

STANISLAUS COUNTY SUPERIOR COURT

http://www.stanct.org/courts/index.html
Street Address: 1100 I Street, Modesto, CA 95353
Mailing Address: P.O. Box 1098, Modesto, CA 95354

Self Help Center: 800 11th Street, Room 220, Modesto, CA 95353 (PROVIDING ASSISTANCE TO PARTIES REPRESENTING THEMSELVES)

Revised 7/2013

REISSUANCE OF TEMPORARY RESTRAINING ORDER PACKET

All documents must be typed or printed legibly per Rules of Court 2.104, in blue or black ink.

This packet includes the necessary forms to file a reissuance of a temporary restraining order.

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, and on the following Websites:

Stanislaus County Superior Court: www.stanct.org

Stanislaus County – Local Forms: www.stanct.org/Forms.zspx?id=3

Judicial Council's Self Help: www.courts.ca.gov/selfhelp.htm
Judicial Council Forms: www.courts.ca.gov/formsrules.htm
Stanislaus County Law Library: www.stanislauslawlibrary.org

Free Interactive Electronic Forms Program: www.icandocs.org/ca/california.html

California's Free Website for Legal Help: www.lawhelpcalifornia.org

Law Libraries, Websites or Self-Help Legal Books: www.courts.ca.gov/1091.htm

REQUIRED FORMS:

- DV-115 Request to Continue Court Hearing and Reissue Temporary Restraining Order
- **DV-116** Notice of New Hearing and Order on Reissuance
- DV-200 Proof of Personal Service

NOTES:

Please attach a copy of the previously filed **Request for Order** (DV-100) and **Temporary Restraining Orders** (DV-110) to the DV-115 when submitting to Court. The restrained party **MUST** be served with the file marked **Request to Continue Court Hearing and Reissue Temporary Restraining Order** (DV-115), **Notice of New Hearing and Order on Reissuance** (DV-116) and a copy of the **Request for Order** and **Temporary Restraining Order** (DV-100 and DV-110).

After the restrained party has been served, you MUST file an DV-200 Proof of Personal Service. Neither the protected person nor any other person named in these orders can serve the papers on the restrained party.

DV-115-INFO How to Ask for a New Hearing Date

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

- You are the **protected party** and are unable to have form <u>DV-109</u>, *Notice of Court Hearing*, and other papers served in time before the hearing date.
- You are the **restrained party** and it is your first time asking the court to continue the hearing and you need time to hire a lawyer to prepare a response.
- You have a good reason for needing a new hearing date (the court may grant a request to continue the hearing on a showing of "good cause").

What does form DV-115 do?

Use form DV-115 to ask the court to "continue" the hearing. If the court continues the hearing and a *Temporary* Restraining Order (form DV-110) was issued, that order will be extended until the end of the new hearing date, unless the court decides to modify or terminate it.

- "Continue" the hearing means to give you a new hearing date.
- "Extend" means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of form DV-115.
- Fill out items (1) through (3) on form <u>DV-116</u>, Order on Request to Continue Hearing.
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to continue the hearing.
- If the judge signed form DV-116, the court will give you a new hearing date. If the judge did NOT sign the form, you should go to the hearing at the date, time, and location that is shown on form DV-109.
- Next, file both forms DV-115 and DV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to court on the hearing date.
- The other party must be served a copy of the court papers as described in item (9) on form DV-116.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use form <u>DV-200</u>, *Proof of Personal Service*. If service was by mail, use form <u>DV-250</u>, *Proof of Service by Mail*. Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk's office before the hearing.
- If the court continues the hearing date and extends the expiration date of the temporary restraining order to the date of the new hearing, the clerk will send the restraining order to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.

Go to the hearing

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

Need help?

