



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 26, 2012

Title	Agenda Item Type
Protective Orders: Notice of New Hearing and Order on Reissuance	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms DV-115-INFO and DV-116	January 1, 2013
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 10, 2012
Hon. Kimberly J. Nystrom-Geist, Cochair Hon. Dean T. Stout, Cochair	Contact Tamara Abrams, 415-865-7712, tamara.abrams@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising two forms used in Domestic Violence Prevention Act cases to reduce court workload, enhance the forms' clarity, and promote public safety.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2013:

1. Revise *Notice of New Hearing and Order on Reissuance* (form DV-116) to:
 - a. Add "CLETS-TRO" to the footer to clarify that the form's data must be entered into the California Law Enforcement Telecommunications System so that law enforcement officers are notified when the court extends the restraining order's duration, and also remove "CLETS" from the header as it is unnecessary in that location;

- b. Add the current hearing date to item 3 to clarify that a hearing was previously scheduled in the case;
- c. Change the words “in this court on this new date” in item 4 to “as follows” to reduce confusion when the continued hearing is set in another court;
- d. Modify item 5 by:
 - Adding “Continue” to the item’s heading to more accurately reflect the court’s order that the hearing date is being continued;
 - Replacing the word “reissue” with the phrase “keep . . . in effect” to acknowledge that the court may have reissued the order or continued the hearing;
 - Adding two subitems to item 5b to specify whether the original restraining order is being modified in any way other than the expiration date and to specify the issue date of the restraining order if it is not being modified; and
 - Requiring that the restraining order be attached only if anything other than its expiration date has been modified;
- e. Eliminate unnecessary text in the Warning and Notice section and add a box around the entire section;
- f. Eliminate the expiration date as a separate item number since this is referenced in other parts of the form (i.e., item 5b(1)–(2) and the Warning and Notice);
- g. Modify item 6 (item 7 on the current form) by:
 - Eliminating the check box for service on the protected person; and
 - Clarifying that form DV-116, the *Temporary Restraining Order* (form DV-110) if reissued or modified, and the application along with any attachments and all other required documents must be personally served on the restrained person unless otherwise specified;
 - Adding a check box for “other” to allow flexibility in ordering service of process in, for example, those rare instances when the order must be served on the protected person; and

2. Revise *How to Ask for a New Hearing Date* (form DV-115-INFO) to update a cross-reference to item 7c of the current DV-116 to a reference to item 6 of the revised DV-116.

The revised forms are attached at pages 6–9.

Previous Council Action

The Judicial Council initially adopted forms DV-116 and DV-115-INFO effective January 1, 2012.

Rationale for Recommendation

Form DV-116 is used by courts to reissue Domestic Violence Prevention Act (DVPA) temporary restraining orders and continue hearings for specified reasons. Shortly after form DV-116 went into effect, two courts reported that wording on the form was being interpreted as a new requirement to locate, photocopy, and attach the existing temporary restraining order (TRO) to

form DV-116. The proposed revision to item 5, requiring attachment of the TRO only if it is modified at the hearing, directly responds to the courts' workload concerns.

Other revisions to form DV-116 eliminate potential confusion:

- Between the continued hearing and hearings in other cases (item 3);
- Over the location of the hearing when the hearing is set in a different court (item 4); and
- Over service requirements (item 6) since the circumstances in which the protected person needs to be served are rare.

However, the changed requirement in item 5 to attach the TRO only when it is modified will not prevent courts that routinely attach the restraining order, whether the original version or the modified version, from continuing their local practice.

The addition of “(CLETS-TRO)” to the footer of form DV-116 will enhance public safety by making clear that law enforcement must be made aware of the extension of a TRO's duration.

The revisions to form DV-116 necessitate a minor technical revision to form DV-115-INFO to update a cross-reference.

