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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

CIVIL HARASSMENT
REQUEST TO CONTINUE HEARING PACKET

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INSTRUCTIONS FOR REQUESTING TO CONTINUE HEARING ON RESTRAINING ORDER

Protected or restrained persons may request to continue the hearing on restraining order by following the process for the location where the hearing is scheduled as indicated below.

The following forms are required for all requests:

Civil Harassment/Elder Abuse

- **Request to Continue Hearing (JC Form #CH-115/EA-115)**
- **Order on Request to Continue Hearing (JC Form #CH-116/EA-116)**

Parties may request to continue the hearing by either appearing on the day of the hearing or appearing ex parte prior to the scheduled hearing date.

Instructions for Appearing Ex Parte

Central Division

An ex parte hearing may be scheduled by calling (619) 450-7275 and requesting to be transferred to Department 61. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) to the courtroom clerk upon checking-in.

East County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

North County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

South County Division

An ex parte hearing may be scheduled at the counter in the Business Office or by calling (619) 746-6200 the day before the requested hearing date. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) and a declaration of notice and drop them off in the Ex Parte Box no later than 12:00 p.m. the day before the scheduled ex parte hearing.

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

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.

CH-115 Request to Continue Court Hearing

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.

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) ☐ **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: _____

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 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.

CH-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

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 CH-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.

New Court Date → Date: _____ Time: _____ Dept.: _____ Room: _____

Name and address of court, if different from above: _____

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).

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.

c. ☐ Other *(specify)*: _____

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 CH-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) ☐ 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.

Case Number:

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

_____

_____

_____

_____

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-TCH)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

ATTACHMENT - ADDITIONAL PROTECTED PERSONS

SHORT TITLE:	CASE NUMBER:

INSTRUCTIONS FOR USE

This form should be used as an attachment to list additional protected persons on:

☐ **Civil Harassment (Item 3)**
(CH-100; CH-110; CH-130)

☐ **Elder/Dependent Abuse (Item 3)**
(EA-100 (**Item 6**); EA-110; EA-130)

☐ **School Violence (Item 4)**
(SV-100; SV-110; SV-130)

☐ **Workplace Violence (Item 4)**
(WV-100; WV-110; WV-130)

☐ **CLETS (Item 4)**
(CLETS-001)

Additional protected person(s) are:

a. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

b. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

c. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

d. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

e. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

f. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

g. Name:

Sex: **M** ☐ **F** ☐ Age:_____ Lives with you? ☐ Yes ☐ No How is he/she related to you?_____

What Is “Proof of Personal Service”?

What is “Service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Request for Civil Harassment Restraining Orders* (Form CH-100), the *Notice of Court Hearing* (Form CH-109), and the *Temporary Restraining Order* (Form CH-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person 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 that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Don’t serve it by mail!

Who can serve?

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

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court’s orders **for free** if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence, or if you are entitled to a fee waiver**.**

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.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form CH-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

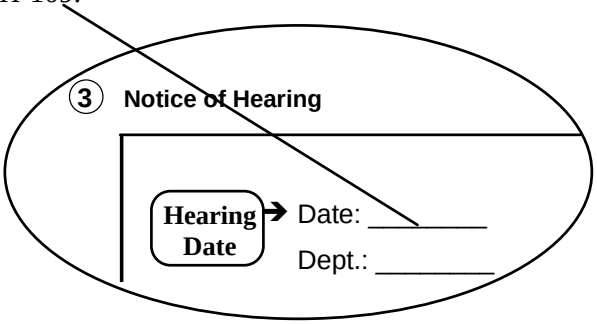
What if the person won’t take the papers or tears them up?

- 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. Service is still complete.

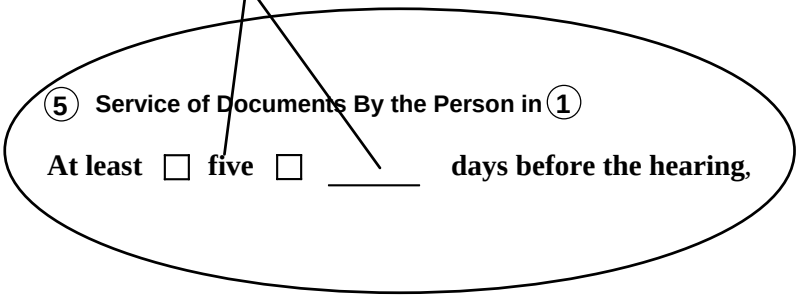
When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form CH-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form CH-109.



Next, look at the number of days in item 5 on page 2 of Form CH-109.



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

If nothing is checked or written in 5, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service?*

Only the person who serves the forms can sign Form CH-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

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

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

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form CH-110) and *Proof of Personal Service* (Form CH-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form CH-116, *Notice of New Hearing Date and Order on Reissuance*, to a copy of your original orders. Ask the clerk to enter Form CH-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

CH-200 Proof of Personal Service

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Person Seeking Protection

Name: _____

2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1 or 3 of Form CH-100.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1.

PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the forms checked below:

a. ☐ CH-109, *Notice of Court Hearing*
b. ☐ CH-110, *Temporary Restraining Order*
c. ☐ CH-100, *Request for Civil Harassment Restraining Orders*
d. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
e. ☐ CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
f. ☐ CH-130, *Civil Harassment Restraining Order After Hearing*
g. ☐ CH-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
h. ☐ Other *(specify):* _____

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

a. On *(date):* _____ b. At *(time):* _____ ☐ a.m. ☐ p.m.

c. 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: _____

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

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