

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR19-28

Title	Action Requested
Family Law: Changes to Continuance Rules and Forms	Review and submit comments by June 10, 2019
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt rule 5.95; amend rules 5.2, 5.94, 5.151, and 5.165; approve forms FL-306/FL-307/FL-308-INFO, FL-308, FL-309, and FL-310; revise forms FL-303 and FL-306; revoke and replace form FL-307	January 1, 2020
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Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes changes to four rules of court and three forms, and the adoption of one new rule of court and two new forms and an information sheet to implement new procedures for rescheduling (continuing) a hearing in family court. The new procedures would (1) respond to the concerns raised by court professionals following the September 1, 2017, publication of the amended rule and revised forms relating to continuing hearings in family court, and (2) specify when a party can and cannot file a request to reschedule a hearing without first notifying and serving the other party.

Background

Effective September 1, 2017, the Judicial Council revoked form FL-306, *Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders* and replaced it with two new forms—an application and an order. The title of new form FL-306 was changed to *Request to Continue Hearing* to harmonize it with other civil forms used to request a continuance to effect service with temporary emergency (ex parte) orders (i.e., *Request to Continue Court*

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Hearing (form DV-116), *Request to Continue Court Hearing* (form WV-115), and *Request to Continue Court Hearing* (form EA-115)).

In addition, form FL-306 was expanded to cover actions filed by the Department of Child Support Services in parentage cases and to allow a party to use the form to ask the court to continue a hearing on a *Request for Order* (form FL-300) (hereafter RFO), order to show cause, or other moving papers without temporary emergency orders “*to allow time for service on the other party before the hearing*” (emphasis added).¹

Rule 5.94(f) and forms FL-306 and *Order on Request to Continue Hearing* (form FL-307) cover requests to continue a hearing in limited circumstances. They allow a party to request that the court continue a hearing when the other parties in the case have not been served with notice of the hearing. In this situation, under rule 5.94, the moving party is not required to provide notice to the other party before seeking an order to continue the hearing. Rule 5.94 also allows responding parties who have been served to use form FL-306 to request a continuance of a hearing involving temporary emergency orders, as permitted by Family Code section 245. However, the rule does not address how notice to the other party is to be provided.

When the title of the mandatory form was changed to *Request to Continue Hearing*, effective September 1, 2017, courts observed that parties and attorneys started using form FL-306 to ask to continue a hearing date in all cases, including when the other party had actually been served with notice of the hearing.

There are no statewide rules of court or forms that cover procedures for family law continuances other than as provided by rule 5.94(f). The procedure for all other continuances is governed by local court rules. Local procedures generally require that the party asking to continue the hearing provide notice of the request to the other parties and serve copies of the request. This allows the other parties the opportunity to be heard on the request to continue the hearing before the court makes an order.

The changes proposed to rule 5.94 and other forms would address the issue of when notice is required on the other party before asking the court to continue a hearing and provide a method for the other party to respond to the request before the court considers the request. A new information sheet would also educate parties about using and responding to a request to continue a hearing using form FL-306 or form FL-307, and generally describe other procedures to reschedule a hearing in family court.

The charts in Attachment A to this proposal illustrate the procedures for rescheduling a hearing in family court. The charts are for informational purposes only, and are not part of the rules or forms proposed for adoption.

¹ Judicial Council of Cal., Adv. Com. rep., *Family Law: Request to Continue Hearing and Declaration Regarding Notice of Request for Temporary Emergency Orders* (Apr. 28, 2017), p. 3, <https://jcc.legistar.com/View.ashx?M=F&ID=5165106&GUID=7C168ED1-5D9D-47F5-A816-B9A99F2CAB4C>.

The Proposal

Rules

Rule 5.2. Division title; definitions; application of rules and laws

Rule 5.2 would be amended to include a new item 11 to provide that “reschedule the hearing” means the same as “continue the hearing.” The change generally reflects the committee’s proposal to use the term “reschedule” to replace “continue” or “continuance” throughout the rules and forms in this proposal. This change would respond to comments from court professionals and organizations that assist self-represented litigants that the term “continue” is often misunderstood and should be clarified so that a party understands that the hearing will not proceed (continue) as scheduled, but will be reset to a future date.

Rule 5.94. Order shortening time; other filing requirements; request to continue hearing

The committee proposes extensive changes to the rescheduling procedures in rule 5.94(f). For this reason, the committee proposes striking subdivision (f) and placing the rescheduling rules under proposed new rule 5.95. To reflect the change, the title of rule 5.94 would be changed to *Order shortening time; other filing requirements; failure to serve request for order*.

Rule 5.95. Request to reschedule hearing

The proposed new rule would organize the requirements for rescheduling a hearing under subdivisions that highlight the reason for the request. For example, subdivisions (a) through (d) would be titled as follows:

- (a) Reschedule a hearing because the other party was not served
- (b) Written agreements (stipulations) to reschedule a hearing
- (c) Reschedule a hearing after the other party was served with the Request for Order or other moving papers
- (d) Reschedule a hearing to attend mediation or child custody recommending counseling

Reorganizing the rules as noted above would help the parties understand the procedures that apply in each situation and the forms and information sheets associated with those procedures.

A significant proposed change to the rescheduling rule would be reflected in subdivisions (a) and (c). Under (a)(2)(B), the rule would allow the court to delegate to the court clerk the authority to reschedule a hearing on the party’s written request if the RFO did not involve temporary emergency orders or if the party asking to reschedule does not request a change to any temporary emergency (ex parte) orders that were initially granted with the RFO. If temporary emergency orders are involved, the expiration date of the temporary emergency (ex parte) orders would be extended to the date of the new hearing. This change would increase court efficiencies by eliminating the requirement for judicial officers to review and sign the request.

As noted in the Alternatives Considered (below) comments are requested about another issue in subdivision (a) regarding whether the rule should reference deadlines for serving a request for order.

In addition, current rule 5.94(f)(5)(A)(i) provides that the party asking for the continuance should submit *Request to Continue Hearing* (form FL-306) to the court no later than five court days before the hearing date set on the RFO, order to show cause, or other moving papers. The committee seeks input about whether this provision should be included in proposed new rule 5.95(a)(1). For example, has it been helpful for the rule to provide a suggestion or best practice with regard to a deadline for submitting a written request to reschedule a hearing?

Proposed rule 5.95(c) would clarify that a party may not file a request to reschedule a hearing without first notifying and serving the other party with the request. In addition, the rule would require that the party file with the request to reschedule the hearing a declaration demonstrating when and how notice and service was completed.

Further, proposed rule 5.95 would specify that the process for notice and service on the other party would follow the same procedure for when a party requests temporary emergency (ex parte) orders under rules 5.151 through 5.165. For example, the party would have to obtain a court date for when the party will submit the request to reschedule papers to the court (or when the court will have a hearing on the request to reschedule). Then, the party would have to notify the other party by 10 a.m. the day before the date obtained from the court and serve the papers on the other party.

The proposed amendments would also prompt the party to refer to their court's local rules and procedures when proceeding under rule 5.95(c). This would acknowledge that courts differ as to how these filings are processed. For example, as previously noted, some courts set a hearing on the request to reschedule and others process the request on paper without a hearing.

Rules 5.151 and 5.165

These rules would be amended to incorporate the term “reschedule” and refer to new rule 5.95. In addition, subdivision (a) of rule 5.165 (Requirements for notice) would be amended to provide:

(a) Method of notice

Notice of appearance at a hearing to request emergency orders may be given personally, by telephone, ~~in writing~~, voicemail, fax transmission, electronic means, overnight mail, or other overnight carrier.

