



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 24, 2019

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**Title**

Protective Orders: Revisions to  
Continuance Forms

**Rules, Forms, Standards, or Statutes  
Affected**

Revise forms CH-115, CH-115-INFO,  
CH-116, DV-115, DV-115-INFO, DV-116,  
EA-115, EA-115-INFO, EA-116, GV-115,  
GV-116, SV-115, SV-115-INFO, SV-116,  
WV-115, WV-115-INFO, and WV-116

**Recommended by**

Family and Juvenile Law Advisory  
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Civil and Small Claims Advisory  
Committee

Hon. Ann I. Jones, Chair

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2020

**Date of Report**

September 6, 2019

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## Executive Summary

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend revising 17 protective order forms: the request and order forms for continuances and accompanying information forms, where applicable, for several forms series. Changes to the order forms are recommended to ensure that these protective orders are properly entered into the California Law Enforcement Telecommunications System (CLETS), a California protective order database. Revisions are also needed to the domestic violence and gun violence series to implement recent changes in the law.

## Recommendation

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend that the Judicial Council, effective January 1, 2020:

1. Revise the *Request to Continue Hearing* form in each protective order form series (forms CH-115, DV-115, EA-115, GV-115, SV-115, and WV-115);
2. Revise the *Order on Request to Continue Hearing* form in each series (forms CH-116, DV-116, EA 116, GV-116, SV-116, and WV-116); and
3. Revise the information sheets *How to Ask for a New Hearing Date* (forms CH-115-INFO, DV-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO) to reference correct items and to use the same plain language terms as used on forms 115 and 116.

The revised forms are attached at pages 9–43.

## Relevant Previous Council Action

Effective July 1, 2016, forms 115 and 116 in the Civil Harassment Prevention (CH), Domestic Violence Prevention (DV), Elder or Dependent Adult Abuse Prevention (EA), School Violence Prevention (SV), and Workplace Violence Prevention (WV) series were revised to implement the provisions in Assembly Bill 1081 (Stats. 2015, ch. 411), which broadened and clarified the grounds for granting a continuance, excised the concept of “reissuance” of a protective order from the statutes, and clarified that a temporary restraining order (TRO) may be extended to a new hearing date without first having to be “dissolved by the court.”

The council first adopted gun violence restraining order (GVRO) forms, including form GV-115 and form GV-116, effective July 1, 2016. Effective January 1, 2019, the forms were revised to incorporate changes that were required by Senate Bill 1200 (Stats. 2018, ch. 898) to ensure that orders under Penal Code section 18100 et seq. be referred to as gun violence restraining orders and that the definition of *ammunition* include *magazine*, to prohibit a filing fee for GVRO forms and documents, to instruct a law enforcement officer to make a specific request when serving a gun violence restraining order, and to provide that parties do not need to pay the sheriff for service of a GVRO.

## Analysis/Rationale

The committees began their work on this proposal to ensure that temporary restraining orders issued when a hearing is continued are properly entered into CLETS and to revise the DV and GV (Gun Violence Prevention) continuance forms to implement new laws. In addition, the committees looked for ways to simplify language and remove unnecessary items.

The current versions of the *Order on Request to Continue Hearing* (the forms numbered “116” in each series) are creating some confusion for individuals responsible for entering protective order information into CLETS. Specifically, each protective order entry requires information regarding

the status of service (i.e., whether the restrained party has notice of the protective order or does not have notice and therefore needs to be served) so that law enforcement in the field know whether a restraining order has been served for enforcement purposes. Item 9, Service of Order, in the current 116 forms does not state whether service is required when the restrained party is the person seeking a continuance or when the restrained party agrees to a continuance. The revised 116 forms include this language at items 6a(1). The committees also reorganized this item to make the service requirements easier to understand for the party responsible for service.

Additional revisions to forms in the DV and GV series are needed to implement new laws.<sup>1</sup>

### ***Domestic violence restraining orders***

Revised form DV-116, at item 6, includes a reference to new form DV-117, *Order Granting Alternative Service*, which the court will complete upon granting a request to serve by alternative means.<sup>2</sup> This addition is needed to implement Assembly Bill 2694 (Stats. 2018, ch. 219), which allows a petitioner seeking a domestic violence restraining order to ask the court for permission to serve by alternative means when personal service has been unsuccessful after diligent efforts and there is reason to believe that the restrained party is avoiding (evading) service. See Family Code section 6340(a)(2).

### ***Gun violence restraining orders***

Revised forms GV-115 and GV-116 allow a court to continue the hearing that is required to be set within 21 days after a *Gun Violence Emergency Protective Order* (form EPO-002) has been issued. In these matters, courts may need to continue the initial hearing if there is good cause, including that law enforcement has not yet served the order. Forms GV-115 and GV-116 currently allow the court to continue a hearing set following the filing of a *Petition for Gun Violence Restraining Order* (form GV-100) and to extend the temporary restraining order, if one is in effect. The revised forms now also allow the court to continue a hearing set following issuance of an EPO-002 and to continue the EPO until the new hearing date.

The revisions to the language in what is now item 7 on form GV-116 clarify that, even though service by the sheriff or marshal is free, the litigant must provide the papers to the sheriff or marshal for service to occur (i.e., service by sheriff or marshal will not take place without action by the litigant).

The recommended revisions also include changes to the 115 and 116 forms to simplify the language and remove unnecessary items. These changes should make the forms easier to understand for all users, including self-represented litigants, judicial officers, and court staff. The principal changes are to:

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<sup>1</sup> See Link A, Assem. Bill 2694 (Stats. 2018, ch. 219), and Link B, Sen. Bill 1200 (Stats. 2018, ch. 898)

<sup>2</sup> The proposal to adopt form DV-117 is in “Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases (August 14, 2019).” If approved, it would become effective at the same time as this proposal.

- Remove the contact information of the requesting party on the 116 order forms;<sup>3</sup>
- Remove the contact information for the protected party on the 115 forms because the protected party's information is already required on the request for restraining order forms (the "100" forms);
- Limit the listed reasons for continuance to those that are expressly authorized under the law,<sup>4</sup> as follows: (1) one continuance by the responding party (with no good cause required), (2) a continuance on request by either party on a showing of good cause, and (3) a continuance on the court's own motion;
- Include a separate signature block for the party and the party's lawyer, if they have one;
- Move to the first page of the 116 forms the items that state that the TRO or EPO in effect (if any) will remain in effect until the new date of the hearing;
- Have a field on the 116 forms to enter the deadline for service rather than a field to enter the number of days before the hearing by which the order must be served; and
- Provide a field on the 116 forms to enter an expiration date for the TRO rather than having the TRO automatically expire at the next hearing. This change was requested by courts. In response to a commenter expressing concern that adding a field could produce unnecessary errors, the committees have included default language that, if the field is left blank, the TRO will automatically expire at the end of the hearing.

### **Differences across form types**

Although the committees work hard to ensure that the protective order forms use consistent language and design across case types, it is not always possible. For this proposal, the committees note that forms GV-115 and GV-116 are different from the other 115 and 116 forms in two ways. First, the GVRO statutes do not provide for the restrained person to request and obtain a first continuance automatically. Therefore, this option is not listed under item 3 of GV-115 and item 5 of form GV-116. Second, as noted above, a hearing for a gun violence protective order must be set for within 21 days of issuance of an EPO. (No such automatic hearing is set following issuance of a Domestic Violence EPO.) Because that hearing may need to be continued, revisions to forms GV-115 and GV-116 are needed so that these forms may be used for continuances of those hearings as well as hearings after the filing of a petition (form GV-100).

Also, as noted above, the DV forms differ from the others in referencing orders for alternative means of service, which the law does not allow for other types of restraining orders.

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<sup>3</sup> The removal of the contact information also requires minor changes to the information sheets in each series, because parties will complete only the first two, rather than the first three, items on the revised 116 forms. For this reason, the information sheets (the 115-INFO forms) each require a minor revision to the instructions to the party seeking a continuance. Because these are technical changes, the forms did not need to circulate for comment.

<sup>4</sup> For CH, Code Civ. Proc., § 527.6(o) & (p); for DV, Fam. Code, § 245; for EA, Welf. & Inst. Code, § 15657.03(n); for GV, Pen. Code, § 18195; for SV, Code Civ. Proc., § 527.85(p); and for WV, Code of Civ. Proc., § 527.8(p).

## **Policy implications**

There are no policy implications for this proposal.

## **Comments**

Twelve commenters responded to this proposal, including 5 courts and judges from two other courts (the Superior Courts of Los Angeles, Orange, Riverside, San Diego, and Ventura Counties and judges from the Superior Courts of Alameda and Fresno Counties). Other commenters are the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees; a manager from the Department of Justice, Bureau of Firearms; the Director of the Domestic Violence Clinic, University of California, Irvine, School of Law; the Family Violence Law Center; and the Executive Committee of the Family Law Section of the California Lawyers Association.

Three commenters agree with the proposal, six agree if modified, and three did not indicate a position but suggested modifications. No commenter opposed the proposal. Most modifications proposed by commenters were incorporated.

The committees sought specific comments on four questions. After consideration of the comments received, the committees further modified the recommended forms as detailed below.

### ***1. Should the forms include the contact information for the requesting party?***

The committees had removed the contact information of the requesting party from the 116 forms circulated for comment. Commenters were split on whether this information should be included on the order form. After considering the comments received, the committees continue to recommend removing the item from the 116 forms, concluding that the benefits of excluding the information outweigh the benefits of including the information.<sup>5</sup> Any time a victim/survivor is asked to provide contact information, there is a risk that the victim/survivor will unintentionally disclose information meant to be private. Litigants often do not understand that court documents are available to the public and to the opposing side.

One commenter suggested including the restrained party's contact information in the event that the restrained party is the one seeking the continuance as an oral request and has not formally appeared in the case. The committees believe that capturing the restrained party's contact information is unlikely even in this scenario because a court is unlikely to have the restrained party prepare the order. This is because the order continuing the hearing would also include any TRO granted by the court. This order would need to be completed immediately after the hearing to ensure that the protected party has proof that a TRO remains in effect and that the order is reflected in CLETS. In this situation, the court, self-help center staff, or protected party would likely complete the order after hearing.

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<sup>5</sup> For the same reason, the committees have modified the 115 forms to require only a restrained party to provide contact information. A party seeking protection will already have provided contact information to the court.

**2. Should an additional item be added to the Request to Continue Hearing (115 forms) to ask whether the other party received notice of the request for continuance?**

Some commenters believed that this information would be useful to know. One commenter thought that the question should not be added to the form because notice is not required by statute. After considering all the comments, committee members decided not to include this item, in part because currently no statute or rule states what notice would be required, if any. The committees will in the future, as time and resources permit, consider whether to propose rules of court to address notice requirements for continuances in restraining order proceedings.

**3. For gun violence restraining orders, should law enforcement agencies have the ability to request a continuance on an emergency protective order if the emergency protective order has not been served?**

All commenters who responded to this question indicated that law enforcement should have the ability to request a continuance for lack of service. The Civil and Small Claims Advisory Committee agrees and recommends modifying forms GV-115 and GV-116 to allow for the continuance of the required hearing following issuance of an EPO based on lack of service of the EPO.

**4. Are the forms easy for users to understand? Do you have any suggestions for improving their usability or readability?**

This question generated several suggestions to improve the usability and readability of the 115 and 116 forms. The committees responded by making several further changes to the circulated forms, including reorganizing the service of order item (item 6 in the 116 forms), using terms that are easier to understand (see chart below), and using the terms consistently throughout the forms.

<b>Words in Current Forms</b>	<b>Words in Revised Forms</b>
<i>issued</i>	<i>granted</i>
<i>court hearing</i>	<i>court date</i>
<i>continue or change</i>	<i>reschedule</i>

**Other comments**

In addition to responding to the specific comments requested, some commenters expressed concern over including a pending criminal case as one of the reasons for continuance. One commenter noted that asking for information on the criminal case may cause a party to unknowingly disclose information that could be used against the party. Another commenter strongly opposed the addition because it gives the impression that a continuance based on a pending criminal case is good cause when, in fact, appellate courts have stated that trial courts must undergo a balancing test in deciding whether to grant a continuance on this ground. Based on the comments received, the committees modified the proposed forms so that they do not list a “pending criminal case” as a reason for continuance on the 115 or 116 forms. Instead, the

committees noted that this reason can be listed under “Other” reason where good cause must be shown.

