SV-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 petitioner and are unable to have *Notice of Court Hearing* (form SV-109) and other papers served in time before your court date.
- You are the respondent and are 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 SV-115 do?

Use *Request to Continue Hearing* (form SV-115) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form SV-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 SV-115.
- Fill out items 1 through 2 on *Order on Request to Continue Hearing* (form SV-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 SV-116, the court will give you a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location that is on form SV-109.
- Next, file both forms SV-115 and SV-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 with a copy of the court papers as described in item 6 on form SV-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 SV-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 petitioner and you do not go to your court date, the TRO will expire at the end of your new court date.
- If you are the respondent and you do not go to your court date, the court can still make orders against you that can last for up to three years.

5 Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

For your protection and privacy, please press the Clear button after you have printed the form.

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