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.