



Applying for Temporary Emergency (Ex Parte) Orders

*This information sheet 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.*

Overview of the Process

In Family Law cases, court orders may be obtained **only after** proper notice is provided to the other parties in the case, the appropriate paperwork is filed, a hearing is scheduled, and notice of the hearing is served on the other parties allowing sufficient time for them to file a response. The Court typically decides based primarily on the documents filed, but may also require the parties to be available to appear for a hearing, if needed.

When all of the necessary procedures have been followed for the request and the Court determines there is a true emergency, the Judge may grant a Temporary Emergency order to be in effect only until a future hearing in open court. A Temporary Emergency 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). We encourage you to review these rules **before** taking steps to request Temporary Emergency (ex parte) orders.

Case Must Already be Open

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. **Applying for Temporary Emergency (ex parte) orders will not open a case.** You may look up your existing case number on the Public Case Access System by scanning the QR Code or following the link below:



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

If you are the Petitioner in your family law case and you are requesting Emergency orders, the Respondent must have already been served with your filed Summons and Petition.

If you do not have an open case in Sacramento, you may reach out to the Family Law Facilitator's Office to ask about the jurisdictional requirements and what type of case you can open through e-Correspondence at:



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

The Family Law Facilitator's Office may provide information about opening a Family Law case, but does NOT assist with requesting Temporary Emergency (ex parte) orders.

Requesting Temporary Emergency (Ex Parte) Orders

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 express mail with guaranteed delivery by 8:30 a.m. the day before the desired ex parte consideration date. 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. Ex parte applications are considered at 8:30 a.m., Monday through Friday, excluding court holidays.

Notice

To give notice means to notify all parties in the case that you are applying for Temporary Emergency (ex parte) orders. Notice must be given no later than 10:00 a.m. on the court day **before** the ex parte matter will be considered by the judicial officer. 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.

Unless you can demonstrate and it is established that there will be an immediate threat of danger or irreparable harm if the notice is given, notice is required. The waiver of notice due to immediate threat of danger or irreparable harm can be established only in **rare** cases.

Notice Requirements

Notice must be given in person, by telephone, voicemail, fax, electronically (if permitted) or overnight mail. 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.) and place (Department number).

You may find Department information by scanning the QR Code or following the link below:



<https://www.saccourt.ca.gov/family/court-depts-designated-case-number-assignments.aspx>

Both components must be included in the completed Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders (FL-303). The FL-303 must be complete when submitting your ex parte application to the Court. Be sure to review your forms for completeness before submitting them. We strongly recommend that you obtain assistance from a private family law attorney.

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.

The FL-303 must be included in the completed proof of service which must be filed with the Court, by 8:30 a.m. the day before the desired ex parte consideration date. You **must notify all parties** to the case that you are applying for Temporary Emergency (ex parte) orders.

Consideration Date/Hearing

If you notice the other party or parties for Temporary Emergency (ex parte) orders, you do not need to personally appear in Court. The Judge will review the documents in chambers without either party present. You will need to make yourself available by telephone at the time of the noticed hearing and a couple of hours after the noticed time, in case the Judge has questions for you. The Court **may** issue an emergency order based on the documents filed, but may also require the parties to appear for a hearing at a future date.

Forms

Forms for Temporary Emergency (ex parte) orders are not available at the courthouse. To access the ex parte forms, scan the QR Code or follow the link below:



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

Fees

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, you will need to submit a check or money order made out to Sacramento Superior

Court or a completed credit card authorization form.

You may access the Credit Card Authorization Form by scanning the QR Code or following the link below:



<https://www.saccourt.ca.gov/family/docs/fl-627.pdf>

Contact Telephone Numbers and Email Addresses

The moving party must provide current telephone numbers and email addresses for all parties, using the Document Drop-Off Sheet for Domestic Violence and Elder Abuse Restraining Orders and Ex Parte Applications (Family Law and Probate), local form FL-E/LP-668. If an appearance is needed, the Court will contact the parties and provide instructions. Once the Family Law Judicial Officer rules, based on the pleadings, a court representative will post the order via the Public Case Access System (PCAS). Documents may also be available for pick-up in person at Reception.

Submitting your Temporary Emergency (Ex Parte) Application

Clip together your completed forms, appropriate number of copies, fees or request for fee waiver using the binder clips available at the drop box and submit your documents through the drop box in the front lobby of the Family Relations Courthouse. Date stamp the back side of the very last page of your packet before dropping your packet into the drop box. **These documents do not get filed at the Filing Counter.**

Checking the Status of your Temporary Emergency (Ex Parte) Application

After you have submitted your ex parte request, you may check the status on the Ex Parte Status Request Log. You will receive a phone call when the documents are ready for pick-up. You can access the Request Status log by scanning the QR Code or following the link below:



<https://www.saccourt.ca.gov/family/exparte-status.aspx>

Other Options

If you feel your child is in danger, Sacramento County Child Protective Services (CPS) investigates allegations or reports of child abuse and neglect and provides services to keep children safe while strengthening families. Unless the situation is 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.

