

Civil and All Restraining Order Ex Parte Requests Notice Information

Case Name: _____

Pursuant to California Rules of Court, Rule 3.1203: **“A party seeking an ex parte order shall notify all parties no later than 10:00 a.m. the court day before the ex parte appearance.”**

- **Documents for domestic violence restraining order ex parte requests must be filed with the Superior Court Clerk’s Office *no later than 10:00 a.m.* the day of the ex parte.**
- **All other ex parte request paperwork must be filed with the Clerk’s Office *no later than 11:00 a.m. the day of the hearing* AND, if applicable, must be served on the other party as soon as reasonably practicable, but in no event later than the commencement of the hearing, if any, on the ex parte application, per local rule and CRC 3.1206.**
- **These deadlines also apply to the filing of any opposition paperwork to the ex parte requests.**

The facts stated in the ex parte *request* 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.

COVID-19 Process: *The judge will review all ex parte pleadings in chambers. An in-person appearance will not be required unless, upon review of pleadings, the judge requests oral argument. Parties may appear telephonically via CourtCall (1-888-88-COURT) if an appearance is required. Parties may pick-up signed paperwork from the Clerk’s Office at 1:30 p.m.*

If notification is done by 10:00 a.m. the court day before the hearing, the judge will consider your request on:

OR

If notification is by first class mail, (do not count the day mailed) 7 days notice is given for the judge to consider your request on:

Monday: _____

between 10 a.m. and 1 p.m.

Tuesday: _____

between 10 a.m. and 1 p.m.

Ukiah

Wednesday: _____

between 10 a.m. and 1 p.m.

Ten Mile (Ft. Bragg) Branch

Thursday: _____

between 10 a.m. and 1 p.m.

Friday: _____

between 10 a.m. and 1 p.m.

You can notify the other party (unless ordered not to have contact) or you may have someone who is over the age of 18, and not a party to the matter, give notice for you. You, or the person who gives notice, must complete local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*.

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.

The court may be able to grant the requested orders at the noticed hearing even if the temporary (ex parte) orders have been **denied**. You must be prepared to present reasonable, legally admissible, proof at the noticed hearing that support the facts stated in your *Request for Orders*. At the hearing, the court will weigh the evidence provided by all parties to determine if protective orders should be issued.