

SANTA BARBARA COUNTY SUPERIOR COURT

1407 EX PARTE NOTICE

(a) [Notice Requirements] The moving party shall give notice to the responding party immediately upon obtaining a date and time for the *ex parte* hearing. “Immediately” as used in this Rule is defined as within 12 hours of obtaining the date and time from the judicial assistant.

The notice shall fully conform with the requirements of CRC 3.1203[insert hyperlink], and shall be given during normal business hours. Notice may be given by telephone or by personal delivery of written notice.

“Normal business hours” as used in this Rule is defined as the hours between 8:30 a.m. and 5:00 p.m.

Except as provided in subsection (b) of this rule, notice shall be given for all *ex parte* applications, including those requesting orders shortening time.

(b) [Exceptions to Notice Requirement] The notice required by CRC 3.1203 may be excused only upon a finding of exceptional circumstances, which must be supported by a declaration, under oath, which establishes one of the following circumstances to the satisfaction of the Court:

1. Notice would frustrate the very purpose of the order sought and lead the applicant to suffer immediate and irreparable injury; or
2. Notice is not possible following a good faith attempt.

A hearing is not required and notice need not be given for an application:

- 1) For an order or judgment where the responding party has approved the same;
- 2) For an order or judgment where a default proceeding was the basis upon which the order or judgment was made;
- 3) For issuance of a Request for Order (FL-300) that does not request relief pending the hearing;
- 4) For re-issuance of a Request for Order (FL-300);
- 5) For a wage assignment after issuance of a support order;
- 6) For approval of a Request to Waive Court Fees (FW-001) application;
- 7) For restoration of a former name after entry of judgment;
- 8) For approval pursuant to Local Rule 1507(f) (1)- (3);
- 9) For an order directing both parties to attend a mediation appointment at a specific date and time with Family Court Services*; and/or
- 10) For an order waiving attendance of a party at the Court’s mandatory parent education program, PEACE, where either:
 - a) The requesting party is processing a default judgment and wants the waiver of attendance for the defaulted other party, or
 - b) The requesting party declares that the residence of the party whose attendance is to be waived is geographically distant from any location where a Court-approved parent education program is offered and the latter party has no opportunity to attend a comparable program where he or she lives.

***NOTE: The setting of any Family Court Services mediation appointment is to be done in compliance with Local Rule 1503. In addition, the cover page of the Request for Order (FL-300) must state: “You have the right to reschedule or cancel mediation with good cause. See LR 1503.”**

(c) [Contents of Notice] Notice of the hearing on *ex parte* application must:

1. specify the date and time of the *ex parte* hearing; and,
2. include a detailed description of the relief sought.

If the responding party is not represented by counsel, the notice must further advise the party that he or she has a right to be present, to be represented by counsel, and to submit a written response to the application.

If the responding party is represented by counsel, the notice must provide the identity of the counsel and all available contact information.

(Amended 01-01-11; 07-01-09; 01-01-02; adopted effective 07-01-98)