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

DV-115 Request to Continue Hearing	Clerk stamps date here when form is filed.
Use this form to ask the court to change the hearing date listed on form DV-109, Notice of Court Hearing. (Read DV-115-INFO, How to Ask for a New Hearing Date, for more information).	
Party Seeking Continuance a. Full Name:	
Your Lawyer (if you have one for this case):	Fill in court name and street address: Superior Court of California, County of STANISLAUS 1100 I STREET
Name: State Bar No.: Firm Name: State Bar No.: b. Your Address (If you have a lawyer, give your lawyer's information. If	P. O. BOX 1098 MODESTO, CA 95353
you do not have a lawyer and want to keep your home address private.	Fill in case number: Case Number:
City: State: Zip: Telephone: Fax: E-Mail Address:	
2 Other Party Full Name:	
Request to Continue Hearing a. I ask the court to continue the hearing currently scheduled for (date):	
 b. I request that the hearing be continued because (<i>check any that apply</i>): (1) I could not get the papers served before the hearing date. 	
 (2) ☐ I am the restrained party, and this is my first request to continue (3) ☐ I need more time to hire a lawyer or prepare for the hearing or tr (4) ☐ Other good cause as stated ☐ below ☐ on Attachment 3b 	ial.

This is not a Court Order.

	Case Number:		
4 Extension of Temporary Restraining Order			
a. A Temporary Restraining Order (Form DV-110) was Please attach a copy of the order if you have one.	s issued on (date):		
b. Notice: If the hearing date is continued, the <i>Temporary Restraining Order</i> (Form DV-110) will remain in effect until the end of the new hearing, unless otherwise ordered by the court.			
I declare under penalty of perjury under the laws of the State of Ca	alifornia that the information above is true and correct.		
Date:			
	•		
Type or print name of	Sign your name		
☐ Lawyer ☐ Party Without Lawyer			

	DV-116 0	rder on Request to Continue Hea	aring Clerk stamps date here when form is filed.	
Сотр	plete items (1), (2), an	ad 3 .		
1	Protected Party:			
2	Restrained Party	:		
3	Party Seeking Co	ontinuance		
	_	ed Party Restrained Party	Fill in court name and street address:	
		have one for this case):	Superior Court of California, County of	
	*	- · · · · · · · · · · · · · · · · · · ·	STANISLAUS	
		State Bar No.:	1100 I STREET P. O. BOX 1098	
	Firm Name:		— MODERTO CA OFOFO	
	, , ,	have a lawyer, give your lawyer's information	• 1)	
	•	yyer and want to keep your home address priva		
	give telephone, fax, or	ent mailing address instead. You do not have to	Fill in case number: Case Number:	
	Address:			
	City:	State: Zip:		
	Telephone:	Fax:	E-Mail Address:	
4	Order on Request for Continuance a. The hearing in this matter is currently scheduled for (date): b. The request for a continuance is DENIED for the reasons set forth below on Attachment 4b.			
The hearing shall be held as currently scheduled above. The <i>Temporary Restraining Order</i> (form DV-110 issued on <i>(date)</i> : remains in full force and effect until the hearing date.				
	c. The request for a continuance is GRANTED as set forth below.			
5	The court hearing or	Continuance and Notice of New Hear in the Request for Domestic Violence Restra ocation shown below:	9	
		Nama	and address of court, if different from above:	
	New > Date:	Time	and address of court, if different from above.	
	Hearing Dent.	Time:		
	Date			
	The extended	1 Temporary Restraining Order (form DV-110)	expires at the end of this hearing.	

This is a Court Order.



