

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**REQUEST TO RESCHEDULE
HEARING**



FORMS INCLUDED IN THIS PACKET

FORMS INCLUDED IN THIS PACKET	
How to Reschedule a Hearing in Family Court	Judicial Council Form #FL-304-INFO
Request to Reschedule Hearing	Judicial Council Form #FL-306
Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Orders	Judicial Council Form #FL-307
Order on Request to Reschedule Hearing	Judicial Council Form #FL-309
Proof of Personal Service	Judicial Council Form #FL-330
Proof of Service by Mail	Judicial Council Form #FL-335

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 www.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 5.151 through 5.169 for the procedures to notify and serve the other party with a request to reschedule.

You can 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 (form FL-308)

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.

! 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.

! **Remember**, the agreement is not an order until it is signed by a judge.

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 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, such as form FL-306 or form FL-307, to ask for a court order.

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, but 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).

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.
- ▶ Includes property restraint orders and you are the responding party.
- ▶ Was served but 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 reheduling, 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 an order to show cause was not served on the other party?

You should complete and file with the court a written request to reschedule the hearing and a proposed order at least five court days before the hearing, unless you have a very good reason to submit them later.

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) must be used for this purpose.

6 What if I need to reschedule the hearing for a good reason after the *Request for Order* or an order to show cause was served?

▶ **Complete a written request and a proposed order.**
You may use form FL-306 or FL-307, whichever form applies to your case, and must use *Order on Request to Reschedule Hearing* (form FL-309).

▶ **Follow your court's local rules.**

To get 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 and follow them.

⚠ 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 to Request to Reschedule Hearing* (form FL-310).

▶ **Submit the written request and order to the court.**

You should complete and file with the court a written request to reschedule the hearing and a proposed order at least five court days before the hearing, unless you have a very good reason to submit them later.

⚠ 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.*

❗ If for some reason, you do not receive a response to your request to reschedule from the court before the hearing, you should still attend the hearing, or the court may make a decision without you.

- ▶ *Make an oral request on the date of the 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) must 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:

- ▶ An *Order on Request to Reschedule Hearing* (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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
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-304-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* (form FL-300), order to show cause, or other moving paper in item 2.
 - b. I am the party who is responding to the *Request for Order* (form FL-300), order to show cause, or other moving paper in item 2.
2. I ask that the court reschedule 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. On a date I am available, which does not include (*specify dates*): _____
 - 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 7c](#).

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: 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 Request for 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* (form FL-300), order to show cause, or other moving paper, unless you have a very good reason to submit them later.

PROPOSED ORDER REQUIRED

- 11. I have submitted a proposed *Order on Request to Reschedule Hearing* (form FL-309).

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
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-304-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* (form FL-300), order to show cause, or other moving paper in item 2.
 - b. I am the party who is responding to the *Request for Order* (form FL-300), order to show cause, or other moving paper in item 2.
2. I ask that the court reschedule 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*): _____

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. On a date I am available, which does not include (*specify dates*): _____
 - c. Other (*specify*): _____

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

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 available only if you checked item 5b above.)*
 - d. other good cause as stated below: [in Attachment 7d.](#)

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 Request for 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* (form FL-300), order to show cause, or other moving paper, unless you have a very good reason to submit them later.

PROPOSED ORDER REQUIRED

11. I have submitted a proposed *Order on Request to Reschedule Hearing* (form FL-309).

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

ATTORNEY OR PARTY WITHOUT ATTORNEY(Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
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 moving paper 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 <i>(specify)</i> :			
<input type="checkbox"/> The parties must attend an appointment for child custody mediation or recommending counseling as follows <i>(specify date, time, and location)</i> :			

- 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 7a\(4\).](#)

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* for 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
 - (1) as required by rule 5.92
 - (2) by (*date*):

on (*select all that apply*)

 - (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* (form FL-300), 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) may be filed and served

- a. as required by rule 5.92
- b. by (*date*):

12. Other orders:

Date: _____



 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400,17406 <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: (If applicable, provide): HEARING DATE: HEARING TIME: DEPT.:
PROOF OF PERSONAL SERVICE	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served (*name*):
3. I served copies of the following documents (*specify*):

4. By personally delivering copies to the person served, as follows:
 - a. Date: _____ b. Time: _____
 - c. Address: _____

5. I am
 - a. not a registered California process server.
 - b. a registered California process server.
 - c. an employee or independent contractor of a registered California process server.
 - d. exempt from registration under Business & Profession Code section 22350(b).
 - e. a California sheriff or marshal.
6. My name, address, and telephone number, and, if applicable, county of registration and number (*specify*):

7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ EMAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: <i>(If applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
PROOF OF SERVICE BY MAIL	

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. I served a copy of the following documents *(specify):*

by enclosing them in an envelope AND

- a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:
 - a. Name of person served:
 - b. Address:
 - c. Date mailed:
 - d. Place of mailing *(city and state):*

5. I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)*

6. 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 OF PERSON COMPLETING THIS FORM)