



Do You Want to Ask for Emergency Orders? (Ex Parte Hearing)

Free

What is this for?	<p>If you have an important issue that needs to be heard by a Judge IMMEDIATELY (instead of the usual 6 to 8 weeks out), you will need to ask for emergency orders along with your Request for Order forms.</p> <p>Look at the information on page 3 of these instructions to see whether your situation qualifies as an emergency to the court.</p>
Step 1: Fill out the forms	<p>Notice of Hearing for Emergency Request (PL-FL013) (Local Form) Request for Order (FL-300) Temporary Emergency (Ex Parte) Orders (FL-305)</p>
Step 2: Make copies	<p>Make 2 copies of the forms.</p> <p>Paperclip and two-hole punch the <u>originals</u> at the top. The copies may be stapled. Group the original plus copies of the same documents together for filing.</p>
Cut-off times	<p>Emergency hearing request forms must be turned in to the filing clerk no later than 9:00 a.m. for a hearing to be scheduled the next court day. If forms are turned in after 9:00 a.m., the hearing will be scheduled for two court days out.</p>
Step 3: File the forms	<p>Get a number ticket for “Emergency Hearing Request” at the kiosk on the 1st floor of the courthouse. File the forms with the clerk when your number is called. The court will file-stamp all your forms and give you back 2 copies. You will keep a filed copy for your records and have the other copy served on the other party.</p>
Filing fee	<p>The fee for an Emergency Request is \$120 unless you are asking for a change in a custody/parenting time order, which is \$145. The court accepts cash, check, Visa, MasterCard, AMEX and Discover Card. If you cannot afford to pay the filing fee, you may apply for a fee waiver by filling out and filing these forms:</p> <p>Request to Waive Court Fees (FW-001) Order on Court Fee Waiver (FW-003)</p>



Check the court address	<p>When you get your forms back from the Clerk, check the courthouse address where your hearing will be. It will be at one of these 2 courthouses:</p> <ul style="list-style-type: none"><input type="checkbox"/> Gibson Courthouse, 10820 Justice Center Dr., Roseville<input type="checkbox"/> 101 Maple Street, Auburn CA
Step 4: Notify the other party about the hearing	<p>You must notify the other party no later than 10:00 a.m. the court day before the Emergency Request hearing. You can notify the other side by phone, text message, email, or in person. You must notify them of the <u>date, time, and place of the hearing, and what the hearing is about (for example, custody and parenting time)</u>.</p> <p>Also, you must make your best efforts to get a copy of the forms to the other party (for example, by scanning and emailing the other party, sending by fax, or handing a copy to the other side in person).</p>
Step 5: Fill out the Declaration	<p>Declaration Regarding Notice to Opposing Party of Emergency Request Hearing (PL-FL004) (Local Form)</p> <p>Fill out this form to explain when and how you notified the other party. Make 2 copies and bring the original and copies to the hearing.</p>
Step 6: Go to the hearing	<p>At the hearing, the Judge will decide whether temporary/emergency orders will be made.</p>
Step 7: Serve the other party	<p>If the other party did not attend the hearing and the Judge made court orders and/or scheduled a follow-up court hearing, serve the other party with the Temporary Emergency (Ex Parte) Orders (FL-305) and Request for Order (FL-300).</p> <p>Someone 18 or older must serve the forms for you. You cannot serve the forms yourself.</p> <p>The person who serves the forms to the other party must <i>completely</i> fill out a Proof of Personal Service (FL-330) and give it to you to file.</p>
Step 8: File the Proof of Service	<p>Make 1 copy of the Proof of Personal Service (FL-330) and get a number ticket for "Family Law" at the kiosk on the 1st floor of the courthouse to file the original and copy. Keep the filed copy for your records.</p>



Next steps:

Come to your court hearing prepared to tell the Judge why they should make the court orders you've asked for in your forms. Know that you can only ask the Judge to make orders or use information you included in your filing.

Important Things to Know

What is an Emergency request hearing for?

Emergency request hearings are for situations where there will be "irreparable harm" (which means harm that cannot be fixed later) if you have to wait for a regular court date.

Examples of emergencies that are appropriate for an emergency request hearing:

Custody / Parenting time:

- The other parent was arrested for a DUI or drugs, especially if a child was involved.
- A child witnessed domestic violence in the other parent's home.
- A child has been physically abused by the other parent or someone else in the other parent's household.
- The other parent has told you they will be moving away in violation of court orders within the next month.
- The other parent is allowing a sex offender to have contact with the child.
- The visitation supervisor is allowing the other parent to have unsupervised contact with the child.

Other:

- The other party to the case is refusing to sign documents that are needed to stop an imminent foreclosure.
- The other party has taken the only vehicle that is required to get to work/school/childcare.

Examples of emergencies that are NOT appropriate for an Emergency Request Hearing:

- Change in child or spousal support due to financial hardship. File for an Order Shortening Time instead.
- The other parent has been withholding a child from you in violation of court orders for several months, or longer. File a regular Request for Order instead.

Definitions

- Legal Custody: The parent(s) who makes decisions regarding the health, education and general welfare and well-being of the child(ren).



- Physical custody: The parent(s) with whom the child(ren) live or spend considerable time.
- Parenting Time (Visitation): The schedule of time that the child(ren) spend time with each parent.
- Child Support: Generally calculated based on parenting time and the incomes of each parent. The court has the ability to award child support until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first.
- Spousal Support: Money paid to a (ex-)spouse to help them become self-supporting in the future. This is separate from child support. For more information, see [California Family Code section 4320](#).

Additional Forms

You may need to file other forms with your Request for Order. There are specific attachments for custody, spousal support and payment history, for example. If you have questions, please make an appointment with the Self-Help Center.

Where can I get the forms?

1. Most of the blank forms listed in these instructions can be found **online** at www.courts.ca.gov/forms. The Local Form (Placer County) can be found at <http://www.placer.courts.ca.gov/forms-filing-forms.shtml>.
2. You can get the form packets through the court's **Self-Help Center** or buy them at the **Court Clerk's counter**.

Where can I get help and more information?

- You can hire a private attorney for a free or low-cost consultation.
- If you do not have an attorney, you can get help from the court's Self-Help Center located at the Gibson Courthouse, 10820 Justice Center Dr., Roseville. Online appointments and limited walk-ins are available Monday to Friday, 8:00 a.m. to 12:00 noon (Wednesday open until 3:00 p.m.). Schedule online appointments at www.placer.courts.ca.gov and search for **online appointments**.
- Visit www.courts.ca.gov
 - Click "Self-Help" on the tabs and select "Families & Children" or "Divorce or Separation" in the dropdown menu
- Read:
 - [Information Sheet for Request for Order](#) (FL-300-INFO)
 - [Child Custody Information Sheet—Recommending Counseling](#) (FL-313-INFO)
 - [Information Sheet for Proof of Personal Service](#) (FL-330-INFO)