Comments, Alternatives Considered, and Policy Implications

The invitation to comment on the proposal was circulated from April 17, 2012, through June 15, 2012, to the standard mailing list for family and juvenile law proposals as well as to the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, other family and juvenile law professionals, law enforcement officers and domestic violence legal advocates. A total of 14 comments were received: Six commentators agreed with the proposal, 6 agreed while suggesting modifications, and 2 did not indicate a position.¹

Comments

Five commentators, over one-third of the total number of commentators, objected on public safety grounds to the proposed elimination of the requirement to attach the reissued temporary restraining order to form DV-116. In their view, litigants will submit form DV-116 to law enforcement without the underlying restraining order unless the court provides it. The committee carefully considered this safety concern and agrees that it is a best practice for courts to attach a copy of the reissued temporary restraining order to form DV-116. However, the committee is cognizant of the dire staffing situation faced by many courts due to the budget crisis. The committee is aware that some courts simply do not have sufficient staff to locate the original paper TRO in the file, photocopy it, and replace it in the file. The committee notes that the reissuance form that was in existence in 2011 (prior to the adoption of new form DV-116 effective January 1, 2012) provided no information about whether to attach the reissued

¹ A chart providing the full text of the comments and the committee responses is attached at pages 10—21.

restraining order. Thus, the current recommendation returns the form to the prior status quo on this issue. Furthermore, each petitioner is provided with file-stamped copies of all forms, including the temporary restraining order (if issued), the application, and the initial notice of court hearing when the hearing date is first set.

The committee believes that the text added to item 6, alerting the protected person that form DV-116 must be personally served along with the restraining order (if reissued or modified) and all papers requesting the restraining order, may ameliorate commentators' public safety concerns. The protected person will be alerted that copies of all forms previously filed with the court must be located and served on the respondent.

One commentator was initially opposed to the proposal due to a concern that replacing the old form with a new form in existing restraining order forms packets would increase staff workload. However, on further reflection, the commentator noted that the revised form would be in a different discrete forms packet and therefore the revisions would not increase staff workload.

The committee carefully considered the court workload considerations presented by the proposed revisions and sought additional feedback from the Presiding Judges and Court Executives Joint Rules Working Group (Joint Rules Working Group). The members of the Joint Rules Working Group noted that, in their experience, many courts print only the number of forms expected to be needed for about six months of use—so most courts will not incur an additional cost to replace old forms with new forms in existing packets; the courts will simply print the new forms for packets. The committee understands that some courts may incur a one-time cost to replace the revised form in forms packets. However, the cost to locate the underlying restraining order, photocopy it, and replace it in the file would be ongoing for other courts.

Most commentators approved of the other proposed revisions to form DV-116 and noted that they improve the form's clarity, flexibility, and functionality. Because the revision to form DV-115-INFO is only a technical change necessitated by the revisions to form DV-116, form DV-115-INFO was not circulated for public comment.

Alternatives considered and policy implications

Option 1: The committee considered taking no action, but the increased court workload experienced by some courts after the form went into effect on January 1, 2012 persuaded the committee that the recommended revisions to eliminate the increased workload were necessary and desirable.

Option 2: The committee considered a delayed effective date to provide sufficient time for courts to use up any existing stocks of forms packets before being required to replace the revised forms in the packets. The committee was persuaded against this course of action because the revised forms are not in the main restraining order packets; they are in separate forms packets handed out only when litigants are unable to have an original notice of court hearing timely served. Further, most courts print a fairly limited number of forms at each printing so many courts do not have

large stocks of forms in storage. Finally, a delayed effective date would do nothing to ameliorate the increased workload experienced by some courts as described in this report.

Option 3: The committee considered and now recommends the revisions as outlined and for the reasons discussed above in the recommendation and rationale for recommendation.

Implementation Requirements, Costs, and Operational Impacts

Courts will incur photocopying and related costs to print the new forms and, depending on court procedures, to replace the old versions of the forms with the new versions in restraining order forms packets.

Workload will be decreased for courts that interpret the original, January 1, 2012 version of form DV-116 as containing a new requirement to attach the reissued temporary restraining order. Workload will not be affected for courts that routinely attach the temporary restraining order, whether modified or reissued.

Relevant Strategic Plan Goals and Operational Plan Objectives

These recommendations serve Goal I: Access, Fairness, and Diversity because the revised form will more clearly indicate if the underlying restraining order was modified and which forms must be personally served on the opposing party.

The proposed form revisions also serve Goal IV: Quality of Justice and Service to the Public by reducing the time and expense of court proceedings by requiring that the temporary restraining order be attached to form DV-116 only if the restraining order was modified. Courts that routinely attach the restraining order, whether the original version or the modified version, could continue their local practice.

Attachments

1. Forms DV-116 and DV-115-INFO, at pages 6–9
2. Chart of public comments and responses, at pages 10–21

Clerk stamps date here when form is filed.

DRAFT Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

2 Name of Person to Be Restrained:

(Court will fill out all sections below.)

