



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.*

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. The court will make a decision based on the documents filed, but may also require the parties to appear for a hearing.

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/Family>

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 through e-Correspondence at: <https://services.saccourt.ca.gov/flfoecorrespondence/>

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

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* hearing 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.

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 are considered at 8:30 a.m., Monday through Friday, excluding court holidays.

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 (if represented by an attorney or if written consent to electronic service has been provided) of the application. Both components must be included in the completed proof of service which must be filed with the Court, by 8:30 a.m. the day of the desired *ex parte* hearing.

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.

- 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).

The Forms are 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, you will need to submit a check made out to Sacramento Superior Court or a [credit card authorization form](#).

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 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.

Service

The moving party must serve the opposing/responding party with the ex parte order following the ex parte hearing and submit to the Court a proof of service prior to the return hearing.

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.

