DV-210-INFO What Is "Proof of Service"?

What is "service"?

There are many kinds of service—in person, by mail, and others. This form is about "in-person service." The *Notice of Court Hearing* (Form DV-109), *Temporary Restraining Order* (Form DV-110), and *Request for Order* (Form DV-100) must be served "in person." That means someone—not you or anyone else protected by the order—must personally "serve" (give) the restrained person a copy of the forms. Service lets the other person know:

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

Who can serve?

Ask someone you know, a process server, or law enforcement to personally "serve" (give) a copy of these forms to the restrained person. You ***cannot*** send them by mail. The server must**:**

- Be 18 or over
- Not be protected by the orders

The sheriff or marshal is authorized to serve the orders for ***free,*** but you have to ask.

A "process server" is a business you pay to deliver court forms. Look in the Yellow Pages under "Process Serving."

(If law enforcement or the process server uses a different proof of service form, make sure it lists the forms served.)

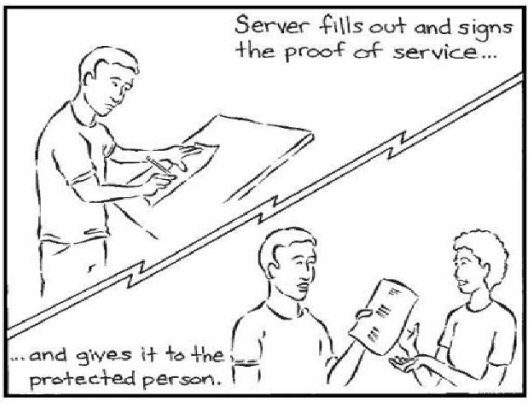
How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Say the person's name: "Are you John Doe?" or "Hi, John Doe."
- Give copies of all papers checked on Form DV-200.
- Fill out and sign the *Proof of Service* form (DV-200).
- Give the signed *Proof of Service* to you.

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

- If the person won't take the papers, just leave them near the person.
- It doesn't matter if the person tears them up.



Who signs the *Proof of Service*?

Only the person who serves the orders can sign the *Proof of Service.* You do not sign Form DV-200. The restrained person does not sign this form.

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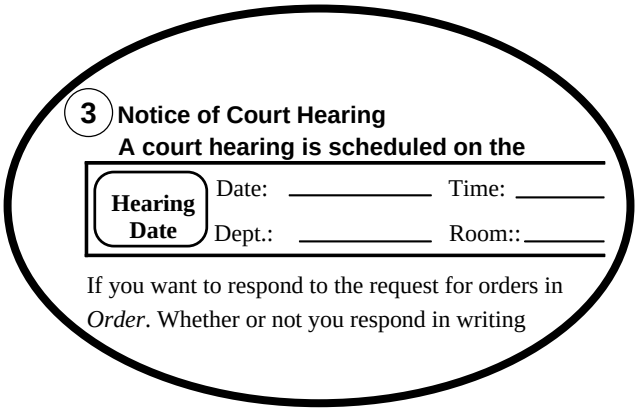
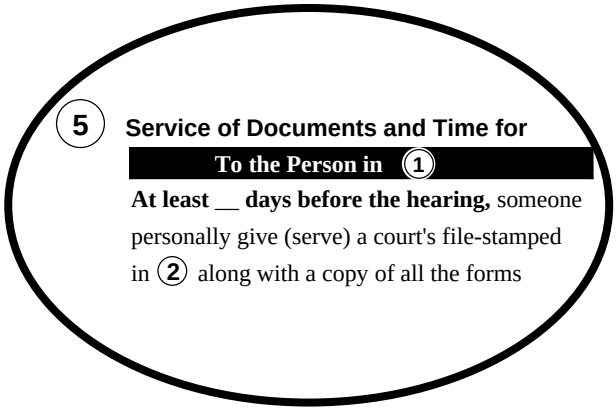
When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-109:

First, look at the hearing date on page 1 of Form DV-109. Next, look at the number of days written in (5) on page 2.


3 Notice of Court Hearing
A court hearing is scheduled on the
Hearing Date
Date: _____ Time: _____
Dept.: _____ Room:: _____
If you want to respond to the request for orders in
Order. Whether or not you respond in writing


5 Service of Documents and Time for
To the Person in (1)
At least __ days before the hearing, someone
personally give (serve) a court's file-stamped
in (2) along with a copy of all the forms

Look at a calendar. Subtract the number of days in (5) from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is written in (5), follow these rules:

- If the restrained person was notified that you asked for temporary orders, you have 15 days before the hearing.
- If the restrained person was not notified that you asked for temporary orders, you have 5 days before the hearing.

Why do I have to get the papers served?

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

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

Before your hearing, fill out and file the *Reissue Notice of Court Hearing and Temporary Restraining Order* (Form DV-125). This form asks the judge for a new hearing date and makes any temporary orders last until then. Ask the clerk for the form or go to *www.courtinfo.ca.gov/forms.*

You ***must*** attach a copy of Form DV-125 to a copy of your original papers. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-126-INFO.

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

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

- Make at least five copies.
- File the original *Proof of Service* (Form DV-200) with the court at least 2 days before your hearing.
- The clerk will send it to CLETS, a statewide computer system that lets police know about your order.
- Bring a copy of the *Proof of Service* to your hearing.
- Always keep an extra copy with you for your safety.

If the sheriff serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.