As illustrated above, the rule would be amended to clarify that “in writing” means that notice may be given by voicemail, fax transmission, or overnight mail or other overnight carrier. These proposed amendments would align the rule to the current methods of notice listed in form

FL-303. In addition, the committee proposes adding “electronic means” to these methods, which could include notice to the other party by e-mail.

Revised Forms

Request to Continue Hearing (form FL-306)

The committee proposes changing this form as follows:

- The title would be changed to *Request to Reschedule Hearing*.
- All references to “continue” or “continuance” would be replaced with “reschedule,” as previously noted.
- The content would be distributed under these headings: “Case Information,” “Request,” “Reason for Rescheduling,” “Special Procedures May Apply,” and “Proposed Order Required.”
- The form would include a reference to a new information sheet about how to reschedule a hearing in family court.
- The form would allow the party to request that the court reschedule the hearing after a certain date and specify dates that the party is not available.

Order on Request to Continue Hearing (form FL-307)

This form would be renumbered from FL-307 to FL-309. The form number FL-307 would be reassigned to a proposed new form, *Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Order*, as described below. The renumbered order form would be revised to include a space for the court to order the parties to attend child custody mediation or child custody recommending counseling.

Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders (form FL-303)

Item 2 of this form would be revised to provide check boxes for a party to check if the party seeks to reschedule a hearing with or without temporary emergency (ex parte) orders. Item 3a(2) would be reformatted and a new check box would be added for a party to specify if notice was given electronically to the other party. Item 4 would be revised to add check boxes for the forms a party would need to have served on the other party before filing the request to reschedule.

New forms

How to Reschedule a Hearing in Family Court (form FL-306/FL-307/FL-308-INFO)

The proposed new form would provide general information to the parties involved in a proceeding to reschedule a hearing. The form would reflect the requirements of proposed new rule 5.95, provide references to specific rules of court and how to find the rules, and include references to resources for parties who have questions about the process or wish to seek legal advice.

Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Orders (form FL-307)

The committee proposes a new form for a party to use to reschedule a hearing when the court has issued temporary emergency (ex parte) orders with a *Request for Order* (form FL-300). The form would include procedures specific to actions involving temporary emergency orders. For example, Family Code section 245 specifies that a party responding to temporary emergency orders for property restraint (under Family Code sections 2045 or 4620) is entitled to continue the hearing one time as a matter of course. The entitlement is limited to these types of cases and the form would clarify this point in “Reason for Rescheduling.” Specifically, item 7c would provide:

The hearing needs to be rescheduled because: [¶] ... [¶] as the responding party to a request for temporary emergency (ex parte) orders for property restraint, I am entitled as a matter of course to have the court reschedule the hearing one time for a reasonable period to respond to the request. *(This reason is only available if you checked item 5b above.)*

The form would also specify that if the court grants the request to reschedule the hearing, the expiration date of the emergency orders would be extended to the end of the new hearing. Having this separate form would eliminate confusion for parties whose case does not involve emergency orders.

Agreement and Order to Reschedule Hearing (form FL-308)

This proposed optional form would provide parties with a form to serve as their stipulation if the court does not provide a local form for agreements. As with *Order on Request to Reschedule Hearing* (form FL-309), the court order section of form FL-308 would include a space for the court to order the parties to attend child custody mediation or recommending counseling. It would be limited to cases in which a party is only seeking to reschedule the hearing to a new date or, if applicable, extend the expiration date of a temporary emergency (ex parte) order. Parties who want to agree to reschedule the hearing as well as modify temporary emergency (ex parte) orders would be required to draft their own agreement for the court to sign.

Responsive Declaration to Request to Reschedule Hearing (form FL-310)

This proposed optional form would help implement the new procedures specified in rule 5.95 and the information sheet. Including this form in the proposal would likely encourage the other party to file and serve a response, thereby providing information for the judicial officer to consider before making an order on the request to reschedule the hearing.

Alternatives Considered

Timing of proposal

The Family and Juvenile Law Advisory Committee considered whether to circulate the proposal in the winter 2018 comment cycle or the spring 2019 cycle. The committee decided not to circulate a proposal in the previous cycle to allow time for committee members to undertake a comprehensive review of rule 5.94 and its associated forms before responding to the concerns

raised by court professionals following the September 1, 2017, publication of the amended rule and revised forms.

The committee also considered proposing interim technical changes to the forms used to continue a hearing in family court. The committee did not pursue this option, as this would have required courts to incur additional costs to produce copies over three consecutive forms publication cycles. Instead, the committee directed staff to provide technical assistance to the courts about form FL-306 and concurrently work with committee members to draft a proposal to circulate for comment in a future cycle.

Comments requested about proposed rule 5.95(a)

With respect to subdivision (a) of rule 5.95, the committee seeks specific comment about the opening paragraph, and whether reference should be made about deadlines for serving the RFO.

The committee considered the two options shown in the rule below:

(a) Reschedule a hearing because the other party was not served

If a *Request for Order* (form FL-300) (with or without temporary emergency (ex parte) orders), order to show cause, or other moving paper is not served on the other party and the requesting party still wishes to proceed with the hearing,

[Option 1] the party must ask the court to reschedule the hearing date.

[Option 2] the party must ask the court to reschedule the hearing date by the deadline described in rule 5.92 or as ordered by the court.

Although option 2 is included in the proposed rule, the committee considered this a close call and requests that commenters specifically weigh in on which option they think best. The committee was not certain if referencing deadlines in other rules of court would provide clarity or cause confusion for parties and attorneys who wish to request that the court reschedule a request for order.

Comments requested about proposed rule 5.95(c)

As previously noted, existing rule 5.94(f)(5)(A)(i) provides that the party asking for the continuance should submit *Request to Continue Hearing* (form FL-306) to the court no later than five court days before the hearing date set on the RFO, order to show cause, or other moving papers. The committee seeks input from the courts about including this provision in rule 5.95 subdivision (c). Although the rule includes this proposed language, this was a close call for the committee. There are no statutes in the Family Code that specify or suggest a deadline for submitting a request to reschedule a regular hearing; however, Family Code section 211 does allow the Judicial Council to provide by rule for the practice and procedure in proceedings under the Family Code.² The committee would like to know if it has been helpful for the rule to

² Family Code section 211 provides: Notwithstanding any other provision of law, the Judicial Council may provide by rule for the practice and procedure in proceedings under this code.

provide a suggestion or best practice with regard to a deadline for submitting a written request to reschedule a hearing.

Comments requested about item 10 in forms FL-306 and FL-307

As previously noted, the committee seeks comment about whether proposed rule 5.95 should continue to include a provision that the party submit the request and other documents to the court no later than five days before the hearing date on the RFO. This provision would also be included in forms FL-306 and FL-307. For the same reasons previously noted, the committee seeks input about whether the forms should include this language.

Fiscal and Operational Impacts

The committee anticipates that this proposal will result in some costs incurred by the courts to revise forms and add them to the case management system, train court staff about the new and amended rules and the new and revised forms included in this proposal, and possibly revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts in the long term by clarifying procedures.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are other changes to the rules and forms needed for the proposal to address the stated purpose?
- **Specific comments about rule 5.95**

a. *Rule 5.95(a)*. Please indicate if opening paragraph of rule 5.95(a) should end with the language in Option 1 or Option 2 (below). Please explain your answer.

Rule 5.95(a) would provide: If a Request for Order (form FL-300) (with or without temporary emergency (ex parte) orders, order to show cause, or other moving paper is not served on the other party and the requesting party still wishes to proceed with the hearing,...

[*Option 1*] the party must ask the court reschedule the hearing date.

