, SV-115, and WV-115. The Family and Juvenile Law Advisory Committee further discussed the issue at length. The majority of Family and Juvenile Law Advisory Committee members weighing in on the issue indicated interest in adding the question about the number of continuances to form DV-115. However, other members raised significant concerns about asking that question when there is no statutory basis in DVPA cases for requiring parties to provide that information, the information will already be available in the file, and the information provided by self-represented litigants may not be accurate. The chairs agreed with the minority position and recommend that the question not be included on form DV-115 or form FL-306, given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form. The cochairs shared these concerns with the Rules and Projects Committee and restated the recommendation not to add an item on the request forms for a party to specify the number of times the hearing on the temporary restraining order has been continued. Following discussion on this issue, the Rules and Projects Committee concurred with the decision of the Family and Juvenile Law Committee.

Request for specific comments: “continuance denied.” The invitation to comment requested specific comments on whether the order forms should contain an item for the court to indicate that it is denying a continuance. All but three commentators who responded said that the orders in all case types should provide for denial. In response, the committees recommended that all the order forms include an option for the court to deny a continuance.

Continuance granted with modification or termination of temporary restraining order. The amended protective order statutes all permit the court to grant a continuance and also to modify or terminate the temporary restraining order. One commentator proposed adding items to the continuance request forms for the requesting party to ask the court to modify or terminate the TRO.

The POWG and both advisory committees agreed that termination of a TRO on a request for a continuance would be highly unusual at best, and also highly irregular. The court requires some evidentiary showing before terminating a TRO, and a notice of motion (or request for order)—not a request for a continuance—is the appropriate vehicle for the parties to submit their arguments about whether the TRO is justified.

But all viewed modification differently. It seems within the realm of possibilities that either party might request a small change to the TRO while awaiting the new hearing date. For example, an additional protected person might be added, stay-away locations might be added or removed, and specific conduct that might have occurred since the original TRO was issued could be addressed.

The committees decided not to add an item to the continuance request forms or rule 5.94 for the requesting party to specifically ask for the TRO to be modified. The statutes do not specifically provide for this process, and the issue was not flagged for specific comments. However, because

the statutes do specifically grant the court the power to modify or terminate the TRO, the order forms and rule 5.94 were revised to include items for the court to order either modification or termination of the TRO.

Order forms: free service by sheriff. Because AB 1081 permits the court to grant either party's request for a continuance on a showing of good cause, as discussed above, committees are recommending that the Judicial Council revise forms DV-116, CH-116, EA-116, SV-116, and WV-116 to allow them to be used to issue an order regarding a continuance request from either side. All of these forms currently include an item titled "No Fee to Serve (Notify) Restrained Person" (or "No Fee to Serve (Notify) Respondent") which provides that the sheriff or marshal will serve the order for free. This section prompted a commentator to ask if it needs to be revised to apply to both parties.

Although the Family and Juvenile Law Advisory Committee believes that it is important to keep this item on form DV-116 to remind the parties, the court, and law enforcement agencies about free service of the form and order, the committee considered whether statutes permit the "No fee" provision to be applied to both parties, or whether it should be deleted. It also considered the potential fiscal impact of expanding free service on behalf of the restrained party.

The statutory authority on this issue is Government Code section 6103.2(b)(4). The statute does not restrict law enforcement to service of documents for a protected party (on the restrained party). Neither does it require individuals to "prepay" for service by the sheriff. Instead, it allows the sheriff to seek reimbursement from the court for the service. The Judicial Council then reimburses courts for this expense. In 2006, the Legislature passed Assembly Bill 2695 (Stats. 2006, ch. 476), which continued the right to free service in domestic violence restraining orders and some other restraining orders indefinitely.⁴

The committee noted that Judicial Council staff monitor the amount of money available to reimburse courts for free service of restraining orders. Since 2007, sufficient funds have been available for the Judicial Council to reimburse courts for this expense. To date, the request for reimbursement has never exceeded available funds. Based on this information, the committee believes that some fiscal impact may result from changing the forms to specifically state that either party may use the sheriff or marshal to serve form DV-116 and/or a modified *Temporary Restraining Order* (form DV-110). The Judicial Council may use a larger percentage of the money allotted to reimburse courts under Government Code section 6103. However, if necessary, the Judicial Council could seek additional funding. Ultimately, the Family and Juvenile Law Advisory Committee decided to recommend that the section on DV-116 regarding the availability of free service by the sheriff be retained on the form and be revised to apply to both parties.

⁴ See http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB2695.

The CH, SV, and WV statutes all provide for free service of process by a sheriff or marshal of a “protective or restraining order” to be issued, if the order is based on stalking, violence, or a credible threat of violence.⁵ The Civil and Small Claims Advisory Committee concluded that free service of the CH-116, SV-116, and WV-116 continuance orders by law enforcement is not authorized under these statutes because these forms are not protective or restraining orders that meet the statutory conditions. If the TRO is modified on a new TRO form 110 attached to the CH-116, SV-116, and WV-116, as recommended, then the new TRO is entitled to free service if the statutory conditions are met, and the CH-116, SV-116, and WV-116 order would be served for free along with the new TRO. The Civil and Small Claims Advisory Committee therefore recommends deleting the item regarding the availability of free service by the sheriff from forms CH-116, SV-116, and WV-116. On the other hand, the EA statute does not have these conditional limitations. Any order in the proceeding is entitled to free service by law enforcement.⁶ Therefore, the committee recommends retaining an item for free service by law enforcement on form EA-116.

Family law rule and forms. One commentator suggested that neither rule 5.94 nor form FL-306 should be revised because AB 1081 requires revisions only to domestic violence restraining orders, not to temporary emergency orders issued in family law matters. The Family and Juvenile Law Advisory Committee does not agree with the commentator’s position. Although the text of AB 1081 is focused on domestic violence cases, it amended statutes under part 4 of the Family Code (Ex Parte Temporary Restraining Orders) [240–246]. Part 4 does not apply exclusively to temporary restraining orders under the Domestic Violence Prevention Act but does include those orders. Language in amended Family Code section 245 does not limit its application to temporary restraining orders involving violence. Thus, it must be interpreted as applying to all temporary restraining orders listed in section 240.

Alternatives considered

As noted above, AB 1081 amended the statutes relating to requesting and ordering the continuation of a hearing in a protective order proceeding, effective January 1, 2016. Neither the continuance forms nor rules currently conform to the amended statutes. Because the forms and rules must conform to statute, the committees did not consider alternatives to revising these forms.

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 to conform to the statutory amendments, and including them in the report to the Judicial Council for SPR15–16 titled *Domestic Violence—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms*.

⁵ Code Civ. Proc., §§ 527.6(y), 527.8(x), 527.85(x).

⁶ Welf. & Inst. Code, § 15657.03(s).

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 Civil and Small Claims Advisory Committee considered, but rejected, the option of temporarily revoking forms CH-115, CH-116, EA-115, EA-116, SV-115, SV-116, WV-115, and WV-116 and replacing them with revised forms effective July 1, 2016. The committee also considered asking for immediate approval of the forms for January 1, 2016, with circulation for comment to follow.

Ultimately, the committees recognized that efforts should be made to harmonize the domestic violence, civil harassment, family, juvenile, elder abuse, and workplace violence forms affected by the legislation and therefore decided to propose circulating the rules and forms affected by AB 1081 in the winter 2016 cycle, with a July 1, 2016, proposed effective date for all the new and revised forms.

Implementation Requirements, Costs, and Operational Impacts

Specific comments were requested on the implementation requirements for courts. Implementation needs noted by commentators included training of judicial officers and staff, changes to the case management system, changes to e-filing process, and changes to document assembly systems. These consequences are modest and unavoidable given that the rule and form changes are needed to implement the recent statutory amendments. However, the committees expect that the changes will ultimately save resources for the courts by clarifying and streamlining procedures.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendations in the report support the policies underlying Goal I, Access, Fairness, and Diversity, because they help remove barriers to the courts for all parties—not only the protected party—who seek to continue the hearing on a temporary restraining order or seek information about related court procedures.

These recommendations also serve Goal III, Modernization of Management and Administration, by adopting streamlined practices for when the court modifies a temporary restraining order before the hearing in DV, CH, EA, SV, and WV cases. The recommendations also facilitate enforcement of the TRO in those cases by enabling law enforcement agencies to see all of the operable orders on a single form, instead of having to refer back to the original TRO form 110 and also the attached modifications on form 116.

Attachments and Links

1. Cal. Rules of Court, rules 5.94 and 5.630, at pages 15–18

2. Forms CH-115, CH-115-INFO, CH-116, DV-115, DV-115-INFO, DV-116, DV-200, DV-200-INFO, DV-505-INFO, EA-115, EA-115-INFO, EA-116, FL-306, JV-251, SV-115, SV-115-INFO, SV-116, WV-115, WV-115-INFO, and WV-116, at pages 19–60⁷
3. Chart of comments, at pages 61–108
4. Link A: Assembly Bill 1081,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1081
5. Link B: Invitation to comment, www.courts.ca.gov/documents/W16-04.pdf

⁷ Please note that the recommended revisions to forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, FL-306, JV-251, SV-115, SV-116, WV-115, and WV-116 are so extensive that these revisions are not identified on the attached forms using shading, as is the typical practice. The changes are described in the recommendation and in the body of this report.

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

1 **Rule 5.94. Order shortening time; other filing requirements; request to continue**
2 **hearing 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 or responsive
15 declaration to the request may be rejected for filing on the ground that ~~it was~~ they
16 were untimely submitted for filing. If the court, in its discretion, refuses to consider
17 a late filed paper, the minutes or order must so indicate.

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

20
21 ~~Moving~~ The papers requesting an order or responding to the request papers are
22 deemed timely filed if they are submitted; ~~before the close of the clerk's office to~~
23 ~~the public on the day that the paper is due is 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 requesting 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) orders 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:

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

23
24 (B) Modify the temporary emergency (ex parte) orders.

25
26 (C) Terminate the temporary emergency (ex parte) orders.

27
28 (2) The party served with a Request for Order (form FL-300) that includes
29 temporary emergency (ex parte) orders:

30
31 (A) Is entitled to one continuance for a reasonable period of time to respond
32 and, thereafter, to a continuance based on a showing of good cause.

33
34 (B) Must file and serve a Responsive Declaration to Request for Order (form
35 FL-320) as required by the court order.

36
37 (3) The following procedures apply to either party's request to continue the
38 hearing:

39
40 (A) The party asking for the continuance must complete and submit an
41 original Request and Order to Continue Hearing and Extend Temporary
42 Emergency (Ex Parte) Orders (form FL-306) with two copies for the
43 court to review, as follows:

- 1
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- (i) The form should be submitted to the court no later than five court days before the hearing date originally set on the *Request for Order*.
 - (ii) The party may present the form to the court at the hearing of the *Request for Order*.
 - (iii) The party who makes an oral request to the court on the date of the hearing is also required to complete and submit form FL-306 if the court grants the request.
- (B) After the court signs and files form FL-306, a filed copy must be served on the other party, unless the court orders otherwise. If the continuance is granted:
- (i) Before the other party is served with notice of the hearing and temporary emergency (ex parte) orders, then form FL-306 must be attached as the cover page and served along with the *Request for Order* (form FL-300), the original or modified temporary emergency (ex parte) orders, and supporting documents.
 - (ii) To the responding party, and the party who asked for the temporary emergency order was absent when the continuance was granted, then form FL-306 must be attached as the cover page to any documents the court orders served on that party.
 - (iii) Service must be in the manner required by rule 5.92 or as ordered by the court.
- (C) If the *Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders* (form FL-306), *Request for Order* (FL-300), original or modified temporary emergency order, and supporting documents are not timely served on the other party, and the requesting party wishes to proceed with the hearing, he or she must repeat the procedures in this rule.

