

Emergency Local Rule: Procedure for Setting Family Law Ex Parte Hearings,  
Effective March 3, 2021; Modification of Local Rule 5.4(c)(3)

1. **Authorization for Adoption of Emergency Local Rule.** This local rule has been adopted in response to the COVID-19 pandemic and is authorized by statewide order of the California Chief Justice issued on March 23, 2020, which provides in relevant part: “All Superior courts are authorized under rule 10.613(i) of the California Rules of Court to adopt any proposed rules or rule amendment that is intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment. A court adopting any such rule change must provide a copy to Judicial Council staff and post notice of the change prominently on the court’s website, along with the effective date of the new or amended rule. Additionally, the court must immediately distribute the new or amended rule as set forth in rule 10.613.(g)(2). No litigant’s substantive rights shall be prejudiced for failing to comply with the requirements of a new or amended rule until at least 20 days after the rule change has been distributed.”
2. **Basis for Adoption of Emergency Local Rule:** Protection of public health and safety in connection with the COVID-19 pandemic has required the Court to implement restrictions reducing the number of people in the courthouse and reducing one-on-one contact with clerk’s office staff. The clerk’s office is open by appointment only and is currently required to handle most matters via mail, e-mail, or drop box. Staffing has been further impacted by federal and state requirements mandating health and safety measures and budget reductions for the 20/21 fiscal year. Pursuant to the impact to the clerk’s office and the impact on staffing hours, the court has developed a backlog in the clerk’s office. In order to manage the backlog and provide efficient access to justice, the court takes the following measures.
3. **Emergency Local Rule Change:** Local Rule 5.4(c)(3) is hereby modified as follows:
  - a. **FOR SUBMISSIONS BEFORE 3:00 P.M.:** The emergency order hearing will be set on a date two (2) court days after the documents are submitted to the Family Law Clerk’s Office.

b. **FOR SUBMISSIONS AFTER 3:00 P.M.:** The emergency order hearing will be set on a date three (3) court days after the documents are submitted to the Family Law Clerk's Office.

4. **Sunset of Rule:** This rule will remain in effect until 90 days after the Governor declares the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Solano Superior Court.