Commenters also asked the committees to revise the proposed forms or create new forms that could be used for continuing a request to *renew* restraining orders. After considering these comments, the committees agreed that forms for this purpose would be helpful but disagreed with the suggestions to modify these forms for such a purpose. The committees concluded that such forms would be more useful as part of the 700 series of forms (relating to requests to renew restraining orders) and will consider developing them in a future cycle.

### **Alternatives considered**

#### ***115 and 116 forms***

The committees considered not revising the forms but rejected that alternative because of the need to clarify the service requirements for CLETS entry and the need to implement the new statutory provisions.

The committees also considered changing the titles of forms 115 and 116 to use the terms “reschedule” and “court date” instead of “continuance” and “hearing.” The committees rejected this alternative because they would like public comment on these changes. The committees will consider revising the titles of forms 115 and 116 in a future cycle.

#### ***Alternative service in domestic violence restraining order cases***

To implement new laws allowing for alternative service in domestic violence restraining order cases, the Family and Juvenile Law Advisory Committee considered including itemizing specific methods for alternative service on the *Order on Request to Continue Hearing* (form DV-116), separately circulated that option for comments, but rejected that alternative. The committee agrees with the commenter that alternative service is applicable in a minority of cases and concluded that including the items would make the form confusing. Instead, the committee recommends the creation of a separate attachment (form DV-117) that can be used when alternative service is granted by the court. Form DV-117 is included in a separate proposal to implement AB 2694.

### **Fiscal and Operational Impacts**

Several courts commenting on this proposal noted that it will result in some costs to incorporate revised forms into their paper or electronic processes and to train court staff. One court also noted that there may be some savings over time for court staff entering information into CLETS.

### **Attachments and Links**

1. Forms CH-115, CH-115-INFO, CH-116, DV-115, DV-115-INFO, DV-116, EA-115, EA-115-INFO, EA-116, GV-115, GV-116, SV-115, SV-115-INFO, SV-116, WV-115, WV-115-INFO, and WV-116, at pages 9–43
2. Chart of comments, at pages 44–86

3. Link A: Assem. Bill 2694 (Stats. 2018, ch. 219),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2694](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2694)
4. Link B: Sen. Bill 1200 (Stats. 2018, ch. 898),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB1200](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1200)



Clerk stamps date here when form is filed.

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

**DRAFT**  
**8/16/2019**  
**Not approved by  
the Judicial Council**

**1 My Information**

a. My name is: \_\_\_\_\_

b. I am the:

(1)  **Protected party** (skip to **2**).

(2)  **Restrained party** (give your contact information below).

**Address where I can receive mail:**

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**My contact information** (optional):

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Information About My Case**

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

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

**This is not a Court Order.**



**3 Is a Temporary Restraining Order in effect?**

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

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

**4 Why does the court date need to be rescheduled?**

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*

▶ \_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

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

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

**2 What does form CH-115 do?**

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

**3 Follow these steps:**

- Fill out all of form CH-115.
- Fill out items ① and ② on *Order on Request to Continue Hearing* (form CH-116).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form CH-116, you will have a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location on form 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 your court date.
- The other party must be served a copy of the court papers as described in item ⑥ 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 *Proof of Personal Service* (form CH-200). If service was by mail, use *Proof of Service—Civil* (form POS-040). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

**4 Go to your court date**

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If you are the person seeking protection and you do not go to the court date, your TRO will expire at the end of your court date.
- If you are the person to be restrained and you do not go to your court date, the court can still make orders against you that can last for up to five years.

**5 Need help?**

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

Clerk stamps date here when form is filed.

Complete items ① and ② only.

**DRAFT 8/15/2019**

① **Protected Party:** \_\_\_\_\_

② **Restrained Party:** \_\_\_\_\_

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

③ **Next Court Date**

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

Your court date is: \_\_\_\_\_

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

(2) Your court date is not rescheduled because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

b.  The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

**New Court Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
\_\_\_\_\_

④ **Temporary Restraining Order**

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

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

(2)  The court terminates (cancels) the previously granted TRO because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

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

It now expires on (date): \_\_\_\_\_

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

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

c.  Other (specify): \_\_\_\_\_

**Warning and Notice to the Restrained Party:**  
If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

**This is a Court Order.**



**5 Reason Court Date Is Rescheduled**

- a.  There is good cause to reschedule the court date (*check one*):
  - (1)  The protected party has not served the restrained party.
  - (2)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b.  This is the first time that the restrained party has asked for more time to prepare.
- c.  The court reschedules the court date on its own motion.

**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

- |   |   |  |
|---|---|--|
| <p>a. <input type="checkbox"/> <b>Protected party</b></p> <ul style="list-style-type: none"><li>(1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.</li><li>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form <a href="#">CH-109</a>, item <b>6</b>, by<br/>(date): _____</li><li>(3) <input type="checkbox"/> You must serve the restrained party with a copy of this order. This can be done by mail. You must serve by<br/>(date): _____</li><li>(4) <input type="checkbox"/> Other: _____<br/>_____<br/>_____</li></ul> | <p>b. <input type="checkbox"/> <b>Restrained party</b></p> <ul style="list-style-type: none"><li>(1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.</li><li>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by<br/>(date): _____</li><li>(3) <input type="checkbox"/> You must serve the protected party with a copy of this order. This can be done by mail. You must serve by<br/>(date): _____</li><li>(4) <input type="checkbox"/> Other: _____<br/>_____<br/>_____</li></ul> | <p>c. <input type="checkbox"/> <b>Court</b></p> <ul style="list-style-type: none"><li>(1) <input type="checkbox"/> Further notice is not required.</li><li>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by<br/>(date): _____</li><li>(3) <input type="checkbox"/> Other: _____<br/>_____<br/>_____</li></ul> |
|---|---|--|

**This is a Court Order.**



**7** **No Fee to Serve (Notify) Restrained Person**     **Ordered**     **Not Ordered**

The sheriff or marshal will serve this order for free because:

- a.  The order is based on unlawful violence, a credible threat of violence, or stalking.
- b.  The person in **1** is entitled to a fee waiver.

**8**  **Other Orders**

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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](http://www.courts.ca.gov/forms.htm) for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)

**Instructions to Clerk**

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

**—Clerk's Certificate—**

Clerk’s Certificate  
[seal]

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**8.12.19**

**Not approved by Judicial Council**

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

**1 My Information**

a. My name is: \_\_\_\_\_

b. I am the:

(1)  **Protected party** (skip to **2**).

(2)  **Restrained party** (give your contact information below).

**Address where I can receive mail:**

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**My contact information (optional):**

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Information About My Case**

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

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

**This is not a Court Order.**

**3 Is a Temporary Restraining Order in effect?**

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

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

**4 Why does your court date need to be rescheduled?**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*

▶ \_\_\_\_\_  
*Lawyer's signature*



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

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

**2 What does form DV-115 do?**

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

**3 Follow these steps:**

- Fill out all of form [DV-115](#).
- Fill out items **1** through **2** on form [DV-116](#), *Order on Request to Continue Hearing*.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to **reschedule your court date**.
- If the judge signed form [DV-116](#), you will have a new **court date**. If the judge did NOT sign the form, you should go to **court** at the date, time, and location that is on form [DV-109](#).
- Next, file both forms [DV-115](#) and [DV-116](#) with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to **your court date**.  
The other party must be served a copy of the court papers as described in item **6** on form [DV-116](#).
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use form [DV-200](#), *Proof of Personal Service*. If service was by mail, use form [DV-250](#), *Proof of Service by Mail*. Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before **your court date**.
- If the court **reschedules your court date** and extends the expiration date of the temporary restraining order **to the end of your new court date**, the clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

**4 Go to your court date**

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

**5 Need help?**

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

Clerk stamps date here when form is filed.

DRAFT-POST-comment
August 2019
NOT APPROVED BY JUDICIAL
COUNCIL

Complete items 1 and 2 only.

1 Protected Party: \_\_\_\_\_

2 Restrained Party: \_\_\_\_\_

The court will complete the rest of the this form

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

3 Next Court Date

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

Your court date is: \_\_\_\_\_

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

(2) Your court date is not rescheduled because: \_\_\_\_\_

\_\_\_\_\_
\_\_\_\_\_

b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See 4-8 for more information.

Name and address of court, if different from above:

New Court Date -> Date: \_\_\_\_\_ Time: \_\_\_\_\_
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

4 Temporary Restraining Order

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

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

(2) The court terminates (cancels) the previously granted TRO because: \_\_\_\_\_

\_\_\_\_\_

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

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

It now expires on (date): \_\_\_\_\_

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

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

c. Other (specify): \_\_\_\_\_

Warning and Notice to the Restrained Party:
If 4b is checked, a domestic violence restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



**5 Reason Court Date Is Rescheduled**

- a.  There is good cause to reschedule the court date (*check one*):
  - (1)  The protected party has not served the restrained party.
  - (2)  Other: \_\_\_\_\_
- b.  This is the first time that the restrained party has asked for more time to prepare.
- c.  The court reschedules the court date on its own motion.

**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

a.  **Protected party**

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

b.  **Restrained party**

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

c.  **Court**

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

**This is a Court Order.**



**7 No Fee to Serve**

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

**8  Other Orders**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer



**Request for Accommodations**

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

**Instructions to Clerk**

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

**—Clerk's Certificate—**

Clerk’s Certificate  
[seal]

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

Date: \_\_\_\_\_ Clerk, by: \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

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

DRAFT 08/15/2019  
NOT APPROVED BY  
JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

**1 Parties Information**

a. My name is: \_\_\_\_\_

b. I am the (check one of the boxes below):

(1)  Protected party (skip to 2).

(2)  Person asking for protection for the protected party  
(name of elder or dependent adult): \_\_\_\_\_  
(skip to 2).

(3)  Restrained party (give your contact information below).

**Address where I can receive mail:**

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

**My contact information (optional):**

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**2 Information About My Case**

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

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

**This is not a Court Order.**



**3 Is there a Temporary Restraining Order in effect?**

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

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

**4 Why does the court date need to be rescheduled?**

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*

▶ \_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

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

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

**2 What does form EA-115 do?**

Use *Request to Continue Hearing* (form EA-115) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form EA-110) was granted, the TRO will be extended until the end of your new court date unless the court decides to modify or terminate it. “Extend” means to keep any temporary orders in effect until the new hearing date.

**3 Follow these steps:**

- Fill out all of form EA-115.
- Fill out items ① to ② on *Order on Request to Continue Hearing* (form EA-116).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form EA-116, you will have a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location on form EA-109.
- Next, file both forms EA-115 and EA-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served a copy of the court papers as described in item ⑥ on form EA-116.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form EA-200). If service was by mail, use *Proof of Service—Civil* (form POS-040). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

**4 Go to your court date**

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter into them evidence at its discretion.
- If you are the person seeking protection and you do not go to your court date, your TRO will expire on the date and time of your court date.
- If you are the person to be restrained and you do not go to the hearing, the court can still make orders against you that can last for up to five years.

**5 Need help?**

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

Clerk stamps date here when form is filed.

Complete items ① and ② only.

**DRAFT**  
**9/6/19**  
**NOT APPROVED BY JUDICIAL COUNCIL**

① **Protected Party:** \_\_\_\_\_

② **Restrained Party:** \_\_\_\_\_

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

③ **Next Court Date**

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

Your court date is: \_\_\_\_\_

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

(2) Your court date is not rescheduled because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

b.  The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

**New Court Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

④ **Temporary Restraining Order**

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

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

(2)  The court terminates (cancels) the previously granted TRO because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

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

It now expires on (date): \_\_\_\_\_

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

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

c.  Other (specify): \_\_\_\_\_

**Warning and Notice to the Restrained Party:**

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

**This is a Court Order.**





**5 Reason Court Date Is Rescheduled**

- a.  There is good cause to reschedule the court date (*check one*):
  - (1)  The protected party has not served the restrained party.
  - (2)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b.  This is the first time that the restrained party has asked for more time to prepare.
- c.  The court reschedules the court date on its own motion.

