



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 11/2017

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 **Notice of Hearing** (DV-109) 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 a 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.

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 a 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, and the court may enter them 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.

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
STANISLAUS**
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

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.

Case Number:

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

DV-116 Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

Complete items ① and ② only.

① Protected Party: _____

② Restrained Party: _____

_____ The court will complete the rest of 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 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: _____

Fill in court name and street address:

Superior Court of California, County of
STANISLAUS
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

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 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 ④ b 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.

**Order on Request to Continue Hearing
(Temporary Restraining Order) (CLETS-TRO)
(Domestic Violence Prevention)**



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"/> Protected party</p> <p>(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.</p> <p>(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 DV-109, item 6, by (date): _____</p> <p>(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): _____</p> <p>(4) <input type="checkbox"/> The court gives you permission to serve the restrained party as listed on the attached form DV-117.</p> <p>(5) <input type="checkbox"/> Other _____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p>b. <input type="checkbox"/> Restrained party</p> <p>(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.</p> <p>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</p> <p>(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): _____</p> <p>(4) <input type="checkbox"/> Other _____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p>c. <input type="checkbox"/> Court</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 _____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|--|--|---|

This is a Court Order.



Case Number: _____

7 No Fee to Serve

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

8 Other Orders

Date: _____

Judicial Officer



Request for Accommodations

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

Instructions to Clerk

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

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order)* (CLETS-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.

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do I have to serve my legal papers?

Before a judge can grant a domestic violence restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.



What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served to the other party by personal service:

- ▶ [Form DV-109](#);
- ▶ [Form DV-100](#);
- ▶ [Form DV-110](#);
- ▶ [Form DV-120](#) (leave this form blank);
- ▶ [Form DV-120-INFO](#); and
- ▶ [Form DV-250](#) (leave this form blank).

Who can serve?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free. A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- ❶ Before you serve the forms, note which forms you have, including the name of the form and the form number. See [form DV-200](#) for a list of forms.
- ❷ Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- ❸ Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- ❹ Fill out [form DV-200](#) completely and sign.
- ❺ File [form DV-200](#) with the court or give [form DV-200](#) to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign [form DV-200](#). **The person you want restrained does not sign anything.**

Take [form DV-200](#) to the court to file in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides [form DV-200](#). Make sure a copy is filed with the court and that you get a copy.

When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on [form DV-109](#). Follow these steps:

- **Step 1: Look at the court date listed under ③ on page 1.**

③ Notice of Court Hearing
A court hearing is scheduled on

Hearing Date → Date: _____
Dept.: _____

- **Step 2: Look at the number of days written in ⑥ on page 2.**

⑥ Service of Documents by the Person
At least five ___ days before the

- **Step 3: Look at a calendar.** Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. Fill out and file [form DV-115](#) and [form DV-116](#). These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with [form DV-116](#), [form DV-115](#), and the original papers you filed. You should keep a copy of [form DV-115](#), [form DV-116](#), and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read [form DV-115-INFO](#).

What if the other party is avoiding (evading) service?

If you've tried many times to serve the the restrained person, and you can show the judge that the restrained person is avoiding (evading) service, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read [form DV-205-INFO](#), *What if the Person I Want Protection From is Avoiding (Evading) Service?*, for more information.

DV-200 Proof of Personal Service

Clerk stamps date here when form is filed.

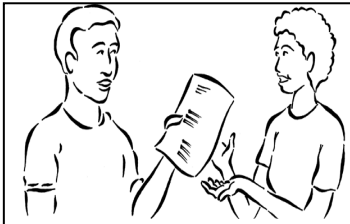
1 Name of Party Asking for Protection:

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 person in ①.

4 I gave the person in ② a copy of all the documents checked:

- DV-109 with DV-100 and a blank DV-120 (*Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order*)
- DV-110 (*Temporary Restraining Order*)
- DV-105 and DV-140 (*Request for Child Custody and Visitation Orders, Child Custody and Visitation Order*)
- FL-150 with a blank FL-150 (*Income and Expense Declaration*)
- FL-155 with a blank FL-155 (*Financial Statement (Simplified)*)
- DV-115 (*Request to Continue Hearing*)
- DV-116 (*Order on Request to Continue Hearing*)
- DV-130 (*Restraining Order After Hearing*)
- Other (*specify*):

5 I personally gave copies of the documents checked above to the party in ② on:

- Date: _____ b. Time: _____ a.m. p.m.
- At this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
(If you are a registered process server):
County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Fill in court name and street address:

Superior Court of California, County of
STANISLAUS
1100 I STREET
P.O. BOX 1098
MODESTO, CA 95353

Court clerk fill in case number when form is filed.

Case Number: