

1 made to the judicial officer at the first appearance; do not contact the
2 judicial secretary to request the exception.

3 ○ Ex Parte request for temporary emergency order/ TRO:

- 4 ▪ Any party who is located out of state or 120 miles or more from the
5 courthouse may appear by Zoom. (The requesting attorney must
6 appear in person).
- 7 ▪ Any attorney who is opposing the ex parte and is out of state or 120
8 miles or more from the courthouse may appear by Zoom for the ex parte
9 hearing, only.
- 10 ▪ Any request to appear by Zoom at a subsequent appearance shall be
11 made to the judicial officer at the first appearance; do not contact the
12 judicial secretary to request the exception.

- 13 - Appearance by Zoom is authorized for Ex Parte Requests for Elder Abuse and/or
14 Domestic Violence Temporary Restraining Orders, where the requesting party is
15 assisted by the Family Justice Center. The requesting party, only, may appear by
16 Zoom.
- 17 - Appearance by Zoom is authorized for any party or attorney who has an unexpected
18 illness or unanticipated emergency. Notice must be given to the opposing attorney
19 (or party, if no attorney) and a call must be made to the judicial secretary for the
20 assigned courtroom notifying the court of the emergency precluding personal
21 appearance.

22 Courtroom 34

23 In-person courtroom appearance is required for all matters on calendar, except as follows:

- 24 - All hearings related to Domestic Violence Restraining Orders where the requesting
25 party is assisted by the Family Justice Center will be conducted by Zoom unless
26 otherwise ordered by the judicial officer.
- 27 - All child support cases involving the Department of Child Support Services (DCSS)
28 will be conducted by Zoom.

- 1 - For Family Law cases that do not involve DCSS:
- 2 ○ Appearance by Zoom is authorized (without the need for prior judicial approval)
- 3 for a first appearance on (1) a Request for Order or (2) Ex Parte request for
- 4 temporary emergency order / TRO under the following conditions:
- 5 ■ Request for Order –
- 6 ● Any party who is located out of state or 120 miles or more from
- 7 the courthouse may appear by Zoom. (Attorneys must appear in
- 8 person).
- 9 ● Any request to appear by Zoom at a subsequent appearance
- 10 shall be made to the judicial officer at the first appearance; do not
- 11 contact the judicial secretary to request the exception.
- 12 ■ Ex Parte for temporary emergency order/TRO:
- 13 ● Any party who is located out of state or 120 miles or more from
- 14 the courthouse may appear by Zoom. (The requesting attorney
- 15 must appear in person).
- 16 ● Any attorney who is opposing the ex parte and is out of state or
- 17 more than 120 miles or more from the courthouse may appear by
- 18 Zoom for the ex parte hearing, only.
- 19 ● Any request to appear by Zoom at a subsequent appearance
- 20 shall be made to the judicial officer at the first appearance; do not
- 21 contact the judicial secretary to request the exception.
- 22 - Appearance by Zoom is authorized for any party or attorney who has an unexpected
- 23 illness or unanticipated emergency. Notice must be given to the opposing attorney
- 24 (or party, if no attorney) and a call must be made to the judicial secretary for
- 25 Department 34 notifying the court of the emergency precluding personal appearance.

26 Family Court Service Mediations

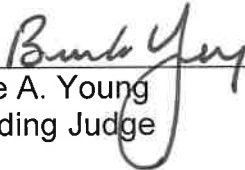
- 27 - All “child custody recommending counseling” sessions (also referred to as
- 28 “mediations”) will be conducted in person unless the parties obtain pre-approval to

1 appear by Zoom from the assigned judicial officer, the Family Court Services Manager
2 or the Family Court Services Supervisor, except as follows:

- 3 ○ Pre-approval to appear by Zoom is unnecessary for any party who is located
4 out of state or 120 miles or more from the courthouse or for any party who has
5 an unexpected illness or unanticipated emergency. In either situation, the
6 party is to notify Family Court Services before the mediation by calling 805-
7 289-8735.
- 8 - Due to the Covid-19 pandemic, the children's waiting room at the court remains
9 closed. Parties who bring their child (or children) to court must arrange for an adult to
10 watch the child (or children) during the mediation.

