

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL**

EX PARTE APPLICATIONS – FAMILY LAW

1. **WHAT IS AN EX PARTE APPLICATION?** A request for an “ex parte” order is made by submitting papers asking the judge to make orders without giving the other party the usual amount of notice. For example, applications for court orders are made by giving the other party at least 16 court days’ notice. However, if you need to have your hearing earlier than 16 court days before the hearing, you may ask the court for an ex parte order to shorten the time for service and filing.

2. **IS AN EX PARTE APPLICATION REQUIRED FOR MY ISSUE?** There is no need for an ex parte application for written stipulations; Default judgments; Joint requests for advanced stipulation for mediation-Local Form (FL-05); Wage and earnings assignment order-Judicial Council Form (FL-435); Restoration of former name after judgment or Order for Publication or posting. Submit these documents to the family law filing clerk for judicial officer signature.

3. **EX PARTE APPLICATIONS FOR CHILD CUSTODY AND CHILD VISITATION ARE STRONGLY DISFAVORED**
 - Ex parte applications regarding child custody and visitation will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California. Family Code § 3064(a).
 - “Immediate harm to the child” includes, but is not limited to, having a parent who has committed recent domestic violence, or domestic violence that is part of a continuing pattern, and sexual abuse of the child, where the acts of sexual abuse are recent, or are part of a continuing pattern of sexual abuse. Family Code § 3064(b)
 - Ex parte applications to change a child’s vacation, school or holiday schedule are disfavored. If you have a need for the court to hear such a matter, the court may make an order shortening time and notice for the matter to be heard.

4. **IF I WANT TO MAKE AN EX PARTE APPLICATION, WHAT PAPERS DO I NEED TO FILE?** Fill out and file: a) Local Form FL-06(A) Declaration re: Ex Parte Notice, and b) Local Form FL-06(B) Application in Support of Ex Parte Request, and c) Local Form GN-01 Request for Hearing, d) Request for Order FL-300 and include Temporary Order FL-305 if temporary order is being requested. Local Form FL-06(A) Declaration re: Ex Parte Notice tells the court that you have given the other party the required notice of the fact that you are seeking an ex parte application, or the reasons you are excused from doing so.

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5. **HOW DO I GIVE NOTICE?** Before 10:00 a.m. on the court day before the hearing, the party asking for an ex parte order must:
 - Notify all other parties or attorneys of the nature of the relief sought, and the date, time and place for the presentation of the application, and
 - Try to determine whether the opposing party will appear to oppose the application. (CRC 3.1202)
 - Notice can only be waived if it would cancel out the benefit of the requested relief or frustrate the purpose of the proposed order, or if the applicant would suffer immediate and irreparable injury before notice could be given. Notice may be excused if following a good faith attempt, the giving of notice is not possible.
 - Even if you have not given notice by 10:00 a.m. the court day before the ex parte appearance, the clerk must not reject the ex parte application for filing and must present it to the appropriate judicial officer for consideration. (CRC 3.1205)
6. **HOW DO I TELL THE COURT WHAT I WANT?** Use Local Form FL-06(B) Application in Support of Ex Parte Request to state the facts that support your request for relief. Include:
 - Whether the order you are seeking will result in a change of the status quo. If you do not tell the court this information, you could be ordered to pay attorney's fees or costs incurred to return to the status quo.
 - Facts within your own personal knowledge, rather than your personal feelings and fears.
 - The reason the request cannot be heard on the court's regular law and motion calendar.
7. **WHAT HAPPENS NEXT?** Make an extra copy of your forms and take them to the family law filing clerk with your Request for Order FL-300 and include Temporary Order FL-305 if temporary order is being requested. Ex parte hearings are held at 1:30 p.m. in Department 3. The clerk will take your papers and the file to the judicial officer to review prior to the date and time of your previously scheduled ex parte hearing. At the ex parte hearing, the court may decide whether or not to grant relief based only on the pleadings, without listening to oral argument or testimony. Take a proposed order to Court.
8. **GIVE A COPY OF YOUR PAPERS TO THE OTHER PARTY.** Parties appearing at the ex parte hearing must serve the application or written opposition on all parties appearing at the first reasonable opportunity.
9. **COME TO THE EX PARTE HEARING.** You must appear in person at the ex parte hearing unless you have a stipulation for an order or other circumstances set forth in CRC 3.1207.
10. **ORDER AFTER HEARING:** If the court signs the order, a copy of it must be served on the other party within 24 hours.

**For help, contact or visit the
Superior Court, Access Center
Courthouse Lower Level, 939 W. Main Street, El Centro, CA
accesscenter@imperial.courts.ca.gov**