[*Option 2*] the party must ask the court to reschedule the hearing date by the deadline described in rule 5.92 or as ordered by the court.

b. *Rule 5.95(c)(1)(A)(iv)*. Should the rule maintain the language that is in the current rule at 5.94(f)(5)(A)(i)? Has it been helpful for the rule to provide a suggestion or best practice with regard to a deadline for submitting a written request to reschedule a hearing?

,
Rule 5.95(c)(1)(A)(iv) would provide: The party should submit the forms in (iii) to the court no later than five court days before the hearing date set on the request for order, order to show cause, or other moving paper.

- **Specific comments about forms**

a. *Form FL-306*. Should item 10 on the form be included to specify that the party should submit the documents in item 9 to the court no later than five court days before the hearing date set on the request for order, order to show cause, or other moving paper? Please explain your answer.

b. *Form FL-306/FL-307/FL-308-INFO*. Should this form include the current requirements for submitting the request to reschedule no later than five court days before the hearing date set on the request for order, order to show cause, or other moving paper? Please explain your answer.

c. *Form FL-307*. Should item 10 on this form be included to specify that the party should submit the documents in item 9 to the court no later than five court days before the hearing date set on the request for order, order to show cause, or other moving paper? Please explain your answer.

The advisory committee [or other proponent] also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Rules 5.2, 5.94, 5.95, 5.151, 5.155, at pages 11–19
2. Forms FL-303, FL-306, FL-306/FL-307/FL-308-INFO, FL-307, FL-308, FL-309, FL-310, at pages 20–33
3. Attachment A: Procedural flow charts

Rule 5.95 of the California Rules of Court would be adopted and rules 5.2, 5.94, 5.151, and 5.165 would be amended, effective January 1, 2020, to read:

1 **Rule 5.2. Division title; definitions; application of rules and laws**

2
3 (a) * * *

4
5 (b) **Definitions and use of terms**

6
7 As used in this division, unless the context or subject matter otherwise requires, the
8 following definitions apply:

9
10 (1)–(10) * * *

11
12 (11) “Reschedule the hearing” means the same as “continue the hearing” under the
13 Family Code.

14
15 (c)–(g) * * *

16
17
18 **Rule 5.94. Order shortening time; other filing requirements; ~~request to continue~~**
19 **hearing failure to serve request for order**

20
21 (a)–(d) * * *

22
23 (e) **Failure to ~~timely~~ serve request for order**

24
25 The *Request for Order* (form FL-300) or other moving papers such as an order to
26 show cause, along with any temporary emergency (ex parte) orders, will expire on
27 the date and time of the scheduled hearing if the requesting party fails to:

28
29 (1) Have the other party ~~timely~~ served before the hearing with the *Request for*
30 *Order* (form FL-300) or other moving papers, such as an order to show
31 cause; supporting documents; and any temporary emergency (ex parte)
32 orders; or

33
34 (2) Obtain a court order to ~~continue~~ reschedule the hearing.

35
36 (f) **~~Procedures to request continued hearing date~~**

37
38 (1) ~~If a *Request for Order* (form FL-300), order to show cause, or other moving~~
39 ~~paper is not timely served on the other party before the date of the hearing,~~
40 ~~and the party requesting the order wishes to proceed with the request, he or~~
41 ~~she must ask the court to continue the hearing date.~~

- 1 (2) ~~On a showing of good cause or on its own motion, the court may:~~
2
3 (A) ~~Continue the hearing and set a new date; and~~
4
5 (B) ~~Modify or terminate any temporary emergency (ex parte) orders~~
6 ~~initially granted with the *Request for Order*, order to show cause, or~~
7 ~~other moving paper.~~
8
9 (3) ~~If the court grants a continuance and makes no change to the temporary~~
10 ~~emergency (ex parte) orders, those orders are extended until the time of the~~
11 ~~continued hearing or to another date specified by the court.~~
12
13 (4) ~~The party served with a *Request for Order* (form FL-300), order to show~~
14 ~~cause, or other moving paper that includes temporary emergency (ex parte)~~
15 ~~orders:~~
16
17 (A) ~~Is entitled to one continuance as a matter of course for a reasonable~~
18 ~~period of time to respond. A second or subsequent request by the~~
19 ~~responding party to continue the hearing must be supported by facts~~
20 ~~showing good cause for the continuance;~~
21
22 (B) ~~May ask the court to continue the hearing by using *Request to Continue*~~
23 ~~*Hearing* (form FL-306); and~~
24
25 (C) ~~Must file and serve a *Responsive Declaration to Request for Order*~~
26 ~~(form FL-320) before the date of the new hearing, as required by law or~~
27 ~~described in *Order on Request to Continue Hearing* (form FL-307).~~
28
29 (5) ~~The following procedures apply to either party's request to continue the~~
30 ~~hearing:~~
31
32 (A) ~~The party asking for the continuance must complete and submit an~~
33 ~~original *Request to Continue Hearing* (form FL-306) with two copies~~
34 ~~for the court to review, as follows:~~
35
36 (i) ~~The form should be submitted to the court no later than five court~~
37 ~~days before the hearing date set on the *Request for Order*, order~~
38 ~~to show cause, or other moving papers.~~
39
40 (ii) ~~The party may present the form to the court on the date of the~~
41 ~~hearing.~~
42

1 (iii) The party who, on the date of the hearing, makes an oral request
2 to the court to continue the hearing, is not required to complete
3 form FL-306, but must complete and submit an *Order on Request*
4 *to Continue Hearing* (form FL-307) if the court grants the
5 request.
6

7 (B) Along with form FL-306, the party asking for the continuance must
8 submit to the court an *Order on Request to Continue Hearing* (form
9 FL-307) with the caption and initial items completed as described on
10 the form.
11

12 (C) After the court signs and files form FL-307, a filed copy must be served
13 on the other party as follows, unless the court orders otherwise:
14

15 (i) If the continuance is granted, an *Order on Request to Continue*
16 *Hearing* (form FL-307) must be attached as the cover page and
17 served, along with the *Request for Order* (form FL-300) or other
18 moving papers such as an order to show cause and any temporary
19 emergency (ex parte) orders and supporting documents.
20

21 (ii) If the court grants the responding party's request for a
22 continuance, and the party who asked for the order was absent
23 when the continuance was granted, then an *Order on Request to*
24 *Continue Hearing* (form FL-307) must be attached as the cover
25 page to any documents the court orders served on that party.
26

27 (iii) Service must be in the manner required by rule 5.92 or as ordered
28 by the court.
29

30 (D) If the *Order on Request to Continue Hearing* (form FL-307), *Request*
31 *for Order* (FL-300) or order to show cause, original or modified
32 temporary emergency (ex parte) order, and supporting documents are
33 not timely served on the other party, and the requesting party wishes to
34 proceed with the hearing, he or she must repeat the procedures in this
35 rule unless the opposing party agrees to waive notice and proceed with
36 the hearing.
37
38

1 **Rule 5.95. Request to reschedule hearing**

2
3 **(a) Reschedule a hearing because the other party was not served**

4
5 If a Request for Order (form FL-300) (with or without temporary emergency (ex
6 parte) orders), order to show cause, or other moving paper is not served on the
7 other party and the requesting party still wishes to proceed with the hearing,
8 the party must ask the court to reschedule the hearing date by the deadline
9 described in rule 5.92 or as ordered by the court.

10
11 (1) To request that the court reschedule the hearing to serve papers on the other
12 party, the party must take one of the following actions:

13
14 (A) Before the date of the hearing

15
16 (i) The party must complete and file with the court a written
17 request and a proposed order. The following forms may be
18 used for this purpose: Request to Reschedule Hearing (form
19 FL-306) or Request to Reschedule Hearing Involving
20 Temporary Emergency (Ex Parte) Orders (form FL-307),
21 whichever form is appropriate for the case, and Order on
22 Request to Reschedule Hearing (form FL-309); or

23
24 (ii) The party should submit the request to the court no later than
25 five days before the hearing set on the request for order, order
26 to show cause, or other moving papers.