**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

- |   |   |  |
|---|---|--|
| <p>a. <input type="checkbox"/> <b>Protected party</b></p> <ul style="list-style-type: none"><li>(1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.</li><li>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form EA-109, item <b>(5)</b>, by (date): _____</li><li>(3) <input type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____</li><li>(4) <input type="checkbox"/> Other: _____<br/>_____<br/>_____</li></ul> | <p>b. <input type="checkbox"/> <b>Restrained party</b></p> <ul style="list-style-type: none"><li>(1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.</li><li>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</li><li>(3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____</li><li>(4) <input type="checkbox"/> Other: _____<br/>_____<br/>_____</li></ul> | <p>c. <input type="checkbox"/> <b>Court</b></p> <ul style="list-style-type: none"><li>(1) <input type="checkbox"/> Further notice is not required.</li><li>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</li><li>(3) <input type="checkbox"/> Other: _____<br/>_____<br/>_____</li></ul> |
|---|---|--|

**This is a Court Order.**



**7 No Fee to Serve**

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

**8  Other Orders**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer



**Request for Accommodations**

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

**Instructions to Clerk**

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

**—Clerk's Certificate—**

Clerk’s Certificate  
[seal]

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

Date: \_\_\_\_\_ Clerk, by: \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

Draft 8/16/2019 NOT APPROVED  
BY JUDICIAL COUNCIL

**Instructions:** Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form **GV-009**, **GV-109**, or **GV-110**) or *Gun Violence Emergency Protective Order* (form **EPO-002**).

**1 My Information**

a. My name is: \_\_\_\_\_

b. I am the:

(1)  **Petitioner** (family member of respondent, law enforcement officer/law enforcement agency) (*skip to 2*).

(2)  **Respondent** (*give your contact information below*).

Address where I can receive mail:

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

My contact information (*optional*):

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Information About My Case**

a. The other party in this case is (*full name*): \_\_\_\_\_

b. I have a court date currently scheduled for (*date*): \_\_\_\_\_

**This is not a Court Order.**



3 Why does the court date need to be rescheduled?

- a. I could not get the papers served before the court date. I need more time to have the respondent personally served.
b. I am either the petitioner or the respondent. I request the the court reschedule the court date for these reasons:

Multiple horizontal lines for providing reasons for rescheduling the court date.

4 Is a Temporary Gun Violence Restraining Order or Gun Violence Emergency Protective Order in effect?

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

Notice: If the court date is rescheduled, the Temporary Gun Violence Restraining Order (form GV-110) or Gun Violence Emergency Protective Order (form EPO-002) will remain in effect until the end of the new court date, unless otherwise ordered by the court.

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

Date:

Type or print your name



Sign your name

Date:

Lawyer's name, if you have one



Lawyer's signature

This is not a Court Order.

Complete items ① and ② only.

**DRAFT**  
**Not approved by the**  
**Judicial Council**

① **Petitioner:** \_\_\_\_\_

② **Respondent:** \_\_\_\_\_

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

③ **Next Court Date**

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

Your court date is: \_\_\_\_\_

(1) Any *Temporary Gun Violence Restraining Order* ([form GV-110](#)) or *Gun Violence Emergency Protective Order* ([form EPO-002](#)) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: \_\_\_\_\_  
\_\_\_\_\_

b.  The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

Name and address of court, if different from above:

**New Court Date** →

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

④ **Temporary Gun Violence Restraining Order or Gun Violence Emergency Protective Order**

a.  There is **no Temporary Gun Violence Restraining Order (TRO)** in this case because:

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

(2)  The court terminates (cancels) the previously granted TRO because: \_\_\_\_\_  
\_\_\_\_\_

b.  A **Temporary Gun Violence Restraining Order (form GV-110)** is still in full force and effect because:

(1)  The court extends the order previously granted on (date): \_\_\_\_\_  
It now expires on (date): \_\_\_\_\_  
(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

c.  A **Gun Violence Emergency Protective Order (form EPO-002)** is still in full force and effect.

(1)  The court extends the order previously granted on (date): \_\_\_\_\_  
It now expires on (date): \_\_\_\_\_  
(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

d.  Other (specify): \_\_\_\_\_

**Warning and Notice to the Restrained Party:**  
If ④ b or c is checked, a gun violence restraining order has been issued against you. You must follow the orders until they expire.

**This is a Court Order.**



**5 Reason Court Date Is Rescheduled**

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

(1)  The protected party has not served the restrained party.

(2)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  The court reschedules the court date on its own motion.

**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

a.  **Petitioner/Requesting Agency**

(1)  You do not have to serve the respondent/restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2)  You must have the respondent/restrained party personally served with a copy of this order and a copy of all documents listed on [form GV-109](#), item **5**, by (date): \_\_\_\_\_

(3)  You must serve the respondent/restrained party with a copy of this order. This can be done by mail. You must serve by (date): \_\_\_\_\_

(4)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  **Respondent/Restrained party**

(1)  You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.

(2)  You must have the petitioner personally served with a copy of this order by (date): \_\_\_\_\_

(3)  You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by (date): \_\_\_\_\_

(4)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c.  **Court**

(1)  Further notice is not required.

(2)  The court will mail a copy of this order to all parties by (date): \_\_\_\_\_

(3)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**



**7 No Fee to Serve**

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

**8  Other Orders**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer



**Request for Accommodations**

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

**Instructions to Clerk**

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

**—Clerk's Certificate—**

Clerk’s Certificate [seal] I certify that this *Order on Request to Continue Hearing (EPO-002 or Temporary Restraining Order) (CLETS-EGV or CLETS-TGV)* (form GV-116) is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT**  
**8/16/2019**  
**Not approved by  
the Judicial Council**

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

**1 My Information**

a. My name is: \_\_\_\_\_

b. I am the:

(1)  **Petitioner** (educational institution officer or employee) (skip to **2**).

(2)  **Respondent** (give your contact information below).

Address where I can receive mail:

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

My contact information (optional):

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**2 Information About My Case**

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

b. I have a court hearing currently scheduled for (date): \_\_\_\_\_

**This is not a Court Order.**





**3 Is a Temporary Restraining Order in effect?**

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

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

**4 Why does the court date need to be rescheduled?**

- a.  I need more time to have the respondent personally served.
- b.  I am the respondent, and this is my first request to reschedule the court date.
- c.  **Other reason:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*

▶ \_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

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

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

**2 What does form SV-115 do?**

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

**3 Follow these steps:**

- Fill out all of form [SV-115](#).
- Fill out items ① through ② on *Order on Request to Continue Hearing* (form [SV-116](#)).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form [SV-116](#), the court will give you a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location that is on form [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 your court date.
- The other party must be served with a copy of the court papers as described in item ⑥ 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 *Proof of Personal Service* (form [SV-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

**4 Go to your court date**

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If you are the petitioner and you do not go to your court date, the TRO will expire at the end of your new court date.
- If you are the respondent and you do not go to your court date, the court can still make orders against you that can last for up to three years.

**5 Need help?**

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

Complete items 1 and 2 only.

1 Petitioner (Educational Institution Officer or Employee):

2 Respondent:

The court will complete the rest of this form

DRAFT
Not approved
by the Judicial Council

3 Next Court Date

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

Your court date is:

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

(2) Your court date is not rescheduled because:

Blank lines for explanation of court date.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See 4-8 for more information.

Name and address of court, if different from above:

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

4 Temporary Restraining Order

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

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

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

Blank lines for explanation of TRO.

b. A Temporary Restraining Order (TRO) is still in full force and effect.

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

It now expires on (date):

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

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

c. Other (specify):

Warning and Notice to the Restrained Party: If 4b is checked, a temporary restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



**5 Reason Court Date Is Rescheduled**

- a.  There is good cause to reschedule the court date (*check one*):
  - (1)  The petitioner has not served the respondent.
  - (2)  Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b.  This is the first time that the respondent has asked for more time to prepare.
- c.  The court reschedules the court date on its own motion.

**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

- |   |  |   |
|---|--|---|
| <p>a. <input type="checkbox"/> <b>Petitioner</b></p> <p>(1) <input type="checkbox"/> You do not have to serve the respondent because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the respondent personally served with a copy of this order and a copy of all documents listed on form SV-109, item 6, by (date): _____</p> <p>(3) <input type="checkbox"/> You must serve the respondent with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____<br/>       _____<br/>       _____</p> | <p>b. <input type="checkbox"/> <b>Respondent</b></p> <p>(1) <input type="checkbox"/> You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the petitioner personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____<br/>       _____<br/>       _____</p> | <p>c. <input type="checkbox"/> <b>Court</b></p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____<br/>       _____<br/>       _____</p> |
|---|--|---|

**This is a Court Order.**



**7** **No Fee to Serve (Notify) Restrained Person**    **Ordered**    **Not Ordered**

The sheriff or marshal will serve this order for free because:

- a.  The order is based on unlawful violence, a credible threat of violence, or stalking.
- b.  The person in **①** is entitled to a fee waiver.

**8**  **Other Orders**

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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](http://www.courts.ca.gov/forms.htm) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

**Instructions to Clerk**

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

**—Clerk's Certificate—**

Clerk’s Certificate   I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TSV)* (form SV-116) 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.

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

**DRAFT**

**08/16/2019**

**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 My Information**

a. My name is: \_\_\_\_\_

b. I am the:

(1)  **Petitioner** (employer) (skip to **2**).(2)  **Respondent** (give your contact information below).

Address where I can receive mail:

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**My contact information (optional):**

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**2 Information About My Case**

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

b. I have a court hearing currently scheduled for (date): \_\_\_\_\_

**This is not a Court Order.**

**3 Is a Temporary Restraining Order in effect?**

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

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

**4 Why does the court date need to be rescheduled?**

- a.  I need more time to have the respondent personally served.
- b.  I am the respondent, and this is my first request to reschedule the court date.
- c.  Other reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▲ \_\_\_\_\_  
*Sign your name*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*

▲ \_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

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

- You are the petitioner and are unable to have *Notice of Court Hearing* (form WV-109) and other papers served in time before your court date.
- You are the respondent and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant a request to reschedule your court date on a showing of good cause.)

**2 What does form WV-115 do?**

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

**3 Follow these steps:**

- Fill out all of form WV-115.
- Fill out items 1 through 2 on *Order on Request to Continue Hearing* (form WV-116).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form WV-116, the court will give you a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location on form 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 your court date.
- The other party must be served a copy of the court papers as described in item 6 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 *Proof of Personal Service* (form WV-200). If service was by mail, use *Proof of Service—Civil* (form POS-040). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the TRO to the end of your new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

**4 Go to your court date**

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If you are the petitioner and you do not go to your court date, the TRO will expire at the end of your court date.
- If you are the respondent and you do not go to your court date, the court can still make orders against you that can last for up to three years.

**5 Need help?**

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



Clerk stamps date here when form is filed.

Complete items 1 and 2 only.

1 Petitioner (Employer): \_\_\_\_\_

2 Respondent: \_\_\_\_\_

The court will complete the rest of this form

DRAFT
Not Approved by the
Judicial Council

3 Next Court Date

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

Your court date is: \_\_\_\_\_

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

(2) Your court date is not rescheduled because: \_\_\_\_\_

\_\_\_\_\_
\_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Fill in case number:

Case Number: \_\_\_\_\_

b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See 4-8 for more information.

Name and address of court, if different from above:

New Court Date -> Date: \_\_\_\_\_ Time: \_\_\_\_\_
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

4 Temporary Restraining Order

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

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

(2) The court terminates (cancels) the previously granted TRO because: \_\_\_\_\_

\_\_\_\_\_

b. A Temporary Restraining Order (TRO) is still in full force and effect.

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

It now expires on (date): \_\_\_\_\_

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

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

c. Other (specify): \_\_\_\_\_

Warning and Notice to the Respondent:
If 4 b is checked, a temporary restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



**5 Reason Court Date Is Rescheduled**

- a.  There is good cause to reschedule the court date (*check one*):
  - (1)  The petitioner has not served the respondent.
  - (2)  Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b.  This is the first time that the respondent has asked for more time to prepare.
- c.  The court reschedules the court date on its own motion.

**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

- |  |  |   |
|--|--|---|
| <p>a. <input type="checkbox"/> <b>Petitioner (Employer)</b></p> <p>(1) <input type="checkbox"/> You do not have to serve the respondent because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the respondent personally served with a copy of this order and a copy of all documents listed on form WV-109, item 6, by (date): _____</p> <p>(3) <input type="checkbox"/> You must serve the respondent with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____<br/>       _____<br/>       _____</p> | <p>b. <input type="checkbox"/> <b>Respondent</b></p> <p>(1) <input type="checkbox"/> You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the petitioner personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____<br/>       _____<br/>       _____</p> | <p>c. <input type="checkbox"/> <b>Court</b></p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____<br/>       _____<br/>       _____</p> |
|--|--|---|

**This is a Court Order.**



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

The sheriff or marshal will serve this order for free because:

- a.  The order is based on unlawful violence, a credible threat of violence, or stalking.
- b.  The person in **1** is entitled to a fee waiver.

