

Rule 704. Ex Parte Matters

A. Notice of Ex Parte Application

Notice of an Ex Parte Application must be given ~~by telephone, or in a writing~~ to the self-represented party, or if represented, to the opposing attorney. Notice must be given personally or by telephone, voicemail, fax transmission, electronic means (if permitted), overnight mail, or other overnight carrier. The notice must include a statement of the relief being requested, the specific date and time of the Ex Parte Application submission, the name and address of the court where the Ex Parte Application will be presented and a statement that the opposing party or opposing attorney, if represented, is entitled to appear in court.

Cases not previously assigned to a specific judicial officer must be noticed to appear in the Family Law Clerk's Office at the Lamoreaux Justice Center, 341 The City Drive South, Orange, California.

Cases that have been assigned to a judicial officer for all purposes must be noticed to appear in the department of that judicial officer.

A party may request that notice be waived by submitting a declaration signed under penalty of perjury which explains facts showing good cause not to give the notice or to give shortened notice.

1. Ex Parte Applications Involving Domestic Violence.

Notice must be given so that it is received no less than four (4) hours before the submission of the Ex Parte Application, unless good cause not to give notice is shown.

Domestic violence Ex Parte Applications shall be issued or denied on the same day if received by 3:00 p.m. Submissions after 3:00 p.m. shall be issued or denied on the next court day.

2. All Ex Parte Applications Except Domestic Violence.

Notice must be given so that it is received prior to 10:00 a.m. on the court day before the Ex Parte Application will be presented to the judicial officer, unless good cause not to give notice is shown.

Ex Parte Applications shall be issued or denied on the same day if received by 10:00 a.m. Submissions after 10:00 a.m. shall be issued or denied on the next court day.

Rule 704 amended effective 01/01/2023 adopted effective July 1, 1984; previously revised effective January 1, 1987, July 1, 1994, October 1, 1996, January 1, 1998, January 1, 2007, July 1, 2011, January 1, 2013 and July 1, 2014;