27
28 (B) On the date of the hearing

29
30 Appear and orally ask the court to reschedule the hearing. The party is
31 not required to file a written request but must complete and submit a
32 proposed order to the court. Order on Request to Reschedule Hearing
33 (form FL-309) may be used for this purpose.

34
35 (2) The court may do any of the following:

36
37 (A) Grant or deny the request to reschedule the hearing.

38
39 (B) Delegate to the court clerk the authority to reschedule the hearing if:

40
41 (i) The request to reschedule the hearing is required to allow more
42 time to serve the other party with notice of the hearing; and
43

1 (ii) The party asking to reschedule the hearing does not request a
2 change to the temporary emergency (ex parte) orders issued with
3 the Request for Order (form FL-300).
4

5 (3) If the court reschedules the hearing:
6

7 (A) If applicable, on a showing of good cause, the court may modify or
8 terminate any temporary emergency (ex parte) orders initially granted
9 with the request for order, order to show cause, or other moving paper.
10

11 (B) The order (for example, Order on Request to Reschedule Hearing
12 (form FL-309)) must be served on the other party in the case, along
13 with the Request for Order (form FL-300) or other moving papers such
14 as an order to show cause, any temporary emergency (ex parte) orders,
15 and supporting documents.
16

17 (C) If the other party has not been served with the papers in (B) after the
18 court granted the request to reschedule, the party must repeat the
19 procedures in this rule, unless the court orders otherwise.
20

21 (b) **Written agreements (stipulations) to reschedule a hearing**
22

23 The court may order that the hearing date of a Request for Order (FL-300), order to
24 show cause, or other moving paper be rescheduled based on a written agreement
25 (stipulation) between the parties and/or their attorneys.
26

27 (1) The parties may complete Agreement and Order to Reschedule Hearing
28 (form FL-308) for this purpose.
29

30 (2) The parties may agree to reschedule the hearing to a date that must be
31 provided by the court clerk. Parties should follow the court's local rules and
32 procedures for obtaining a new hearing date.
33

34 (3) If temporary emergency orders are in effect, those orders will remain in
35 effect until after the end of the new hearing date, unless modified by the
36 court.
37

38 (4) The court must approve and sign the agreement to make it a court order.
39

40 (5) The court may limit the number of times that parties can agree to reschedule
41 a hearing.
42

1 (c) **Reschedule a hearing after the other party was served with the request for**
2 **order or other moving papers**
3

4 The procedures in this section apply when a *Request for Order* (form FL-300) was
5 served on the other party as described in rule 5.92 or as ordered by the court and
6 either party seeks to reschedule the hearing date, and the parties are not able to
7 reach an agreement about rescheduling the hearing.
8

9 (1) To request that the hearing be rescheduled, either party must submit a written
10 request to reschedule before the hearing as described below in (A) or appear
11 in court on the date of the hearing and orally ask the court to reschedule, as
12 described below in (B):
13

14 (A) *Before the date of the hearing*
15

16 (i) The party wishing to reschedule the hearing must complete a
17 written request and a proposed order. The following forms may
18 be used for this purpose: *Request to Reschedule Hearing* (form
19 FL-306) or *Request to Reschedule Hearing Involving Temporary*
20 *Emergency (Ex Parte) Orders* (form FL-307), whichever form is
21 appropriate for the case, and *Order on Request to Reschedule*
22 *Hearing* (form FL-309).
23

24 (ii) The party must first notify and serve the other party. Notice and
25 service to the other party of the documents in (A) must be
26 completed as required by rules 5.151 through 5.169.
27

28 (iii) The party must file or submit to the court the forms in (i), along
29 with a declaration describing how the other party was notified of
30 the request to reschedule and served the documents. *Declaration*
31 *Regarding Notice and Service of Request for Temporary*
32 *Emergency (Ex Parte) Orders* (form FL-303), a local form, or a
33 declaration that contains the same information as form FL-303
34 may be used for this purpose.
35

36 (iv) The party should submit the forms in (iii) to the court no later
37 than five court days before the hearing date set on the request for
38 order, order to show cause, or other moving papers.
39

40 (v) The party responding to a written request to reschedule may file
41 and serve a responsive declaration to the request to reschedule
42 before the court considers the written request. *Responsive*
43

1 Declaration to Request to Reschedule Hearing (form FL-310)
2 may be used for this purpose.

3
4 (B) On the date of the hearing

5
6 The party wishing to reschedule the hearing may appear in court and
7 orally ask to reschedule the hearing. The party is not required to file a
8 written request but must complete and submit a proposed order to the
9 court. Order on Request to Reschedule Hearing (form FL-309) may be
10 used for this purpose.

11
12 (2) The court may do any of the following:

13
14 (A) Grant the request to reschedule the hearing on a showing of good cause
15 or as required by law.

16
17 (B) Deny the request to reschedule absent a showing of good cause.

18
19 (C) Modify or terminate any temporary emergency (ex parte) orders
20 initially granted with the request for order, order to show cause, or
21 other moving paper.

22
23 (d) **Reschedule a hearing to attend mediation or child custody recommending**
24 **counseling**

25
26 (1) When parties need to reschedule a hearing relating to child custody and
27 visitation (parenting time) because they have been unable to attend the family
28 court services appointment, they should follow their local court rules and
29 procedures for requesting and obtaining an order to reschedule the hearing.

30
31 (2) If the local court has no local rules and procedures for rescheduling hearings
32 under (1), the parties may:

33
34 (A) Complete and file a written agreement (stipulation) for the court to sign
35 as described in (b) of this rule; or

36
37 (B) Follow the procedures in (c) to ask for a court order to reschedule the
38 hearing.

1 **Rule 5.151. Request for temporary emergency (ex parte) orders; application;**
2 **required documents**

3
4 (a) * * *

5
6 (b) **Purpose**

7
8 The purpose of a request for emergency orders is to address matters that cannot be
9 heard on the court's regular hearing calendar. In this type of proceeding, notice to
10 the other party is shorter than in other proceedings. Notice to the other party can
11 also be waived under exceptional and other circumstances as provided in these
12 rules. The process is used to request that the court:

13
14 (1)-(2) * * *

15
16 (3) Make orders about procedural matters, including the following:

17
18 (A) Setting a date for a hearing on the matter that is sooner than that of a
19 regular hearing (granting an order shortening time for hearing);

20
21 (B) Shortening or extending the time required for the moving party to serve
22 the other party with the notice of the hearing and supporting papers
23 (grant an order shortening time for service); and

24
25 (C) ~~Continuing~~Rescheduling a hearing or trial.

26
27 (c) **Required documents**

28
29 (1) Request for order

30
31 A request for emergency orders must be in writing and must include all of the
32 following completed documents:

33
34 ~~(1)~~(A) *Request for Order* (form FL-300) that identifies the relief
35 requested.

36
37 ~~(2)~~(B) When relevant to the relief requested, a current *Income and*
38 *Expense Declaration* (form FL-150) or *Financial Statement*
39 *(Simplified)* (form FL-155) and *Property Declaration* (form FL-160).

40
41 ~~(3)~~(C) *Temporary Emergency (Ex Parte) Orders* (form FL-305) to serve
42 as the proposed temporary order.

