

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

- ÿ 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.
- ÿ You are the **restrained party** and it is your first time asking the court to reschedule your court date.
- ÿ 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:

- ÿ Fill out all of form DV-115.
- ÿ Fill out items (1) through (2) on form DV-116, *Order on Request to Continue Hearing*.
- ÿ 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.
- ÿ 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.
- ÿ 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.
- ÿ 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.
- ÿ 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.
- ÿ File the completed and signed proof of service form with the clerk's office before your court date.
- ÿ 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

- ÿ 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.
- ÿ 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.