3 Reason for New Hearing Date

The hearing currently scheduled for (date): is reset to the date in 4 below because:

- a. The person in 2 was not served before the current hearing date.
b. The parties were referred to Family Court Services.
c. The person in 2 asked for time to hire a lawyer or prepare a response.
d. Other (specify):

Three horizontal lines for specifying other reasons.

4 Order for Continuance and Notice of New Hearing

The Notice of Court Hearing (Form DV-109) is reset for hearing as follows:

Form with fields for New Hearing Date (Date, Time, Dept., Room) and Name and address of court if different from above.

This is a Court Order.

5 Temporary Restraining Order (Reissue and/or Continue)

- a. No temporary restraining orders were issued in this case.
- b. The request to keep temporary restraining orders in effect until the new hearing date is:
 - (1) **GRANTED.** There are no changes to the Temporary Restraining Order except for the expiration date. Any orders listed on the *Temporary Restraining Order* (Form DV-110), issued on (date): _____, remain in effect until the end of the hearing in **4**.
 - (2) **GRANTED AS MODIFIED.** The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in **4**.
- c. The request to keep temporary restraining orders in effect is **DENIED** until the hearing.
Reason for denial:

Warning and Notice to the Person in 2

If 5 b is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in 4.

6 Service of Order

- a. No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b. A copy of this Order must be served on the person in **2** at least _____ days before the hearing, along with all other forms that were filed with the court requesting domestic violence restraining orders and a hearing date. All forms must be personally served unless otherwise specified in **6 c**. If item **5 b** is checked, a copy of the Temporary Restraining Order **must** also be served. If item **5 c** is checked, a copy of the Temporary Restraining Order must **not** be attached or served.

See Form DV-109, *Notice of Court Hearing*, item **5**, for a list of all documents that must be personally served with this Order.
- c. Other (specify): _____

This is a Court Order.

7 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

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 <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Notice of New Hearing and Order on Reissuance* (CLETS-TRO) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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

You may need to ask for a new hearing date

If you are unable to have Form DV-109 (*Notice of Court Hearing*) and other papers served in time before the hearing date, use Form DV-115, *Request to Continue Court Hearing and Reissue Temporary Restraining Order*.

What does Form DV-115 do?

On Form DV-115 you ask the judge to “continue” the court hearing and “reissue” any temporary restraining orders on Form DV-110, *Temporary Restraining Order*.

- “Continue” the hearing means to give you a new hearing date.
- “Reissue” means to keep any temporary orders in effect until the new hearing date.

Follow these steps:

- Fill out all of Form DV-115.
- Fill out items ① and ② on Form DV-116, *Notice of New Hearing Date and Order on Reissuance*.
- 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.
- If the judge signs Form DV-116, the court will give you a new hearing date.
- File both forms 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.
- Have a copy of all court papers served personally on the person to be restrained by the time listed in item ⑥ on Form DV-116.
- Now the temporary orders, if any, will last until the new hearing date.
- Ask the person who serves the papers to complete Form DV-200, *Proof of Personal Service*, and give it to you. Make two copies and bring them all to court on the hearing date.
- 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.

Bring a copy of all of your papers and the original Form DV-200, *Proof of Personal Service*, to the court hearing.

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.