43

1 ~~(4)~~(D) A written declaration regarding notice of application for
2 emergency orders based on personal knowledge. *Declaration*
3 *Regarding Notice and Service of Request for Temporary Emergency*
4 *(Ex Parte) Orders* (form FL-303), a local court form, or a declaration
5 that contains the same information as form FL-303 may be used for this
6 purpose.

7
8 ~~(5)~~(E) A memorandum of points and authorities only if required by the
9 court.

10
11 (2) *Request to reschedule hearing*

12
13 A request to reschedule a hearing must comply with the requirements of rule
14 5.95.

15
16 (d)–(e) * * *

17
18 **Rule 5.165. Requirements for notice**

19
20 (a) **Method of notice**

21
22 Notice of appearance at a hearing to request emergency orders may be given
23 personally, by telephone, ~~in writing~~, voicemail, fax transmission, electronic means,
24 or overnight mail or other overnight carrier.

25
26 (b)–(c) * * *

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY Draft not approved by the Judicial Council 2/20/2019
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
DECLARATION REGARDING NOTICE AND SERVICE OF REQUEST FOR TEMPORARAY EMERGENCY (EX PARTE) ORDERS	CASE NUMBER:

NOTICE: Do not use this form to ask for domestic violence restraining orders. Before completing this form, read your court's local procedures for requesting temporary emergency orders and obtaining the information needed to complete item 2 of this form. Courts may grant temporary emergency orders with or without an emergency hearing. Find local rules at courts.ca.gov/3027.htm.

1. I am (specify) attorney for petitioner respondent other parent/party
 not a party in the case (name and title/relationship to party):

2. I did did not give notice that (complete a and b):
 a. there will be an emergency court hearing papers will be submitted to the court
 b. On the request for temporary emergency (ex parte) orders to reschedule a hearing
 to reschedule a hearing involving temporary emergency (ex parte) orders.

on the date, time, and location indicated below:

Date:	Time:	Dept.:	Room:
Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **NOTICE** (If you gave notice, complete item 3a. If you did not give notice, complete item 3b or 3c.)

a. I gave notice as described in items (1) through (5) below:

(1) I gave notice to (select all that apply)

- | | |
|--|---|
| <input type="checkbox"/> petitioner. | <input type="checkbox"/> petitioner's attorney. |
| <input type="checkbox"/> respondent. | <input type="checkbox"/> respondent's attorney. |
| <input type="checkbox"/> other parent/party. | <input type="checkbox"/> other parent's/party's attorney. |
| <input type="checkbox"/> child's attorney. | <input type="checkbox"/> Other (specify): |

(2) I gave notice on (date): _____ at _____ a.m. _____ p.m. as follows:

- | | |
|---|----------------------------------|
| <input type="checkbox"/> personally | at (location): _____, California |
| <input type="checkbox"/> by telephone | telephone no.: _____ |
| <input type="checkbox"/> by fax | fax no.: _____ |
| <input type="checkbox"/> by voicemail | voicemail no.: _____ |
| <input type="checkbox"/> By electronic service (if permitted) (specify electronic service address of person): _____ | |
| <input type="checkbox"/> by overnight mail or other overnight carrier. | |

(3) I gave notice (select one):

- by 10 a.m. the court day before this emergency hearing.
 after 10 a.m. the court day before this emergency hearing because of the following exceptional circumstances (specify):

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3> <h2 style="margin: 0;">4-01-2019</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
REQUEST TO RESCHEDULE HEARING	CASE NUMBER:

Notice: Read *How to Reschedule a Hearing in Family Court* (form FL-306/FL-307/FL-308-INFO) before you complete this form.

Notice: Do not use this form to ask to change the date of a domestic violence restraining order hearing. For more information, read [form DV-115-INFO](#), *How to Ask for a New Hearing Date*.

CASE INFORMATION

1. Name of person asking to reschedule the hearing (specify):
 - a. I am the party who filed the *Request for Order* or *Order to Show Cause* in item 2.
 - b. I am the party who is responding to the *Request for Order* or *Order to Show Cause* in item 2.
2. I ask that the court reschedule (continue) the hearing date for the (select one)
 - a. *Request for Order*.
 - b. *Order to Show Cause* for Contempt Seek Work.
 - c. Other (specify):
3. The item in 2 was filed on (date):
4. The hearing is currently set for (date):
5. The court did not issue temporary emergency (ex parte) orders with the item in 2.

REQUEST

6. I request that the hearing be rescheduled as follows:
 - a. After (specify date):
 - b. Dates I am not available (specify below):
 - c. Other (specify):

REASON FOR RESCHEDULING

7. The hearing needs to be rescheduled because (select all that apply):
 - a. the papers were not served before the hearing date.
 - b. the parties need to attend child custody mediation or child custody recommending counseling before the hearing.
 - c. other good cause as stated below on Attachment 7(c)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

SPECIAL PROCEDURES MAY APPLY

The procedures in items 8 and 9 apply only if the documents in item 2 were served on the parties.

- 8. Unless the court determines that there are exceptional circumstances, the other parties must first be:
 - a. Notified that you are going to ask the court to reschedule the hearing; and
 - b. Served with copies of the request to reschedule at the first reasonable opportunity.
- 9. You must then submit to the court a proof of the notice and service in items 8a and 8b, along with the request to reschedule. You may use *Declaration Regarding Notice and Service of Temporary Emergency (Ex Parte) Orders* (form FL-303) to comply with the proof of notice and service.
- 10. You should submit the documents in item 9 to the court no later than five court days before the hearing date set on the request for order, order to show cause, or other moving paper.

PROPOSED ORDER REQUIRED

11. I have submitted a proposed order on request to reschedule hearing. (*Order on Request to Reschedule Hearing* (form FL-309) may be used for this purpose.)

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

Date:

(TYPE OR PRINT NAME)



SIGNATURE

FL-306/FL-307/FL-308-INFO How to Reschedule a Hearing in Family Court**1 General Information**

This form provides information about how to obtain a court order to reschedule a hearing in family court. This information sheet may not cover everything you need to know about rescheduling a hearing in your court. To learn more:

- Find a lawyer through your local bar association, the State Bar of California at calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529. For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact the family law facilitator or self-help center for information and assistance, and referrals to local legal services providers. Go to www.courts.ca.gov/selfhelp-courtresources.htm.
- Read California Rules of Court, rules 5.92 through 5.95 for the procedures to reschedule a hearing.
- Read rules of court, rules 5.151 to 5.169 for the procedures to notify and serve the other party with a *Request to Reschedule*.

You can get find these rules at any courthouse or county law library or online at www.courts.ca.gov/rules.

2 Written agreement (stipulation) to reschedule a hearing

The judge in your family court case may order that the hearing date be rescheduled based on an agreement (stipulation) between the parties or their attorneys.

You may use *Agreement and Order to Reschedule Hearing* (form FL-308) if you do not want to change temporary emergency orders. You may use a local form approved by the court, or write your own agreement.

You must follow your court's local procedures to obtain the new hearing date from the court clerk.

Important! If the court has issued temporary emergency orders and those orders are in effect, the parties could further agree that those emergency orders will remain in effect until the end of the new hearing. A draft of a new temporary order with new end dates may have to be given to the court for the judge to sign with your agreement.

When the parties have signed the agreement, you can present it to the court on the day of the hearing, but it is best if you can file it at least five days before that date, so the judge doesn't have to read your file multiple times.

Some courts may limit the number of times the parties can agree to rescheduling a hearing. Check your local court rules before submitting your written agreement.

For information about how to write up your agreement, get it approved by the court, and filed in your case, see www.courts.ca.gov/selfhelp-agreeFL, speak with an attorney, or get help at your court's self-help center or Office of the Family Law Facilitator.