1 **Rule 5.630. Restraining orders**

2
3 **(a)–(d) * * ***

4
5 **(e) ~~Reissuance~~Continuance**

6
7 (1) ~~The court may, on its own motion or the filing of a declaration by the person~~
8 ~~seeking the restraining order, find that the person to be restrained could not be~~
9 ~~served within the time required by the law and reissue an order previously~~
10 ~~issued and dissolved by the court for failure to serve the person to be~~
11 ~~restrained. The court may grant a continuance under Welfare and Institutions~~
12 ~~Code section 213.5.~~

13
14 ~~(2) The reissued order must state on its face the date of expiration of the order.~~

15
16 ~~(3)~~ Either *Application Request and Order for Reissuance of to Continue Hearing*
17 *(Temporary Restraining Order—Juvenile)* (form JV-251) or a new *Notice of*
18 *Hearing and Temporary Restraining Order—Juvenile* (form JV-250) must be
19 used for this purpose.

20
21 **(f)–(k) * * ***

Clerk stamps date here when form is filed.

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

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 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: _____

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.**

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

 _____
Signature

Attorney Party Without Attorney

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 making your first request for continuance, and you need time to hire an attorney or 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 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 ③ 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 does 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 ⑨ 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 POS-040, *Proof of Service—Civil*. 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 at least two copies of your documents and filed forms to the hearing. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.
- 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.

Clerk stamps date here when form is filed.

Complete items ①, ②, and ③ only.

① Protected Person

Full Name: _____

② Restrained Party

Full Name: _____

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: _____

Fill in court name and street address:

Superior Court of California, County of

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): _____ at (time): _____

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 in a, above. The *Temporary Restraining Order* (Form CH-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 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 <i>Temporary Restraining Order</i> (form CH-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 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 6a(4)

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

7 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 TRO is modified. See the attached amended Form CH-110, *Temporary Restraining Order*. All orders on the attached Order remain in effect until the end of the hearing in ⑤.
- (3) DENIED and the TRO is TERMINATED for the reasons stated:
 below on Attachment 7b(3)

Warning and Notice to the Person in ②

If ⑦ 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.

8 Other Orders (specify):

Other orders are attached 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 initial hearing 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 be personally served on the person in ②.
 - (2) The *Temporary Restraining Order* (Form CH-110) has been modified and must be personally 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 7b(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 personally served if it was modified by the court in item 7b(2).
- d. All documents must be personally served unless otherwise specified below.

10 Mandatory Entry of Order Into CARPOS Through CLETS

If a continuance is granted, 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* 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.

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).

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: 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: _____

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

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 **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.

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: _____

**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:

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:

**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 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.

Clerk stamps date here when form is filed.

1 Name of Party Asking for Protection:

2 Name of Party 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 party in **2** (you cannot send them by mail). Then complete and sign this form, and give or mail it to the party in **1**.



4 I gave the party 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*)
- g. [DV-116](#) (*Order on Request to Continue Hearing*)
- h. DV-130 (*Restraining Order After Hearing*)
- i. Other (specify): _____

5 I personally gave copies of the documents checked above to the party 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

Fill in court name and street address:

Superior Court of California, County of

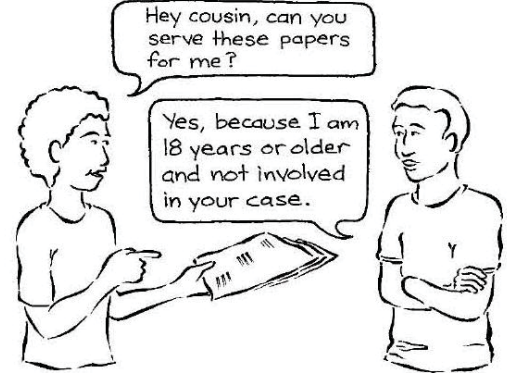
Court clerk fills in case number when form is filed.

Case Number:

What is "service"?

Service is the act of giving your legal papers to the other party in the case. 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 party to be restrained a copy of the forms. You cannot send them by mail. Service lets the other party 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 party knows about the order.
- The **judge cannot make the orders permanent** unless the restrained party 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 party 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.



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. 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 requested date and time.

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

⑤ **Service of Documents and Time for Service**
At least five or _____ days before the hearing, the person who served the orders (the server) must personally give (serve) a copy of the orders (including the **Proof of Personal Service**) to the person in ② along with a copy of the following:

- Form DV-100, *Request for Domestic Violence Restraining Order*
- Form DV-110, *Temporary Restraining Order* and *Order on Request to Continue Hearing*
- Form DV-120, *Response to Request for Domestic Violence Restraining Order* and 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 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?

Forms DV-100, DV-109, and DV-110 must be personally served before the hearing. If not, before your hearing, fill out and file a *Request to Continue Hearing* ([form DV-115](#)) and *Order on Request to Continue Hearing* ([form DV-116](#)). These forms ask the judge for a new hearing date and make any temporary orders last until the end of the new hearing. Ask the clerk for the forms, or go to www.courts.ca.gov.

You **must** attach a copy of [form DV-115](#) and [DV-116](#) to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained party 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 days before your hearing. If you were unable to do so, 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.

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/partner support, you also need form:

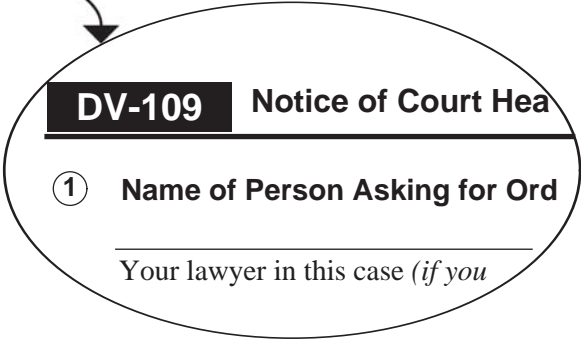
- [FL-150*](#) Income and Expense Declaration or
- [FL-155*](#) Financial Statement (Simplified)

* 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



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 party 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.



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 party.

Ask someone you know, a process server, or law enforcement to personally "serve" (give) the restrained party 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 or on the Internet 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.



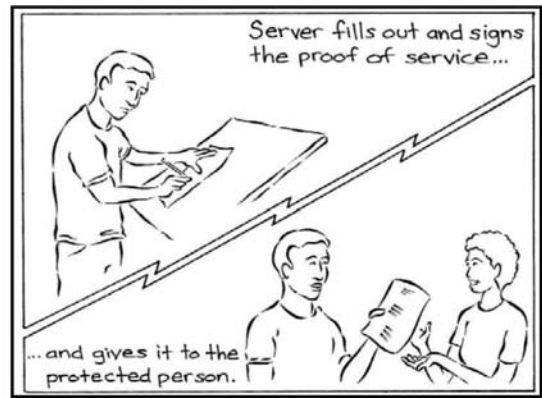
Don't serve it by mail!



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

The restrained party **must** be served before the hearing. If the restrained party wasn't served, fill out [form DV-115](#) (*Request to Continue Hearing*) and the top of [form DV-116](#) (*Order on Request to Continue Hearing*) 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 end of the new hearing.



- 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 party 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.

Clerk stamps date here when form is filed.

Use this form to ask the court to change the hearing 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 Party Seeking Continuance

a. Full Name: _____

- I am the elder or dependent adult seeking protection.
 person requesting protection for the elder or dependent adult (*person named in item 3 of form EA-100*):
 party from whom protection is sought.

Lawyer for person named above (*if any 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)

This is not a Court Order.

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

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.**

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

 _____
Signature

Attorney Party Without Attorney

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

- You are the person seeking 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 making your first request for continuance, and you need time to hire an attorney or 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 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 ③ 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 does 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 ⑨ 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 POS-040, *Proof of Service—Civil*. 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 at least two copies of your documents and filed forms to the hearing. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.
- 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.

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Complete items ①, ②, and ③ only.

① Protected Person

Full Name: _____

② Restrained Person

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 Order on Request for Continuance

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

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 in a, above. The *Temporary Restraining Order* (form EA-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 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:

<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 EA-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 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 6a(4)

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

7 Extension of Temporary Restraining Order

a. No Temporary Restraining Order was issued in this case.

b. Extension of the *Temporary Restraining Order* (TRO; form EA-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 TRO 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 7b(3)

Warning and Notice to the Person in ②

If ⑦ 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.

8 Other Orders (specify):

Other orders are attached 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 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 and dependent adult abuse restraining orders as shown in form EA-109, *Notice of Court Hearing*, item (5) must be personally served on the person in (2).
 - (2) The *Temporary Restraining Order* (form EA-110) has been modified and must be personally 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 7b(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 personally served if it was modified by the court in item 7b(2).
- d. All documents must be personally served unless otherwise specified below.

10 No Fee to Serve (Notify) Restrained Person

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

11 Mandatory Entry of Order Into CARPOS Through CLETS

If a continuance is granted, 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

This is a Court Order.





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* is a true and correct copy of the original on file in the court.
[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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

7. Temporary emergency (ex parte) orders

- a. The orders issued in *Request for Order* (form FL-300) on (date): _____ are (check one):
- (1) modified as specified below on Attachment 7a(2).
- (2) terminated for the reasons stated below on Attachment 7a(2).
- b. The orders issued in *Temporary Emergency (Ex Parte) Orders* (form FL-305) on (date): _____ are (check one):
- (1) modified. See attached modified form FL-305 order issued as of this date.
- (2) terminated for the reasons stated below on Attachment 7b(2).
- c. Other (specify): _____

8. Time for service until the hearing is shortened. Service must be on or before (date): _____
9. A *Responsive Declaration to Request for Order* ([form FL-320](#)) must be served on or before (date): _____

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) Orders* (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

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY 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:	
REQUEST AND ORDER TO CONTINUE HEARING	CASE NUMBER:

REQUEST

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 for the hearing or trial.
 - d. Other good cause (specify):
4. A Temporary Restraining Order (form JV-250) was issued on (date):
Notice: If the hearing date is continued, the Temporary Restraining Order (Form JV-250) 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 foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

(The court will complete the section below)

ORDER

5. The request to continue the hearing is
 - a. DENIED for the reasons set forth below on Attachment 5a

The hearing shall be held as currently scheduled above. The Temporary Restraining Order (Form JV-250) issued on (date): remains in force and effect until the hearing date.

- b. GRANTED. The hearing on the Request for Order and temporary emergency (ex parte) orders is continued as follows:

New Hearing Date:	Time:	Dept.:	Room:
Name and address of court, if different from above:			
Any orders granted in item 6 remain in effect until the end of the new hearing.			

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

6. 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 5b.
- c. The *Temporary Restraining Order* is MODIFIED. See the attached modified order. The orders on the attached form remain in effect until the end of the hearing in item 5b.
- d. The *Temporary Restraining Order* (form JV-250) issued on (date): _____ is TERMINATED for the reasons stated below on Attachment 6d.

- e. Other (specify): _____

7. 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 5b.
 In addition, a copy of the *Request for Restraining Order—Juvenile* (form JV-245) and *Temporary Restraining Order* (form JV-250) must be personally 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 5b on the Petitioner (Person who requested restraining order)
 Other:
- d. Other (specify): _____

8. 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: _____

9. All orders will end at the end of the hearing scheduled for the date and time shown in item 5 unless otherwise ordered.

Date: _____

 JUDICIAL OFFICER

Clerk stamps date here when form is filed.

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

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: _____

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 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)

This is not a Court Order.



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


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: _____

Type or print your name

Attorney Party Without Attorney

 _____
Signature

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 making your first request for continuance, and you need time to hire an attorney or 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 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 ③ 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 does 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 with a copy of the court papers as described in item ⑨ 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 POS-040, *Proof of Service—Civil*. 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 at least two copies of your documents and filed forms to the hearing. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.
- 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.

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Petitioner (Educational Institution or Officer)

Full Name: _____

2 Respondent

Full Name: _____

3 Party 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:

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): _____ at (time): _____

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 in a, above. The *Temporary Restraining Order* (form SV-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 for Continuance and Notice of New Hearing

The court hearing on the *Petition for Private Postsecondary School Violence Restraining Orders* (form SV-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 SV-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 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 6a(4)

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

7 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 TRO is modified. See the attached amended form SV-110, *Temporary Restraining Order*. All orders on the attached Order 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 7b(3)

Warning and Notice to the Respondent

If (7) 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) .

8 Other Orders (specify):

- Other orders are attached 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 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 be personally served on the Respondent.
 - (2) The *Temporary Restraining Order* (form SV-110) has been modified and must be personally 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 personally served if it was modified by the court in item 6b(2).
- d. All documents must be personally served unless otherwise specified below.