11 THIS ORDER IS EFFECTIVE TUESDAY SEPTEMBER 14, 2021, AND IS INTENDED TO
12 REPLACE AND SUPERSEDE ADMINISTRATIVE ORDER 20.43. IT IS SO ORDERED.
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14 DATED: September 17, 2021

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17 _____
18 Bruce A. Young
19 Presiding Judge
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Superior Court, County of Ventura
**PROCEDURE FOR EX PARTE REQUESTS –
FAMILY LAW**

Updated: Tuesday, July 6, 2021

**Domestic Violence, Civil Harassment,
Elder/Dependent Adult Abuse, Workplace Violence
and Gun Violence Restraining Order ex parte
requests:**

COURTROOM 34

- Requests for Domestic Violence (that are assigned to **Courtroom 34**), Civil Harassment, Workplace Violence and Gun Violence restraining orders will be heard daily in Courtroom 34 at 1:30 pm. All requests may be decided on the papers only.
- Parties/attorneys that have access to email may email the papers to:
EmergencyRestrainingOrdersFamilyandCivil@ventura.courts.ca.gov by 9:00 am for the day the ex-parte request has been noticed. Timely notice as set forth in the California Rules of Court is required. Any papers submitted after that time will be ruled upon the next business day.

- Any party opposing a request may email the papers to EmergencyRestrainingOrdersFamilyandCivil@ventura.courts.ca.gov, by 11:00am for consideration by the court.
- PARTIES ARE NOT TO SUBMIT ANY NON-RESTRAINING ORDER EX PARTE REQUESTS THROUGH THIS EMAIL PROXY.
- For parties/attorneys that do not have email access or the ability to complete the forms electronically, papers must be presented in person at the entrance of the Hall of Justice (Family Law booth) by 11:00am for the day the emergency ex-parte request has been noticed. An appointment to file is not needed. Timely notice as set forth in the California Rules of Court is required.
- Hearing dates on the requests for restraining orders will be scheduled not more than 90 days out per California Rules of Court, Emergency rule 8.

COURTROOMS 31, 32, 33 & 35

- Requests for Domestic Violence filed in an existing Family Law case and assigned to the listed courtrooms will be heard daily in the courtroom of the Judicial Officer assigned to hear the existing case and will be heard daily at 11:30 a.m. Elder/Dependent Adult Abuse restraining orders will be heard daily in Courtroom 32 at 11:30 a.m.

- Parties/attorneys that have access to email, may email the papers to EmergencyRestrainingOrdersFamilyandCivil@ventura.courts.ca.gov by 9:00 am for the day the emergency ex-parte request has been noticed. Timely notice as set forth in the California Rules of Court is required. Any papers submitted after that time will be ruled upon the next business day.
- Any party opposing a request may email the papers to EmergencyRestrainingOrdersFamilyandCivil@ventura.courts.ca.gov, by 10:30 am for consideration by the court.
- PARTIES ARE NOT TO SUBMIT ANY NON-RESTRAINING ORDER EX PARTE REQUESTS THROUGH THIS EMAIL PROXY.
- For parties/attorneys that do not have email access or the ability to complete the forms electronically, papers must be presented in person at the entrance of the Hall of Justice (Family Law booth) by 9:30 am for the day the emergency ex-parte request has been noticed. An appointment to file is not needed. Timely notice as set forth in the California Rules of Court is required.
- Any party opposing a request may present their papers in person at the entrance of the Hall of Justice (Family Law booth) by 10:30am. An appointment to file is not needed.

Hearing dates on the requests for restraining orders will be scheduled not more than 90 days out per California Rules of Court, Emergency rule 8.

Family Law Ex-Parte Requests – (non- domestic violence, non-civil harassment, etc.):

- For Family Law ex-parte requests in cases assigned to Courtrooms 31, 32, 33 and 35, A RESERVATION IS REQUIRED. Reservations must be made by contacting the judicial secretary by telephone.
Courtroom 31, 32 & 35 - 805-289-8762
Courtroom 33 - 805-0289-8772
- These ex-parte requests will be heard daily at 11:30 am Monday through Friday. Timely notice as set forth in the California Rules of Court is required.
- After scheduling a reservation, parties/attorneys may submit their documents by email to:
FamilyLawNonROExParte@ventura.courts.ca.gov by 9:00 am the day of the ex parte hearing. (Excluding weekends and state holidays.)
- PARTIES ARE NOT TO SUBMIT ANY NON-EXPARTE REQUESTS FOR ORDERS THROUGH THIS EMAIL PROXY.
- Any party opposing a request may email the opposing papers to:
FamilyLawNonROExParte@ventura.courts.ca.gov by 10:30 am on the day of the hearing.