If you and the other party do not have an agreement, the party who wants to reschedule the hearing must file papers to ask for a court order, such as form FL-306 or form FL-307.

3 When to use *Request to Reschedule Hearing* (form FL-306)

You may use this form to ask to reschedule the hearing if the request for order or order to show cause you want to reschedule:

- Does *not* include temporary emergency (ex parte) orders;
- Was not served on the other parties; or
- Was served on the other parties and there is a good reason why the hearing should be changed to a new date. See **6** for other requirements.

Form FL-306 may also be used to reschedule a hearing to be able to meet with a child custody mediator or recommending counselor before the hearing.

If this situation applies to you, ask your mediator or child custody recommending counselor for information.

Most courts have local procedures and forms for rescheduling a hearing but will accept form FL-306 or your agreement to reschedule the hearing.

Do not use form FL-306 to ask to change the date of a domestic violence restraining order hearing. For more information, read *How to Ask for a New Hearing Date* ([form DV-115-INFO](http://www.courts.ca.gov/selfhelp-dv115-info)).

4 When to use *Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Orders* (form FL-307)

You may use form FL-307 to ask to reschedule the hearing if the request for order or order to show cause you want to reschedule:

- Includes temporary emergency (ex parte) orders.
- Was not served on the other parties.
- Was served on the other parties and there is a good reason why the hearing should be changed to a new date. See 6 for other requirements.

Form FL-307 may also be used to reschedule a hearing to be able to meet with a child custody mediator or recommending counselor before the hearing.

If this situation applies to you, ask your mediator or child custody recommending counselor for information. Most courts have local procedures and forms for rescheduling, but will accept form FL-307 or your agreement to reschedule the hearing.

Do not use form FL-307 to ask to change the date of a domestic violence restraining order hearing. For more information, read *How to Ask for a New Hearing Date* (form [DV-115-INFO](#)).

5 What if I need to reschedule a hearing because the Request for Order or Order to Show Cause was not served on the other party?

Before the date of the hearing, complete and file with the court a written request to reschedule the hearing and a proposed order.

Another option is to appear in court on the date of the hearing and ask the court to reschedule the hearing. In this case, the party is not required to file a written request but must complete and submit a proposed order to the court. *Order on Request to Reschedule Hearing* (form FL-309) may be used for this purpose.

6 What if I need to reschedule the hearing for a good reason and the other party was already served with the Request for Order or Order to Show Cause?

Complete a written request and a proposed order.

You may use form FL-306 or FL-307, whichever form applies to your case, and *Order on Request for Hearing* (form FL-309).

- **Follow your court's local rules** to obtain a date for the court to consider your request to reschedule the hearing. Find your court's local rules online at www.courts.ca.gov/3027.htm. You will need to give this information to the other party.

Important! Some courts will set a court hearing for the judge to consider the request to reschedule.

Other courts do not have a hearing, but will make an order based on the papers submitted to the court clerk. Before you complete any forms, it is important that you know how your court handles requests to reschedule a hearing.

- **Notify and serve the other party.**
The other party must be given notice of the request to reschedule the hearing and given a copy of the documents at the first reasonable opportunity before the court can consider the request. You may also include a blank *Responsive Declaration of Request to Reschedule Hearing* (form FL-310).
- **Submit the written request and order to the court.**
Important! When you submit the request and order you must also submit to the court proof that the party was notified and served with the documents. You may use *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303), a local court form, or a declaration that contains the same information as form FL-303.

- *Follow your court's procedure for obtaining the court order on your written request.*

Make an oral request on the date of hearing.

Another option is to appear in court on the date of the hearing and ask the court to reschedule the hearing. In this case, the party is not required to file a written request but must complete and submit a proposed order to the court. *Order on Request to Reschedule Hearing* (form FL-309) may be used for this purpose.

7 What do I do after the court makes the order?

You must have the other party served with the order and other documents. For example:

- Order to reschedule hearing (for example, form FL-309);
- A filed *Request for Order* (form FL-300) or other moving papers;
- Any temporary emergency (ex parte) orders; and
- Other papers that the court requires you to serve.

Prepare for your hearing. Find more information online at www.courts.ca.gov/1094.htm.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3> <h3 style="margin: 0;">4/01/2019</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
REQUEST TO RESCHEDULE HEARING INVOLVING TEMPORARY EMERGENCY (EX PARTE) ORDERS	CASE NUMBER:

Notice: Read *How to Reschedule a Hearing in Family Court* (form FL-306/FL-307/FL-308-INFO) before you complete this form.

Notice: Do not use this form to ask to change the date of a domestic violence restraining order hearing. For more information, read [form DV-115-INFO](#), *How to Ask for a New Hearing Date*.

CASE INFORMATION

1. Name of person asking to reschedule the hearing (*specify*):
 - a. I am the party who filed the *Request for Order* or *Order to Show Cause* in item 2.
 - b. I am the party who is responding to the *Request for Order* or *Order to Show Cause* in item 2.
2. I ask that the court reschedule (continue) the hearing date for the (*select one*)
 - a. *Request for Order*.
 - b. *Order to Show Cause for* Contempt Seek Work.
 - c. Other (*specify*):
3. The item in 2 was filed on (*date*):
4. The hearing is currently set for (*date*):
5. The court issued temporary emergency (ex parte) orders with item 2 relating to (*specify*):
 - a. Child custody or visitation (parenting time).
 - b. Property restraint orders under Family Code section 2045 or 4620.
 - c. Other (*specify*):
- d. **Notice: If the court grants the request to reschedule the hearing, the expiration date of any temporary emergency (ex parte) orders will be extended to the end of the new hearing, unless otherwise ordered by the court.**

REQUEST

6. I request that the hearing be rescheduled as follows:
 - a. After (*specify date*):
 - b. Dates I am not available (*specify below*):
 - c. Other (*specify*):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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REASON FOR RESCHEDULING

7. The hearing needs to be rescheduled because *(select all that apply)*:
- a. the papers were not served before the hearing date.
 - b. the parties need to attend child custody mediation or child custody recommending counseling before the hearing.
 - c. as the responding party to a request for temporary emergency (ex parte) orders for property restraint, I am entitled as a matter of course to have the court reschedule the hearing one time for a reasonable period to respond to the request. *(This reason is only available if you checked item 5b above.)*
 - d. other good cause as stated below [in Attachment 7\(d\)](#)

SPECIAL PROCEDURES MAY APPLY

The procedures in items 8 and 9 apply only if the documents in item 2 were served on the parties.

8. Unless the court determines that there are exceptional circumstances, the other parties must first be:
- a. Notified that you are going to ask the court to reschedule the hearing; and
 - b. Served with copies of the request to reschedule at the first reasonable opportunity.
9. You must then submit to the court a proof of the notice and service in 8a and 8b, along with the request to reschedule. You may use *Declaration Regarding Notice and Service of Temporary Emergency (Ex Parte) Orders* (form FL-303) to comply with the proof of notice and service.
10. You should submit the documents in item 9 to the court no later than five court days before the hearing date set on the request for order, order to show cause, or other moving paper.

PROPOSED ORDER REQUIRED

11. I have submitted a proposed order on request to reschedule hearing. *(Note: Order on Request to Reschedule Hearing (form FL-309) may be used for this purpose.)*

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

Date:

(TYPE OR PRINT NAME)

 _____
SIGNATURE

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i> <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3> <h3 style="margin: 0;">2/20/2019</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
AGREEMENT AND ORDER TO RESCHEDULE HEARING	CASE NUMBER:

The parties signing below agree to the following:

1. The hearing currently scheduled for (date): _____ will be rescheduled (continued).
2. The name of the party who filed the *Request for Order, Order to Show Cause*, or other matter is:
3. The agreement includes does not include extending temporary emergency (ex parte) orders previously issued.
4. The rescheduled hearing date will be set on after (specify date): _____
5. Each party declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 See attachment 5 for additional signatures.

