

Rule 37. MOTION FOR EMERGENCY ORDERS

- A. This Rule applies to requests for custody, parenting time, or companionship time, and does not apply to Abuse, Neglect, or Dependency Cases.
- B. As used in this Rule, the term "emergency" means: 1) there is an imminent or immediate risk of significant harm to the physical, emotional, or mental health of the child who is the subject of the Motion; and 2) the interest and welfare of the child requires that action be taken immediately before the adverse parties or their attorney(s) are notified.
- C. A request for Emergency Orders shall be made by written Motion, and the Motion shall be in addition to and separate from the Complaint or other Motion that seeks an order regarding custody, parenting time, or companionship time.
- D. A Motion for Emergency Orders must be accompanied by an affidavit signed by the Movant which sets forth the relevant facts in detail and explains why the situation is an emergency.
- E. A Motion for Emergency Orders must include the name of any affected person. An "affected person" means someone who has custody, visitation or companionship time pursuant to a court order, or, someone who has physical custody of the child without a court order.
- F. The Court will review the Motion for Emergency Orders and supporting affidavit, and at its discretion, determine whether an *ex parte* hearing on the Motion will be held. If the Court determines that an *ex parte* hearing is necessary, then Movant will be given a hearing time.
- G. The Movant shall make reasonable efforts to contact the adverse party, their counsel, or other affected person and inform them of the intent to file a Motion for Emergency Orders and invite them to the Court so they can be present at the hearing. The Movant should be prepared to testify at the hearing about what efforts were made to contact the adverse party, their counsel and any affected person and their response, if any, upon contact.
- H. The Court, in its discretion, may proceed with the hearing *ex parte*, regardless of whether advance notice is given to the adverse party, their counsel, or other affected persons. After the *ex parte* hearing, the Court will issue an Order which either: 1) denies the Motion; 2) grants the Motion in whole or in part; or 3) grants such other relief as may be appropriate.
- I. If the Court grants the Motion *ex parte*, in whole or in part, or issues such other relief as may be appropriate, the Motion for Emergency Orders shall be set for a full further hearing, which shall occur within 15 court business days of the filing of the Motion or such longer time as the Court directs. The clerk shall issue a notice to the adverse party, their counsel, and other affected individuals of the action taken and their opportunity to appear and express their position on the continuance of the Orders.
- J. A Motion to Set Aside a Magistrate's Order issued pursuant to this Local Rule may be filed and is subject to the 10-day deadline and other provisions of Juvenile Rule 40 (D)(2)(b).

K. Any Motion for Emergency Relief may be referred to the Magistrates for hearing as provided for in Juvenile Rule 40 (D) (1). This Order of Reference does not limit any other Orders of Reference applicable to Magistrates.