

San Francisco Unified Family Court



EX PARTE PROCEDURES FOR DEPENDENCY COURTS

1. **Types of Requests.** Ex parte applications may be brought to obtain orders shortening time, continuances or extraordinary relief in an emergency situation.
2. **Filing of Ex Parte Application.** The Calendar Clerk will set the matter for ex parte hearing upon the filing of an ex parte application. The ex parte application shall be filed in the Office of the Court Clerk before 9:00 AM on the court day prior to the ex parte hearing.
3. **Notice Requirements.** Notice of an ex parte hearing shall be provided to all parties by telephone or facsimile no later than 9:00 AM on the court day prior to the hearing. Notice shall include the date, time and department of the ex parte hearing. In extraordinary circumstances, if good cause is shown that imminent harm is likely if notice is provided to the other party, the court may waive this notice requirement.
4. **Proof of Notice Requirements.** At the time of the ex parte hearing, the party seeking ex parte relief shall file a declaration under penalty of perjury regarding compliance with the notice requirements. If the other parties are not timely and properly noticed, the party seeking ex parte relief shall file a declaration under penalty of perjury detailing the efforts made to provide notice and why those efforts were unsuccessful.
5. **Pleading Requirements.** All ex parte applications shall include:
 - A. a DECLARATION IN SUPPORT OF EX PARTE APPLICATION, based upon personal knowledge, signed under penalty of perjury, specifically including the reason relief is requested, the factual basis for that relief, why relief must be immediate, and whether the relief requested changes an existing court order;
 - B. proof of timely notice to the other party;
 - C. a copy of the court's most recent ORDER on the issue;
 - D. a proposed ORDER,
 - E. a Notice of Motion or Order to Show Cause, if applicable.
6. **Service of Pleadings.** Absent good cause, the party seeking ex parte relief shall provide copies of all documents in support of the ex parte application to the other parties no later than 1:00 PM on the court day prior to the ex parte hearing.
7. **Hearing Dates/Times.** Departments 406 and 425 hear ex parte applications daily at 8:30 AM.
8. **Hearing Procedures.** Generally, the court will decide the ex parte application on the pleadings. No party has a right to an ex parte hearing in open court. The Court, in its sole discretion, may conduct some or all of the ex parte proceedings in open court.
9. **Service of Ex-parte Orders.** Unless otherwise ordered, the courtroom clerk shall mail endorsed filed copies of ex parte orders to all required parties.