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF OTHER PARENT/PARTY)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR (SPECIFY): _____)

THE COURT ORDERS

The court will complete the rest of this form

6. The court hearing is rescheduled (continued) to the date, time, and location shown below:

New Hearing Date: _____ Time: _____ Dept.: _____ Room: _____

Address of court: Same as noted above Other (specify): _____

The parties must attend an appointment for child custody mediation or recommending counseling as follows (specify date, time, and location): _____

7. Temporary emergency (ex parte) orders (select a or b):

- a. There are no temporary emergency (ex parte) orders.
- b. The temporary emergency (ex parte) orders previously issued remain in effect until
 - (1) the end of the new hearing in item.
 - (2) (date): _____

Date: _____ ▶ _____
JUDICIAL OFFICER

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3> <h2 style="margin: 0;">2-20-2019</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
ORDER ON REQUEST TO RESCHEDULE HEARING	CASE NUMBER:

Party must complete items 1, 2, 3, and 4.

1. The hearing is currently scheduled for (date):
2. Name of party who filed the Request for Order, Order to Show Cause, or other matter is (specify):
3. Name of party asking to reschedule the hearing is (specify):
4. The request includes does not include temporary emergency (ex parte) orders previously issued.

The court will complete the rest of this form.

5. **Order denying request to reschedule hearing**

The request to reschedule the hearing is DENIED for the reasons specified below on Attachment 5.

6. **Order granting request to reschedule hearing and notice of new hearing**

a. The court hearing is rescheduled to the date, time, and location shown below:

New Hearing Date:	Time:	Dept.:	Room:
Address of court: <input type="checkbox"/> Same as noted above <input type="checkbox"/> Other (specify):			
<input type="checkbox"/> The parties must attend an appointment for child custody mediation or recommending counseling as follows: (specify date, time, and location):			

- b. By granting the request, any temporary emergency (ex parte) orders previously issued remain in effect until
- (1) the end of the new hearing in item 6a.
 - (2) (date):

7. **Reason for rescheduling**

a. The hearing needs to be rescheduled because:

- (1) the papers were not served before the current hearing date.
- (2) the parties were referred to child custody recommending counseling before the hearing.
- (3) this is the responding party's first request to reschedule in a case involving property restraint emergency orders.
- (4) other good cause as stated below on Attachment 7a4.

b. The court in its discretion finds good cause and reschedules the hearing.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

8. Temporary emergency (ex parte) orders

- a. The temporary emergency (ex parte) orders are MODIFIED as of this date. The new orders are stated in the attached
- (1) *Request for Order* (form FL-300)
 - (2) *Temporary Emergency (Ex Parte) Orders* (form FL-305)
 - (3) *Order to Show Cause* Contempt Seek Work Other (*specify*):
 - (4) other (*specify*):
- b. The temporary emergency (ex parte) orders are TERMINATED for the reasons stated on Attachment 8b
 in this section:

9. Service of order

- a. No further service is required. Both parties were present at the hearing when the court made this order.
- b. The documents listed in item 10 must be served by (*date*): _____ on (*specify*)
- (1) petitioner/plaintiff.
 - (2) respondent/defendant.
 - (3) other parent/party.
 - (4) other (*specify*):
- c. All documents must be served as follows:
- (1) Personally served
 - (2) Served by mail
 - (3) Other (*specify*):
- d. Other orders regarding service (*specify*):

10. Documents for service

A filed copy of this order (form FL-309) must be served along with the following papers:

- a. a copy of the previously filed *Request for Order*, *Order to Show Cause*, or other moving paper
- b. a copy of the extended or modified *Temporary Emergency (Ex Parte) Orders* (form FL-305).
- c. other (*specify*):

11. A *Responsive Declaration to Request for Order* ([form FL-320](#)) must be filed and served on or before (*date*):

12. Other orders:

Date:



 JUDICIAL OFFICER

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="font-size: 24pt; font-weight: bold; text-align: center;"><i>DRAFT</i></p> <p style="font-size: 24pt; font-weight: bold; text-align: center;"><i>Not approved by the Judicial Council 2/20/2019</i></p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:		
RESPONSIVE DECLARATION TO REQUEST TO RESCHEDULE HEARING		CASE NUMBER:

Notice: Read *How to Reschedule a Hearing in Family Court* (form FL-306/FL-307/FL-308-INFO) before you complete this form.

INFORMATION ABOUT THE HEARING

1. The person asking to reschedule the hearing is (name):
2. The hearing is currently set for (date):
3. The request to reschedule includes does not include temporary emergency (ex parte) orders previously issued.

RESPONSE TO REQUEST TO RESCHEDULE HEARING

4. I (select a or b):
 - a. consent to an order to reschedule the hearing.
 request that the hearing date be rescheduled as follows:
 - (1) after (specify date):
 - (2) Dates I am not available (specify below):
 - (3) Other (specify):
 - b. do not consent to an order to reschedule the hearing for the following reasons (specify):

Attachment 4b

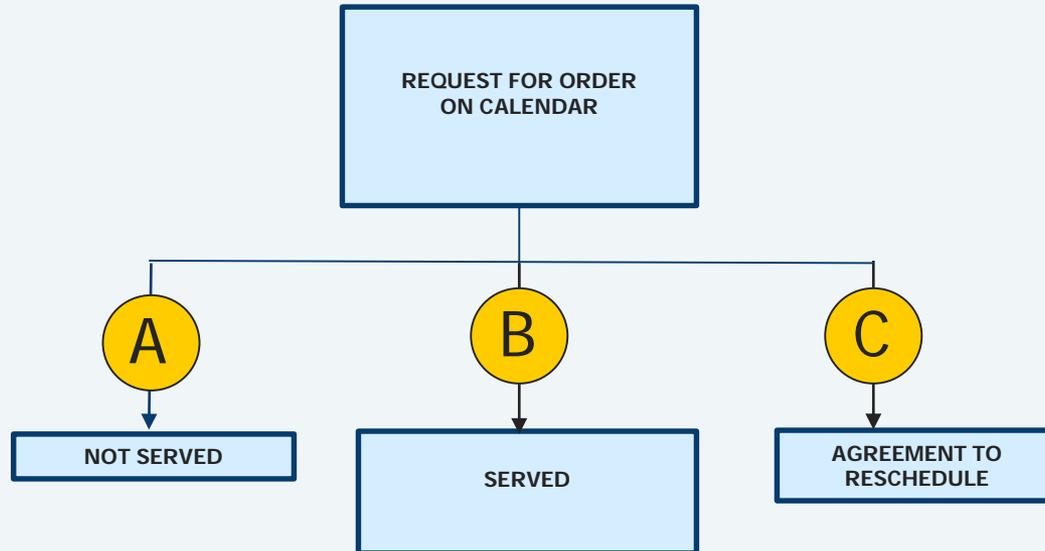
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