10 Mandatory Entry of Order Into CARPOS Through CLETS

If a continuance is granted, 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* 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.

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

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: _____

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 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)

This is not a Court Order.

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

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: _____

Type or print your name

- Attorney Party Without Attorney

 _____
Signature

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 making your first request for continuance, and you need time to hire an attorney or 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 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 ③ 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 does 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 ⑨ 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 POS-040, *Proof of Service—Civil*. 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 at least two copies of your documents and filed forms to the hearing. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.
- 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.

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Complete items ①, ②, and ③ only.

① Petitioner (Employer)

Full Name: _____

② Respondent

Full Name: _____

③ Party 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 Order on Request for Continuance

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

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 in a, above. The *Temporary Restraining Order* (form WV-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 for Continuance and Notice of New Hearing

The court hearing on the *Petition 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 *Temporary Restraining Order* (form WV-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 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 6a(4)

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

7 Extension of Temporary Restraining Order

a. No Temporary Restraining Order was issued in this case.

b. Extension of the *Temporary Restraining Order* (TRO; form WV-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 TRO is modified. See the attached amended form WV-110, *Temporary Restraining Order*. All orders on the attached Order 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 7b(3)

Warning and Notice to the Respondent

If ⑦ 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.

8 Other Orders (specify):

Other orders are attached 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 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 WV-109, *Notice of Court Hearing*, item **(5)** must be personally served on the Respondent.
 - (2) The *Temporary Restraining Order* (form WV-110) has been modified and must be personally 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 7b(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 7b(2).
- d. All documents must be personally served unless otherwise specified below.

10 Mandatory Entry of Order Into CARPOS Through CLETS

If a continuance is granted, 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* is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

W16-04**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**

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	N/I	All comments are included under specific headings below.	See responses to specific provisions below.
2.	Judy L. Hitchcock, Attorney at Law, San Francisco	N/I	Her comment is included under comments on the Request (115) forms, below.	See responses to specific provisions below.
3.	Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	N/I	Comments to specific provisions are included below.	See responses to specific provisions below.
4.	Legal Aid Foundation of Los Angeles, by Jimena S. Vasquez, Attorney	AM	All comments are included under specific headings below.	See responses to specific provisions below.
5.	Los Angeles County Bar Association, Family Law Section	N/I	All comments are included under specific headings below.	See responses to specific provisions below.
6.	Orange County Bar Association, by Todd G. Friedland, President	AM	All comments are included under specific headings below.	See responses to specific provisions below.
7.	State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	N/I	All comments are included under specific headings below.	See responses to specific provisions below.
8.	State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	AM	All comments are included under specific headings below.	See responses to specific provisions below.
9.	State Bar of California, Standing Committee on the Delivery of Legal Services, by Phong S. Wong, chair	AM	Does the proposal appropriately address the stated purpose? Yes. The intent of this proposal is to update existing forms to comply with changes made by AB 1081 to Family Code section 245 and Welfare and Institutions Code section 213.5, as well as changes to Civil Code sections 527.6,	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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****List of All Commentators, Overall Positions on the Proposal, and General Comments**

	Commentator	Position	Comment	Committee Response
			527.8, and 527.85, and Welfare and Institutions Code section 15657.03, relating to a party's request to continue a hearing on a request for a restraining order in a family or juvenile law, civil harassment, elder abuse, private post-secondary school violence, or workplace violence case. Other comments are included under specific headings below.	See responses to specific provisions below.
10.	Superior Court of Los Angeles County	AM	All comments are included under specific headings below.	See responses to specific provisions below.
11.	Superior Court of Orange County, Civil Operations Managers	A	All comments are included under specific headings below.	See responses to specific provisions below.
12.	Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	AM	All comments are included under specific headings below.	See responses to specific provisions below.
13.	Superior Court of Riverside County	A	All comments are included under specific headings below.	See responses to specific provisions below.
14.	Superior Court of Sacramento County, Court Family Law Staff, by Rebecca Reddish, Business Analyst	AM	All comments are included under specific headings below.	See responses to specific provisions below.
15.	Superior Court of San Diego County, by Mike Roddy, Executive Officer	AM	All comments are included under specific headings below.	See responses to specific provisions below.
16.	TCPJAC/CEAC Joint Rules Subcommittee (JRS)	AM	All comments are included under specific headings below.	See responses to specific provisions below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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****COMMENTS APPLICABLE TO ALL FORMS**

Commentator	Comment	Committee Response
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	Decide whether the people involved are a “person” or a “party” and be consistent. “Party” would seem to be the more appropriate.	The committees recommend that the forms be conformed to use the term “party” wherever possible.
	Wherever possible, use the terms “protected party” and restrained party” instead of “the person in ②.” This avoids the parties, the court, and law enforcement from having to flip back to pages and eliminate any confusion as which party is required to do what.	The committees recommend that the forms be conformed to use the terms “protected party” and “restrained party,” with exceptions, as noted in the forms.
Superior Court of Los Angeles County	All forms at item 1 indicate that the restrained party may give an address other than his/her home address. There does not appear to be statutory authority for this as to the restrained party.	Because there is no statute or rule that requires that a party provide a home address, only an address suitable for service of process, the committees do not recommend revising the forms to require the restrained party to provide his or her actual address.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

COMMENTS APPLICABLE TO ALL REQUEST FOR CONTINUANCE FORMS (DV-115, CH-115, EA-115, SV-115, WV-115)		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	<p>(Item 4) A concern is: “Please attach a copy of the order if you have one.” When law enforcement agencies (LEAs) enter and modify entries in CARPOS, they need to have a copy of the most recent order. Although the request forms will not be used for entry, it may save the court time to have the order attached.</p> <p>We suggest that the language be changed to: “Please attach a copy of the order.”</p>	<p>The committees do not recommend revising the 115 forms to require a party to attach a copy of the temporary restraining order to the request to continue the hearing. The requirement could cause undue delay or cost for the party when the court has access to the filed order.</p> <p>To address the issue raised by this commentator, the committees recommend specific revisions to the 116 <i>Order</i> forms so that modified temporary restraining orders are submitted with the Order when it is entered into CARPOS.</p>
Judy L. Hitchcock, Attorney at Law, San Francisco	<p>The proposed Forms all have a line for the signature of both the person asking to continue the hearing date and that person's attorney. Generally, an attorney may request a continuance on behalf of a client. Should there be something on the form clarifying that only one signature is required - i.e., if the person asking to continue the hearing is represented by an attorney, the attorney's signature is sufficient to make the request?</p> <p>I am concerned that some clerks seeing the lines for both signatures may require the client's signature as well as that of his or her attorney. Particularly with elderly clients, it can sometimes be difficult to get a client to the office and to court, and we try to minimize any unnecessary trips if possible.</p> <p>Why not use a signature line like that on the Request for Dismissal form (CIV-110) where either the attorney or the party signs, so it is clear you only need one signature.</p>	<p>The committees agree with the commentator’s suggestion and recommend revising the form’s signature line to be consistent with other Judicial Council forms such as <i>Request for Dismissal</i> (form (CIV-110) that are procedural in nature and do not require the signature of both the party and his or her attorney.</p> <p>Same as above response.</p> <p>Same as above response.</p>
Virginia S. Johnson, Staff Attorney	She has submitted a marked up form showing all of the changes	See specific responses below.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

COMMENTS APPLICABLE TO ALL REQUEST FOR CONTINUANCE FORMS (DV-115, CH-115, EA-115, SV-115, WV-115)

Commentator	Comment	Committee Response
<p>for the San Diego Family Court, strictly as an individual</p>	<p>that she proposes in the comments below. The marked up forms are included as Attachment 1 and are summarized below to facilitate a response.</p>	
	<p>DV-115 only: Title should be: “Request to Continue Hearing Date (<i>Domestic Violence</i> Temporary Restraining Order) (<i>DVTRO</i>).” Use the heading to make it clear that this is a “Domestic Violence” TRO. Also, if the acronym is added to the heading and footer, it can be used throughout the form.</p>	<p>The committees do not recommend this change. The form’s prefix (“DV-“) and the footer (“Domestic Violence Prevention”) make it clear that this form is used in Domestic Violence Prevention Act cases.</p>
	<p>Item 3b(3) “I need more time to hire a lawyer or prepare a response.” Why should the protected party (PP) be granted a continuance to hire a lawyer? Because the restrained party (RP) has a lawyer? Because the PP now realizes having a lawyer is a good idea?</p>	<p>The court has the discretion to grant a protected party or a restrained party a continuance based on the facts of the case.</p>
	<p>It is my understanding that the “three times no fee” language was carried over from CCP § 527 and civil injunctions without any real thought as to how or why it was applicable to family law restraining orders. Ironically, it would now be advantageous to have information in the form indicating the number of times the hearing had been continued, which party had asked for the continuance and whether there were temporary custody, visitation or support orders. This information will help guide the court on whether to grant an additional continuance and/or whether to modify any prior orders and avoid a protected party from using a DVTRO as a semi-permanent custody/visitation/support order. Example:</p> <p><input type="checkbox"/> The hearing has been previously continued by:</p> <p>a. <input type="checkbox"/> The protected party (# of times)_____.</p> <p>b. <input type="checkbox"/> The restrained party (# of times) _____.</p> <p><input type="checkbox"/> The DVTRO includes temporary custody and visitation orders of a minor child.</p> <p><input type="checkbox"/> The DVTRO includes temporary support orders.<input type="checkbox"/></p>	<p>The Civil and Small Claims Advisory Committee recommends that the Civil 115 forms maintain an item to indicate the number of times the court has continued the hearing and extended the temporary restraining order. The Family and Juvenile Law Advisory Committee recommends that the question not be added to form DV-115 given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

COMMENTS APPLICABLE TO ALL REQUEST FOR CONTINUANCE FORMS (DV-115, CH-115, EA-115, SV-115, WV-115)

Commentator	Comment	Committee Response
	<p>Include options to request modification or termination of the DVTRO pending the new hearing date. The request should include the reason for the modification or termination possibly with some standard check box reasons. If the PP is requesting termination of DVTRO, include option to waive right to hearing and cancel hearing date. Generally and logically, if the PP wants the DVTRO terminated before the hearing, the PP also does not want the DVRO hearing. (Examples below)</p> <p>④ Modification of DVTRO</p> <p><input type="checkbox"/> I ask the court to modify the DVTRO issued on (date) _____ as follows: (<i>state briefly each proposed modification requested and the reason for the request</i>):</p> <p>a. <input type="checkbox"/> To allow for exchange of minor child.</p> <p>b. <input type="checkbox"/> To attend family event.</p> <p>c. <input type="checkbox"/> Other (<i>specify</i>):</p> <p>⑤ Termination of DVTRO</p> <p>a. <input type="checkbox"/> I ask the court to terminate the DVTRO issued on (date) _____ for the following reasons: _____</p> <p>_____</p> <p>b. <input type="checkbox"/> I am the Protected Party. If the court grants my request to terminate the DVTRO, I understand that I still have a right to a hearing. I ask the court to cancel the hearing listed on form DV-109 <i>Notice of Court Hearing</i>. I understand that all orders already made on the DVTRO will end on the date the court signs the order terminating the DVTRO (form DV-116).</p> <p>c. <input type="checkbox"/> The parties stipulate to terminate the DVTRO issued on</p>	<p>The committees do not recommend revising the 115 forms to include provisions for a party to request the modification or termination of a temporary restraining order as suggested by the commentator.</p> <p>The committees prefer to revise the forms to the extent necessary to implement the statutes amended by AB 1081. The changes proposed by the commentator are not required to implement the AB 1081. They are also substantive in nature and would require public comment. Further, the committees recognize that local courts have developed local processes for a party to request a change in temporary restraining orders. The committees do not recommend developing a statewide rules and forms that would supersede local court procedures.</p> <p>Same as above response.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

COMMENTS APPLICABLE TO ALL REQUEST FOR CONTINUANCE FORMS (DV-115, CH-115, EA-115, SV-115, WV-115)		
Commentator	Comment	Committee Response
	<p>(date)_____ and further stipulate to cancel the hearing listed on form DV-109.</p> <p>If one or more continuance have been granted, there could be modified orders on DV-110 and/or DV-116 in which case the form should probably indicate that the most recent modified orders, whether in an Amended DV-110 and/or DV-116 as well as all original orders in DV-110 that are not in conflict with the modified orders remain in effect.</p>	<p>The committees considered recommending (1) the use of any form to record the modification (current language) or (2) that the court to produce a new 110 (TRO). After discussion, the committees recommend option 2. This would make it clear to the parties and law enforcement that all of the orders are included in one form. Law enforcement would rather see all of the orders on a single form than have to look back and forth between the original 110 and the attachment to the 116 to figure out what the enforceable orders are.</p>
	Change the footer in DV-115 and DV-116 to Family Code §245.	The committees recommend revising the forms as suggested by the commentator.
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	The number of times that any temporary restraining order has been reissued may be of interest to the court, even if no fee is involved. We suggest keeping a prompt to the user to identify the number of times that any temporary restraining order has been reissued.	The Civil and Small Claims Advisory Committee recommends that the Civil 115 forms maintain an item to indicate the number of times the court has continued the hearing and extended the temporary restraining order. The Family and Juvenile Law Advisory Committee recommends that the question not be added to form DV-115 given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form.
Superior Court of Los Angeles County	Item #1a (under “I am the”)- the boxes should say either “Protected Person” or “Restrained Person.	The committees recommend revising items 1a to state “Protected Party” or “Restrained Party.”
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	Item #3 – recommend adding, “(check all boxes that apply)”	To be consistent with the other -115 forms, the committees recommend revising form DV-115 (3.b) to state “(check all boxes that apply).”

