

- Notice **must** be given in person, by telephone or by fax. If the other party is represented by an attorney, the notice must go to the attorney.
- Notice must include the date, time (8:30 a.m. or 10:30 a.m.) and place (Department number) .

You May Find the Forms at the Following Link:

<https://saccourt.ca.gov/family/docs/fl-ex-parte-emergency-temporary-orders-packet.pdf>

There is a filing fee to submit your application (documents) for ex parte orders. You will need to pay the fee, submit a Request for Court Fee Waiver and Order on Court Fee Waiver, or have a Fee Waiver on file at the time of making your ex parte request. If you have to pay the filing fee, and you submit your documents through the drop-box, you will need to submit a check made out to Sacramento Superior Court or a credit card authorization form. If you submit your documents via email, you will need to include a credit card authorization form.

The moving party must provide current telephone numbers for all parties, in the event the ex parte application requires a Zoom telepresence appearance and/or hearing to be scheduled. If a Zoom appearance is needed, the Court will contact the parties and provide instructions. Once the Family Law Judicial Officer rules, based on the pleadings and/or after the Zoom ex parte appearance, a court representative will post the order via the Public Case Access System (PCAS). Documents may also be available for pick-up in person or returned via e-mail.

Service - if a Regular Hearing is Set

If the Court grants the Temporary Emergency (ex parte) orders, a regular hearing may be set. You are

required to comply with any service requirements after or following the ex parte hearing and to submit to the Court a proof of service prior to the return hearing. Any future hearings set as a result of the ex parte application will be set for hearing by Zoom telepresence. Instructions on how to participate in a Zoom hearing will be provided. For the Proof of Service and blank response forms, please see:

<https://saccourt.ca.gov/family/docs/fl-personal-service-packet.pdf>

<https://www.saccourt.ca.gov/family/docs/fl-rfo-docs-served-packet.pdf>

Once all parties are served, you will then need to file the Proof of Service and a copy with the Court, prior to the hearing. You may file by mail or drop-box. Include a self-addressed envelope with enough postage to return the copy to you.

Other Options

- If you feel your child is in danger, Sacramento County Child Protective Services (CPS) investigates child abuse and neglect and provides services to keep children safe while strengthening families. When the situation is not an emergency needing the Police or Sheriff, contact Sacramento County Child Protective Services, 24 hours a day, seven days a week at:

**24 Hour Child Abuse Hotline:
(916) 875-5437 (875-KIDS)**

- In case of an immediate emergency always call **911** for Law Enforcement intervention.
- You may submit a request for a Domestic Violence Restraining Order if there is abuse or threats of abuse to you or your children that you have with the abuser.

Applying for Temporary Emergency (Ex Parte) Orders During COVID-19



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

William R. Ridgeway
Family Relations Courthouse
3341 Power Inn Road
Sacramento, CA 95826
www.saccourt.ca.gov
(916) 875-3400

*This pamphlet has been prepared to provide you with basic information on obtaining Temporary Emergency (ex parte) orders in a Family Law case. The Court does not provide any additional information or assistance with Temporary Emergency (ex parte) orders. Therefore, we **strongly** recommend that you consult with a private family law attorney before attempting to obtain Temporary Emergency (ex parte) orders.*

In Family Law cases, court orders can be obtained **only after** the appropriate paperwork is filed, a hearing is scheduled, and notice of the hearing is served on the other party allowing him/her sufficient time to file a response. These hearings occur in open court in front of a judge.

In limited situations, where there is an emergency, the judge may grant a Temporary Order to be in effect only until a future hearing in open court. A Temporary Order is only issued upon a showing of **irreparable harm or immediate danger** as set forth in Family Code Section 3064 and California Rules of Court Section 5.151(d).

Open Case in Family Law

You must have an open Sacramento Superior Court Family Law case, i.e., Dissolution, Legal Separation, Nullity of Marriage, Uniform Parentage Act, Petition for Custody and Support, Domestic Violence or Child Support (FS) case before you can apply for Temporary Emergency (ex parte) orders. You may look up your case number on the court's online case index. The link is:

<https://services.saccourt.ca.gov/PublicCaseAccess/>

If you are the Petitioner and you are requesting ex parte orders, the Respondent must have already been served with the Summons and Petition .

Applying for Temporary Emergency (ex parte) orders will not open a case.

If you do not have an open case in Sacramento, you

may check with the Family Law Facilitator's Office to find out about jurisdictional requirements and what type of case to open. **The Family Law Facilitator's Office does NOT assist with requesting ex parte orders including filling out forms or explaining the process further.**

Requesting Temporary Emergency (Ex Parte) Orders During COVID-19

In the event of an emergency situation, the moving party may present an *ex parte* application for immediate relief, upon proper notice to the opposing party, via the Court drop-box or by emailing to FLCovid19expartes@saccourt.ca.gov. If you submit via email, you will need to save your documents as a .PDF prior to emailing.

The moving party must submit their ex parte application via drop-box or email at least 24 hours in advance of the desired hearing date and time. For example, if your ex parte is noticed for Wednesday, at 8:30 a.m., you are required to submit your ex parte application to the Court by Tuesday at 8:30 a.m. Failure to comply may result in the ex parte not being considered and/or may require the ex parte to be reset for proper noticing.

Be sure to review your forms for completeness before submitting them. We strongly recommend that you obtain assistance from a private family law attorney.

Ex parte applications can be considered at both 8:30 a.m. and 10:30 a.m., Monday through Friday, excluding court holidays in the Department (courtroom) you are assigned based on the last 2 digits of your case number. **See chart on next column to the right.**

The moving party must provide the opposing party with the noticed date, time and department number of the ex parte application and also a hard or electronic copy (only if represented by an attorney)

of the application. Both components must be included in the completed proof of service which must be filed with the Court, by drop-box or email at least 24 hours in advance of the ex parte hearing.

| Department | Last 2 digits |
|------------|---|
| 120 | 01,11,21,31,41,51,61,71,02,12,22,32,42,52,62 |
| 121 | 05,15,25,35,45,55,65,75,06,16,26,36,46,56,66 |
| 122 | 03,13,23,33,43,53,63,73,04,14,24,34,44,54,64 |
| 123 | 07,17,27,37,47,57,67,77,08,18,28,38,48,58,68 |
| 124 | 09,19,29,39,49,59,69,79,20,30 |
| 125 | For DV cases with a future hearing scheduled in Dept. 125 |
| 126 | 00,10,81,83,85,87,89,90,91,92,93,94,95,96,97 |
| 127 | 40,50,60,70,80,72,82,74,84,76,86,78,88,98,99 |

You must notify all parties to the case that you are applying for Temporary Emergency (ex parte) orders, no later than 10:00 a.m. on the court day **before** the ex parte matter will be heard by the judicial officer **unless** you can demonstrate that irreparable harm will result if notice is given. The notice must be given in all cases unless it is established that there will be an immediate threat of danger or harm if the notice is given. This can be established only in **rare** cases. It is the general policy of family law courts that judges do not make temporary orders unless both sides have notice and the opportunity to be heard. See California Rules of Court 5.165.