- For parties/attorneys that do not have email access or the ability to complete the forms electronically, papers must be presented in person at the entrance of the Hall of Justice (Family Law booth) by 9:30 am for the day the emergency ex-parte request has been noticed. An appointment to file is not needed. Timely notice as set forth in the California Rules of Court is required.
- Any party opposing a request may present their papers in person at the entrance of the Hall of Justice (Family Law booth) by 10:30am. An appointment to file is not needed.
- If papers are not presented within the time limits set out above, the ex-parte request will not be heard that day.

All applicable fees will be required. If an appearance is not required or a party/attorney without a fee waiver appears telephonically, the court will set an OSC re payment, which will go off calendar if the fees have been paid. If you are appearing in person, you may bring a check payable to the Ventura Superior Court. The court is unable to process cash or credit cards in the courtroom. Credit card, cash, and check payments can be processed in the Family Law Clerk's Office during normal business hours.

DACARU – District Attorney Child Abduction and Recovery Unit

- A very brief refresher for family law attorneys on what DACARU does and what limitations we have might be helpful in a couple ways:
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- 1) DACARU works on behalf of the court. Our unit's policy is to attempt to assist parents by reaching out to the other party by phone. If that doesn't fix the problem we ask that the parent go to court and ask the judge to appoint DACARU to do whatever specific task that the court feels is appropriate. This practice necessarily involves the judge and ensures we are acting in conformity with what he/she expects. **When the attorneys seek custody orders, if appropriate, they should also seek orders for DACARU appointment. This will help avoid DACARU asking them to go back to court for those additional orders.**
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- 2) Also, DACARU's enforcement action is done by individuals who are protected only by limited immunity. Our first concern is the well-being of the children that are subject to the court's orders. However, because parents have a due process right to the care and custody of their children and can seek damages in both state and federal court, before we act, we ensure that the order was issued by a fully informed judge. Taking action is much less problematic when there has been a recent mediation and hearing wherein all involved had the opportunity to be heard. Also, an order that has just been issued is "fresh" and we can be fairly certain that the court that issued the order knew all that we know. It becomes more concerning when an order is not fresh or was issued ex parte because of all the information that is likely unknown.... i.e. : Is there a "good cause" reason for noncompliance? (see PC 278.7 - If there is a good cause claim the statute requires the party making the claim to get the matter back in front of the court within 30 days.) **When attorneys seek DACARU assistance, anything they can do from the beginning to ensure that the court was fully informed of the good / bad and ugly might prevent an additional hearing. And, similarly, doing as much as possible to give the other party a real chance to come and be heard prior to issuance of orders would help. This includes reaching out and asking DACARU to call and attempt to get the non-compliant parent to come to court for the ex parte hearing. DACARU might even encourage the non-compliant parent to bring the child to the courthouse. We might also make an appearance, so that we are present and able to enforce whatever orders the judge issues.... This type of action has been very successful on numerous occasions and avoids the need for additional ex parte hearings.**

§ 3130. Action by district attorney to locate missing party and child and to procure compliance with order to appear

If a petition to determine custody of a child has been filed in a court of competent jurisdiction, or if a temporary order pending determination of custody has been entered in accordance with Chapter 3 (commencing with [Section 3060](#)), and the whereabouts of a party in possession of the child are not known, or there is reason to believe that the party may not appear in the proceedings although ordered to appear personally with the child pursuant to [Section 3430](#), the district attorney shall take all actions necessary to locate the party and the child and to procure compliance with the order to

appear with the child for purposes of adjudication of custody. The petition to determine custody may be filed by the district attorney.

§ 3131. Action by district attorney where child taken or detained in violation of custody or visitation order

If a custody or visitation order has been entered by a court of competent jurisdiction and the child is taken or detained by another person in violation of the order, the district attorney shall take all actions necessary to locate and return the child and the person who violated the order and to assist in the enforcement of the custody or visitation order or other order of the court by use of an appropriate civil or criminal proceeding.

§ 3132. District attorney acts on behalf of court

In performing the functions described in Sections 3130 and 3131, the district attorney shall act on behalf of the court and shall not represent any party to the custody proceedings.

§ 3133. Temporary custody order upon request of district attorney

If the district attorney represents to the court, by a written declaration under penalty of perjury, that a temporary custody order is needed to recover a child who is being detained or concealed in violation of a court order or a parent's right to custody, the court may issue an order, placing temporary sole physical custody in the parent or person recommended by the district attorney to facilitate the return of the child to the jurisdiction of the court, pending further hearings. If the court determines that it is not in the best interest of the child to place temporary sole physical custody in the parent or person recommended by the district attorney, the court shall appoint a person to take charge of the child and return the child to the jurisdiction of the court.