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W16-04**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****COMMENTS APPLICABLE TO ALL REQUEST FOR CONTINUANCE FORMS (DV-115, CH-115, EA-115, SV-115, WV-115)**

Commentator	Comment	Committee Response
Superior Court of Riverside County	Number 1, the ‘p’ should be capitalized on ‘Protected Person’.	The committees agree to make this change to the DV-115 form.
Superior Court of Sacramento County, Court Family Law Staff, by Rebecca Reddish, Business Analyst	Item 3: Expand the information regarding the hearing date to: Date, Time and Department.	The committees recommend expanding the information in item 3 only as to the Civil 115 forms.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	For consistency “How to Ask for a New Hearing Date” (line 2 under form title) should be italicized.	The committees recommend reformatting the text as suggested by the commentator.
	The check boxes for items 3a and 3b should be removed, as they make it appear as though they are optional. The check boxes for item 3b(1-4) should remain.	The committees recommend removing the check boxes from DV-115 at items 3a and 3b. to be consistent with the other forms in the -115 series.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

COMMENTS APPLICABLE TO ALL CONTINUANCE INFORMATION SHEETS (DV-115-INFO, CH-115-INFO, EA-115-INFO, SV-115-INFO, WV-115-INFO)		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	All of the “INFO” forms are very helpful. The Department of Justice Field Representative uses these forms for self-training, and mentions them in training classes to help LEAs better understand the various processes.	No response required.
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	The commentator submitted a marked up form showing many proposed changes as a means of commenting on the proposal. The marked up forms are included as Attachment 1, and summarized below to facilitate a response. Change “person” to “party” throughout.	The committees recommend revising the form as suggested by the commentator, with some exceptions, as noted in the forms.
	*Change “restrained person” to “party being restrained under a DVTRO.”	The committee does not recommend extending the party description as suggested by the commentator. The context of the information sheet makes it clear that the party is involved in a DVPA case.
	Under “What does form DV-115 do?” delete “You may also to “extend” any Temporary Restraining Orders using Form DV-110.” Not needed as extension is automatic.	The committee recommends using the same language as CH-115-INFO for this form, so that it states “If the court continues the hearing and a <i>Temporary Restraining Order</i> (Form DV-100) was issued, the TRO will be extended until the end of the new hearing date, unless the court decides to modify or terminate it.”

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

**COMMENTS APPLICABLE TO ALL CONTINUANCE INFORMATION SHEETS
(DV-115-INFO, CH-115-INFO, EA-115-INFO, SV-115-INFO, WV-115-INFO)**

Commentator	Comment	Committee Response
	<p>If the form is going to include a party’s request to modify or terminate the DVTRO pending the new hearing, revise form DV-115 under “What does form DV-115 do?” to add the following:</p> <ul style="list-style-type: none"> • Either party may ask the court to modify the orders in DV-110 pending the new hearing. • Either party may ask the court to terminate the orders in DV-110 pending the new hearing. • Both parties can stipulate to terminate the orders in DV-110 and ask to cancel the hearing date in DV-109. <p>She suggests filing a modified 110 if modification is sought and additional language under, “Follow these steps,” about modifications or terminations of the TRO:</p> <ul style="list-style-type: none"> • If the judge continued the hearing date and modified the existing orders pending the new hearing, you will need to immediately prepare a <i>Modified</i> DV-110. • If the judge terminated the existing orders pending the new hearing date, you should go to the hearing at the date, time, and location that is shown on form DV-109. • If the judge terminated the existing orders and cancelled the hearing date on DV-109, you do not go to court on the previously scheduled hearing date. • Next, file both forms DV-115 and DV-116 and a proposed <i>Modified</i> DV-110, if applicable to your request, 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. 	<p>Because the committees do not recommend revising the 115 to include a party’s request to modify or terminate the temporary restraining, the committees do not recommend the revisions suggested by the commentator.</p> <p>Same as above response.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

**COMMENTS APPLICABLE TO ALL CONTINUANCE INFORMATION SHEETS
(DV-115-INFO, CH-115-INFO, EA-115-INFO, SV-115-INFO, WV-115-INFO)**

Commentator	Comment	Committee Response
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	<p>The second heading, “What does form DV-115 do?” states “you may also ask to ‘extend’ any temporary restraining orders using form DV-110, Temporary Restraining Order. . . . ‘Extend means to keep any temporary orders in effect until the new hearing date.’”</p> <p>Comment: A request to “extend” does not appear to be in form DV-110.</p>	<p>The committees recommend revising form DV-115 to be consistent with language in other 115-INFO forms.</p> <p>Same as above comment.</p>
State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	<p>We would change the third bullet point under the heading “You may need to ask for a new hearing date if:” to “You have a good reason for needing a new hearing date” A party is more likely to request a new hearing date based on his or her own good reason, rather than the opposing party’s good reason.</p> <p>We would change the heading “What does Form __-115 do?” to “How to Request a New Hearing Date.” We believe the latter language is more descriptive and offers more guidance.</p>	<p>The committees recommend revising the forms as suggested by the commentator.</p> <p>The committees prefer to maintain the current plain language heading on the form instead of repeating the form’s title as a subheading</p>
State Bar – SCDLS	<p>Self-represented litigants seem to do better with "numbering" protocols instead of bullet points. SCDLS suggests replacing bullets with "1. 2. 3." However, under the subsection "Follow these steps;" use of check boxes is better than bullets or numbers because they give a litigant the chance to check off what they have accomplished.</p> <p>Also at the second bullet point under “Follow these steps,” it is better to list the number of each item so for example, DV-115-INFO would read, “Fill out items 1, 2 and 3...” and CH-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO would read, “Fill out items 1, 2, 3 and 4...” In our experience, people tend to skip #2 when the directions state "Complete 1 through 3" or “Complete 1 through 4.”</p> <p>Under the section entitled "Go to the hearing,," SCDLS</p>	<p>The committees prefer no change to the current formatting in the subsection without additional input from other commentators.</p> <p>Because the DV-116 forms specify in the instructions that party must complete items 1, 2, and 3, the committees do not recommend changing the 115-INFO forms as suggested by the commentator.</p> <p>The committees recommend revising the text to state</p>

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W16-04

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

**COMMENTS APPLICABLE TO ALL CONTINUANCE INFORMATION SHEETS
(DV-115-INFO, CH-115-INFO, EA-115-INFO, SV-115-INFO, WV-115-INFO)**

Commentator	Comment	Committee Response
	<p>suggests that the first bullet point read as follows, “Take with you to the court hearing a copy of all of your previously filed papers, and a copy of the original Proof of Service.” Adding “filed” is recommended because self-represented litigants often try and bring all sorts of new evidence, declarations, etc. to the hearing without realizing these documents should be filed.</p>	<p>“Take at least two copies of your documents and filed forms to the hearing. ‘Documents’ may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion.”</p>
	<p>Also, use of the words “original Proof of Service” may be misleading and confusing, since the original Proof of Service is usually filed with the court clerk before a hearing. Whatever encourages the parties to file the documents prior to the hearing will help the court prepare for the hearings that will go forward that day.</p>	<p>The committees recommend revising the forms to refer to a “filed” Proof of Service, not an “original” form.</p>
<p>Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst</p>	<p>2nd paragraph references the DV-110 to extend the restraining order. However, the DV-110 has no “extension” wording or option. This could be confusing to the public.</p>	<p>The committees recommend revising the second sentence to state “If the court continues the hearing and a <i>Temporary Restraining Order</i> (Form DV-110) was issued, the temporary restraining order will be extended until the end of the new hearing date, unless the court decides to modify or terminate it.”</p>
	<p>3rd paragraph (Follow these steps) directs parties to only complete items 1 through 3 when completing DV-116. However, it appears as though item #4 (Reason for Continuance) should be completed by the requesting party.</p>	<p>The committee recommends revising DV-115-INFO to state that the party has to fill out items 1 through 3 on form DV-116. This will require the court to complete the currently scheduled hearing date.</p>
	<p>Also, the bullets appear to be out of sequence. In our court the forms are typically given to the clerk, who forwards them to the judge for review. Once signed, the judge gives them to the clerk who will file-stamp the forms.</p>	<p>The committee believes that the form sufficiently addresses the possibility of varying court procedures. For example, the third bullet says: “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.” Therefore, the committees do not recommend revising this section.</p>
<p>Superior Court of San Diego</p>	<p>“You may need to ask for a new hearing date if”: The</p>	<p>The committees recommend revising the information</p>

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W16-04

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

**COMMENTS APPLICABLE TO ALL CONTINUANCE INFORMATION SHEETS
(DV-115-INFO, CH-115-INFO, EA-115-INFO, SV-115-INFO, WV-115-INFO)**

Commentator	Comment	Committee Response
County, by Mike Roddy, Executive Officer	second bullet is confusing. The current wording makes it seem that the restrained party needs to ask for a new hearing just because it's his or her first time asking to continue the hearing. Proposal to use the following: "You are the restrained person making your first request for continuance and you need time to hire an attorney or prepare a response."	sheets to state "You are the restrained person making your first request for continuance and you need time to hire an attorney or prepare a response."
	"What does form DV-115 do" : Delete second sentence. The current sentence implies that the party would prepare a new DV-110. However, DV-116 (item 6b) clearly provides that the orders issued on the date specified remain in effect.	The committees recommends revising the second sentence to state "If the court continues the hearing and a <i>Temporary Restraining Order</i> (Form DV-110) was issued, the temporary restraining order will be extended until the end of the new hearing date, unless the court decides to modify or terminate it."
	"Go to the Hearing" : The first bullet instructs the party to bring the original proof of service to the hearing, however the ninth bullet in the previous section instructs the party to file the proof with clerk prior to the hearing.	The committees recommend revising the text to state "Take at least two copies of your documents and filed forms to the hearing. 'Documents' may include exhibits, declarations, and financial statements, which the court may enter into evidence at its discretion."

