

EX PARTE PROCEDURES FOR PROBATE & CIVIL MENTAL HEALTH
EFFECTIVE OCTOBER 1, 2024

The following ex parte procedures apply to Probate and Civil Mental Health. These matters are currently (as of 8/15/2024) heard in Departments 11A and & 7C respectively, and include, but are not limited to Estate, Trust, Conservatorship (general and limited), LPS Conservatorship, and Guardianship matters.

- A. A party filing or opposing an ex parte application must follow California Rules of Court, rule 3.1200 et seq., except as provided below.
- B. Ex parte applications in Probate and Civil Mental Health are *non-appearance* matters and are decided on written submissions unless the court, in its discretion, sets a hearing for a later date.
- C. A party filing an ex parte application must specify a date on which the court's ruling is requested. Notice of Ex Parte Request Local Form SJPR/MH-008 shall be filed and served with the ex parte application.
- D. The applicant shall file and serve the ex parte application and supporting documents no later than 10:00 a.m. on the court day before the date on which the court's ruling is requested, absent a showing of exceptional circumstances that justify a shorter time frame. Declaration Re: Notice of Ex Parte Application Local form SJPR/MH-006 must be used and filed with the ex parte application.
- E. Any party opposing the application must file and serve a written opposition no later than 10:00 a.m. on the date on which the court's ruling is requested. If e-filing, you should choose "Opposition to Ex Parte Application" for your document title. [An optional Opposition to Ex Parte Application Local Form SJPR/MH-010 is available to use on the Court's website.]
- F. Subdivisions (A) – (E) above, do not apply to Ex Parte Applications listed in Local Rule 4-106A.
- G. A party must pay the filing fee before the court will review the ex parte matter.
- H. A petition for appointment of a temporary conservator (General or LPS) or guardian, absent exigent circumstances, shall be set for hearing based on the Courts availability, but the Court will require a minimum of five (5) days' notice (Probate Code section 2250(e) and 2250.2 through 2250.6). A petitioner seeking a hearing on less than five (5) days' notice

must file an ex parte application and show that exigent circumstances exist that require an earlier hearing.

I. An application for a nunc pro tunc order may be presented by filing an ex parte application and by using Order Nunc Pro Tunc Correcting Order Local Form SJPR/MH-009.