<u>6</u>)	Rea	son for the Continuance		
	a. Tl	ne continuance is needed because:		
	(1) \square The person in \bigcirc was not served before the current hearing date.			
	(2) The parties were referred to child custody mediation or child custody recommending counseling.			
	(3) The person in 2 asked for a first continuance of the hearing.		
	(4) The person in (3) asked for more time to hire a lawyer or prepare for the hearing or trial.			
	(5	Other good cause as stated below on Attachment 6a(5).		
	b. [The court finds good cause and orders a continuance in its discretion.		
7	Exte	ension of Temporary Restraining Order		
_	a. [No temporary restraining orders were issued in this case.		
b. Dy granting the request to continue the hearing, the orders listed in <i>Temporary Restraining Order</i> (for DV-110), issued on <i>(date)</i> :, remain in effect until the end of the hearing in 5 .				
c. The Temporary Restraining Order is MODIFIED. A new <i>Temporary Restraining Order</i> (form issued as of this date. The orders remain in effect until the end of the hearing in (5).				
	d. The Temporary Restraining Order is TERMINATED for the reasons stated below on Attachment			
		Other (specific):		
	e	Other (specify):		
	\sim	Warning and Notice to the Party in 2 or c is checked, you must continue to obey the Temporary Restraining Order until ires at the end of the hearing scheduled in 5.		
8		Other Orders (specify):		
	_			
	_			
	-			
	- F	Additional orders are included at the end of this order on Attachment 8.		
	L	This is a Court Order.		

Case Number:

					Case Number:
9	Serv	ice of Orde	r		
	a. No further service of this order is required because both parties were present at the hearing when the ne hearing date was ordered.			present at the hearing when the new	
b. The court granted the protected party's request to continue the hearing date. A copy of this order must served on the restrained party at leastdays before the hearing in 5.					
				s requesting domestic violence restraining aring (at item 5) must also be personally	
			Temporary Res	straining Order (Form DV-110) has been ined party.	modified and must be personally
		(3) A co		porary Restraining Order must NOT be se	erved because the order was terminated
	c. The court granted the restrained party's request to continue the hearing date. A copy of this order must be served on the protected party at least days before the hearing in (5). A copy of the <i>Temporary Restraining Order</i> (form DV-110) must be served if it was modified by the court in item (7).			5 . A copy of the <i>Temporary</i>	
	d. All documents must be personally served unless otherwise specified below.			elow.	
	e. Other (specify):				
10		ee to Serve		order, he or she will do it for free.	
44			shar serves tims	order, he or she will do it for free.	
(11)	If the enforce	ement personi	nel for entry into	rt or its designee will transmit this form we to the California Restraining and Protectivommunications System (CLETS).	•
Date					
		_			Judicial Officer
	Request for Accommodations Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)				
				(Clerk will fill out this part.)	
				—Clerk's Certificate—	
	Clerk [seal	's Certificate	-	this <i>Order On Request to Continue Hearing</i> TS-TRO) is a true and correct copy of the	
	[Beat]	ı	Date:	Clerk, by:	, Deputy
				This is a Court Order.	

DV-200-INFO What Is "Proof of Personal Service"?

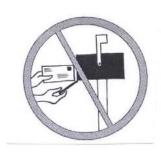
What is "service"?

Service is the act of giving your legal papers to the other party in the case. There are many kinds of service—in person, by mail, and others. This form is about personal, or "in-person," service. The Notice of Court Hearing (form DV-109), Request for Domestic Violence Restraining Order (form DV-100), and Temporary Restraining Order (form DV-110) must be served "in person." That means someone—not you or anyone else protected by the order—must personally "serve" (give) the party to be restrained a copy of the forms. You cannot send them by mail. Service lets the other party know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order *unless* the restrained party knows about the order.
- The *judge cannot make the orders permanent* unless the restrained party was served.



Don't serve it by mail!

Who can serve?

Ask someone you know, a process server, or a law enforcement agency (for example, a sheriff) to personally serve (give) a copy of the orders to the party to be restrained. You *cannot* send the forms to that person by mail.

The server must:

- Be 18 years of age or over
- Not be you or anyone to be protected by the orders

A sheriff can serve the order at no cost to you.

A "registered process server" is a business you pay to deliver court forms. Look for "Process Serving" in the Yellow Pages or on the Internet. (Note: If a law enforcement agency or the process server uses a different proof of service form, make sure it lists the forms served.)

How does the server "serve" the legal papers?

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Ask the person's name.
- Give the person copies of all papers checked on form DV-200, Proof of Personal Service.
- Fill out and sign <u>form DV-200</u>.
- Give the signed form DV-200 to you.