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W16-04

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

COMMENTS APPLICABLE TO ALL ORDER GRANTING CONTINUANCE FORMS (DV-116, CH-116, EA-116, SV-116, WV-116)		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	<p>Item 6 (<i>now item 7</i>) for Order to Continue forms: If any box (b –e) is checked, it would be helpful to change the statement to: “A copy of the order must or should be attached.”</p> <p>LEAs will use the form and the attached order for an entry into the California Restraining and Protection Order System (CARPOS) via CLETS. LEAs must see the actual order before they modify information in CARPOS. It is currently a common problem reported by LEAs to DOJ, that the order is not attached on orders of reissuance. It saves the LEA time when the order is attached.</p>	The committees have confirmed with the California Department of Justice that law enforcement agencies only need to receive a copy of the order if it is modified. Therefore, the committees recommend revising the forms to specify that modified orders be submitted with form 116 for entry into CLETS.
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	<p>The commentator submitted a marked up form showing many proposed changes as a means of commenting on the proposal. The marked up forms are included as Attachment 1, and summarized below to facilitate a response.</p> <p>Title of form should be: Order to Continue Hearing Date (<i>Domestic Violence</i> Temporary Restraining Order)</p>	<p>Responses to the proposed changes are noted below.</p> <p>The committees recommend revising the title of the forms to Order on Request to Continue Hearing, deleting the parenthetical in the form’s header, but retaining it in the footer title. The committees do not believe that it is necessary to expand the title in the footer as suggested by the commentator.</p>
	At item 1, When requesting a continuance, the DVTRO has already been issued, so the headings should be “Name of Protected Party” or “Name of party being protected under DVTRO/Protected Party.” Same for the Restrained Party.	The form seeks to address that the court might not have issued a TRO. In this case, a party designation would technically be “Party asking for protection” or “Protected Party.” However, although the compound party identifier is technically most accurate, the committees believe that it may be unnecessarily complex when the purpose of the headings is to simply get the

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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

COMMENTS APPLICABLE TO ALL ORDER GRANTING CONTINUANCE FORMS (DV-116, CH-116, EA-116, SV-116, WV-116)		
Commentator	Comment	Committee Response
		names of the parties on the form even if the TRO has not been served. Therefore, the committees recommend that items 1 and 2 on form DV-116 be consistent with the other Civil 116 forms.
	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”. Again, if there has been a previous continuance, it may be the orders in an Amended DV-110 and/or DV-116 that are extended.	To avoid confusion, the committees recommend clarifying that the court needs to issue a new form DV-110 if the orders are modified as part of the request to continue the hearing.
	Change the footer in DV-116 to Family Code §245.	The committees recommend this change.
Legal Aid Foundation of Los Angeles, by Jimena S. Vasquez, Attorney	Item 5 the notice at the bottom is misleading as it presumes that the Temporary Restraining Order was extended. The notice should simply indicate that any Temporary Restraining Order expires at the end of the new hearing.	The committees recommend revising the form as suggested by the commentator.
	There is a check box, Item 6(d) (<i>now item 7(d)</i>), indicating that the Temporary Restraining Order is terminated. While the court has discretion to grant or deny continuances it is hard to imagine a situation where a court would grant a continuance but deny the extension of a temporary restraining order. Previously the court would just deny the continuance and thereby dismiss the case on the day of the hearing. We are concerned that allowing the court to continue matters while terminating existing orders will cause much confusion with litigants about the existence of protection orders and if they actually understood the ramifications of seeking a continuance. We would instead suggest that the box indicating that the temporary order is terminated be removed. The Court will still have a place to write the order was terminated in the "other" section and it will help ensure that litigants are properly informed that by seeking a continuance the court terminated the temporary orders.	The committees agree that the court’s granting a continuance, but terminating the TRO is highly unlikely. However, because Family Code section 245 permits the court to terminate the temporary restraining order, the committees believe that the language should remain on the form to implement the statute.
	DV-116 should also be required to be personally served when	Item 9d allows the court to require personal service. The

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W16-04

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

COMMENTS APPLICABLE TO ALL ORDER GRANTING CONTINUANCE FORMS (DV-116, CH-116, EA-116, SV-116, WV-116)		
Commentator	Comment	Committee Response
	<p>the other party is not present. Given the short timelines that exist in restraining order cases it is easy to imagine an attorney and victim appearing for a hearing only to discover that the case was continued and the notice was sent in the mail. Requiring personal service will help ensure that litigants are being notified in a timely manner and that the service rules as consistent with many of the other domestic violence forms that must be serve personally.</p> <p>We also suggest adding that a conformed copy must be served, not just any copy. Our recommendation is to remove box 7(d) (<i>now item 9(d)</i>) and instead the language of 7(b) (<i>now item 9(b)</i>) and 7(c) (<i>now item 9(c)</i>) should be as follows:</p> <p>b. <input type="checkbox"/> The court granted the protected person's request to continue the hearing date. A stamped copy of this order must be personally served on the restrained person at least days before the hearing in (5).</p> <p>c. <input type="checkbox"/> The court granted the restrained person's request to continue the hearing date. A stamped copy of this order must be personally served on the protected person at least ___ days before the hearing in (5). A copy of the Temporary Restraining Order must be served if it was modified by the court in item (6).</p>	<p>committee recommends revising item 9(b)(1) to require personal service when the party to be restrained was not served with the <i>Notice of Court Hearing</i> (Form DV-109).</p> <p>The committee prefers that the form remain consistent with the current set of -116 forms, which do not specify that a stamped or conformed copy of the order is required for service.</p> <p>Same as above response.</p> <p>Same as above response.</p>
State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	We believe the requesting party should complete items 1, 2, and 3 only, and the court should complete all of item 4 to ensure that the stated date of the currently scheduled hearing is accurate.	The committees recommend revising the form as suggested by the commentator.
	We would delete item 4(c) (<i>now item 6(c)</i>) because it seems to suggest that the court has discretion to order a continuance absent good cause. We believe the court cannot order a	The committee recommends revising the form to specify that the court must find good cause to continue the hearing and provide space for the court to describe why

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W16-04

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

COMMENTS APPLICABLE TO ALL ORDER GRANTING CONTINUANCE FORMS (DV-116, CH-116, EA-116, SV-116, WV-116)		
Commentator	Comment	Committee Response
	continuance without a showing of good cause, and the court should briefly describe the good cause in item 4(b)(4).	it finds good cause to continue the hearing.
	Item 6 (<i>now item 7</i>) in form CH-116 (and some others) refers to the granting or denial of a TRO extension, but the extension itself is automatic if the court grants a continuance. We suggest revising the language in item 6(b) in form CH-116 to match the language in item 6(b) in form DV-116.	The committees recommend alternate revisions to item 7 to apply to all of the 116 forms.
Superior Court of Los Angeles County	Item #1 should say “Protected Person” and Item #2 “Restrained Person”	The committees recommend changing items 1 and 2 to say “Protected Party” and “Restrained Party” to distinguish between the actual parties who have standing in the case and the others who are named as “Additional Protected Persons” in the temporary restraining order.
	Item #6 (<i>now item 7</i>) - leave as is “Temporary Restraining Order”, not “Extended/Extension Temporary Restraining Order.”	The committees recommend revising item 7 of the 116 forms to state “Extension of Temporary Restraining Order.”
	Item #7 (<i>Now item 9</i>) too much wording under Item (b) needs to be simplified.	The committees recommends simplifying item 9 to the extent possible.
	DV-116, item 8 (<i>now item 10</i>) indicates that there is fee to serve the restrained person. Is the same true if the restrained person serves the protected party?	The Family and Juvenile Law Advisory Committee recommends revising the DV-116 form to reflect that either party may have the order served by a sheriff or marshal at no cost. This item will be removed from the CH, SV, and WV forms because free service is only available in those proceedings for a <i>protective order</i> on conditions. The Civil and Small Claims committee does not consider the 116 to be a protective order. The item for EA will remain on the form as applicable to both parties because the EA statute provides for free service of any order. Further information on this issue is included in the committees’ report.
Superior Court of Orange County, Family Law and Juvenile Court	The top of the form instructs parties to complete items 1-3 only. It appears as though parties should also complete item #4.	The committees recommend that the instructions require a party to complete items 1, 2, and 3.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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****COMMENTS APPLICABLE TO ALL ORDER GRANTING CONTINUANCE FORMS (DV-116, CH-116, EA-116, SV-116, WV-116)**

Commentator	Comment	Committee Response
Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	We would also recommend moving item #7(b)(3) (<i>now 9(b)((3))</i>) to item 6(d) (<i>now item 7(d)</i>) so it does not get easily missed, or perhaps have this addressed in both places.	The committee prefers that the form provide information about service under the “Service of Order” heading.
Superior Court of Sacramento Cournty, Court Family Law Staff, by Rebecca Reddish, Business Analyst	item 4a: Expand the information regarding the current hearing date to: Date, Time and Department.	The Civil and Small Claims committee recommends expanding the information, with modifications. The Family and Juvenile Law Committee does not recommend this change to the DV and FL forms.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Item 4 should be completed by the requesting party.	The committees recommend that the instructions require a party to complete items 1, 2, and 3, and that the current hearing information be included under the “Order on Request for Continuance” section of the forms.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

FORM FL-306: REQUEST AND ORDER TO CONTINUE HEARING DATE AND EXTEND TEMPORARY EMERGENCY (EX PARTE) ORDER		
Commentator	Comment	Committee Response
<p>Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual</p>	<p>DO NOT REVISE FL-306. See General Comments (below). Do not amend rule 5.94 to apply FC §245 to a TEO other than adding language to clearly differentiate between a DVTRO and a TEO and the separate procedures and rules for each.</p> <p>FC §245 should be read and interpreted as applying only to domestic violence temporary restraining orders even though that interpretation creates a conflict with FC §240. Because a TEO must always accompany an RFO, any request to continue an RFO should be based on the standard continuance procedure. The law should not single out and advantage parties who happen to have a TEO with the RFO from those with just an RFO. Petitioners' who have an RFO without a TEO do not typically get a continuance just because they did not get their case prepared on time. Respondents' do not get one free continuance and must timely file their opposition papers based on the original filing date regardless if the hearing is continued. Neither party gets a continuance without an ex parte fee.</p> <p>Please retain the rule 5.94 adopted on 10/27/15 with one minor change – delete (e)(3).</p> <p>General Comments The legislative history of AB 1081 is focused on, if not actually limited to, domestic violence temporary restraining order (DVTRO). It does not discuss a Temporary Emergency Order (TEO). There is no apparent concern with TEOs as set forth in form FL-306. If it was the intent of the JC in sponsoring the legislation to include a TEO or any other type of non-violent,</p>	<p>The Family and Juvenile Law Advisory Committee recommends revising form FL-306 and rule 5.94 as required by AB 1081.</p> <p>Although the text of AB 1081 is focused on domestic violence cases, it amended statutes under Part 4 of the Family Code (Ex Parte Temporary Restraining Orders) [240-246]. Part 4 does not apply only to temporary restraining orders under the Domestic Violence Prevention Act, but includes those orders.</p> <p>The changes to Family Code section 243 and 245 that were officially enrolled do not pertain exclusively to protective orders under the Domestic Violence Prevention Act. There is no language in Family Code section 245 which limits its application to temporary restraining orders involving violence. Thus, it must be interpreted as applying to all temporary restraining orders listed in Section 240.</p> <p>The Judicial Council did not adopt amendments to rule 5.94 on October 27, 2015.</p> <p>Although the bill focused on protective orders, the changes to Family Code section 243 and 245, as they were enrolled, do not pertain exclusively to protective orders under the Domestic Violence Prevention Act. There is no language in Family Code section 245 which limits its application to temporary restraining orders</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

FORM FL-306: REQUEST AND ORDER TO CONTINUE HEARING DATE AND EXTEND TEMPORARY EMERGENCY (EX PARTE) ORDER

Commentator	Comment	Committee Response
	<p>non-abusive temporary restraining order under the Family Code, then there should have been [and there needs to be] completely separate statutes and rules of court.</p> <p>The problem is that there is no differentiation or separation between a DVTRO, a TEO, and other types of nonviolent, non-abusive TROs. This has been an on-going legislative dilemma for years when CCP §527[now FC §245], dealing with civil injunctions, was incorporated as the procedure for restraining orders. The language of FC §240 basically applies to any order that could be construed as an “ex parte temporary restraining order” including a TEO and any nonviolent TRO. AB 1081 seemingly has both compounded and clarified [inferentially] the problem by limiting FC §245 to temporary restraining orders involving violence, abuse and harassment. Arguably, FC §240 is now in conflict with FC §245.</p> <p>The JC is further frustrating the conflict by proposing to re-amend Rule 5.94 and form FL-306 from what was approved on 10/27/15. The approved amendments to Rule 5.92 and Rule 5.94, subdivisions (a) through (d) and the adoption of the new and revised forms FL-300, FL-303, FL-305, effective 7/1/16, already properly address procedures for TEOs. Rule 5.94 should be re-amended only to include the existing subdivision (c). If the RFO with a TEO is not timely served or a continuance is sought for any reason, a party can request a continuance and have the TEO reissued using the standard procedure for continuing an RFO.</p>	<p>involving violence. Thus, it must be interpreted as applying to all temporary restraining orders listed in Section 240.</p> <p>Same as above response.</p> <p>This is an incorrect statement regarding rule 5.94 and form FL-306. The Judicial Council took no action on these items in October 2015. As noted in the Invitation to Comment associated with this report (at page 2), rule 5.94 and form FL-306 circulated for comment as part of a previous proposal titled “SPR15-16, Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms.” However, when AB 1081 was signed into law in October 2015, the Family and Juvenile Law Advisory Committee refrained from including any recommendations about rule 5.94 and form FL-306 in the Judicial Council report for SPR15-16. Instead, the form and rule were circulated to</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

