

## INFORMATION REGARDING NOTICE

When you ask the court for certain types of orders, the rules may state that you have to inform the other party that you are about to make this request. This requirement is called giving “notice.” For example, the court will require that you give notice to the other party if you are asking to reschedule a court date or if you are asking for emergency orders.

### **Who Can Give Notice?**

**Notice is different from service.** You or a third party may deliver your documents to the other party. This is one of the few times when you are allowed to deliver court documents to the other party.

The third party may be a family member or friend as long as they are not a named party to your case. You can also contact the sheriff’s department or hire a process server.

You or the third party who helps you give notice must be at least 18 years old.

### **How Can I Give Notice?**

You or a third party can deliver a copy of your request in person, by mail, by email, or by fax. However, there are restrictions to giving notice by email or fax. Please read carefully before giving notice to make sure you understand which notice methods you can use.

**Personal:** You or a third party hands the other party the documents. It must be handed directly to the other party, not left with someone else in the office or household. Complete the Declaration Re: Notice with the date, time, and address at which the papers were delivered.

**Mail:** You or a third party can mail the documents to the other party using first class mail. Complete the Declaration Re: Notice with the date and address to which you mailed the documents.

**Email:** If the other party has an attorney, you can email the attorney a copy of your documents if you have verified their email address by phone or email. Complete the Declaration Re: Notice with the date and email address you used.

If the other party does not have an attorney, you can give notice by email if you and the other party have an agreement in writing to accept service by email. Complete the Declaration Re: Notice with the date and email address you used and attach a copy of the agreement to accept service by email.

**Fax:** If you and the other party have a written agreement to accept service by fax, you may deliver your documents by fax. Complete the Declaration Re: Notice with the date, time, and fax number used. Then, attach a copy of the fax confirmation page to the Declaration Re: Notice.

### **How Long Does the Court Hold My Request Before the Judge Makes a Decision?**

Depending on how you gave notice, the court must generally hold your request for a certain period to allow the other party time to submit a response. However, with requests to reschedule hearings, if you are not able to give notice in a timely fashion but still want your request considered, complete Section #4 of the Declaration Re: Notice to explain why you are not able to give notice or why notice was untimely.

**Personal:** If you have given someone personal notice before 10:00 a.m., the court will hold your paperwork for 24 hours before submitting it to the judge for consideration. If you gave personal notice after 10:00 a.m., the court will hold it until 10:00 a.m. the next day and add an additional 24 hours.

**Mail:** If you have mailed notice within California, the court will hold your paperwork for 5 calendar days plus 24 hours. If you have mailed notice outside of California, but within the United States, the court will hold your paperwork for 10 calendar days plus 24 hours. If you have mailed notice internationally, the court will hold your paperwork for 20 calendar days plus 24 hours.

**Email or Fax:** If you have given notice by email or fax, the court will hold your paperwork until 10:00 a.m. the next day, then add two additional court days.