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Protective Orders: Notice of New Hearing and Order on Reissuance (revise form DV-116)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
1.	Domestic Violence Legal Roundtable Staci Martin, Chair San Francisco	AM	<ol style="list-style-type: none"> 1. On item 5—TRO (Reissue and/or Continue), b(1)—we think that the TRO should be attached even if not modified. 2. We like the boxes you’ve been doing on forms. We would like to see a box around Warning and Notice to the Person in 2 and include the warning in the box. 	<ol style="list-style-type: none"> 1. The committee agrees that it is a best practice for courts to attach the restraining order, whether modified or not, to Form DV-116. The committee is cognizant, however, of the dire staffing situation faced by many courts due to the budget crisis. The committee is aware that some courts simply do not have sufficient staff to locate the original paper TRO in the file, photocopy it and replace it in the file. 2. The suggestion been incorporated.
2.	Hon. Dan Grimmer Judge Superior Court of Alameda County	AM	<ol style="list-style-type: none"> 1. The first sentence of Paragraph 5 b.(1) should be modified to read: There are no changes to the “attached” Temporary Restraining Order except for the expiration date. This mirrors the language of the current form and instructs the party that this must also be included with the service. 2. Paragraph 6 b. only instructs the party to serve the DV-116 and the requesting documents. Paragraph 6 b. could also be modified to include in the instructions that the Temporary Restraining Order must also 	<ol style="list-style-type: none"> 1. The committee agrees that it is a best practice for courts to attach the restraining order, whether modified or not, to Form DV-116. The committee is cognizant, however, of the dire staffing situation faced by many courts due to the budget crisis. The committee is aware that some courts simply do not have sufficient staff to locate the original paper TRO in the file, photocopy it and replace it in the file. 2. The suggested text has been incorporated.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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			<p>be included in the service. While this may seem redundant, logical and therefore unnecessary, my experience is that the self-represented population availing themselves of this protection is VERY unsophisticated in civil procedure and therefore the instructions need to take this into account.</p>	
3.	<p>Harriett Buhai, Center for Family Law Meredith Alexander, Staff Attorney Los Angeles</p>	AM	<p>In general, we do believe the form addresses the stated purpose of revision if modified.</p> <ol style="list-style-type: none"> 1. <u>Item 3</u>: The words “Reason for” should be added to the bolded heading so that the text reads: “Reason for New Hearing Date.” 2. <u>Item 4</u>: The word “New” should be added to the bolded heading so that it reads “Order for Continuance and Notice of New Hearing.” 3. <u>Item 5b</u>: The word “GRANTED” should be removed and a colon should be placed after the word “is.” <p>In item 5b.(1), the word “GRANTED” should be added after the box and before the revised text. Additionally, the words “<i>Temporary Restraining Order</i> (Form DV-110)” should be replaced with the words “attached order.” The item should ultimately read:</p> <p>“(1) [] GRANTED. There are no</p>	<ol style="list-style-type: none"> 1. The comment has been incorporated. 2. The comment has been incorporated. 3. The comment has been incorporated.

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			<p>changes to the <i>Temporary Restraining Order</i> except for the expiration date. Any orders listed on the attached order remain in effect until the end of the hearing in (4).”</p> <p>In item 5b.(2), the words “GRANTED AS MODIFIED” should be added after the box and before the revised text. The item should ultimately read:</p> <p>“(2) [] GRANTED AS MODIFIED. The <i>Temporary Restraining Order</i> is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in (4).”</p> <p>4. We think the Temporary Restraining Order should be attached to all cases regardless of whether the order was modified. Not attaching the TRO could result in enforcement issues if the litigant does not attach the DV-116 to the TRO him/herself. To prevent confusion for self-represented litigants that could result in enforcement issues, the court should be required to attach all TROs to the DV-116.</p> <p>5. <u>Item 6b</u>: The words “personally served” should be written in bolded font in order to</p>	<p>4. The committee agrees that it is a best practice for courts to attach the restraining order, whether modified or not, to Form DV-116. The committee is cognizant, however, of the dire staffing situation faced by many courts due to the budget crisis. The committee is aware that some courts simply do not have sufficient staff to locate the original paper TRO in the file, photocopy it and replace it in the file.</p> <p>5. The suggested text has been incorporated.</p>

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			emphasize the type of service required.	
4.	Rev. Svend la Rose Oakland CA,	A	This is a fine update that makes a lot of sense to me, as a lay person involved. I can see how it would be a lot clearer for the idiots who make up the majority of this case type.	No response required.
5.	Neighborhood Legal Services of Los Angeles County Tatiana Daza, Supervising Attorney, Family Law Unit Amy Goldman, Staff Attorney, Family Law Unit	NI	<ol style="list-style-type: none"> 1. The proposal addresses both court efficiency and public safety. The changes clarify the form and will also make it easier for pro per litigants to complete the form. 2. Neighborhood Legal Services of Los Angeles (NLS-LA) supports adding “CLETS” to the footer is an appropriate modification because law enforcement should be notified when the court extends the duration of the DVPA restraining order. 3. NLS-LA supports the proposed revisions to item 3 will clarify differentiating the current hearing from the continued hearing. As the form is now, it is confusing whether to put the current hearing date or the continued hearing date on the item 3. Pro per litigants often have difficulty understanding the current form. These changes will allow greater ease in completing the form. 4. NLS-LA supports the proposed revisions to item 4 will also reduce confusion in the 	<ol style="list-style-type: none"> 1. No response required. 2. No response required. 3. No response required. 4. No response required.