FORM FL-306: REQUEST AND ORDER TO CONTINUE HEARING DATE AND EXTEND TEMPORARY EMERGENCY (EX PARTE) ORDER

Commentator	Comment	Committee Response
	<p>A new and separate Rule should be written that sets forth the procedures for continuing a DVTRO in accordance with FC §245 effective 1/1/16 and refers to the DV forms (115, 115-INFO, 116, 200, 200-INFO, 505-INFO) still in the process of revision. The new rule could logically be included in Chp. 11 “Domestic Violence Cases.”</p>	<p>reflect the requirements of amended Family Code section 245.</p> <p>The committee may consider a new rule in a future cycle. In the meantime, the domestic violence forms themselves will serve as rules of court under rule 5.7 of the California Rules of Court, which provides that “All forms adopted by the Judicial Council for use in any proceeding under the Family Code... are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law.”</p>
<p>State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel</p>	<p>The Invitation to Comment states: “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.” (emphasis added). Comment: The extension is not automatic (in the sense of being guaranteed) because the court can order otherwise. FLEXCOM therefore believes there should be a box ensuring an extension so there is no confusion.</p>	<p>In response to the comment, the committee recommends revising the form to provide a notice in the Request section to provide that “If the hearing date is continued, the temporary emergency orders will remain in effect until the end of the new hearing in item 6, unless otherwise ordered by the court.” This language will implement Family Code section 245(c).</p>
	<p>The Invitation to Comment notes that the number of times that any temporary restraining order has been reissued will be of interest to the court, even if no fee is involved.</p> <p>FLEXCOM suggests keeping a prompt to the user to identify the number of times that any temporary restraining order has</p>	<p>The Family and Juvenile Law Advisory Committee recommends revising the DV, FL, and JV form to remove this language from the form as there is no longer a statutory basis for requiring the party to provide this information and because the court is in the best position to have accurate information about the number of</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

FORM FL-306: REQUEST AND ORDER TO CONTINUE HEARING DATE AND EXTEND TEMPORARY EMERGENCY (EX PARTE) ORDER

Commentator	Comment	Committee Response
Superior Court of Los Angeles County	<p>been reissued.</p> <p>The Current FL-306 Application and Order for Reissuance of Request for Order or Temporary Emergency Orders can be used to reissue/continuance of an RFO without Temporary Emergency Orders. The revised FL-306 Request and Order to Continue Hearing Date and Extend Temporary Emergency (Ex Parte) Order appears to only reissue and continue Temporary Emergency Orders. If this is the intent, there will be a need for an additional form to request a new hearing of an RFO without temporary orders if the moving party was unable to serve the other party. If that is not the intent, the form will need to clearly state that the form can be used with or without temporary emergency orders. An example might be to include the word “ANY” in the title of the form before the word Temporary, and add a checkbox to item 3.a “the temporary emergency orders were originally issued on...”</p>	<p>continuances and extensions of the temporary order.</p> <p>As specified in the committee’s recommended amendments to rule 5.94, this form is intended to be used if the court granted temporary emergency orders on either a <i>Request for Order</i> (form FL-300) or <i>Temporary Emergency (Ex Parte) Orders</i> (form FL-305). A reference to rule 5.94 is included on the form for this purpose.</p> <p>The committee does not recommend a new form for a party to request a new hearing date on a <i>Request for Order</i> (form FL-300) without temporary emergency orders. This form is not needed in such an instance. Instead, the party may seek to continue the hearing by stipulation or by filing a request to continue the hearing using form FL-300.</p>
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	<p>We respectfully request the form not be retitled. This form is also used as a Request for Order and Other filings, such as Notice of Motion.</p> <p>We also recommend removing from item 4(b) reference to child custody recommending counselor. This gives the impression that child custody mediators are counselors.</p>	<p>The Family and Juvenile Law Advisory Committee recommends revising the title of the form to implement the requirements of Family Code section 245.</p> <p>The committee does not recommend this change since the language reflects current Family Code statutes relating to child custody recommending counselors.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

FORM JV-251: APPLICATION AND ORDER TO CONTINUE HEARING DATE (TEMPORARY RESTRAINING ORDER—JUVENILE)		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	Item 5: If any box (b. – e.) is checked, it would be helpful to change the statement to: “A copy of the order must or should be attached” LEAs will use the form and the attached order for an entry into the California Restraining and Protection Order System (CARPOS) via CLETS. LEAs must see the actual order before they modify information in CARPOS. It is currently a common problem reported by LEAs to DOJ, that the order is not attached on orders of reissuance. It saves the LEA time when the order is attached.	The Family and Juvenile Law Advisory Committee has confirmed with the California Department of Justice that law enforcement agencies only need to receive a copy of the order if it is modified. The committees recommend that a copy of the modified TRO be submitted with a copy of the order when it is entered into CARPOS via CLETS.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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****FORMS DV-200 AND DV-200-INFO: PROOF OF SERVICE**

Commentator	Comment	Committee Response
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	DV-200-INFO, page 2, 3rd paragraph (What happens if I cannot...) should reflect the completion of the DV-100 form (as referenced in other forms).	The committee recommend revising the form to state “Forms DV-100, DV-109, and DV-110 must be personally served before the hearing. If not, before the hearing, fill out and file....”

FORM DV-505-INFO: HOW DO I ASK FOR ATEMPORARY RESTRAINING ORDER?

Commentator	Comment	Committee Response
Superior Court of San Diego County	Additionally, DV-505-INFO (bullet four) instructs the party to file the original proof and bring a copy to the hearing.” These instructions are inconsistent and must be revised to comply with the Rules of Court for the filing of proofs of service.	The committee recommend revising the form as suggested by the commentator.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

RULE 5.94: ORDER SHORTENING TIME

Commentator	Comment	Committee Response
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Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

RULE 5.94: ORDER SHORTENING TIME

Commentator	Comment	Committee Response
<p>Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual</p>	<p>*Do not amend rule 5.94.</p> <p>The legislative history of AB 1081 is focused on, if not actually limited to, domestic violence temporary restraining order (DVTRO). It does not discuss a Temporary Emergency Order (TEO). There is no apparent concern with TEOs as set forth in form FL-306. If it was the intent of the JC in sponsoring the legislation to include a TEO or any other type of non-violent, non-abusive temporary restraining order under the Family Code, then there should have been [and there needs to be] completely separate statutes and rules of court.</p> <p>The problem is that there is no differentiation or separation between a DVTRO, a TEO, and other types of nonviolent, non-abusive TROs. This has been an on-going legislative dilemma for years when CCP §527[now FC §245], dealing with civil injunctions, was incorporated as the procedure for restraining orders. The language of FC §240 basically applies to any order that could be construed as an “ex parte temporary restraining order” including a TEO and any nonviolent TRO. AB 1081 seemingly has both compounded and clarified [inferentially] the problem by limiting FC §245 to temporary restraining orders involving violence, abuse and harassment. Arguably, FC §240 is now in conflict with FC §245.</p>	<p>The Family and Juvenile Law Advisory Committee recommends amending rule 5.94 to implement the requirements of AB 1081.</p> <p>Although the text of AB 1081 is focused on domestic violence cases, it amended statutes under Part 4 of the Family Code (Ex Parte Temporary Restraining Orders) [240-246]. Part 4 does not apply only to temporary restraining orders under the Domestic Violence Prevention Act, but includes those orders.</p> <p>As officially enrolled, amended Family Code sections 243 and 245 do not pertain exclusively to protective orders under the Domestic Violence Prevention Act. There is no language in Family Code section 245 which limits its application to temporary restraining orders involving violence. Thus, it must be interpreted as applying to all temporary restraining orders listed in Section 240.</p>

Positions: A – Agree, AM – Agree if modified, N – Do not agree.

W16-04**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****RULE 5.94: ORDER SHORTENING TIME**

Commentator	Comment	Committee Response
	<p>The JC is further frustrating the conflict by proposing to re-amend Rule 5.94 and form FL-306 from what was approved on 10/27/15. The approved amendments to Rule 5.92 and Rule 5.94, subdivisions (a) through (d) and the adoption of the new and revised forms FL-300, FL-303, FL-305, effective 7/1/16, already properly address procedures for TEOs.</p> <p>Rule 5.94 should be re-amended only to include the existing subdivision (c). If the RFO with a TEO is not timely served or a continuance is sought for any reason, a party can request a continuance and have the TEO reissued using the standard procedure for continuing an RFO.</p> <p>A new and separate Rule should be written that sets forth the procedures for continuing a DVTRO in accordance with FC §245 effective 1/1/16 and refers to the DV forms (115, 115-INFO, 116, 200, 200-INFO, 505-INFO) still in the process of revision. The new rule could logically be included in Chp. 11 “Domestic Violence Cases.”</p>	<p>This is an incorrect statement regarding rule 5.94 and form FL-306. The Judicial Council took no action on these items in October 2015. As noted in the Invitation to Comment associated with this report (at page 2), rule 5.94 and form FL-306 circulated for comment as part of a previous proposal titled “SPR15-16, Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms.” However, when AB 1081 was signed into law in October 2015, the Family and Juvenile Law Advisory Committee refrained from including any recommendations about rule 5.94 and form FL-306 in the Judicial Council report for SPR15-16. Instead, the form and rule were circulated to reflect the requirements of amended Family Code section 245.</p> <p>The committees recommend that the Judicial Council amend the rule as required by AB 1081.</p> <p>The committees may consider a new rule in a future cycle. In the meantime, the domestic violence forms themselves will serve as rules of court under rule 5.7 of the California Rules of Court, which provides that “All forms adopted by the Judicial Council for use in any proceeding under the Family Code... are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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****RULE 5.94: ORDER SHORTENING TIME**

Commentator	Comment	Response
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	<p data-bbox="543 334 1299 431">My colleague and I have questioned the language of FC §245 and its intent as to whether one or both parties can request the DVTRO be modified or terminated pending the new hearing.</p> <p data-bbox="543 505 1299 829">The proposed revisions to DV-115 and DV-116 suggests that neither party can request a modification or termination because that option is not in DV-115. But that the court, in its discretion, can modify or terminate the orders pending the hearing date because those options are in DV-116. As a practical matter, if a party does not request a termination or modification of the orders pending the hearing, the court will not be inclined to use its valuable time to review the existing orders to determine on its own whether a modification or termination if warranted.</p> <p data-bbox="543 870 1299 1308">While it seems somewhat illogical given the short 21 day hearing time frame, our court does have parties request an ex parte modification of a DVTRO pending the hearing. The modifications generally relate to the restraining orders that affect the parents' ability to comply with custody and visitation orders. Family Code §6345 is limited to terminating or modifying the permanent DVRO. I believe the language in FC §245 is broad enough to be read and interpreted as allowing a party to request a modification or termination of a DVTRO pending the new hearing date. The issue will then be brought directly to the court's attention to make such orders in its discretion. If you agree, the DV-115 would need to include this optional request.</p>	<p data-bbox="1320 334 1997 464">Family Code section 245 was drafted to permit the court to modify or terminate a temporary restraining order. The statute does not limit the modification or termination to orders made on the court's own motion.</p> <p data-bbox="1320 505 1997 699">At this time, the committees do not recommend that the Judicial Council adopt statewide forms for parties to request a modification or termination of a temporary restraining order. This will allow local courts to continue using the local process they have adopted to handle these requests.</p> <p data-bbox="1320 870 1614 902">Same as above response.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

RULE 5.94: ORDER SHORTENING TIME

Commentator	Comment	Committee Response
	Additionally, and as a practical application, termination of a DVTRO pending a new hearing date does not occur. A request by a restrained party to terminate a DVTRO is highly suspect and a request by the protected party is typically to end the entire DV matter. Consider a completely separate form for termination of a DVTRO. As an example, below is a proposed local form which I drafted. It is limited to terminating a DVTRO on an ex parte basis.	Although termination of a DVTRO pending a new hearing is highly unlikely in practice, the court is authorized to terminate the temporary order under Family Code section 245. At this time, the committees do not recommend that the Judicial Council adopt statewide forms for parties to request a modification or termination of a temporary restraining order. This will allow local courts to continue using the local process they have adopted to handle these requests.
Superior Court of Orange County.	The proposed rule directs parties to complete an FL-306, but makes no reference to the Order to Continue a Hearing for TRO's (DV-116).	The rule relates to the continuance of a temporary emergency order issued on form FL-305 or form FL-300. The rule does not cover temporary restraining order under the DVPA.
TCPJAC/CEAC Joint Rules Subcommittee (JRS)	To help make CRC 5.94 more understandable to self-represented litigants, it would be helpful to replace the words "move" and "moving" with "request" and "requesting".	The committees recommend revising the rule as suggested.