**8**  **Other Orders**

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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](http://www.courts.ca.gov/forms.htm) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

**Instructions to Clerk**

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

**—Clerk's Certificate—**

Clerk’s Certificate  
[seal]

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**SPR19-37****Protective Orders: Revisions to Continuance Forms****(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
1.	California Lawyers Association, Executive Committee of the Family Law Section By Saul Bercovitch, Director of Governmental Affairs California Lawyers Association	A	In response to the request for specific comments, FLEXCOM believes the forms should include the address of the requesting party and believes the forms should have a box indicating whether the other party has received notice of the request for continuance. These comments are specific to forms DV-115 and DV-116.	For the order forms (116 in each series) the committees believe that the benefits of omitting the requester's contact information outweigh any potential benefit. The protected person's information will already be on file and the restrained person's contact information will be on file upon submission of any other filing.  The committees have decided that the form should not include an item that queries whether notice has been provided to the other party at this time. The committees will consider whether a Rule of Court or other change should be made in the future to ensure that these requests are made with adequate notice as either side is entitled to make a request for continuance.
2.	Dosch, Jacqueline Staff Services Manager I Legislation, Regulations and Public Records Act Unit Bureau of Firearms	NI	The Department of Justice, Bureau of Firearms recommends you include a question regarding firearm ownership and then request information regarding firearms owned (such as serial number, make, model, etc.)  The below Basic Firearm Eligibility Check (BFEC) is an example of a GVRO that hit as a potential triggering event (PTE) in the Armed Prohibited Persons System.* In the miscellaneous field (highlighted) the analyst entering the order included firearm information, which does not always occur with protective orders. The analyst likely used the firearm information section available in the GV-100 form (attached, page 2) to initiate the GVRO. It	This is outside of the scope of this proposal, but this will be considered by the Civil and Small Claims Advisory Committee in the next forms cycle. Staff has discussed this comment with the commenter.

**SPR19-37**

**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Responses
			<p>would be nice if all of the forms that initiate orders also included this information.</p> <p>But as it relates to the “Continue Hearing” forms in the attachment you provided, if there were also a section indicating the firearms including make/serial number/etc. and if they were seized/sold/transferred in order to have it identified as highlighted below that would also be beneficial for the Armed Prohibited Persons System unit, the BOF Enforcement team, and other LEAs so that a phone call could be made to verify by a CIS I (for example) versus sending agent or LEO.</p> <p>*(The form contents have been omitted but will be shared with the committee if the committee takes this on a proposal for a future rule cycle)</p>	
3.	Family Violence Law Center By Cory Hernandez Staff Attorney	AM	<p>Regarding the list of proposed changes found in dot-list format on page 3 of the Invitation to Comment document (beginning with “Remove item 3 . . .”), we are generally in favor of all those proposed changes, although we have some disagreement with the proposed changes to the forms themselves.</p> <p>1. Regarding whether to remove the information of “Party Seeking Continuance” (item 3) from DV-115, we agree removing that information is fine, because it is unnecessary to know that on the DV-116; if someone wants to know that information, they can look to the DV-115; but also, the judge may very well write who sought</p>	<p>1. The committees agree, and the 116 form will not contain the requester’s contact information from the order form (116).</p>

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	Commenter	Position	Comment	Committee Responses
			<p>the continuance, when explaining why they are or are not granting the continuance.</p> <p>2. On page 4 of the Invitation to Comment document, it states a recommendation for the DV-115, to “Mov[e] the lawyer’s information to the last item under ‘My Information[.]’ ” If this is done for this form, this should be done for all DV forms (e.g., DV-100, 109, etc.). Basically, we want consistency between forms.</p> <p>3. On this same page of the Invitation to Comment, it states a recommendation: “Giving examples of mailing addresses that could be used . . . .” This seems fine, but also there should be a box that can be checked to note the petitioner wants to keep their address confidential pursuant to Family Code section 6225; and actually, this box should really be added to all DV forms that ask for the petitioner’s address.</p> <p>4. This same page also states: “Providing space for the person . . . .” We note this space already exists on the DV-115.</p>	<p>2. The committees agree but cannot make those changes during this forms cycle. This revision will be proposed for other forms in the future.</p> <p>3. The committees agree with the commenter’s concern and have modified item 1 in the request forms (115 in each series) so that the contact information will only be completed if the requesting party is the restrained party. There is no need for the protected party to provide their contact information again because they would have already done so on form DV-100. This revision should address the commenter’s concern for this form. As for the suggestion to include a checkbox to allow the petitioner (protected party) to note a confidential address pursuant to Family Code section 6225 on the forms, the committees will consider this request in a future cycle.</p> <p>4. The committees agree that space does exist for showing good cause; similar space will be available on the revised forms.</p>

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**Protective Orders: Revisions to Continuance Forms**

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	Commenter	Position	Comment	Committee Responses
			<p>5. This same page also asks: “The committees are seeking comment about whether to include an additional item that queries whether notice has been provided to the other party.” We think not. If it’s relevant to the request, the person making the request will indicate in there whether or not the other party has been served with the request. And in ruling on the request, the judge also has to make an order as to how and when the DV-116 must be served on the respondent, anyway, so it seems unnecessary to add to DV-115. Plus, notice is not required before making a request under DV-115, and we don’t think the Judicial Council should add more requirements to the forms than are necessary to effectuate the statutory authority granted under the DVPA. If, however, the committee moves forward with this language, we would also recommend include 2 additional checkboxes along the following lines: 1. “Yes, we both have agreed to the continuance, as set forth in the attached declaration signed by both parties under penalty of perjury.” 2. “No, I have not yet had the respondent personally served with my petition, notice of hearing, or temporary restraining order, and I need more time to get the respondent served.”</p>	<p>5. The committees agree that the revised forms should not include an item that queries whether notice has been provided to the other party at this time. The committees will consider whether a rule of court or other provision should be developed in the future to ensure that these requests are made with notice.</p>

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**Protective Orders: Revisions to Continuance Forms**

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	Commenter	Position	Comment	Committee Responses
			<p>6. On page 5 of the Invitation to Comment, it states the “Civil and Small Claims Advisory Committee is seeking specific comment on whether law enforcement agencies should have the ability to request a continuance on an EPO if the EPO has not been served on the restrained party.”</p> <p>We think yes. Most, if not all, law enforcement agencies in Alameda County refuse to even issue an EPO unless the respondent/defendant/abuser can be located for personal service, even though they can issue the EPO and try to serve later or serve verbally over the phone. Allowing law enforcement to request continuances of EPOs may help nudge them in the right direction of issuing more EPOs, even if they cannot immediately personally serve the respondent.</p> <p>7. Now to the draft forms themselves. First the CH-115. As mentioned above, the items 1 and 2 on the forms, CH-115, DV-115, etc., should be consistent across the CHO, DV, and other forms.</p> <p>8. We are <b>STRONGLY OPPOSED</b> to adding (c) to item 4 on this form. There is no need to add “I have a pending criminal case that is based on the same allegations in this case.” Nowhere in the CCP section 527.6, nor the CCP more generally, does it state a court should continue a hearing because of a pending criminal case. Nor does it say that anywhere in the CRC (rule 3.1332) that</p>	<p>6. The committee agrees that a hearing set on the issuance of an EPO may be continued and the proposed forms will allow for this possibility.</p> <p>7. The committees agree that consistency is the goal but cannot make changes to other forms not included in this proposal without first circulating them for comment. This revision will be proposed in a future rule cycle depending on time and resources.</p> <p>8. The committees agree and have deleted the item regarding pending criminal case being a basis for a continuance. The forms have been revised so this item reflects only the three scenarios expressly provided in the statutes under which a continuance may be granted: (1) on a showing of good cause; (2) a first</p>



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**Protective Orders: Revisions to Continuance Forms**

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	Commenter	Position	Comment	Committee Responses
			<p>deal with what is “good cause” for granting a continuance. If this is added, courts will routinely—even more so than they are now—be trailing civil cases because of pending criminal cases. However, this is not what is supposed to happen when there is a simultaneous criminal case and civil case. Indeed, Gov. Code section 68607, subd. (g) states trial courts must “[a]dopt and utilize a firm, consistent policy against continuances.” (See also County of San Bernardino v. Doria Mining &amp; Engineering Corp. (1977) 72 Cal.App.3d 776, 781.) Rather, if a respondent wants to continue a case because of a pending criminal case, it is the respondent’s burden to make the request and then the court must have a hearing on the request to go through a multi-factor test to determine whether the respondent’s fears are well-founded and warrant a continuance, and if so, for how long. (See Fisher v. Gibson (2001) 90 Cal.App.4th 275, 285; In re Marriage of Sachs (2002) 95 Cal.App.4th 1144, 1155-1156; People v. Coleman (1970) 13 Cal.3d 867, 885; Federal Savings &amp; Loan Ins. Corp. v. Molinaro (9th Cir. 1989) 889 F.2d 899, 902; Fuller v. Superior Court (2001) 87 Cal.App.4th 299, 305-306; Oiye v. Fox (2011) 211 Cal.App.4th 1036, 1055; Keating v. Office of Thrift Supervision (9th Cir. 1995) 45 F.3d 322, 326; Avant! Corp. v. Superior Court (2000) 79 Cal.App.4th 876, 885; People v. Engram (2010) 50 Cal.4th 1131, 1146; IBM Corp. v. Brown (C.D. Cal. 1994) 857 F.Supp. 1384, 139.) After all, CHO proceedings</p>	<p>request by respondent to allow for more time to prepare; and (3) on the courts own motion.</p>

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	Commenter	Position	Comment	Committee Responses
			<p>are meant to be expedited for the benefit of all parties, including especially the petitioner. (See Russell v. Douvan (2003) 112 Cal.App.4th 399, 403; Grant v. Clampitt (1997) 56 Cal.App.4th 586, 592.) Adding any language related to a pending criminal case, to these continuance forms, would seriously undermine the trial court’s requirement to have a special hearing to go through the multiple-factor test, and instead, if adopted, the language would likely motivate many, if not most, courts to skip over that hearing and test and instead just rule on the request without a hearing, simply because the form allows them to do so. We have heard from multiple judges that they give great weight to whatever is stated in a JC form and how the JC interprets the law, and we don’t think it’s appropriate for the JC to basically state its position that trailing a criminal case is almost always “good cause” for granting a continuance in a restraining order proceeding.</p> <p>9. If the committee, notwithstanding our strong objections to this, decides to keep this, we would recommend including additional language stating in no uncertain terms that this request still (1) requires a hearing, (2) is not guaranteed to be granted just because there is a pending criminal case, and (3) is always up to the discretion of the court as to whether this constitutes “good cause” in this case.</p>	<p>9. The committees agree and have modified the item.</p> <p>10. Thank you for the comment.</p>

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	Commenter	Position	Comment	Committee Responses
			<p>10. In reality, we think the items given for the reasons for the continuance request, on the CH-115, are already fine as is. It is unnecessary to list items c and d (“I need more time to hire a lawyer . . .”) because there simply needs to be items a and b (as already listed there) plus a third option to provide any additional explanation of “good cause.” The statute allows for one continuance for the respondent, at the respondent’s first request, and thereafter it always comes down to “good cause.” This needs to be decided on a case-by-case basis, and not by some reasons given by the Judicial Council, even if the Council believes those are more likely to be given by certain judges or courts, or requested by certain parties.</p> <p>11. We think the CH-115 (and similar DV-115, etc.) should have an additional item (item 5 or so) that allows both parties (or their attorneys) to stipulate to a continuance ahead of time. This is particularly useful for when the parties are seeking a potential settlement/agreement, or when both cannot make a certain date, or something.</p> <p>12. CH-116. Item 3(a)(1) should be amended to read (emphasis added to suggested edits/revisions): “Any Temporary Restraining Order (form CH-110) previously issued remains in full force and effect until the hearing.”</p>	<p>11. The committees note that a stipulation could be noted in item 4c “other reason.” Additional revisions would be needed to allow DV-115 to be used as a written agreement, including a signature line for the opposing party. Such a modification would need to be circulated for public comment before the committees could make a recommendation. The committees will consider this suggestion in a future cycle.</p> <p>12. The committees have simplified the language in this section to make it more easily understandable to self-represented litigants to state, “Any <i>Temporary Restraining Order</i> (CH-110) already granted stays in full force and effect until the next court date.”</p>

