

Rule 3.1.13 Ex Partes in Family Law

(a) Ex Parte Application (Domestic Violence filings, see item (i) below)

Ex parte applications are extraordinary remedies. Most ex parte applications are appropriate only when irreparable injury or immediate danger would result before the matter could be heard through the regular process of filing a motion (order to show cause). All ex parte applications are handled on the documents submitted.

(b) Notice of Application

The moving attorney or self-represented party must give notice of all ex parte applications to the opposing attorney or self-represented party prior to submission of the request, except where it is impossible to give notice, notice would frustrate the purposes of the order requested, and notice would result in irreparable injury or where no significant burden or inconvenience would result. The different types of notice accepted by the Court are indicated on Judicial Council form Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders, FL-303. This notice must be given by 10:00 a.m. the court day **before** the 1:00 p.m. ex parte hearing (notice given by 10:00 a.m. Friday will result in a court day the next day the court is open). The same day you give notice you must call the ex parte clerk at the Watsonville Courthouse by 11:00 a.m. to inform the Clerk's Office that you have an ex parte hearing the next day. You can reach the ~~notice line- clerk~~ by calling (831) 786-7200 or emailing familylawinfo@santacruzcourt.org ~~;- follow phone prompts to family law/ex parte where you will be prompted to leave a message~~. If you don't have access to a phone, you may bring written notice to the Watsonville Courthouse Clerk's Office of your intent to have an ex parte hearing. Written notice must be submitted in person by 11:00 a.m. the court day before you want to have the ex parte hearing.

(c) Submitting Ex Partes

All ex parte moving papers shall be submitted to the Clerk's Office. Ex parte moving papers must be delivered to the Watsonville Courthouse no later than 3:00 p.m. the day before the ex parte hearing.

(d) Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders

The attorney or self-represented party requesting ex parte orders must submit Judicial Council form Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders, FL-303 along with other moving papers.

THERE IS AN ABSOLUTE DUTY TO DISCLOSE IN YOUR MOVING PAPERS BOTH (1) THE FACT THAT A REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF STATUS QUO AND/OR (2) WHETHER ORDERS ARE ALREADY IN EFFECT REGARDING THE SAME ISSUE.

(e) The person filing for the ex parte must provide a copy of the moving papers to the other side no later than 3 p.m. the day before the ex parte hearing. The papers may be delivered in person, by fax or by email.

(f) Opposition

Responding/opposing attorneys or self represented parties shall submit their objections to the party moving for ex parte application and to the clerk's office as soon as possible after notice is received, but no later than 10:00 a.m. the day of the hearing.

(g) Ex Parte Orders

All family law ex parte orders are ready at approximately 1:30 p.m. Parties will be notified by the Clerk's Office if there is a change in time for the ex parte orders. If you electronically file your ex parte request, you must include availability dates with your ex parte request. Include three dates both to cover an order shortening time (no more than 21 days) and a denied order shortening time (no less than 30 days). Your ex parte papers and court date will be returned electronically. If you decide you do not want to go forward on your ex parte motion, normal procedures should be followed to take a matter off calendar. The refund of your filing fee will take approximately 4 to 6 weeks. If you do not include dates with your electronically filed ex parte, then it will be assumed you are picking up the paperwork in person, and the papers will be processed for in person pick-up. If you are a self represented litigant who filed court papers at the clerk's office in Watsonville, ex parte court papers can be picked up at 1:30 p.m. when you will schedule a court date.

(h) Domestic Violence Restraining Orders (Domestic Violence Prevention and Elder or Dependent Adult Abuse Prevention) must be filed with the Clerk's Office no later than 10:00 a.m. for the request to be considered that same day. If the initial papers are brought to the Santa Cruz Clerk's Office, they will be scanned to the Watsonville Courthouse. All papers, other than the initial restraining order request, must be filed at the Watsonville Courthouse.

(Eff. 1/1/09) (Rev. 1/1/11) (Renumbered & Rev. 1/1/13) (Rev. 7/1/13) (Rev. 7/1/16) (Rev. 1/1/17) (Rev. 7/1/17) (Rev 1/1/24) (Rev. 7/1/24)