

Ex Parte Hearing Notice Information Guardianship / Conservatorship

In the matter of: Grd / Con of _____

Paperwork must be served on the other party prior to the court appearance:

Pursuant to California Rules of Court, Petitioner must give **5 days notice by personal delivery** to the opposing party(s). If service is done by **first class mail, 10 days notice** must be given.

Pursuant to the Local Rules of Court (2.7, 4.7, 6.14, and 6.18): “Regardless of how notice to the opposing party was done, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application.”

Paperwork must be filed with the Superior Court Clerk’s Office *before 11:00 a.m.* the day of the hearing.

The facts stated in your *Petition* must be based on the personal observations of the person who signs the declaration. Except in limited in circumstances, the court cannot consider a statement by a witness or victim unless that person makes their statement in a written declaration under penalty of perjury.

| If notification is done by personal delivery , the judge will consider your request on: (within 5 day): | OR | If notification is by first class mail , the judge will consider your request on (within 10 days): |
|--|-----------|---|
| Monday _____ at 1:15 p.m. in | | Ukiah Ten Mile (Fort Bragg Branch Court) |
| Tuesday _____ at 1:15 p.m. in | | Ukiah Ten Mile (Fort Bragg Branch Court) |
| Wednesday _____ at 1:15 p.m. in | | Ukiah Ten Mile (Fort Bragg Branch Court) |
| Thursday _____ at 1:15 p.m. in | | Ukiah Ten Mile (Fort Bragg Branch Court) |
| Friday _____ at 1:15 p.m. in | | Ukiah Ten Mile (Fort Bragg Branch Court) |

An ex parte hearing and your appearance is required if you want a judicial officer to consider temporary orders.

When requesting an ex parte hearing for GUARDIANSHIP, you **MUST** have someone who is over the age of 18, and not a party to the matter, give notice for you. The person who gives notice must complete local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*. (Telephone Notification and/or Fax Delivery are **not** authorized in a Guardianship matter. Service **must** be done by either personal delivery or by first class mail.)

If immediate harm could be suffered if notice were given or if giving notice is impossible, you must indicate why notice was not given under #5 on local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*.

It is possible that a judicial officer reviewing your application may find your reasons for not giving notice insufficient. This can result in your application being rejected until you actually give notice.