SV-200-INFO What Is "Proof of Personal Service"?

What is "Service"?

Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person" service. The *Petition for Postsecondary School Violence Restraining Orders* (form SV-100), the *Notice of Court Hearing* (form SV-109), and the *Temporary Restraining Order* (form SV-110) must be served in person. That means that someone must personally "serve" (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Don't serve it by mail!

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court's orders **for free** if the orders are based on claims of a credible threat of violence or assault, battery, or stalking, or if you are eligible for a fee waiver. Another peace officer may also serve the order for free. See selfhelp.courts.ca.gov/SV-restraining-order/sheriff-serves-request for additional information regarding free service by a sheriff, marshal, or other peace officer.

A registered process server is a business you pay to deliver court forms. Look for "Process Serving" in the Yellow Pages or on the internet. (If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on form SV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service*.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

- If the person will not take the papers, just leave the papers near them.
- It does not matter if the person tears the papers up. Service is still complete.

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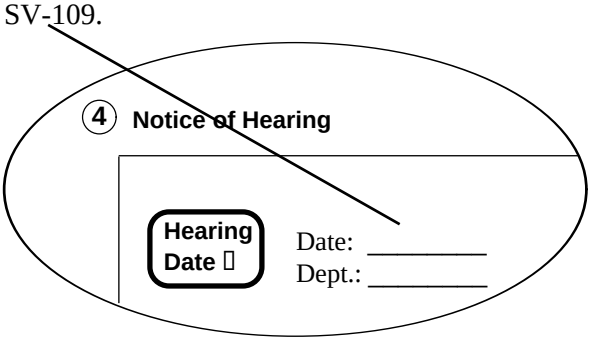
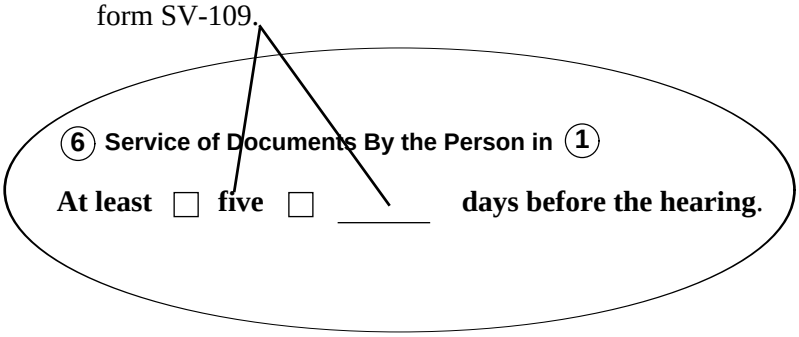
When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on form SV-109, *Notice of Court Hearing.*

First, look at the hearing date on page 1 of form SV-109.



Next, look at the number of days in item 6 on page 2 of form SV-109.



Look at a calendar. Subtract the number of days in item 6 from the hearing date. That is the final date to have the orders served. It is always okay to serve earlier than that date.

If nothing is checked or written in item 6, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign form SV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (form SV-110) and *Proof of Personal Service* (form SV-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff or another peace officer serves the papers, they will send proof of service to the court for you. The sheriff will also send proof of service to CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file form SV-115, *Request to Continue Court Hearing*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of form SV-116, *Order on Request to Continue Hearing* to a copy of your original orders. Ask the clerk to enter form SV-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

For your protection and privacy, please press the Clear button after you have printed the form.

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