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	Commentator	Position	Comment	Committee Response
			<p>event the DVPA case has been consolidated with another family law case in a different courthouse or courtroom.</p> <p>5. NLS-LA supports the following proposed revisions to item 5:</p> <ul style="list-style-type: none"> a. Adding the word “continue” is more accurate. b. Changing the language of the reissuance from “reissue” to “orders in effect” is a clear plain language description of a reissuance and will allow pro per litigants to better understand what a reissuance is. <p>6. NLS-LA does not support the following proposed revisions to item 5:</p> <p>There is no need for subsections 1 and 2 because the DV-110 should always be attached to the DV-116. Form DV-116 should require that the DV-110 be attached. Requiring the DV-110 be attached ensures that the protected person has the orders and reissuance all together in one packet and will easily be able to produce the orders with the continued end date to law enforcement if it becomes necessary. The current form requires the DV-110 be attached. Changing that requirement could lead to litigants believing they only need the DV-116 for enforcement of the orders.</p>	<p>5. No response required.</p> <p>6. The committee agrees that it is a best practice for courts to attach the restraining order, whether modified or not, to Form DV-116. The committee is cognizant, however, of the dire staffing situation faced by many courts due to the budget crisis. The committee is aware that some courts simply do not have sufficient staff to locate the original paper TRO in the file, photocopy it and replace it in the file.</p>

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			<p>However, without reviewing the DV-110 law enforcement will have no knowledge of the specific court orders, such as move out orders and child custody and visitation orders.</p> <p>7. NLS-LA supports the proposed revisions to the Warning and Notice as it clearly states the restrained person must continue to follow the Temporary Restraining Order.</p> <p>8. NLS-LA supports the proposed elimination of the expiration date. It is redundant to the Warning and Notice and to item 5.</p> <p>9. NLS-LA supports the proposed revisions to item 6.</p>	<p>7. No response required.</p> <p>8. No response required.</p> <p>9. No response required.</p>
6.	Orange County Bar Association Dimetria Jackson, President	A	<i>No specific comment.</i>	No response required.
7.	Lydia Pantoja Manager Department of Justice California Restraining and Protective Order Unit (CARPOS)	A	<p>1. CARPOS Unit reviewed the revised format and as we handle many calls relative to the interpretation of the forms and the data that is being requested, we agree that the revised form appropriately addresses the stated purpose.</p> <p>2. The only minor suggestion would be to reverse the last sentence in Item 6b to read: “If item 5c is checked, do not attach or serve a copy of the Temporary Restraining Order.”</p>	<p>1. No response required.</p> <p>2. The section is in passive voice because neither party may serve the order.</p>

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			3. Please add CLETS-TRO to the bottom of the form.	3. The proposed text has been incorporated.
8.	Jennifer Prado Criminal Records Supervisor Agency CLETS Coordinator San Mateo County Sheriff’s Office	NI	It seems like a huge waste of paper to keep attaching the order, however if the person was not previously served, the order that was issued before would need to be attached so when it is taken to law enforcement for service we are given the entire order and not just the “Reissue” that does not state orders.	The committee agrees that it is a best practice for courts to attach the restraining order, whether modified or not, to Form DV-116. The committee is cognizant, however, of the dire staffing situation faced by many courts due to the budget crisis. The committee is aware that some courts simply do not have sufficient staff to locate the original paper TRO in the file, photocopy it and replace it in the file.
9.	State Bar of California’s Standing Committee on the Delivery of Legal Services Catherine Bennett, Chair	A	The proposed revisions to form DV-116 provide clarity and reduce confusion.	No response required.
10.	Superior Court of Los Angeles County	AM	Page 2 of the DV-116 form under the “Warning”: area it should read: “If 5(b) is checked, you must continue to obey the Temporary Restraining Orders until they expire at the end of the hearing in (4).”	The committee prefers to refer to the order in the singular when referencing the entire form and all orders within it.
11.	Superior Court of Orange County Linda Daeley Family Law Unit Manager	AM	The proposal appropriately addresses the stated purpose and requests for revision from courts and other form users. The additions/changes contained in item 1-7 of the proposal adequately provide clarification and appear to meet the proposed intention of reducing confusion. Specifically, the clarification and revisions in	

