

Checklist: Ex Parte Application

1. Complete the ex parte application. You need to include the following forms.

▶ All Ex Parte Applications:

- FL-305 Temporary Emergency (Ex Parte) Orders
 - *Exception:* Do not include if you are only requesting an Order Shortening Time
- FL-300 Request for Order
- Declaration to Support Request for Order Shortening Time for Service and Hearing (local form FamLaw-007b)
- Declaration Re Notice Upon Ex Parte Application For Orders (local form FamLaw-107)
- If you are requesting the court modify an order, attach a copy of the current order
- \$60 ex parte fee plus \$60 or \$85 Request for Order fee OR Fee Waiver

Optional:

- Exhibits
- Memorandum of Points and Authorities

If you are requesting to continue or advance a court date or emergency (ex parte) orders re property, use the above forms only. These forms are available in the “Request for Order – Emergency” packet available on the court’s website at www.cc-courts.org/forms.

▶ If you are requesting emergency (ex parte) orders re: child custody & visitation, also include:

- FL-105 Declaration Under UCCJEA
 - *Note:* If an FL-105 has already been filed in the case, you may submit a copy of the previously filed FL-105 as long as it remains accurate and is less than 6 months old.

Optional:

- Child Custody & Visitation Application (form FL-311)
- Request for Child Abduction Prevention Orders (form FL-312) and Child Abduction Prevention Order Attachment (form FL-341(b))
- Note:* If you are requesting supervised visitation, include the information as to the supervisor and allocation of costs on the form FL-305.

▶ If you are requesting emergency (ex parte) orders re: financial relief – child support, spousal support, attorney’s fees and costs, payment of expenses, etc., also include:

- Income and Expense Declaration (form FL-150)

Checklist: Ex Parte Application (continued)

2. If you are self-represented, ask the clerk at the Ex Parte Window to review your forms before you give notice to the other side.
3. Deliver a copy of the document(s) to the other side along with a “Notice Upon Ex-Parte Application for Orders” (local form FamLaw-206). If DCSS is a party to your case and you are requesting emergency orders regarding child support, you must also give a copy to DCSS. This step is called *notice*, not service, so you can do this yourself.

Complete the “Declaration Re Notice Upon Ex Parte Application for Orders.” You must include the method, time, date, and place of notice and sign the bottom of the page.

4. Bring your original forms to the Ex Parte Window after you have provided notice to the other side. You will get a small blue piece of paper with a 2-3 digit reference number.

The court will hold your papers for the notice period to give the other party time to submit a response to the court. The notice period can be anywhere from 24 hours to 6 days, depending on how you gave notice to the other party.

5. Pick up your forms. The clerk at the Ex Parte Window will file your forms.

You can call the court at 925-608-1000 and follow the prompts to see if your documents are ready to be picked up from the Ex Parte Window. *Note – court staff cannot tell you over the phone whether your request was granted or denied.*

6. Serve the other party. If the judge granted your request for emergency (ex parte) orders, the other side must be personally served. **You cannot serve your own documents.**
 File the proof of service before your hearing.