SIGNATURE

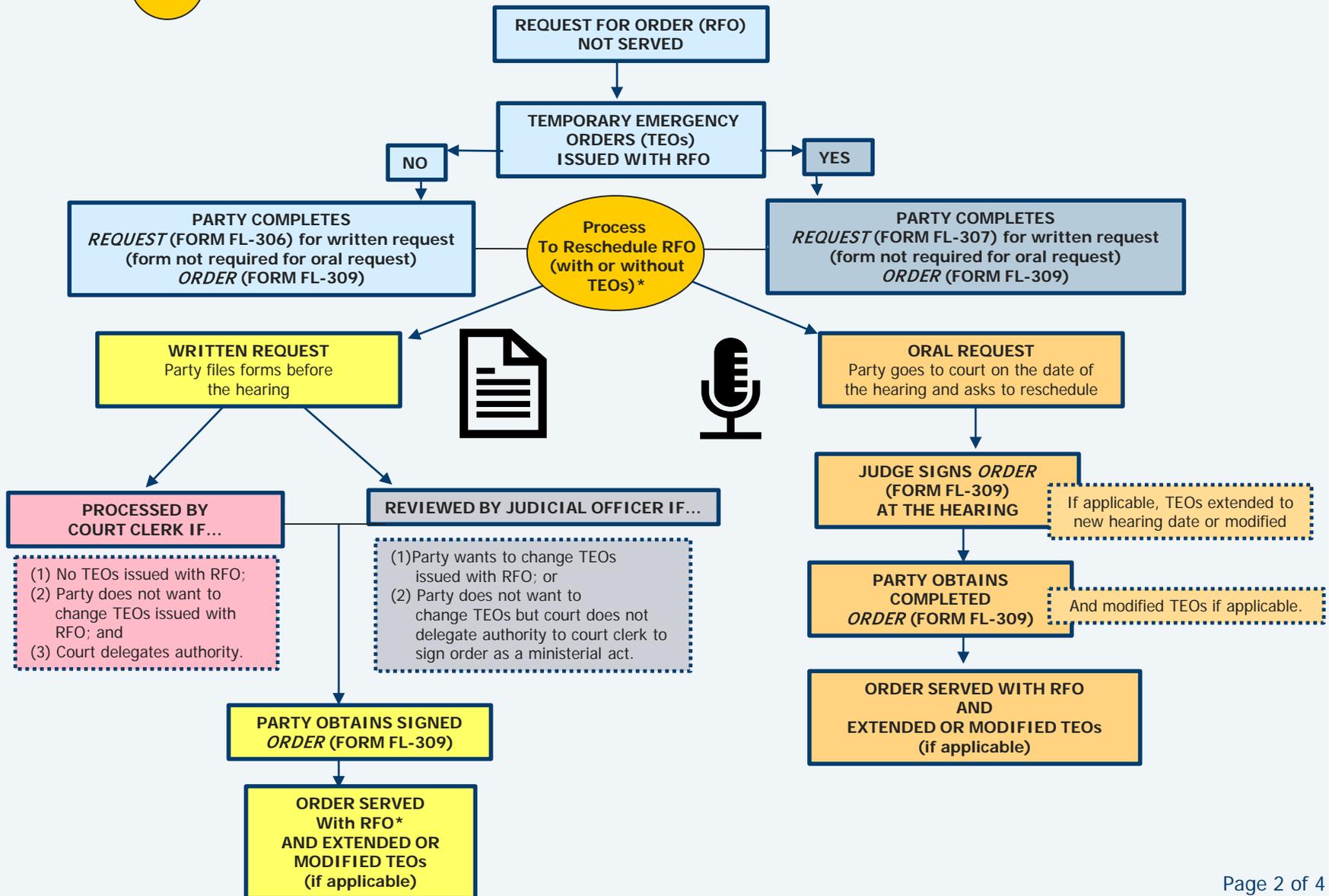
Procedures to Ask the Court to Reschedule a Hearing Overview



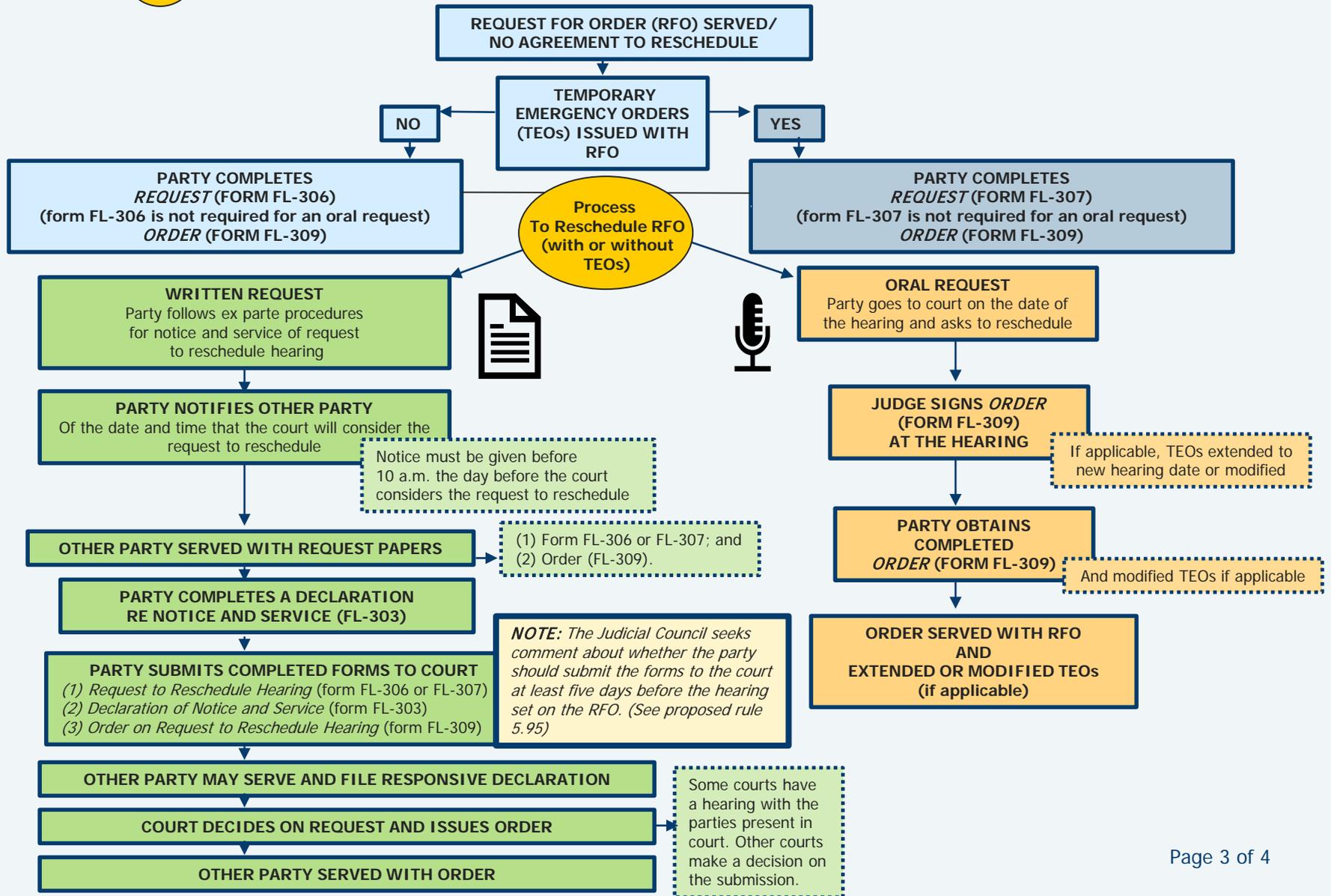
The charts in **A** and **B** on pages 2 and 3 of this attachment show:

- (1) A party can ask to reschedule the hearing either *in writing* before the date of the hearing or *orally* on the date of the hearing.
- (2) If the request is made in writing before the hearing, the party may use form FL-306 or FL-307 depending on whether temporary emergency orders are involved.
- (3) The process for obtaining the order either in writing or orally.

A Rescheduling a Request for Order: Not Served



B Rescheduling a Request for Order: Served/No agreement



C Rescheduling a Request for Order: Agreement