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	Commenter	Position	Comment	Committee Responses
			<p>13. . The “New Hearing Date” information under item 3(b) should be placed in a box, like on the CH-109.</p> <p>14. Item 4(c) should have a place for the date to note when they modified the TRO. Our suggestion would be amending the second sentence to read (emphasis added to suggested edits/revisions): “The court signed a new Temporary Restraining Order (form CH-110) on (date): [blank space].”</p> <p>15. Item 5 should remove item (c) for the reasons outlined above. And should combine (e) and (f), because as it is is basically redundant. Except for the first continuance granted to the respondent as a matter of right under the law, every one thereafter is always premised on “good cause,” so it’s unnecessary to spell that out in (e).</p>	<p>13. The committees thank the commenter for the suggestion. The purpose of the box on forms 109 is to draw attention to the date of the hearing. The committees believe that removing the box in 116 makes the form cleaner (more white space) and so easier to read, while still drawing attention to the information for the next court hearing by bolding the text and placing a box around the words, “New Court Date.”</p> <p>14. In this same section, the court will have to fill-in the expiration date of the newly modified TRO. The committees believe the expiration date is sufficient to identify the modified TRO.</p> <p>15. The committees have revised this item to reflect the three scenarios in which a continuance may be granted: (1) on a showing of good cause; (2) first request by respondent to allow for more time to prepare; and (3) on the courts own motion. The committees note that the court may continue a hearing on its own motion without a showing of good cause (see Family Code section 245 and Code of Civ. Proc. section 527.6(p)(1).</p>

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### Protective Orders: Revisions to Continuance Forms

(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)

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	Commenter	Position	Comment	Committee Responses
			<p>16. Item 6(a) should read, in the first sentence, “Restrained party or their attorney was at the court hearing.” (Emphasis added to suggested edits/revisions.)</p> <p>17. Item 6(c)(2) changes things to require the court to set the deadline for service, instead of just stating the service must be done no less than 5 days before the hearing, or something. We like this change.</p> <p>18. Item 6 should include a box that allows the Court to order service of the CH-116 to be by mail. Courts allow this when the petition, notice, and TRO have already been personally served on the other party, so there’s no need to have the reissuance/continuance served personally again, and mail is sufficient.</p> <p>19. DV-115. As noted above, for item 1(b) there should be a box allowing the petitioner to note they are keeping their address confidential. (Fam. Code, § 6225.)</p> <p>20. As noted above, item 4 should not include “I have a pending criminal case that is based on the same allegations in this case.” We are STRONGLY</p>	<p>16. The committees have reorganized this item to make it more understandable. The modified items include this suggested revision (see items 6(a)(1) and (a)(2)) except did not add emphasis to the text (did not italicize).</p> <p>17. The committees appreciate the comment. Service requirements are often hard for self-represented litigants to understand. Making the deadline clear should help increase understanding and compliance with service requirements. The specific deadline has been retained in the reorganized item 6.</p> <p>18. The committees have included service by mail as an option in the reorganized item 6.</p> <p>19. See response provided in response #3 above.</p> <p>20. The committees agree and have removed this part of item 4.</p>

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**Protective Orders: Revisions to Continuance Forms**

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	Commenter	Position	Comment	Committee Responses
			<p>OPPOSED to adding (c) to item 4 on this form. There is no need to add “I have a pending criminal case that is based on the same allegations in this case.” Nowhere in the DVPA (Fam. Code, § 6200 et seq.), or the Family Code or CCP more generally, does it state a court should continue a hearing because of a pending criminal case. Nor does it say that anywhere in the CRC (rule 3.1332) that deal with what is “good cause” for granting a continuance. If this is added, courts will routinely—even more so than they are now—be trailing civil cases because of pending criminal cases. However, this is not what is supposed to happen when there is a simultaneous criminal case and civil case. Indeed, Gov. Code section 68607, subd. (g) states trial courts must “[a]dopt and utilize a firm, consistent policy against continuances.” (See also County of San Bernardino v. Doria Mining &amp; Engineering Corp. (1977) 72 Cal.App.3d 776, 781.) Rather, if a respondent wants to continue a case because of a pending criminal case, it is the respondent’s burden to make the request and then the court must have a hearing on the request to go through a multi-factor test to determine whether the respondent’s fears are well-founded and warrant a continuance, and if so, for how long. (See Fisher v. Gibson (2001) 90 Cal.App.4th 275, 285; In re Marriage of Sachs (2002) 95 Cal.App.4th 1144, 1155-1156; People v. Coleman (1970) 13 Cal.3d 867, 885; Federal Savings &amp; Loan Ins. Corp. v. Molinaro (9th Cir. 1989) 889 F.2d 899, 902; Fuller v. Superior Court (2001) 87 Cal.App.4th 299, 305-306; Oiye v. Fox (2011) 211 Cal.App.4th 1036, 1055; Keating v.</p>	

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	Commenter	Position	Comment	Committee Responses
			<p>Office of Thrift Supervision (9th Cir. 1995) 45 F.3d 322, 326; Avant! Corp. v. Superior Court (2000) 79 Cal.App.4th 876, 885; People v. Engram (2010) 50 Cal.4th 1131, 1146; IBM Corp. v. Brown (C.D. Cal. 1994) 857 F.Supp. 1384, 139.) After all, DVPA proceedings are meant to be expedited for the benefit of all parties, including especially the petitioner. (See In re Marriage of Nadkarni (2009) 173 Cal.App.4th 1483, 1494-1500; Quintana v. Guijosa (2003) 107 Cal.App.4th 1077, 1079-1080; De La Luz Perez v. Torres-Hernandez (2016) 1 Cal.App.5th 389, 401-403 (conc. opn. of Streeter, J.); Monterroso v. Moran (2006) 135 Cal.App.4th 732, 738; Gonzalez v. Munoz (2007) 156 Cal.App.4th 413, 423.) Adding any language related to a pending criminal case, to these continuance forms, would seriously undermine the trial court’s requirement to have a special hearing to go through the multiple-factor test, and instead, if adopted, the language would likely motivate many, if not most, courts to skip over that hearing and test and instead just rule on the request without a hearing, simply because the form allows them to do so. We have heard from multiple judges that they give great weight to whatever is stated in a JC form and how the JC interprets the law, and we don’t think it’s appropriate for the JC to basically state its position that trailing a criminal case is almost always “good cause” for granting a continuance in a restraining order proceeding.</p> <p>If the committee, notwithstanding our strong objections to this, decides to keep this, we would</p>	

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	Commenter	Position	Comment	Committee Responses
			<p>recommend including additional language stating in no uncertain terms that this request still (1) requires a hearing, (2) is not guaranteed to be granted just because there is a pending criminal case, and (3) is always up to the discretion of the court as to whether this constitutes “good cause” in this case.</p> <p>In reality, we think the items given for the reasons for the continuance request, on the DV-115, are already fine as is. It is unnecessary to list items c and d (“I need more time to hire a lawyer . . .”) because there simply needs to be items a and b (as already listed there) plus a third option to provide any additional explanation of “good cause.” The statute allows for one continuance for the respondent, at the respondent’s first request, and thereafter it always comes down to “good cause.” This needs to be decided on a case-by-case basis, and not by some reasons given by the Judicial Council, even if the Council believes those are more likely to be given by certain judges or courts, or requested by certain parties.</p> <p>21. We think the DV-115 should have an additional item (item 5 or so) that allows both parties (or their attorneys) to stipulate to a continuance ahead of time. This is particularly useful for when the parties are seeking a potential settlement/agreement, or when both cannot make a certain date, or something.</p>	<p>21. The committees note that a stipulation could be noted in item 4c “other reason.” Additional revisions would be needed to allow DV-115 to be used as a written agreement, including a signature line for the opposing party. Such a modification would need to be circulated for public comment before the committees could make a recommendation. The committees will consider this suggestion in a future cycle.</p> <p>22. The committees have removed this reason from item 4. If parties want, this reason could</p>



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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
			<p>22. Suggested additional item (e) (“The court has ordered me to meet with a child custody mediator/recommending counselor and I have not been able to meet with one.”) should be removed; we feel strongly about this. This is because the court already will have set out the custody/visitation review hearing far enough to allow the party to go to mediation. If for some reason the party does not within the allotted time, then the party needs to go back to court to talk with the judge about that, along with the other parent. The judge needs to hear from that parent to see why they didn’t go through the mediation appointment. Is it because the parent couldn’t get in touch with the mediator? Is it because the parent ignored their calls and letters? Is it because of a language barrier? Is it because the parent refuses to attend mediation altogether? This information is best gathered at a live hearing, and allows the other parent to state their case as well, in case they have evidence the other parent (who missed mediation) is simply trying to “play games” and avoid mediation for as long as possible, for whatever reason. Then the court may be able to set the parents for same-day mediation, or get the parent scheduled for mediation while they are still at the court hearing, before setting another review hearing. Keeping the status quo may cause negligible delays or more time for the courts, but ultimately we have seen enough cases where one parent—often the abusive parent—refuses to go to mediation, and the judge needs to know about that—and hear from the other parent as well—before deciding how to best move forward, whether that is making</p>	<p>be listed in item 4c as “other reason” on form DV-115.</p>

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	Commenter	Position	Comment	Committee Responses
			<p>custody/visitation orders without visitation to the non-cooperative parent, until/unless they go to mediation, or setting another hearing, or admonishing that parent from the bench about the need/importance of mediation, or something else.</p> <p>Ultimately, though, the DV-115 and DV-116 forms are about reissuing a TRO and continuing the DVPA hearing to rule on the ROAH. Custody/visitation may be a part of the case, but they are ancillary issues; the DVRO hearing must be heard as soon as possible, under the law, and should not depend on mediation. Whatever happens at the DVRO hearing—whether the ROAH is granted or not—will impact custody/visitation, but not vice versa. Thus, a DVRO hearing should not be delayed just because one parent has not gone to mediation.</p> <p>DV-116.</p> <p>23. Item 3(a)(1) should be amended to read (emphasis added to suggested edits/revisions): “Any Temporary Restraining Order (form DV-110) previously issued remains in full force and effect until the hearing.”</p> <p>24. The “New Hearing Date” information under item 3(b) should be placed in a box, like on the DV-109.</p>	<p>23. The committees have made this change the committees propose to use “granted” instead of “issued” and “court date” instead of hearing.</p> <p>24. The committees appreciate the comment. The purpose of the box on form DV-109 and other council forms is to draw attention to the information on when the hearing is. The committees believe that removing the box in 116 makes the form cleaner (more white space), and so easier to understand, while still prioritizing the information for the next court</p>

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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			<p>25. Item 4(c) should have a place for the date to note when they modified the TRO. Our suggestion would be amending the second sentence to read (emphasis added to suggested edits/revisions): “The court signed a new Temporary Restraining Order (form CH-110) on (date): [blank space].”</p> <p>26. Item 5 should remove item (c) for the reasons outlined above. And should combine (e) and (f), because as it is is basically redundant. Except for the first continuance granted to the respondent as a matter of right under the law, every one thereafter is always premised on “good cause,” so it’s unnecessary to spell that out in (e).</p> <p>27. Item 6(a) should read, in the first sentence, “Restrained party or their attorney was at the court hearing.” (Emphasis added to suggested edits/revisions.)</p> <p>28. Item 6(c)(2) changes things to require the court to set the deadline for service, instead of just stating the service must be done no less than 5 days before the hearing, or something. We like this change.</p>	<p>hearing by bolding the text and placing a box around the words, “New Court Date.”</p> <p>25. The committees have changed this section to read: The court changes the TRO previously granted and signs a new TRO (form CH-110).</p> <p>26. The committees have revised this item to reflect the three scenarios in which a continuance may be granted: (1) on a showing of good cause; (2) first request by respondent to allow for more time to prepare; and (3) on the courts own motion. The committees note that the court may continue a hearing on its own motion without a showing of good cause (see Family Code section 245 and Code of Civ. Proc. section 527.6(p)(1).</p> <p>27. The committees have included appearance by the party’s attorney as a reason why service would not be required on that party in the newly reorganized item 6.</p> <p>28. The committees appreciate the comment. Service requirements are often hard for self-represented litigants to understand. Making the deadline clear should help increase understanding and compliance with service</p>

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**Protective Orders: Revisions to Continuance Forms**

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	Commenter	Position	Comment	Committee Responses
			<p>29. Item 6 should include a box that allows the Court to order service of the CH-116 to be by mail. Courts allow this when the petition, notice, and TRO have already been personally served on the other party, so there's no need to have the reissuance/continuance served personally again, and mail is sufficient. This is separate and distinct from the item (e) added to the form, regarding "substituted service," and item (f) regarding service by publication or posting.</p> <p>30. We would also like to extend our comments above, as appropriate, to the other forms, in the EA, GV, SV, and WV series.</p>	<p>requirements, and it has been retained in the reorganized item.</p> <p>29. The committees have included service by mail as an option in item 6.</p> <p>30. Consistency across protective order form types helps service providers and the courts. The committees recommend making the same changes noted above for the other form types unless the change would be inconsistent with the law.</p>
4.	Guerra, Amy K. (Hon.) Judge (Family Court) Superior Court of California, County of Fresno	AM	1. Under 1(b) - I believe the current language on form DV-115 better explains the option not to include specific contact information. The current language on the form is more succinct than the proposed language and notifies the party specifically that they do not have to include their phone number or e-mail (vs. the proposed language which just indicates the information is "optional"). Given the volatile nature of domestic violence cases, and specifically DVRO hearings, I think it's better to err on the side of caution and keep the language	1. The committee appreciates the comment. Since the petitioner (protected party) will already have their contact information on file, the committees have restructured this item so that only the restrained party would provide their contact information on form because the petitioner will already have provided contact information to the court.

