

Instructions for completing
HOW TO FILE AN EX PARTE (EMERGENCY) MOTION
(NHJB-2076-F)

An ex parte motion asks for a court order before the other party has an opportunity to be heard on your request. The need for an ex parte order might exist in circumstances when: you have a good faith belief that you or the child(ren)'s safety is in immediate danger, a parent threatens to flee the jurisdiction with the child(ren), to transfer marital assets, or to take actions which will cause immediate or irreparable injury to you, your child(ren) or your property.

Time of Filing:

An ex parte motion may be filed together with the initial petition for divorce, petition for legal separation, parenting petition, or other petition. It may also be filed by either party in an action already pending or one which has been closed and is being brought forward. You can file this motion anytime during court hours. Your request will be acted on as soon as possible.

Documents to include with Motion:

- 1 An Affidavit. A sworn statement of the allegations supporting the request for an ex parte. (A sworn statement means your signature on the affidavit must be witnessed by a justice of the peace or a notary public).
- 2 A Proposed Order. What you would like the court's order to be. This should be as detailed as possible. This sets out in writing the specific request you have for the court to consider.

Ex Parte Order:

A judicial officer will review your motion and may grant or deny the relief requested without a hearing. If an ex parte motion is granted, it may be granted without appearing before the judge or master as to certain matters only on an emergency basis, with the remaining issues to be scheduled as soon as the court's schedule allows.

Ex Parte Motion Granted:

If the court grants an ex parte motion, a hearing will be scheduled before you leave the court. The hearing will be within thirty days, so the other party may have an opportunity to express his/her views on the emergency request. The other side, however, has the right to request that a hearing be scheduled within 5 days. This request must be in writing.

Ex Parte Motion Denied:

If the judge or master decides the content of the motion is not an emergency, the immediate relief will be denied. A hearing will then be scheduled with notice to all parties.

Hearing Notice:

Whether granting or denying the request, the order on the ex parte motion, the ex parte motion, and the court's notice will be served on the opposing party. The court's notice will contain the hearing date for both parties to present to the court evidence on the issues set forth in the motion.

You must take copies of your motion and the court's order to the Sheriff of the county where the other parent lives and ask the Sheriff to "serve" (give copies to) the other parent. The service must be in person ("in hand" service). The Sheriff will charge a service fee which must be paid at that time.