



## Responding to Emergency (Ex Parte) Orders

***This information sheet provides an overview of the process if you have received notice of a Temporary Emergency (Ex Parte) Hearing in a family law case. If you need further assistance, please contact a Family Law Attorney.***

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 sufficient time to file a response.

**In limited situations, where there is an emergency**, the Judge may grant a Temporary Order until a future hearing can be held 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).

The Court can issue an emergency order based on the documents filed, but may also require the parties to appear for a hearing. The person who requests the emergency order is called the “moving party.”

### If You Have Been Noticed of an Ex Parte Hearing

If you have been noticed of and/or served a Request for Ex Parte Emergency 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.

You are not required to file a Response to the Ex Parte request. However, you may submit a response along with valid proof of service to the moving party via the Court’s dropbox by 8:30 a.m. on the scheduled ex parte hearing date. Please note that filing a Response will waive any service and notice requirements of the moving party requesting emergency orders.

To respond, you may use the Responsive Declaration to Request for Order (FL-320) form, which can be found here:

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

Your completed Responsive Declaration to Request for Order may be served by personal service, by fax, by electronic means (if consent for electronic service has been previously established) or by overnight mail or other overnight carrier. Service cannot be completed by you. You will need an adult (over the age of 18) to serve your documents and complete a proof of service.

Once the Judge has reviewed the moving party's request and any submitted response, he or she will make a decision based on the documents that were filed.

### Follow-up Hearing

A future follow-up hearing date may be scheduled where both parties will be expected to appear.

The moving party must then have you served with the temporary order and future hearing date. When you are served, you may complete and file a Responsive Declaration (FL-320). Before you can file your Responsive Declaration (FL-320), a copy must be served on the moving party. Service may be completed by mail.

Your server needs to be at least 18 years of age and not a party to the case. Your server will need to complete a Proof of Service by Mail (FL-335) and return the form to you.

File the original and a copy of the Responsive Declaration (FL-320) and an original and a copy of the Proof of Service by Mail (FL-335) with the Court at least nine (9) Court days prior to the Court hearing. Court days do not include weekends or Court holidays.

### The Forms Can be Found at the Following Link:

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

### Filing Fee

There is no filing fee for your Responsive Declaration and Proof of Service by Mail.

### Resources:

#### **Attorney Referral Service Sacramento County Bar Assoc.**

<https://sacbar.org/services>

The attorney referral service program offers links to useful referral resources.

### Capital Pro Bono

Capital Pro Bono is a volunteer-based pro bono legal aid program that provides free assistance with civil legal matters, including family law, to low income clients living in the Sacramento region. You can find more information on their website:

<https://capitalprobono.org/>

### **Sacramento Public Law Library**

Provides guidebooks and other legal resources for divorce, custody, child support, spousal support, subpoenas, trial procedures, marriage settlement agreements, guardianships and more.

<https://saclaw.org/>

### **Checking the Status of an Ex Parte Request:**

After an Ex Parte request has been submitted you may check the status on the Ex Parte Status Request Log. 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>