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	Commenter	Position	Comment	Committee Responses
			<p>clear and concise as to the obligation to disclose additional contact information.</p> <p>2. Under 4(c)-- my only concern is that, prior to asking parties additional details about any open criminal cases as part of a hearing, they are specifically advised of their rights under the 5th amendment. If the committee is inclined to have a party provide information about an open criminal case, it may be best to make it a close-ended inquiry rather than asking for them to give "any information they have" as to the requested topics. For example:</p> <p>Arrest date: _____            Next court date: _____            Case No: _____</p> <p>Requesting information of this nature/manner shouldn't present a 5th amendment issue, but I do have some concerns that the inquiry on the proposed form is too broad as to open criminal charges.</p> <p>3. Under 6(a)-(g): The language is a bit convoluted, understanding that most of it is for the court/clerk's purposes (rather than the public's). Not sure how feasible/realistic it is, but perhaps the language relating to substitute service could be separated on a separate form/page if and when it is authorized. I recognize that the suggestion may result in additional paperwork and/or forms, but substitute service is still a rare occasion and the</p>	<p>2. The committees have removed this sub-item from the request and order. If the court finds that there is good cause to grant a continuance based on a pending criminal case, this may be listed under "other" good cause on the order form (116).</p> <p>3. The committees agree and have made revisions that should make service requirements clearer to the person responsible for service. Information regarding substituted service, if appropriate, will be provided on form DV-117. (See item 6a(4) on proposed DV-116.)</p>

**SPR19-37****Protective Orders: Revisions to Continuance Forms****(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
			vast majority of cases are still likely to involve personal service. If it is separated, perhaps it could include a portion or potential entry for why the court is authorizing it in lieu of personal service.	
5.	Rodriguez, Victor (Hon.) Judge Superior Court of California, County of Alameda Hayward, California	A	<p>I think the proposed changes will be very helpful. I have two comments.</p> <ol style="list-style-type: none"> <li>1. First, I think it would also be beneficial to request information from the requestor concerning whether the opposing party has been notified of, and agrees to, the request for the continuance. There are instances where a matter has been continued several times already, and it would be helpful to the court if they knew whether the sides were in agreement about the need for a further continuance.</li> <li>2. Second, the committee and the Judicial Council may want to consider whether DV-115 and DV-116 should be modified so they can be used when a party is seeking a continuance concerning a pending request to renew a restraining order (i.e., DV700). Currently, DV115 and 116 do not contemplate application to DV700, but there are no other forms that explicitly apply to that situation.</li> </ol>	<ol style="list-style-type: none"> <li>1. The committees appreciate the comments. The committees considered this comment and chose not to make this revision to the form because requesting this information may encourage parties to contact each other, potentially in violation of protective orders in place.</li> <li>2. The committees appreciate the comment. The committees believe that having a set of continuance forms (request and order forms) for renewal hearings would be beneficial for litigants and courts. Preliminarily, the committees believe that having these forms in the 700 series would make the forms simpler and easier to find for self-represented litigants. The committees will consider developing new forms in the 700 series for civil harassment, domestic violence, elder abuse, workplace and restraining orders, as time and resources permit.</li> </ol>

**SPR19-37****Protective Orders: Revisions to Continuance Forms****(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
6.	Stoever, Jane K. Clinical Professor of Law Director, UCI Initiative to End Family Violence Director, Domestic Violence Clinic University of California, Irvine School of Law	NI	<p>Thank you for the invitation to comment on judicial council forms regarding continuances and alternative service in domestic violence cases. I have taught domestic violence clinics for over 15 years, having taught at the law schools at Georgetown, American University, and Seattle University prior to being hired in 2013 to direct the Domestic Violence Clinic at the University of California, Irvine (UCI) School of Law, where I also teach Family Law, Domestic Violence Law, and Legal Ethics. The UCI Law Domestic Violence Clinic testified in favor of Assembly Bill 2694 (Stats. 2018, ch. 219) on behalf of multiple clients who were unable to receive legal protection when they could not achieve personal service in domestic violence restraining order cases. The recommendations in this Comment are based on my experience litigating cases in jurisdictions that have long permitted alternative service in domestic violence cases; my research, as reflected in my recently published article: Access to Safety and Justice: Service of Process in Domestic Violence Cases, 94 WASH. L. REV. 333 (2019); my clients' insights about service over many years; and my clinic interns' recommendations about the proposed forms.</p> <p>The form proposals in SPR19-39 and SPR19-37 implement the alternative service options that now appear in Family Code Section 6340(a)(2), increasing survivors' and their children's access to safety and justice. My Domestic Violence Clinic reviewed the proposed forms, being particularly mindful of the high percentage of pro per litigants in</p>	The committees appreciate the comments.

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**Protective Orders: Revisions to Continuance Forms**

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			<p>domestic violence cases in California. We have several recommendations to increase the understanding of legal options, all of which apply to the SPR19-37 packet.</p> <ol style="list-style-type: none"> <li>1. Our first recommendation aims to increase knowledge of the new provisions in Family Code Section 6340(a)(2). We suggest that the DV-115, in the Instructions section or under 4(a), include the following language or similar language: “Read DV-205-INFO, What if the Person I Want Protection From Is Avoiding (Evading) Service if, after diligent effort, you have been unable to accomplish personal service.” Cross-referencing the DV-205-INFO will increase knowledge of legal options and increase efficiency for courts and litigants, as petitioners may otherwise return to court numerous times without being aware that they can request alternative methods of service.</li> <li>2. Our second set of recommendations seeks a streamlined way of requesting alternative service. The DV-205-INFO instructs, “If you believe you are eligible for alternative service, you can complete form DV-115, Request to Continue Hearing, to make this request.” The proposed DV-115, however, does not include a question prompt for doing so. Based on page 5 of the SPR19-37, we understand that the Family and Juvenile Law Advisory Committee considered including an item in the DV-115 regarding alternative means of service but</li> </ol>	<ol style="list-style-type: none"> <li>1. The DV-115 is a form that can be used by either party to request a continuance. Because the new alternative service laws only apply to petitioners the committees did not include reference to form DV-205-INFO. If in the future the committee proposes a request for alternative service form, form DV-205-INFO can be referenced on that form.</li> <li>2. Thank you for your comment. The committee has revised form DV-205-INFO to remove any references to form DV-115. Based on the comments submitted, the committee will consider whether to propose a new request for alternative service form in the future. The committee does not believe that form DV-115 should be revised to include the specific questions posed by commenter as the revisions to form DV-115 would be substantial and including the information may confuse petitioners that are not seeking</li> </ol>



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**Protective Orders: Revisions to Continuance Forms**

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			<p>determined that petitioners could instead use form FL-980 to request publication or posting. This determination is inconsistent with the instructions in DV-205-INFO to use the DV-115 to request alternative service; furthermore, the DV-115 does not guide litigants to the FL-980, and the FL-980 does not provide options for substituted service and other means beyond publication or posting. We recommend that the DV-115, at item 4, include the following option: “After diligent effort, I have been unable to accomplish personal service, and there is reason to believe that the restrained party is evading service. Explain:” An additional prompt should ask litigants to identify which of the following methods of service would be designed to “give reasonable notice of the action to the respondent: substituted service (mailing service and delivery to a person at the respondent’s home, mailing address, or workplace), publication, posting, or other.” These questions provide a clear way to request alternative service and prompt litigants to provide information the judicial officer needs, increasing judicial efficiency as the judge enters orders in the DV-116.</p> <p>3. Finally, the DV-116, at item 6(e), could provide a brief explanation of what “substituted service” is, namely that it means leaving a copy and mailing a copy of papers to be served to the restrained person’s home or mailing address or workplace. We recommend that 6(e) state as</p>	<p>alternative service which represent the majority of cases.</p> <p>3. The committee has included this information, with minor edits, on form DV-117, <i>Order Granting Alternative Service</i>. Form DV-117 would be an attachment to form DV-116 and is being proposed in a separate proposal that</p>

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			<p>follows, with our addition underlined here: “The restrained party may be served by substituted service, with a copy of (1) this order, (2) a copy of all the documents indicated on form DV-109, item 6 and (3) a copy of form DV-210, Summons (Domestic Violence Restraining Order), no later than (date): _____, by leaving a copy with a person over age 18 and mailing a copy to the restrained party’s <input type="checkbox"/> home <input type="checkbox"/> mailing address <input type="checkbox"/> workplace.” The proposed DV-116 helpfully directs the protected party to the DV-205-INFO in the next sentence. We posit that briefly identifying the meaning of “substituted service” within the DV-116 will help protected parties understand and follow the court order.</p> <p>This Comment seeks to further the legislative purpose of domestic violence restraining orders by increasing the accessibility of this vitally important legal remedy for abuse survivors who are unable to accomplish personal service. Thank you for your consideration of these recommendations. I encourage you to contact me with any questions.</p>	<p>would have the same effective date as this proposal, if both are approved by the council.</p>
7.	Superior Court of California, County of Los Angeles	AM	<p>Proposed Modifications:</p> <p>Forms CH, DV, EA, SV and WV-115</p> <p>1. Section 1a. Add corresponding form name:  a. My name (as reflected on the CH, DV, EA, SV or WV-100) is: _____</p>	<p>1. The committees appreciate the comment but do not agree that the additional language is needed. It would add more text for litigants to read but does not seem to make it easier to complete this item. Also, the case number</p>

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			<p>2. Section 2a. Add corresponding form name: a. The other party in this case is (full name as reflected on the CH, DV, EA, SV or WV-100): _____</p> <p>3. Section 3. Change first checkbox to: Yes. A Temporary Restraining Order (Form CH, DV, EA, SV or WV-110) was issued on (date):...</p> <p>Form GV-115</p> <p>4. Section 1a. Add: a. My name (as reflected on the GV-100) is: _____</p> <p>5. Section 2a. Add: a. The other party in this case is (full name as reflected on the GV-100): _____</p> <p>6. Section 4. Change first checkbox to: Yes. A Temporary Restraining Order (Form GV-110) was issued on (date):...</p> <p>Forms CH, DV, EA, GV, SV, and WV-116</p> <p>7. After Section 1 and 2 add in bold “The court will complete the rest of this form”</p> <p>8. Section 3a. Change: <input type="checkbox"/> The hearing is NOT rescheduled. The court hearing will be remains scheduled on (date): _____</p>	<p>serves as a way to identify the parties in the action.</p> <p>2. See response above.</p> <p>3. The committees did not make this change because the language that is proposed is simpler to understand.</p> <p>4. See response number 1 above.</p> <p>5. See response number 1 above.</p> <p>6. The committees chose to not make this edit to the form. See response 3 above.</p> <p>7. The committees agree and have added this language.</p> <p>8. The committees did not make this change. The existing language was chosen to maintain consistent language choices that are readable at the lowest reading level possible to convey</p>

