

APPENDIX 3: DECLARATION RE EX PARTE NOTICE (SC-CV-1)

NAME OF APPLICANT OR ATTORNEY FOR APPLICANT:  ADDRESS:  TELEPHONE:	(FOR COURT USE ONLY)
<b>SISKIYOU COUNTY SUPERIOR COURT</b> 311 FOURTH STREET YREKA, CALIFORNIA 96097	
IN THE MATTER OF:  PETITIONER / PLAINTIFF:  RESPONDENT / DEFENDANT:	CASE NUMBER
<b>DECLARATION RE EX PARTE NOTICE</b>	

**I, the undersigned, declare under penalty of perjury that**

1. I am: (1)  unrepresented Petitioner/Plaintiff  unrepresented Respondent/Defendant  
 (2)  the attorney for:  Petitioner/Plaintiff  Respondent/Defendant  
 (3)  other (explain): \_\_\_\_\_
  
2. The opposing party is represented by counsel:  Yes  No If you checked "yes", fill in attorney's name, address and telephone number:  
 \_\_\_\_\_
  
3. The parties to this action have been involved in **another** Family Law, Domestic Violence, Family Support Div., Paternity, Criminal, Guardianship, or Juvenile Court case.  YES  NO.  
 If there has been another case, state the County in which it is pending \_\_\_\_\_, **and** the case number \_\_\_\_\_
  
4. I have given notice of this ex parte application  YES  NO **(If you answered "No", skip #5 - #9 and complete the rest of the form.)**
  
5. I gave notice to \_\_\_\_\_, on \_\_\_\_\_ at \_\_\_\_\_  
(Name) (Date) (Time)
  
6.  The notice included the information contained in Attachment 1 of this declaration.
  
7.  I gave notice to \_\_\_\_\_ that I would appear for hearing on these orders at \_\_\_\_\_ (AM) (PM) on \_\_\_\_\_ in Dept. \_\_\_\_ of the Yreka Courthouse, Superior Court of California, County of Siskiyou, 311 4<sup>th</sup> St, Yreka, CA 96097.
  
8.  A copy of these pleadings was given to: \_\_\_\_\_ **by the following method:**  
 personal delivery  overnight letter or other overnight carrier  fax transmission  other (explain): \_\_\_\_\_  
 \_\_\_\_\_
  
9. I have received the following response: \_\_\_\_\_  
 \_\_\_\_\_
  
10.  I anticipate that the other party WILL oppose this application.  I anticipate that the other party WILL NOT oppose this application.

11. I have **NOT** given notice of the present application for ex parte orders because:

- Notice would frustrate the purpose of the orders sought.
- Applicant would suffer immediate and irreparable harm before the orders could issue.
- This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.
- No significant burden or inconvenience to the responding party will result.
- The orders requested are those permitted without notice by local rule.
- I made reasonable, good faith efforts to give notice, described as follows:

\_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

**EXPLAIN WHY YOU CHECKED ANY BOX IN ITEM 11:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. I believe that the other party's abuse of  alcohol  drugs is a major factor in his/her offensive behavior.

13. **If you are asking that anyone else be protected, then his or her name, age, relationship to you, and need for protection must be stated.**

NAME & AGE	RELATIONSHIP	WHY PROTECTION NEEDED	LIVES IN MY RESIDENCE (CIRCLE YES OR NO)
a. _____	_____	_____	YES NO
b. _____	_____	_____	YES NO
c. _____	_____	_____	YES NO
d. _____	_____	_____	YES NO
e. _____	_____	_____	YES NO

14. Are you in mediation?  YES  NO If so, have you notified the Court Mediator of this application?  YES  NO.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was signed at \_\_\_\_\_, California, on \_\_\_\_\_, 200\_\_\_\_,**

**Signature of Declarant** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

This form may be used to satisfy the requirements of ex parte notice pursuant to Rule 3.03.B of the Local Rules of the Siskiyou County Superior Court, if you provide an attachment which includes a statement of the notice you gave and of the exact temporary orders you are requesting from the Court.