§ 3134. Payment of district attorney's expenses

- (a) When the district attorney incurs expenses pursuant to this chapter, including expenses incurred in a sister state, payment of the expenses may be advanced by the county subject to reimbursement by the state, and shall be audited by the Controller and paid by the State Treasury according to law.
- (b) The court in which the custody proceeding is pending or which has continuing jurisdiction shall, if appropriate, allocate liability for the reimbursement of actual expenses incurred by the district attorney to either or both parties to the proceedings, and that allocation shall constitute a judgment for the state for the funds advanced pursuant to this section. The county shall take reasonable action to enforce that liability and shall transmit all recovered funds to the state.

CRC.5.151 Selected Provisions Related to Ex Parte Requests

(b) Purpose The purpose of a request for emergency orders is to address matters that cannot be heard on the court's regular hearing calendar. In this type of proceeding, notice to the other party is shorter than in other proceedings. Notice to the other party can also be waived under exceptional and other circumstances as provided in these rules. The process is used to request that the court:

(1) Make orders to help prevent an immediate danger or irreparable harm to a party or to the children involved in the matter;

(2) Make orders to help prevent immediate loss or damage to property subject to disposition in the case; or

(3) Make orders about procedural matters, including the following:

(A) Setting a date for a hearing on the matter that is sooner than that of a regular hearing (granting an order shortening time for hearing);

(B) Shortening or extending the time required for the moving party to serve the other party with the notice of the hearing and supporting papers (grant an order shortening time for service); and

(C) Rescheduling a hearing or trial.

(d) Contents of application and declaration

(2) Affirmative factual showing required in written declarations The declarations must contain facts within the personal knowledge of the declarant that demonstrate why the matter is appropriately handled as an emergency hearing, as opposed to being on the court's regular hearing calendar.

An applicant must make an affirmative factual showing of irreparable harm, immediate danger, or any other statutory basis for granting relief without notice or with shortened notice to the other party.

(3) Disclosure of previous applications and orders An applicant should submit a declaration that fully discloses all previous applications made on the same issue and whether any orders were made on any of the applications, even if an application was previously made upon a different state of facts. Previous applications include an order to shorten time for service of notice or an order shortening time for hearing.

(4) Disclosure of change in status quo The applicant has a duty to disclose that an emergency order will result in a change in the current situation or status quo. Absent such disclosure, attorney's fees and costs incurred to reinstate the status quo may be awarded.

(5) Applications regarding child custody or visitation (parenting time) Applications for emergency orders granting or modifying child custody or visitation (parenting time) under Family Code section 3064 must:

(A) Provide a full, detailed description of the most recent incidents showing:

(i) Immediate harm to the child as defined in Family Code section 3064(b); or

(ii) Immediate risk that the child will be removed from the State of California.

(B) Specify the date of each incident described in (A);

(C) Advise the court of the existing custody and visitation (parenting time) arrangements and how they would be changed by the request for emergency orders;

(D) Include a copy of the current custody orders, if they are available. If no orders exist, explain where and with whom the child is currently living; and

LOCAL RULE 9.08 REQUIRED PLEADINGS

A. EX PARTE APPLICATION/ DECLARATION.

1. Declaration re Notice. All ex parte applications shall be accompanied by a Declaration Re Ex-Parte Notice (VN028) or by other declaration which states with specificity the name of the party noticed, the manner in which notice was given, the relief being sought and the date, time and location of the hearing or a declaration as to the exceptional circumstances why notice was not given.

2. Evidentiary Requirements. Declarations must contain facts to support requests for ex parte orders. Conclusions, feelings, wishes or fears will not adequately support an ex parte order. All declarations shall contain sufficient factual information within the personal knowledge of the declarant to adequately support the relief requested. The court will consider only those issues factually supported by declarations. If there is an insufficient factual showing to justify a particular order, the order will not be granted. Evidentiary deficiencies cannot be corrected by verbal statements to the court.

3. Nature of Request. The declarations shall contain facts that demonstrate why the matter is appropriately handled as an ex parte matter, as opposed to being heard on the court's law and motion calendar (with or without an order shortening time). Seeking ex parte relief in the absence of good cause may result in sanctions being imposed. The filing of an application for ex parte relief shall be deemed a waiver of any right to further notice prior to the imposition of sanctions.

4. Disclosure of Status Quo. There is an absolute duty to disclose the fact that a requested ex parte order will result in a change of the status quo. Absent such disclosure, attorneys' fees and costs incurred to reinstate the status quo may be awarded.