

DV-115(TC)-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 [DV-109\(TC\)](#), *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(TC) do?

Use form [DV-115\(TC\)](#) to ask the court to “continue” the hearing. If the court continues the hearing and a *Temporary Restraining Order* (form [DV-110\(TC\)](#)) 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\(TC\)](#).
- Fill out items ① through ③ on form [DV-116\(TC\)](#), *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\(TC\)](#), 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\(TC\)](#).
- Next, file both forms [DV-115\(TC\)](#) and [DV-116\(TC\)](#) 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\(TC\)](#).
- 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\(TC\)](#), *Proof of Personal Service*. If service was by mail, use form [DV-250\(TC\)](#), *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.