

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: ATTORNEY FOR (Name):	TELEPHONE NUMBER:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER: RESPONDENT:	CASE NUMBER:	
DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR ORDERS		DEPARTMENT NUMBER: FCS NUMBER:

I, the undersigned, declare:

1. I am (choose one):
 - a. attorney for Petitioner attorney for Respondent attorney for child(ren)
 - b. self-represented Petitioner self-represented Respondent
 - c. other (explain): _____

2. **The opposing party or minor children is represented by an attorney:** Yes No
 (If you checked "Yes", fill in the name, address, and telephone number of all attorneys.
 If you checked "No", fill in the other party's name address, and telephone number.)
 Party/Attorney name: _____
 Address/Telephone number: _____
 Child's attorney name and address: _____

3. **OTHER CASES:** Have the parties to this case been involved in another Family, Probate Juvenile, or Criminal Court Case? Yes No If there has been another case, fill in the case number: _____

4. **OTHER APPLICATIONS:** I or another party have have not made previous application(s) on the same issue. Orders were were not granted on the prior application(s). Explain in your declaration.

5. **NOTICE**
 - a. **I HAVE given notice to all opposing parties and/or their attorney by the following method:**
 Personal delivery Fax Overnight Carrier First Class Mail Other: _____
 Date: _____ Time: _____ Person who received: _____
 I have received confirmation that the other party has received my papers as follows: (Check one below)
 In person/telephone (describe):
 Written confirmation of receipt
 - b. **I ask the Court not to require notice of the ex parte request for orders because (Check all that apply. In the space provided below in 5.c. and on any attached pages or a separate sworn declaration, you must give facts that support a request not to give notice for each box you check in 5.b. (except for Domestic Violence Prevention Act (DVPA) restraining orders):**
 This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.
 This application involves a matter not requiring notice under State Rules, Rule 5.170;
 Giving notice would frustrate the purpose of the order;
 Giving notice would result in immediate and irreparable harm to the applicant or the children who may be affected by the order sought;
 Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in the case;
 The parties agreed in advance that notice will not be necessary with respect to the matter that is the subject of the request for emergency orders. Provide documentation of this agreement; and/or,

PETITIONER:	CASE NUMBER
RESPONDENT:	

INSTRUCTIONS

For more information please refer to Superior Court of California, County of Santa Clara Local Rules 5 A & B and California State Rules, Rules 5.151, 5.165, 5.167, and 5.170.

This form is required in Santa Clara County, if you are asking the Judge to make immediate orders (also know as emergency or ex parte orders) without the other party being present for a hearing. This form must be completed in any case where ex parte orders or emergency orders are requested. If you are required to give notice, notice must be given before 10:00 a.m. on the court day before the Judge reviews the application, or the application will be delayed another 24 hours. Notice means providing the other side of the case, either all other attorneys or any self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have given notice to the other side of your case, you must state the form of notice given. If you ask the Court to not require notice, you must explain why. Sometimes notice is not required, such as cases involving allegations of domestic violence or where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

SECTION #1

State whether you are the Petitioner or the Respondent in the case. Once a case is filed, the parties keep the same status in the case. You do not change from the Respondent to the Petitioner by filing a new motion in the case. If you do not have an attorney, you are considered self-represented.

SECTION #2

If any other party is represented by an attorney, you must provide the Court with the attorney’s name and address. If the other party is not represented by an attorney, you must provide the Court with the other party’s address.

SECTION #3

It is very important to list all other cases in which you and the other party have been involved with the courts. This would include other Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put “unknown” and list the county and the year of the filing, if possible.

SECTION #5a.

Unless notice is excused by the Court, you must provide notice of this application to all other parties and attorneys before you deliver a copy to the Court. When you give such notice, specify how you did it (by fax, courier, or personally, for example), who received it and at what time and on which date. Also, please explain how you know that the other side received copies of your papers and what response you were given.

SECTION #5c.

If you believe that you should not be required to give notice of this application and are asking the Court not to require notice, explain why in this section. Check as many boxes as apply. You must also write out any further explanation of your reasons for not giving notice or provide a separate declaration.

After this form is completed, attach it to your application or motion and submit them to the Court Specialist’s Office at the Family Court Facility where you are dropping off your paperwork for review.