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			<p>9. Section 4b. Change: The orders listed in form CH, DV, EA, GV, SV or WV-110 issued on (date)____, expire at the end of the hearing on (date):__ date listed above in 3b.</p> <p>10. Section 4c. Change: ...The new orders expire at the end of the hearing on (date):__ listed above in 3b.</p> <p>Request for Specific Comments:</p> <p>11. Does the proposal appropriately address the stated purpose? Yes, the proposal addresses the stated purpose.</p> <p>12. Should the forms include the contact information for the requesting party? If so, please explain. It should be optional for the requesting party to provide contact information. It would give the court the ability of notifying the requesting party of a change in date for the hearing, but it would also give</p>	<p>the meaning. “The request to reschedule the court date is <b>denied</b>. Your court date is:”</p> <p>9. This section allows the court to fill in an expiration date that is different than the date of the next court hearing. This change was requested by courts to provide flexibility. In some situations, the court may set multiple hearings and rather than having to extend the TRO each time, this change allows courts to extend the TRO beyond the next court hearing. The committees have added language so that in the event the expiration date field is left blank the temporary restraining order will expire at the end of the court date listed on the order.</p> <p>10. For a modified TRO the committees propose removing the expiration date as because it will be listed on the new DV-110 that is issued.</p> <p>11. No response required.</p> <p>12. The committees agree with the concern that including the protected party’s contact information on the form could lead to unwanted contact by the restrained party. The committees have modified item 1 in the request forms (115 in each series) so that the contact information will only be completed if</p>

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**Protective Orders: Revisions to Continuance Forms**

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			<p>the restrained party an avenue to further harass the protected party.</p> <p>13. Should an additional item be added to the Request to Continue Hearing (115- numbered forms) to ask whether the other party received notice of the request for continuance? Yes, this item should be added.</p> <p>14. For gun violence restraining orders, should law enforcement agencies have the ability to request a continuance on an emergency protective order if the emergency protective order has not been served? Yes, law enforcement agencies should have this ability.</p> <p>15. Are the forms easy for users to understand? Yes, with the suggested modifications.</p>	<p>the requesting party is the restrained party. There is no need for the protected party to provide their contact information again because they would have already done so on form DV-100. This revision should address the commenter’s concern for this form. As for the suggestion to include a checkbox to allow the petitioner (protected party) to note a confidential address pursuant to Family Code section 6225 on the forms, the committees will consider this request in a future cycle.</p> <p>13. The committees have decided that the form should not include an item that queries whether notice has been provided to the other party at this time. The committees will consider whether a Rule of Court or other change should be made in the future to ensure that these requests are made with adequate notice as either side is entitled to make a request for continuance.</p> <p>14. The committees agree and revised forms GV-115 and GV-116 may be used to continue hearings set following issuance of gun violence EPOs that have not been served.</p>

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**Protective Orders: Revisions to Continuance Forms**

**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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			<p>16. Do you have any suggestions for improving their usability or readability? Please see the suggested modifications.</p> <p>The advisory committee seeks comments from courts on the following cost and implementation matters:</p> <p>17. Would the proposal provide cost savings? If so please quantify. No, we still need to reproduce numerous forms.</p> <p>18. What would the implementation requirements be 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. We will need to provide training on how to fill out the forms for judicial assistants and judicial officers. Probably a 4 to 8-hour training depending on the size of the court.</p> <p>19. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</p> <p>20. How well would this proposal work in courts of different sizes? Proposal would work well uniformly across courts of different sizes.</p>	<p>15. See committees' responses above in response to suggested modifications.</p> <p>16. See committees' responses above in response to suggested modifications.</p> <p>17. The committees appreciate the comment and understand that there is no cost savings.</p> <p>18. No response required.</p> <p>19. No response required.</p> <p>20. No response required.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
			21. For gun violence restraining orders, should law enforcement agencies have the ability to request a continuance on an emergency protective order if the emergency protective order has not been served? Yes, law enforcement agencies should have this ability.	21. The committees agree and have proposed revisions to GV-115 and GV-116 so that they may be used to continue a GV EPO when service has been unsuccessful.
8.	Superior Court of California, County of Orange Civil, Small Claims and Probate Division By Sean E. Lillywhite Administrative Analyst/Officer Training & Analyst Group (TAG) Superior Court of California, County of Orange	NI	1. The approval of these forms will require extensive modification to procedures for all of the different scenarios. Case processing and courtroom staff will require training for Civil and Probate.  2. The third page on forms WV-116, CH-116, DV-116, EA-116, SV-116, GV-116 all make reference to CLETS-TCH, CLETS-TWH, CLETS-TRO, CLETS-TEA or TEF, CLETS TSV in the Clerk’s Certificate of Mailing portion. In order to avoid confusion, we recommend including the specific form number along with the name. For example, Order on Request to Continue Hearing CLETS-TWH WV116 or Order on Request to Continue Hearing CLETS-TCH CH-116.  *Taken from comments on proposal LEG 19-03	1. No response required.  2. The forms have been modified to add the form number to this section.

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			<p>3. While slightly out of scope of this invitation, if the petitioning party asks for a continuance at the 21-day hearing, under what circumstances should courts grant them. Should they have to convince the court again that there is an immediate danger that requires extending the EPO past the 21 days? What if there were issues with service of either the EPO or the hearing? Our judicial officer for these hearings has special concerns because the protective orders deny a constitutionally protected right and feels the bar for denying those rights further should be high.</p>	<p>3. The hearing can be continued pursuant to Penal Code section 18195, which states, “Any hearing held pursuant to this chapter may be continued upon a showing of good cause. Any existing order issued pursuant to this division shall remain in full force and effect during the period of continuance.” The chapter referenced by this section is Chapter 4, Gun Violence Restraining Order Issued After Notice and Hearing, specific to §§ 18170–18197, which encompasses the hearing requirement found in section 18175 (the provision relating to EPOs)..</p>
9.	<p>Superior Court of California, County of Riverside By Susan Ryan Chief Deputy - Legal Services</p>	A	<p>1. Does the proposal appropriately address the stated purpose? Yes.</p> <p>2. Should the forms include the contact information for the requesting party? If so, please explain.</p> <p>No, the contact information for the requesting party is not needed on the DV-116 form as it is reflected on the DV-115.</p> <p>3. Should an additional item be added to the Request to Continue Hearing (115-numbered forms) to ask whether the other party received notice of the request for continuance?</p> <p>Yes, it serves as a reminder that the other party needs to receive notice of the request for</p>	<p>1. No response required.</p> <p>2. The committees agree, and the item will not be on the 116 forms.</p> <p>3. The committees have decided that the form should not include an item that queries whether notice has been provided to the other party at this time because the committee members were worried that this could confuse SRL’s into possibly violating the exiting protective orders to contact the other party.</p>



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	Commenter	Position	Comment	Committee Responses
			<p>continuance. It will also inform the judicial officer reviewing the case as to whether the other party has been notified of the request for continuance.</p> <p>4. For gun violence restraining orders, should law enforcement agencies have the ability to request a continuance on an emergency protective order if the emergency protective order has not been served?</p> <p>No, law enforcement agencies should not have the ability to request a continuance if the emergency protective order has not been served. The moving party requesting the restraining order can indicate that the emergency protective order has not been served when requesting the continuance.</p> <p>5. Are the forms easy for users to understand? Yes.</p> <p>6. Do you have any suggestions for improving their usability or readability?</p> <p>No, the forms are easy for users to understand and process.</p> <p>7. Would the proposal provide cost savings? If so please quantify.</p>	<p>The committees will consider whether a Rule of Court or other change should be made in the future to ensure that these requests are made with adequate notice as either side is entitled to make a request for continuance.</p> <p>4. Unlike GV-100, gun violence emergency protective orders can only be requested by law enforcement. Based on other comments received the proposed forms GV-115 and GV-116 may be used to continue hearings set following the issuance of gun violence EPOs that have not been served.</p> <p>5. No response required.</p> <p>6. No response required.</p> <p>7. The committees appreciate the comment.</p>

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**Protective Orders: Revisions to Continuance Forms**

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			<p>Yes, overtime this proposal will hopefully save time for court staff when entering the information into CLETS.</p> <p>8. What would the implementation requirements be 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> <p>Clerks responsible for CLETS entries would need to be informed and retrained on the revisions made on the forms.</p> <p>9. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</p> <p>10. How well would this proposal work in courts of different sizes?  The size of the court would have no impact.</p>	<p>8. The committees agree that training for individuals responsible for CLETS/CARPOS entry should be trained on the revisions to the forms.</p> <p>9. No response required.</p> <p>10. No response required.</p>
10.	<p>Superior Court of California, County of San Diego By Mike Roddy, Executive Officer Central Courthouse 1100 Union Street San Diego, California 92101</p>	AM	<p>1. Q: Does the proposal appropriately address the stated purpose? Yes.</p> <p>2. Q: Should the forms include the contact information for the requesting party? If so, please explain.</p>	<p>1. No response required.</p> <p>2. The committees appreciate the response. See response to the first commenter above.</p>

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			<p>Yes, for consistency the contact information should be included on the 116 numbered forms. The request and order for restraining order, 100 and 110-numbered forms currently include this information. The advisal listed on the current version of the 116 numbered forms (i.e. “If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.”) should be included.</p> <p>3. Q: Should an additional item be added to the Request to Continue Hearing (115-numbered forms) to ask whether the other party received notice of the request for continuance?</p> <p>Yes, at least for non-domestic violence restraining orders. The initial request forms (CH/EA/GV/SV/WV-100) include an item “Temporary Restraining Order” for the petitioning party to indicate whether or not the other party was notified that a TRO was being sought against them. This information will be useful to the reviewing judicial officer.</p> <p>4. Q: For gun violence restraining orders, should law enforcement agencies have the ability to request a continuance on an emergency protective order if the emergency protective order has not been served?</p> <p>Yes.</p>	<p>3. The committees have decided that the 115 forms should not include an item that queries whether notice has been provided to the other party at this time because the committee members were worried that this could confuse SRL’s into possibly violating the exiting protective orders to contact the other party. The committees will consider whether a Rule of Court or other change should be made in the future to ensure that these requests are made with adequate notice as either side is entitled to make a request for continuance.</p> <p>4. The committees agree and revised forms GV-115 and GV-116 may be used to continue hearings set after issuance of gun violence EPOs that have not been served.</p>

**SPR19-37****Protective Orders: Revisions to Continuance Forms****(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
			<p>5. Q: Are the forms easy for users to understand? Yes. However, this court proposes using consistent language on the forms to provide further clarity. See general comments.</p> <p>6. Q: Do you have any suggestions for improving their usability or readability? Yes, see general comments.</p> <p>7. Q: Would the proposal provide cost savings? If so, please quantify. No.</p> <p>8. Q: What would the implementation requirements be 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.  Revising internal procedures and restraining order packets.</p> <p>9. Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</p> <p>10. Q: How well would this proposal work in courts of different sizes?</p>	<p>5. The committees agree. See response to general comments below.</p> <p>6. See responses to general comments.</p> <p>7. No response required.</p> <p>8. No response required.</p> <p>9. No response required.</p> <p>10. No response required.</p>

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**(Revise forms CH-115, CH-116, DV-115, DV-116, EA-115, EA-116, GV-115, GV-116, SV-115, SV-116, WV-115, and WV-116)**

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			<p>It appears that the proposal would work for courts of all sizes.</p> <p>GENERAL COMMENTS:</p> <p>11. Proposed changes use different terminology for the same process, which could cause confusion among self-represented litigants. Request to Continue Hearing (CH-115) refers to the process as:</p> <ul style="list-style-type: none"> <li>• “Continue Hearing” (form title)</li> <li>• “Change the hearing” (Instructions)</li> <li>• “Reschedule the hearing” (Notice section &amp; item 4)</li> </ul> <p>Order on Request to Continue Hearing (CH-116) refers to the process as:</p> <ul style="list-style-type: none"> <li>• “Continue Hearing” (form title)</li> <li>• “Change the hearing” (Instructions)</li> <li>• “Reschedule the hearing” (Items 3 &amp; 5)</li> <li>• “Continuance” (Items 5b &amp; d)</li> </ul> <p>Our court proposes using one term throughout the 115 &amp; 116 series of forms to limit confusion.</p> <p>In invitation SPR19-28, the Family and Juvenile Law Advisory proposes replacing form FL-306 Request to Continue Hearing with a new FL-306 Request to Reschedule Hearing and to add “rescheduling the hearing” to rule 5.2 to assist self-represented litigants. Since family actions often</p>	<p>11. The committees agree that terminology should be used consistently. The committees have decided on the following terminology to use in the forms: “reschedule” instead of “continue,” “court date” instead of “court hearing,” and “granted” instead of “issued.” Revising the form titles would require revising many cross-references to the form titles, and this change would need to go out for public comment and so will be deferred for consideration in a future rule making cycle as time and resources allow</p>

