

Request to Reschedule Hearing to Change or End Restraining Order

Clerk stamps date here when form is filed.

Instructions

Either party may use this form to ask the court to reschedule the hearing (court date) listed on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*.

1 Your Information

a. Name: _____

b. Who are you in this case?

 Protected party (*skip to 2*). Restrained party (*give your contact information below*).**!** Address where you can receive court papers

(This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

**!** Your contact information (*optional*)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____

E-Mail Address: _____

Your lawyer's information (*if you have one*)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About Your Casea. The other party in this case is (*full name*): _____b. The court date is currently scheduled for (*date*): _____

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: _____**This is not a Court Order.**

**Request to Reschedule Hearing
to Change or End Restraining Order
(Domestic Violence Prevention)**

This is not a Court Order.

- Complete form DV-316, Order to Reschedule Hearing to Change or End Restraining Order (only items 1 and 2). File this form and form DV-316 with the court. A judge will review your forms and decide whether to reschedule your court date.
- If the judge grants your request to reschedule your court date, you must have someone serve a copy of this form, and any other form that the judge ordered you to serve (see form DV-316, item ⑤). Any adult who is not involved in the case can serve your papers. You can also ask the sheriff or marshal to serve your papers and they will do so for free. See form SEB-001, Request for Sheriff to Serve Court Papers. For more information, go to selfhelp.courts.ca.gov/DV-restraining-order/change-serve-request.
- If the judge denies your request to reschedule, you must attend your court hearing (listed on form DV-310). For information on how to prepare for your court date, go to selfhelp.courts.ca.gov/DV-restraining-order/change-end/court.

Your Next Steps

⑤ **Your lawyer's signature (if you have one)** _____
Date: _____

Lawyer's name

_____ **Lawyer's signature**

_____ **Type or print your name**

Date: _____

_____ **Sign your name**

④ **Your signature**

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

③ **Why does your court date need to be rescheduled?**

a. I need more time to have the other party served.

b. Other reason: _____

Case Number: _____

DV-316

Order to Reschedule Hearing to Change or End Restraining Order

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Instructions: Complete ① and ② only. The court will complete the rest of this form.

① **Protected Party:** _____

② **Restrained Party:** _____

③ **Next Court Date**

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

(1) Your court date is: _____

(2) The Restraining Order After Hearing and any temporary orders made on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*, remain in full force and effect.

(3) Your court date is not rescheduled because:

b. **Granted.** The request to reschedule the court date is granted. Your court date is rescheduled for the date and time listed below.

The Restraining Order After Hearing and any temporary orders (form DV-310) stay in effect until the hearing date below or the original expiration date, whichever is later. See ④ – ⑦ for more information.



Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court, if different from above:

This is a Court Order.

Order to Reschedule Hearing to Change or End Restraining Order (CLETS-OAH) (Domestic Violence Prevention)



Order to Reschedule Hearing to Change or End Restraining Order (CLETS-OAH) (Domestic Violence Prevention)

This is a Court Order.

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. Protected party

b. Restrained party

c. Court

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

(1) You do not have to serve the protected party because they were or their lawyer was 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 all forms listed on form DV-310, item 5 by (date): _____

(2) You must have the protected party personally served with a copy of this order and all forms listed on form DV-310, item 5 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): _____

(3) The court has found good cause to allow you to serve the protected party by: _____ (describe service method that is reasonably designed to give protected party actual notice): _____

(4) Other: _____

You must serve a copy this order and all forms listed on form DV-310, item 5 by (date): _____

(3) Other: _____

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

(1) Further notice is not required.

4 Reason Court Date Is Rescheduled

a. The party asking to change or end the restraining order has not served the other party.

b. Other reason: _____

Case Number: _____

Empty box for Case Number

Case Number: _____

6 No Fee to Serve

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form SER-001 Request for Sheriff to Serve Court Papers, and (2) give form SER-001 and a copy of this order to the sheriff.

7 Other Orders

8 Attached Pages (All of the attached pages are part of this order.)

a. Number of pages attached to this three-page form: _____

b. Attachments include forms (check all that apply):

DV-310 DV-820 Other: _____

Judge's Signature

Date: _____

Judge or 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 *Disability Accommodation Request* (form MC-410). (Civil Code section 54.8)

(Clerk will fill out this part.)

Instructions to Clerk: If the court rescheduled the court date and granted temporary orders on item ④ on form DV-310, 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. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order to Reschedule Hearing to Change or End Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