What if the person won't take the papers or tears them up?

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up.



Hey cousin, can you

serve these papers

Yes, because I am

18 years or older

and not involved

in your case.

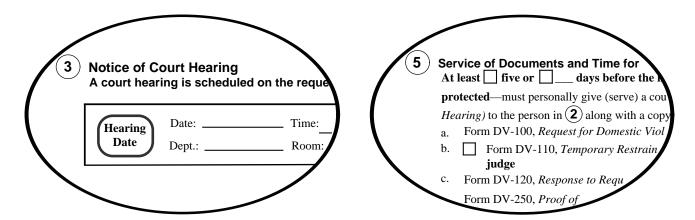
for me?

DV-200-INFO What Is "Proof of Personal Service"?

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on form DV-109:

First, look at the hearing date on page 1. Next, look at the number of days written in item (5) on page 2.



Look at a calendar. Subtract the number of days in item (5) from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is written in item (5), you must have the papers served at least five days before the hearing.

Who signs the Proof of Personal Service?

Only the person who serves the orders can sign the *Proof of Personal Service* (form DV-200). You do not sign it. The person to be restrained does not sign it.

What happens if I cannot get the papers served before the hearing date?

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

You must attach a copy of form DV-115 and DV-116 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained party will be served with notice of the new hearing date. For more information on getting a new hearing date, read form DV-115-INFO, How to Ask for a New Hearing Date.

What do I do with the completed Proof of Personal Service?

Bring a copy of the original *Proof of Personal Service* (form DV-200) to your hearing.

If the sheriff serves the orders, he or she will send the *Proof of Personal Service* to the court and CLETS (California Law Enforcement Telecommunications System), a statewide computer system that lets police know about your order, for you.

If someone other than the sheriff serves the orders, you should:

- If possible, file the original *Proof of Personal Service* (form DV-200) with the court at least two days before your hearing. If you were unable to do so, bring the original *Proof of Personal Service* to your hearing.
- The clerk will send it to CLETS.
- Always keep an extra copy of the restraining orders with you for your safety.

	DV-200 Proof of Personal Service	Clerk stamps date here when form is filed.
1	Name of Party Asking for Protection:	
2	Name of Party to Be Restrained:	
3	Notice to Server The server must: • Be 18 years of age or older. • Not be listed in items 1 or 3 of form DV-100, Request for Domestic Violence Restraining Order. • Give a copy of all documents checked in 4 to the restrained party in 2 (you cannot send them by mail). Then complete and sign this form, and give or mail it to the party in 1.	Fill in court name and street address: Superior Court of California, County of STANISLAUS 1100 I STREET P. O. BOX 1098 MODESTO, CA 95353
4	I gave the party in (2) a copy of all the documents checked:	Court clerk fills in case number when form is filed.
_	a. DV-109 with DV-100 and a blank <u>DV-120</u> (Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank	Coco Number
	Response to Request for Domestic Violence Restraining Order) b. DV-110 (Temporary Restraining Order) c. DV-105 and DV-140 (Request for Child Custody and Visitation Ordet) d. FL-150 with a blank FL-150 (Income and Expense Declaration) e. FL-155 with a blank FL-155 (Financial Statement (Simplified)) f. DV-115 (Request to Continue Hearing) g. DV-116 (Order on Request to Continue Hearing) h. DV-130 (Restraining Order After Hearing) i. Other (specify):	ders, Child Custody and Visitation Order)
5)	I personally gave copies of the documents checked above to the party in 2	on:
\cup	a. Date: b. Time: a.i	n. 🗌 p.m.
	c. At this address:	
	City: State	e: Zip:
6	Server's Information Name:	
	Address:	
	City: State	e: Zip:
	Telephone:	
	County of registration: Registration:	on number
7	I declare under penalty of perjury under the laws of the State of California correct.	
Date	:	
Type	or print server's name Server to sign	ı here