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			<p>involve DV issues, it may be beneficial to those same litigants to rename the 115 and 116-series forms to use consistent terminology.</p> <p>116 Forms:</p> <p>12. Item 5d: Propose replacing “The party wanting a continuance” with “requesting.”</p> <p>13. Item 6c(2): Propose including the method of service (i.e., mail or personal) for restrained party to notify protected party.</p> <p>Form DV-115:</p> <p>14. Item 1(b): Suggest editing and bolding the sentence, “If you have a lawyer give your lawyer’s name, address and contact information below, not your own information.” This should also result in eliminating item 1(d).</p> <p>15. Item 2(b): Could lead to confusion regarding the next hearing regarding the DVTRO or general hearing.</p> <p>16. Item 4: Although it was previously considered and rejected in the alternatives considered, it would be beneficial to either include a request for the party to serve by alternative means, or at the very least, include a box stating the litigant</p>	<p>12. The committees have revised this item to reflect the three scenarios in which a continuance may be granted: (1) on a showing of good cause; (2) first request by respondent to allow for more time to prepare; and (3) on the courts own motion.</p> <p>13. The committees have included these options on the revised forms.</p> <p>14. The committees thank the commenter for the suggestion but choose not to follow the suggestion because the form is clearer the way that it is.</p> <p>15. The committees have left the language because the form is specific to continuing the hearing date listed in this section.</p> <p>16. The Family and Juvenile Law Advisory Committee will consider whether a request for alternative service should be created in the future. Such a form would need to go out for public comment. The committee believes that significant changes would have to be made to</p>

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			<p>is separately requesting to serve by alternative means and list the FL-980 and an “other section.” This would assist the litigants and the court. Self-represented litigants often show up at the hearing and make the request to serve by alternative means. Also, the proposed form DV-205-INFO includes language on page 1 that if the litigant is eligible for alternative service, they can complete the DV-115 form to make this request.</p> <p>Form DV-116:</p> <p>17. Item 3(a)(1): Suggest modifying this to state, “The Temporary Restraining Order issued on [DATE] remains in full force and effect.”</p> <p>18. Item 6(b): Suggest adding a box to indicate how the stipulation was made (i.e. in writing, in open court, etc.)</p> <p>Form GV-115</p> <p>19. Item 4 &amp; Notice (following item 4): Add “Gun Violence” to reflect the form name of EPO-002.</p> <p>20. Footer: Add “GVEPO or Temporary Restraining Order) to clarify that the form does not apply to emergency protective orders for</p>	<p>form DV-115 for it to provide enough information for the court to grant a request for alternative service. This is not to say that form DV-115 could not be used together with other available forms. The committee has revised form DV_205 to remove any reference to form DV-115.</p> <p>17. The committees believe that reference to any restraining order already issued is sufficient.</p> <p>18. The committees thank the commenter for the suggestion but believe this level of detail is not needed for the item on service. If a court believes the information should be added, it could be noted in the reason for continuance section or on a minute order.</p> <p>19. The committee agrees, and the form has been modified to make this change.</p> <p>20. The footer was changed to clarify that it is Order on Request to Continue Hearing (EPO-002 or Temporary Restraining Order) (CLETS-EGV or CLETS-TGV) (Gun</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Responses</b>
			<p>domestic violence, child abuse, elder abuse of stalking (EPO-001).</p> <p>Form GV-116</p> <p>21. Items 3a(1), 4, 4a, &amp; Notice (following item 4): Add “Gun Violence” to reflect the form name of EPO-002.</p> <p>22. Items 5a &amp; 5b: Replace “The party in 2” with “The respondent”</p> <p>23. Footer: Add “GVEPO or Temporary Restraining Order) to clarify that the form does not apply to emergency protective orders for domestic violence, child abuse, elder abuse of stalking (EPO-001).</p> <p>24. Q: For gun violence restraining orders, should law enforcement agencies have the ability to request a continuance on an emergency protective order if the emergency protective order has not been served? Yes.</p>	<p>Violence Prevention), which the committees believe should be sufficient clarification.</p> <p>21. The committees agree the forms have been modified to make this change, except to the Notice section where it is a blanket statement about “Gun Violence Restraining Order as opposed to the specific orders.</p> <p>22. The forms have been modified to make this change.</p> <p>23. See response to number 20 above.</p> <p>24. The committees agree and revised forms GV-115 and GV-116 may be used to continue hearings set following issuance of gun violence EPOs that have not been served.</p>
11.	Superior Court of California, County of Ventura By Julie Camacho Court Manager	AM	1. Modifications to the 116 series of forms, Order on Request to Continue Hearing: Removal of Section 3 from the forms: Originally this court was in agreement with the removal of this	1. For the order forms (116 in each series) the committees believe that the benefits of omitting the requester’s contact information outweigh any potential benefit. The



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			<p>information from the order forms, but after further discussion with court staff experienced in filing these forms, I believe this information should remain on the forms for the specific reason that an oral request to reschedule can be made by a responding party, who has not previously appeared in the case, at the time of the hearing on the temporary restraining order. In these circumstances the filing clerk must capture the address information of a self-represented respondent, or the information of the lawyer representing the respondent. This information must be present on the form in order for the clerk to enter the information into the court’s case management system and is important in the event the court needs to send notice to the parties in the case. For these reasons, I ask that the Item 3 remain on the order forms.</p> <p>2. Recommend that the wording in Item number 3 be modified. As currently written the denial of the request for continuance is not clearly stated and the wording “The hearing is NOT rescheduled. The court hearing will be on (date)” can be confusing to self-represented litigants. The order should more clearly state “The request to reschedule the hearing is DENIED. The court hearing will remain on (date)”</p> <p>3. The same recommendation is made for the granting of the request. The order granting</p>	<p>committees believe that capturing the restrained party’s contact information is unlikely even in the scenario provided by commenter because it is unlikely that a court would have the restrained party prepare the order. This is because the order continuing the hearing would also include any TRO granted by the court. This order would need to be completed immediately after the hearing to ensure that the protected party has proof that a TRO remains in effect and that the order is reflected in CLETS. In this situation, it is likely that the court, self-help center staff, or protected party would complete the order after hearing.</p> <p>2. The committees agree and have revised this section to clearly state whether the request has been granted or denied.</p> <p>3. Same response as above.</p>

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			<p>should more clearly state: The request to reschedule the hearing is GRANTED. The hearing is rescheduled for the day and time listed below. See additional orders in 4-8”</p> <p>4. To be consistent with the changes in SPR19-28, all of the forms in this invitation to comment should be revised to change the word “continue” in the title of the forms to “reschedule”. Not only will this make the forms consistent with the language changes to the FL-306, 307, 308 and 309 it will also make the title of these forms consistent with the wording in the body of the forms, which do use the word “rescheduled” and not “continued”.</p> <p>5. Recommend that Items 4b and 4c on the 116 forms be revised to delete the requirement that the judicial officer fill in the new expiration date of any existing temporary restraining orders. By law the restraining order will remain in effect until the date of the rescheduled hearing and the extra time that it takes for the judicial officer to complete this additional information in light of the number of orders that are submitted far outweighs the number of cases that have more than one court date. The wording “...expire at the end of the hearing in 3” should be inserted in place of the date field.</p> <p>6. Item 6 – Service of the Order – need clarification of Item 6b “Restrained party agreed (stipulated) to this order. Further service of this</p>	<p>4. The committees agree that consistency is the goal but cannot make changes to other forms without first circulating them for comment. This revision will be proposed in a future rule cycle depending on time and resources.</p> <p>5. The committees considered this suggestion and in light of this suggestion the forms have been modified to include an option that the court can either write the date of the expiration of the temporary order or leave it blank “(If no date is listed, the TRO expires at the end of the court date listed in 3b).”</p> <p>6. The restrained person could agree to a continuance at the time of hearing or prior to the hearing. However, the goal of this item is</p>

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			<p>order is not required for enforcement purpose.” Is it anticipated that this item will be checked if the respondent appears at the hearing and enters into a written agreement to continue the hearing? If so, it seems Item 6a would be sufficient.</p> <p>7. Recommend moving item 6d to the 6b position, move 6b to the 6d position. Most often the protected requests a continuance, so moving item 6d to 6b makes the flow of item 6 more user friendly.</p> <p>8. Items 6c, d and e – instead of requiring entry of a date for service to be completed by, which leaves room for unnecessary errors, the form should be revised to replace the wording “no later than (date)” with the wording, “at least five days or ( )_____ before the hearing...”</p> <p>9. Page 3 – Instructions to Clerk – if no temporary orders were issued pending the hearing and box 4a is marked on Page 1 of the 116 forms then the order is not sent to law enforcement for entry into CLETS. The instructions in this box should be modified to read: If there is are temporary orders in effect and the hearing is rescheduled, the court is required to enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the date the order is made.</p>	<p>to indicate that further service on the restrained person is not needed for enforcement purposes. Instead of eliminating item 6b, the forms have been modified to combine items 6a and 6b.</p> <p>7. This item has been reorganized to make it easier for the moving party to understand.</p> <p>8. The committees proposed this change to make the deadline for service easier to understand for self-represented litigants. The committees believe this is an important change as service requirements are often hard for self-represented litigants to understand.</p> <p>9. The committees have revised the language to indicate that the order needs to be entered into CLETS only when a TRO is extended, modified or terminated.</p>

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			<p>10. Although not included in this invitation to comment, it would be beneficial to the courts if the requirements for requesting a continuance of the hearing on the temporary restraining order for all these restraining order types was set forth in the appropriate code sections that speak to continuances. The code does not specify a party is required to give notice to the other side in the same manner as seeking ex parte orders if the request is made prior to the hearing date. This court is currently requiring that ex parte notice be given to the other side when a request is made prior to the hearing, in cases with temporary orders in effect and without temporary orders in effect. In addition, it would be helpful if a deadline for submitting a request to reschedule the hearing at least 5 days prior to the court hearing was implemented and specified in the code.</p>	<p>10. This comment is outside the scope of this proposal.</p>
12.	<p>TCPJAC/CEAC Joint Rules Subcommittee (JRS) on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)</p>	AM	<p>Suggested modifications:</p> <p>Forms CH, DV, EA, SV and WV-115</p> <p>1. Section 1a. Add corresponding form name:</p> <p>a. My name (as reflected on the CH, DV, EA, SV or WV-100) is: _____</p> <p>2. Section 2a. Add corresponding form name:</p>	<p>1. The committees appreciate the comment but do not agree that the additional language is needed. It would add more text for litigants to read but does not seem to make it easier to complete this item. Also, the case number serves as a way to identify the parties in the action.</p> <p>2. See response above.</p>

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			<p>a. The other party in this case is (full name as reflected on the CH, DV, EA, SV or WV-100):_____</p> <p>3. Section 3. Change first checkbox to: Yes. A Temporary Restraining Order (Form CH, DV, EA, SV or WV-110) was issued on (date):...</p> <p>Form GV-115</p> <p>4. Section 1a. Add: a. My name (as reflected on the GV-100) is: _____</p> <p>5. Section 2a. Add: a. The other party in this case is (full name as reflected on the GV-100):_____</p> <p>6. Section 4. Change first checkbox to: Yes. A Temporary Restraining Order (Form GV-110) was issued on (date):...</p> <p>7. Forms CH, DV, EA, GV, SV, and WV-116 After Section 1 and 2 add in bold “The court will complete the rest of this form”</p> <p>8. Section 3a. Change: <input type="checkbox"/> The hearing is NOT rescheduled. The court hearing will be remains scheduled on (date):_____</p>	<p>3. The committees did not make this change because the language that is proposed is simpler to understand.</p> <p>4. See response number 1 above.</p> <p>5. See response number 1 above.</p> <p>6. The committees chose to not make this edit to the form. See response 3 above.</p> <p>7. The committees agree and have added this language.</p> <p>8. The committees did not make this change. The existing language was chosen to maintain consistent; language choices that are readable at the lowest reading level possible to convey the meaning. “The request to reschedule the court date is <b>denied</b>. Your court date is:”</p> <p>9. This section allows the court to fill in an expiration date that is different than the date</p>

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			<p>9. Section 4b. Change: The orders listed in form CH, DV, EA, GV, SV or WV-110 issued on (date)_____, expire at the end of the hearing on (date):__ date listed above in 3b.</p> <p>10. Section 4c. Change: ....The new orders expire at the end of the hearing on (date):__ listed above in 3b.</p>	<p>of the next court hearing. This change was requested by courts to provide flexibility. In some situations, the court may set multiple hearings and rather than having to extend the TRO each time, this change allows courts to extend the TRO beyond the next court hearing. The committees have added language so that in the event the expiration date field is left blank the temporary restraining order will expire at the end of the court date listed on the order.</p> <p>10. For a modified TRO the committees propose removing the expiration date as because it will be listed on the new DV-110 that is issued.</p>