

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY:	TELEPHONE NUMBER:	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b>		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
Person/Entity Seeking Protection:		
Person From Whom Protection is Sought:		
<b>DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR CIVIL RESTRAINING ORDERS</b>		CASE NUMBER: DEPT #:

I, the undersigned, declare:

1. I am (choose one):
  - attorney for Person or Entity Seeking Protection
  - self-represented Person or Entity Seeking Protection
  - other (explain): \_\_\_\_\_
  
2. **The opposing party is represented by an attorney:**  Yes  No  
 (If you checked "yes", fill in the attorney's name, address, and telephone number. If you checked "no", fill in the other party's name address, and telephone number.  
 Party/Attorney name: \_\_\_\_\_  
 Address/Telephone number: \_\_\_\_\_
  
3. **OTHER CASES:** Have the parties to this case been involved in litigation with each other in another Civil, Family, Probate Juvenile, or Criminal Court Case?  Yes  No If "yes", case(s) number(s): \_\_\_\_\_
  
4. **NOTICE**
  - a. **I HAVE given notice to the opposing party and/or their attorney by the following method:**
    - Personal delivery  Overnight Carrier  First Class Mail  Other: \_\_\_\_\_
    - Date: \_\_\_\_\_ Time: \_\_\_\_\_
    - I have received confirmation that the other party has received my papers as follows: (describe)  
 \_\_\_\_\_
  
  - b. **I HAVE NOT given notice of the request for orders because (Check all that apply. You must explain below):**
    - This is an application for Civil Harassment Prevention Act, Elder Abuse, Private Postsecondary School Violence, Transitional Housing Misconduct, or Workplace Violence Act restraining orders and:
      - Great or irreparable injury will result before the matter can be heard on notice.
      - It is impossible to give notice.
      - The other party agrees to the orders requested.
      - Other: \_\_\_\_\_
  
  - c. **Explanation:**
    - A hearing between the parties is already set I am asking that this motion be heard at the same time.
    - I am unable to serve the other party in the time required by law.
    - I fear for my physical safety (and that of others, if applicable).
    - Other: \_\_\_\_\_

I declare under penalty of perjury that the forgoing is true and correct.

\_\_\_\_\_  
Date Print Name Declarant's Signature

## INSTRUCTIONS

**Please refer to Santa Clara County Local Civil Rules for more information. This form is not for use in restraining order applications filed at Family Court.**

This form is required in Santa Clara County, if you are asking the Judge to make immediate orders without the other party being present for a hearing. These orders are called *ex parte* orders. This form must be completed in any case where *ex parte* orders are requested. If you have given notice to the other side of your case, you must state the form of notice given. Notice means providing the other side of the case, either the attorney or a self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have not given notice, you must explain why you have not given notice. There are some circumstances when notice may be waived, such as cases involving allegations of domestic violence where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

### **SECTION #1**

State whether you are the Petitioner or the Respondent in the case. Once a case is filed, the parties keep the same status in the case. You do not change from the Respondent to the Petitioner by filing a new motion in the case. If you do not have an attorney, you are considered self-represented.

### **SECTION #2**

If the other party is represented by an attorney, you must provide the Court with the attorney's name and address. If the other party is not represented by an attorney, you must provide the Court with the other party's address.

### **SECTION #3**

It is very important to list all other cases in which you and the other party have been involved with the courts. This would include other Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put unknown and list the county and the year of the filing, if possible.

### **SECTION #4A**

**Unless notice is excused by the Court, you must provide notice of this motion to the other party before you deliver a copy to the Court. When you give such notice, specify how you did it (by courier or personally, for example) and at what time and date. Also, please explain how you know that the other side received copies of your papers and what response you were given.**

### **SECTION #4B**

**If you did not give notice of this application, explain why in this section. Check as many boxes as apply. You may also write out any further explanation of your reasons for not giving notice.**

After this form is completed, attach it to your restraining order application and submit them as follows:

- If Civil Harassment, Workplace Violence, Private Postsecondary School Violence, or Transitional Housing Misconduct; to the Civil Division Clerk's Office at 191 North First Street, San José, CA 95113
- If Elder or Dependant Adult Abuse; to the Family Division Clerk's Office at 201 North First Street, San José, CA 95113