RULE 5.630 Restraining Orders

Commentator	Comment	Committee Response
No comments received.	None.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

Request for Specific Comment: • Is there reason why forms FL-306, DV-115, CH-115, EA-115, SV-115, and WV-115 should maintain an item for a party to indicate the number of times the hearing has been continued?		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	Not relevant for the CARPOS entry for LEA's.	No response required.
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	Yes.	The Civil and Small Claims Advisory Committee recommends that the Civil 115 forms maintain an item to indicate the number of times the court has continued the hearing and extended the temporary restraining order. The Family and Juvenile Law Advisory Committee recommends that the question not be added to form DV-115 given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form.
Legal Aid Foundation of Los Angeles, by Jimena S. Vasquez, Attorney	We suggest maintaining the current item in DV -115 indicating the number of continuances. The item will be useful and a quick shorthand for the court to know how many times the matter has been continued. All too often in domestic violence cases, abusers use the legal system to continue the abuse. We have seen cases where litigants seek multiple continuances to continue to harass and annoy victims. If the court can easily see that several continuances have already been granted, they are in a better position to deny continuances that are meritless.	Same as above response.
Los Angeles County Bar Association, Family Law Section	Yes.	The Civil and Small Claims Advisory Committee recommends that the Civil 115 forms maintain an item to indicate the number of times the court has continued the hearing and extended the temporary restraining order. The Family and Juvenile Law Advisory

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • Is there reason why forms FL-306, DV-115, CH-115, EA-115, SV-115, and WV-115 should maintain an item for a party to indicate the number of times the hearing has been continued?		
Commentator	Comment	Committee Response
		Committee recommends that the question not be added to form DV-115 given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form.
Orange County Bar Association, by Todd G. Friedland, President	THE COURT WILL LIKELY HAVE BETTER INFORMATION THAN THE LITIGANT, SO NO NEED.	The Civil and Small Claims Advisory Committee recommends that the Civil 115 forms maintain an item to indicate the number of times the court has continued the hearing and extended the temporary restraining order. The Family and Juvenile Law Advisory Committee recommends that the question not be added to form DV-115 given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form.
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	Forms FL-306 and DV-115 should maintain an item for a party to indicate the number of times the hearing has been continued because this fact will be of interest to the court.	Same as above response.
State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	We believe that the Request to Continue Court Hearing/Request to Continue Hearing Date forms should include a place for the requesting party to indicate the number of times the hearing has been continued. This is a useful item of information for the court to consider in ruling on the request.	Same as above response.
State Bar of California, Standing Committee on the Delivery of Legal Services, by Phong S. Wong, chair	No. Self-represented litigants are unlikely to have accurate information for completing such a line item. Typically, a court clerk will have the information and can more accurately complete said information. It may be more effective to include such an item for completion by court clerk staff only.	See above response to the Orange County Bar Association.
Superior Court of Los Angeles County	Yes, all of the forms should include an item for a party to indicate the number of times the hearing has been continued. Having this information on the form will save time reviewing	Same as above response

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • Is there reason why forms FL-306, DV-115, CH-115, EA-115, SV-115, and WV-115 should maintain an item for a party to indicate the number of times the hearing has been continued?		
Commentator	Comment	Committee Response
	files and/or the CMS to obtain the information.	
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	We do not believe forms FL-306 or DV-115 should have fields to identify the number of continuances. Most parties would not have that information easily available.	Same as above response.
Superior Court of Riverside County	It would be helpful if the FL-306, DV-115, CH-15, EA-115, SV-115 and WV-115 maintained an item for party to indicate the number of times the hearing has been continued.	The Civil and Small Claims Advisory Committee recommends that the Civil 115 forms maintain an item to indicate the number of times the court has continued the hearing and extended the temporary restraining order. The Family and Juvenile Law Advisory Committee recommends that the question not be added to form DV-115 given that the information can be accessed by the judicial officer in the file, is more likely to be accurate, and avoids placing an additional burden on self-represented litigants completing the form.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes, this is useful to judicial officers in reviewing the case history.	See above response.
TCPJAC/CEAC Joint Rules Subcommittee (JRS)	It would be helpful if the FL-306, DV-115, CH-15, EA-115, SV-115 and WV-115 maintained an item for a party to indicate the number of times the hearing has been continued.	See above response to the Superior Court of Orange County.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

Request for Specific Comment: • Is there a reason why the forms should maintain an item for a party to specify the date of the last hearing?		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	Not relevant for the CARPOS record. LEAs primarily concerned with the issue (ISS) and the expiration (EXP) date of orders.	No response required.
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	Yes.	Currently, only form FL-306 includes an item for the party to provide the date of the last hearing. As to this form, the committees recommend deleting the item since the courts will have the most reliable information on the hearings in the case management system, if the judicial officer requires this information. The committees do not recommend revising the 116 series of forms to include this information.
Legal Aid Foundation of Los Angeles, by Jimena S. Vasquez, Attorney	The date of the last hearing is not necessary. The forms indicate the date of the current hearing and the continuance date. The addition of another date is misleading and confusing.	Same as above response.
Los Angeles County Bar Association, Family Law Section	Yes.	Same as above response to Virginia S. Johnson.
Orange County Bar Association, by Todd G. Friedland, President	THE COURT WILL LIKELY HAVE BETTER INFORMATION THAN THE LITIGANT, SO NO NEED.	The committees agree with the commentator and recommend deleting this item from form FL-306.
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	The forms should maintain an item for a party to specify the date of the last hearing because this fact will be of interest to the court.	Same as above response to Virginia S. Johnson.
State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	We believe that the Request to Continue Court Hearing/Request to Continue Hearing Date forms should include place to specify the date of the last hearing. This is a useful item of information for the court to consider in ruling on the request.	Same as above response to Virginia S. Johnson.
State Bar of California, Standing Committee on the Delivery of Legal	No. Again, the litigant may not have accurate information. It seems more appropriate for a court clerk to provide this	Same as above response to Virginia S. Johnson.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • Is there a reason why the forms should maintain an item for a party to specify the date of the last hearing?		
Commentator	Comment	Committee Response
Services, by Phong S. Wong, chair	information, if an item is going to be included on the form for this purpose.	
Superior Court of Los Angeles County	Yes, all of the forms should maintain an item to identify the last hearing date. Having this information on the form will save time reviewing files and/or the CMS to obtain the information.	Currently, only form FL-306 includes an item for the party to provide the date of the last hearing. As to this form, the committees recommend deleting the item since the courts will have the most reliable information on the hearings in the case management system, if the judicial officer requires this information. The committees do not recommend revising the 116 series of forms to include this information.
Superior Court of Orange County, Civil Operations Managers	The forms should maintain an item for a party to specify the date of the last hearing. This will aid court staff in the processing of documents.	Same as above response.
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	We do not believe forms FL-306 or DV-115 should have fields to identify the last hearing date. Most parties would not have that information easily available.	Same as above response to Superior Court of Los Angeles County.
Superior Court of Riverside County	It would be helpful if the forms maintained an item for party to specify the date of the last hearing date.	Same as above response to Superior Court of Los Angeles County.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes, this is useful to judicial officers in reviewing the case history.	Same as above response to Superior Court of Los Angeles County.
TCPJAC/CEAC Joint Rules Subcommittee (JRS)	It would be helpful if the forms maintained an item for a party to specify the date of the last hearing date.	Same as above response to Superior Court of Los Angeles County.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

Request for Specific Comment: • Are there ways to further harmonize the domestic violence and juvenile law forms in this proposal with the changes proposed to the civil harassment, elder abuse, and workplace violence forms?		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	Form consistency is always a concern. It is helpful for DOJ and LEAs, as much as possible, for forms, item numbers, and similar information to be placed on each form. This makes it easier for entry and easier for the DOJ Field Representative (FR) for training purposes.	The committees recommend further harmonizing the forms to the extent possible.
	Judicial Council’s effort to improve form consistency is greatly appreciated. Since there are multiple codes and statutes, the verbiage differs for the various order types; it is a challenge trying to achieve total form consistency. In many instances, with new or revised forms, it is difficult to anticipate issues that may come to light, until the LEAs start to receive the orders for entry into the CARPOS.	The committees recommend further harmonizing the forms to the extent possible.
Orange County Bar Association, by Todd G. Friedland, President	THE FL-306 & JV-251 HAS MORE/BETTER INFORMATION REGARDING THE CONTINUANCE THAN THE DV-116. THE INFORMATION CONTAINED IN CH, EA, SV & WV-116 ITEM 6 (ABOUT WHETHER THE TRO WAS EXTENDED, AND UNDER WHAT TERMS) SHOULD BE INCORPORATED INTO DV-116.	The committees recommend further harmonizing the forms to the extent possible.
State Bar of California, Standing Committee on the Delivery of Legal Services, by Phong S. Wong, chair	SCDLS has no suggestions at this time.	No response required.
Superior Court of Los Angeles County	Yes, the forms should have consistent titles and consistent language used to phrase questions asking for the same information. Litigants completing civil harassment and domestic violence forms may be confused with inconsistent language used to request the same information. For example: □ “Application” is used in the title of JV-251 while other forms use “Request.”	The committee recommends revising form JV-251 to use “Request” in the title instead of “Application.”