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			<p>Item 5 on the revised DV-116 form are quite beneficial.</p> <p>Additional recommendations are as follows:</p> <ol style="list-style-type: none"> 1. Amend the document title/footer, to read “CLETS-TRO” (this is consistent with other DV forms such as DV-110) but remove “CLETS” from the document title at the top of the form as the document is not a “CLETS.” 2. Section 5-B(1): Suggest that new wording include a reference to the filed date of the orders being reissued. It can be confusing to parties and law enforcement when multiple reissuances are granted and within the same time period the Temporary Orders are modified; which Temporary Order is being reissued? Item 5b(1) could read: There are no changes to the Temporary Restraining Order except for the expiration date. Any orders listed on the Temporary Restraining Order (Form DV-110) issued on _____ remain in effect until the end of the hearing in 4. 	<ol style="list-style-type: none"> 1. Agree to remove “CLETS” from the document title at the top of the form. 2. The proposed text has been incorporated.
12.	Superior Court of San Diego County Michael M. Roddy Executive Officer	A	<i>No specific comment.</i>	No response required.
13.	TCPJAC/CEAC Joint Rules	AM	Suggested Modifications	

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	Committee TCPJAC/CEAC		<p>1. The working group recommends that section 5, line b.(1) of the revised Form DV-116 be modified to state: “There are no changes to the <i>Temporary Restraining Order</i> except for the expiration date. Any orders listed on the <i>Temporary Restraining Order</i> (Form DV-110) issued on (date) _____ remain in effect until the end of the hearing in 4.”</p> <p>The working group recommends that revised Form DV-116 include a reference to the filed date of the orders being reissued. It can be confusing to parties and law enforcement when multiple reissuances are granted and within the same time period the Temporary Orders are modified. This suggested modification would make it very clear as to the orders in effect.</p> <p>2. The working group recommends deleting “(CLETS)” from the header on page 1 of the revised Form DV-116. The inclusion of “(CLETS)” in the header implies that this form is CLETS and it is not. The same “(CLETS)” notation is not included in other DV order titles entered into CLETS.</p> <p>3. The working group recommends that section 6, line b, of the revised Form DV-116 be modified to also state that if section 5b is checked, a copy of the temporary restraining order must be personally served.</p>	<p>1. The proposed text has been incorporated.</p> <p>2. The word “CLETS” has been removed from the header.</p> <p>3. The proposed text has been incorporated.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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Protective Orders: Notice of New Hearing and Order on Reissuance (revise form DV-116)

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			<p>Operational impacts identified by the working group:</p> <p>Potential Fiscal Impact This proposal is expected to result in minimal costs to the trial courts and cost savings for some trial courts. For those courts that interpreted the 1/1/2012 revision of the form to require the attachment of the order being reissued, this proposal will eliminate the extra copy work that has been done as a result. Workload will be decreased particularly for courts that are working with physical files and are pulling previously filed documents for copying whenever a reissuance is granted.</p> <p>Impact on Existing Automated Systems For courts that use the SUSTAIN Justice Edition CMS, there may be a low impact. If a court has configured this form in the SUSTAIN CMS to allow printing with the case number, the form will need to be modified as specified, which is the reason for stating that there is a <i>possible</i> low impact (versus no impact). This is an existing form, so new codes are not required. The proposal result in fewer pages being scanned for those courts imaging their documents.</p> <p>Increase Training Needs Requiring the</p>	

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			<p>Commitment of Staff Time and Court Resources Very minimal training will be required to implement the proposed change. The change is a reduction in the types of orders being copied and attached to the form; training needed is informational only with a modification of written procedures.</p> <p>Increase to Existing Court Staff Workload Many courts routinely attach a modified TRO to the reissuance. The current form is being interpreted to require attachment of any TRO, whether modified or not. Therefore, no increase in the workload for court staff is anticipated given the form revision that requires modified TROs be attached.</p> <p>Impact on Local or Statewide Justice Partners The proposal may have an impact on law enforcement. The order for reissuance will not have the underlying order attached. The protected person providing a copy of the reissuance to law enforcement would be expected to also provide the underlying order or law enforcement would need to reference their data base/CLETS for the underlying order.</p> <p>Implementation The impact of the proposal is minimal and</p>	

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	Commentator	Position	Comment	Committee Response
			courts should be able to easily implement within a short period of time.	
14.	Michelle Woerner Supervisor Superior Court of Stanislaus County	A	I initially thought that the proposed revisions to Form DV-116 would cause additional court staff workload by requiring courts to replace the old form with the new form in existing form packets. However, on further reflection, I see that the revisions will not impact court workload. The revisions to the form will not be problematic for our court.	No response necessary.

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