

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 WV-109 (*Notice of Court Hearing*) and other papers served in time before the hearing date, prepare form WV-115 (*Request to Continue Court Hearing and to Reissue Temporary Restraining Order*) and file it with the court on or before your hearing date.

What does form WV-115 do?

On form WV-115, you are asking the judge to “continue” the court hearing and to “reissue” any temporary restraining orders on form WV-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 WV-115.
- Fill out items ① and ② on form WV-116 (*Notice of New Hearing Date and Order on Reissuance*).
- The judge will need to review your papers. You will need to file your paperwork with the Clerk’s Office prior to your set hearing or, on the day of your hearing, take your paperwork with you to court and file it there.
- If the judge signs form WV-116, the court will give you a new hearing date.
- The clerk will make up three (3) file-stamped copies for you. Keep at least one copy with you.
- Have a copy of all court papers served personally on the person to be restrained.
- Now the temporary orders, if any, will last until the new hearing date.
- Ask the person who serves the papers to complete form WV-200 (*Proof of Personal Service*) and to give it to you. Make two (2) copies and bring them all to the court to be filed. You may file them prior to the hearing, which is preferable, or on the day of the hearing in court.
- The clerk will send the restraining order to CLETS for you. CLETS is a statewide computer system that lets police know about the order.

Bring a copy of all of your papers to the court hearing.