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • Are there ways to further harmonize the domestic violence and juvenile law forms in this proposal with the changes proposed to the civil harassment, elder abuse, and workplace violence forms?		
Commentator	Comment	Committee Response
	<input type="checkbox"/> The language on the DV-115 and CH-115 is inconsistent. One states, "Name of Person Asking to Continue the Hearing Date" and the other form states "Party Seeking Continuance." In comparing the language used in both the DV-115 and the CH-115, it appears that the CH-115 uses language that is easier for SRLs to understand.	The committees recommend revising form DV-116 to state "Party Seeking Continuance."
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes, the forms should be titled consistently across case categories. A CHTRO is just as likely to be filed by a pro per litigant as a DVTRO.	The committees recommend further harmonizing the title of the forms to the extent possible.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • Should the 116 forms for the court’s order include an option to deny a continuance?		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	May be useful for the court but may not be relevant in the CARPOS record for officers.	The committees recommend revising the 116 forms to include a new section for the court to indicate that the request for a continuance is either granted or denied. For denials, the committees recommend revising the forms to allow the court to specify (1) the reasons for the denial, (2) the date of the hearing, and (3) that the temporary restraining order issued on a certain date remains in full force and effect until the end of the new hearing.
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	Absolutely “yes,” there should be a “Continuance Denied” on the form.	Same as above response.
Legal Aid Foundation of Los Angeles, by Jimena S. Vasquez, Attorney	The issue of whether or not to deny continuances of domestic violence cases is a really a larger discussion about the ability of litigants to request continuances prior to the hearings. If they request the continuance at the hearing there would be no need for an option to deny the continuance as the case would either go forward or be dismissed. However, allowing for continuances prior to the hearings on the protective orders, allows a court to deny a continuance and let the matter proceed on its originally scheduled date. In this situation, an option indicating that the continuance was denied and the originally scheduled hearing date remains would be beneficial. It would be clear to the litigant that they must appear on the hearing date or orders will be made against them (or dismissed) if they fail to appear. It would also assist in making sure that litigants have notice of what is being filed in court by the other side and that there are no ex parte communications with the court.	In response to the comment, the committees recommend revising the 116 forms to include a new section for the court to indicate that the request for a continuance is either granted or denied. For denials, the committees recommend revising the forms to allow the court to specify (1) the reasons for the denial, (2) the date of the hearing, and (3) that the temporary restraining order issued on a certain date remains in full force and effect until the end of the new hearing.
Los Angeles County Bar Association, Family Law Section	Yes for the Petitioner only. Respondent has an automatic right to a continuance.	Under Family Code section 245, Respondent’s (Restrained Party’s) automatic right to a continuance applies only to the first hearing. The committee

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

Request for Specific Comment: • Should the 116 forms for the court’s order include an option to deny a continuance?		
Commentator	Comment	Committee Response
		recommends revising the 116 forms to clarify this point in the section titled “Reason for the Continuance.”
Orange County Bar Association, by Todd G. Friedland, President	NO, BECAUSE IF THERE IS NO CONTINUANCE THEN THERE WILL BE A MINUTE ORDER REFLECTING THE OUTCOME (i.e., THE DENIAL OF THE PROTECTIVE ORDER) OR A PROTECTIVE ORDER ISSUED.	The committees acknowledge that some courts do not use the 116 forms if the request for continuance is denied. For courts that do use the 116, instead of a minute order, the committees recommend revising the form to include a new section to reflect the outcome of the request.
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	“Continuance Denied” should not be part of the form because, if the continuance is not granted, this form will not be created (i.e., there will be no “Order to Continue Hearing Date.”)	Same as above response.
State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	We believe item 5 should include an option for denying the request in case the court decides to deny the request.	The committees recommend revising the 116 forms to include a section to reflect whether the court granted or denied the request to continue the hearing.
State Bar of California, Standing Committee on the Delivery of Legal Services, by Phong S. Wong, chair	Yes. Adding the “denial” provides the litigant with clear guidance as to whether or not the continuance was granted. Instruction forms will need to reflect this change.	The committees recommend revising the 116 forms to include a section to reflect whether the court granted or denied the request to continue the hearing.
Superior Court of Los Angeles County	Yes for the benefit of the SRL but it may create more work for staff. These type of requests are usually done in person without having to complete (and mail) a separate order.	The committees recommend revising the 116 forms to include a section to reflect whether the court granted or denied the request to continue the hearing.
Superior Court of Orange County, Civil Operations Managers	116 forms for the court’s order should not include an option to deny a continuance. This ruling would be more efficiently and effectively issued via a minute order. The 116 forms may be cumbersome for the court to complete, and difficult for litigants to understand, if they had an option to deny a continuance.	The committees acknowledge that some courts do not use the 116 forms if the request for continuance is denied. For courts that do use the 116, instead of a minute order, the committees recommend revising the form to include a new section to reflect the outcome of the request.
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	We believe the 116 forms should have a denial option to reflect the court’s decision when a party requests a continuance	The committees recommend revising the 116 forms to include a section to reflect whether the court granted or denied the request to continue the hearing.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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****Request for Specific Comment: • Should the 116 forms for the court's order include an option to deny a continuance?**

Commentator	Comment	Committee Response
Superior Court of Riverside County	Would be helpful if the DV-116 form included an option to deny a continuance.	The committees recommend revising the 116 forms to include a section to reflect whether the court granted or denied the request to continue the hearing.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes.	Same as above response.
TCPJAC/CEAC Joint Rules Subcommittee (JRS)	It would be helpful if the DV-116 included an option to deny a continuance.	Same as above response.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

Request for Specific Comment: • Is there reason why the title of Form DV-116 should be made the same as the other civil 116 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”?		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	No. The title of DV-116 should remain as is on the revised (July 1, 2016) form. “Continuance” is fine, and the explanations on the “INFO” forms for “Continue” and “Extend” are well defined on each form.	After discussion, the committees recommend changing the title of the DV-116 “Order on Request to Continue Hearing.” This change will harmonize the DV-116 forms with that of the other Civil -116 forms. No response required.
Virginia S. Johnson, Staff Attorney for the San Diego Family Court, strictly as an individual	The majority of people understand the common meaning of “continuance” and have likely heard the term used on television. Any other word would cause more confusion than clarification.	No response required.
	Litigants should be able to quickly and easily differentiate between the DV and Civil forms so they use the correct form for their situation.	The committees agree that litigants should be able to quickly and easily differentiate between the DV and Civil forms so they use the correct form for their situation.
Los Angeles County Bar Association, Family Law Section	No. The forms should be separate as between civil and family law.	The forms are separate between civil and family law. The committees are not recommending that they be combined, but that the content of the family law and civil law forms resemble each other with respect to formatting and content.
	As to a more suitable title: Yes. There may be a statement in the form saying if you an undocumented individual, ICE will not be contacted by filing a DV petition.	The committees do not recommend adding this content to these forms. The committees may consider adding similar content to information sheets or the California Courts online site in a future cycle.
	“Continuance” is clearly understandable to pro pers.	No response required.
Orange County Bar Association, by Todd G. Friedland, President	Should the title of form DV-116 be made the same as that on the other civil forms? THE INFORMATION CONTAINED IN THE CH, EA, SV & WV-116 FORMS (AND EVEN THE JV-	The committees recommend revising the title of DV-116 to be the same as the other civil 116 forms.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

Request for Specific Comment: • Is there reason why the title of Form DV-116 should be made the same as the other civil 116 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”?		
Commentator	Comment	Committee Response
	<p>116 FORM) HAS BETTER INFORMATION FOR THE CONTINUANCE THAN THE PROPOSED DV-116.</p> <p>Is there another title that would be more suitable for these forms in light of the requirements of AB 1081? NO</p> <p>Is there a term that is more understandable for self-represented litigants than “continuance”? NO</p>	<p>No response required.</p> <p>No response required.</p>
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	<p>“As to this form, the committee welcomes suggestions on terms that would be more understandable for self-represented litigants than ‘continuance.’ ”</p> <p>In response, FLEXCOM suggests using the phrase “person seeking that the hearing be continued to a later date.”</p>	The committees prefer to use the phrase “Party Seeking Continuance” as a more concise way of identifying the party in the form.
State Bar of California, Litigation Section, Rules and Legislation Committee, by Reuben Ginsburg, chair	Regarding use of the term “continuance,” we believe the explanation in the 115-INFO forms that “continue” means to give you a new hearing date sufficiently explains the meaning of a “continuance.”	No response required.
State Bar of California, Standing Committee on the Delivery of Legal Services, by Phong S. Wong, chair	Should the title of form DV-116 be made the same as the other civil forms? Yes. Titling should be more uniform.	The committees recommend that the title of form DV-116 be the same as the other civil forms.
	Is there another title that might be more suitable for these forms in light of the requirements of AB 1081? Uniformity with the titling could be achieved by a naming protocol such as, “Order on Request to Continue Hearing (Civil Harassment Prevention)”, “Order on Request to Continue Hearing (Domestic Violence Prevention)”, etc.	The committees recommend that the title of form DV-116 be the same as the other civil forms. The title “Order on Request to Continue Hearing (Domestic Violence Prevention)” is recommended as the title in the footer.
	Is there a term that is more understandable for self-represented litigants than “continuance”? Continuance is a term of art that can be explained by clerks and self-help center staff. There does not seem to be a better term.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • Is there reason why the title of Form DV-116 should be made the same as the other civil 116 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”?		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	Yes, the DV-116 form should have the same title as the civil forms. Consistent titles help court staff and SRLs alike. The title “Order on Request to Continue Hearing” is the best option. Including the word “Date” following the word “Hearing” in the title of the DV-115 provides clarification and conforms to the titles on forms CH-115, SV-115, WV-115, and EA-115.	The committees recommend that the title of form DV-116 be the same as the other civil forms.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes, the forms should be consistent.	The committees recommend that the title of form DV-116 be the same as the other civil forms.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: • How would this proposal affect low or moderate-income members of the public?		
Commentator	Comment	Committee Response
California Department of Justice, Bureau of Criminal Identification and Investigative Services, Law Enforcement Support Program, California Restraining and Protective Order System	Not sure.	No response required.
Los Angeles County Bar Association, Family Law Section	It would affect all members of the public the same, no matter what their income level is.	No response required.
Orange County Bar Association, by Todd G. Friedland, President	ANOTHER FORM TO COMPLETE, AND OFTEN SRP DO NOT KNOW ALL OF THE FORMS, ESPECIALLY IF THEY ARE MANDATORY/REQUIRED FORMS. THIS MAY RESULT IN THE RE-FILING OF THE TRO REQUEST DUE TO A PARTY NOT HAVING THE PROPER FORM TO REQUEST THE CONTINUANCE.	The committees are not recommending the adoption of any new forms in the report. The recommended revisions to existing forms are required to implement the mandate of AB 1081.
State Bar of California, Family Law Section, by Saul Bercovitch, Legislative Counsel	FLEXCOM believes this proposal will benefit low- and moderate-income members of the public.	No response required.
State Bar of California, Standing Committee on the Delivery of Legal Services, by Phong S. Wong, chair	The proposed changes impact low- and moderate-income people since many of the litigants navigating these forms are unrepresented and are already in a crisis-mode situation. It is important that forms are written in plain language and include simple explanations.	No response required.
Superior Court of Los Angeles County	Consistent form titles and use of language would cause less confusion.	The committees recommend consistent titles and language for the forms where feasible.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Unknown/No comment.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: Would the proposal provide cost savings? If so, please quantify.		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	We don't believe there would be any cost savings.	No response required.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	No.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04

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

<p>Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: 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.</p>		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	It is expected that the need for training would be minimal. Approximately 30 minutes would be required to train on procedural changes and to go over changes on forms. New CMS codes would be required if new forms are created.	No response required.
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	Implementation requirements for this proposal include training of judicial officers and staff; changes to the case management system; and changes to our e-filing solution.	No response required.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Training staff on revised forms, updating packets, and updating case management system.	No response required.
TCPJAC/CEAC Joint Rules Subcommittee (JRS)	<p>Courts may have to modify existing case management programming relating to action codes. Courts utilizing automated form completion programs, e.g., automated form packets, will be required make more significant changes to those programs.</p> <p>Courts may be required to amend local rules, which would be done in the normal course of local rule review.</p> <p>Courts will be required to commit staff and associated court resources to train courtroom staff, clerical staff, and self-help staff on the new forms and procedures.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: - The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	Yes.	No response required.
Superior Court of Orange County, Family Law and Juvenile Court Operations Managers, by Blanca Escobedo, Principal Administrative Analyst	Two months might not be enough time to implement this change. We are an Odyssey court and would need to coordinate this change with the CATUG workgroup. We request courts be given flexibility as it pertains to the implementation of this change.	Changes to statutes affected by AB 1081 became effective January 1, 2016. Having the revised forms take effect on July 1, 2016 is already a significant delay in implementing the mandate of AB 1081. The committees do not recommend further delays in implementing the revisions to the forms.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes.	No response required.

Request for Specific Comment: The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters: How well would this proposal work in courts of different sizes?		
Commentator	Comment	Committee Response
Superior Court of Los Angeles County	The proposal will work the same for courts of different size.	No response required.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Greater impact on larger courts based on number of staff and filings.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

W16-04**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**

Request for Specific Comment: - The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Is the notice provided in plain language such that it will be accessible to a broad range of litigants, including self-represented litigants?

Commentator	Comment	Committee Response
Superior Court of Los Angeles County	No, the notices are confusing and may be simplified. (Specific suggestions listed under 115 and 116 forms.)	The committees has recommend additional changes to simplify the 115 and 116 forms in response to the comments received from this and other commentators.
Superior Court of Orange County, Civil Operations Managers	The notice provided in plain language is written in a way that should be accessible to a broad range of litigants.	No response required.
Superior Court of San Diego County, by Mike Roddy, Executive Officer	Yes.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.