

Why do I have to serve the restrained person?

Before a judge can grant a domestic violence restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. In most cases, the judge will require that you have someone personally deliver the papers to the person you want restrained. This is called personal service. See [form DV-200-INFO](#) for more information.

What if I already have a domestic violence restraining order?

If a judge granted you a domestic violence restraining order on [form DV-130](#), alternative service is not an option for you. Follow the orders for service on [form DV-130](#). It is important to follow the orders for service because this is how the restrained person will find out about the restraining orders. Once you file proof that the restrained person was served, law enforcement and the court will have proof that the restrained person knows about the orders. If you have questions about what the judge ordered in your case, see page 3 for where to get legal help.

What if I can't personally serve the restrained person?

When you cannot personally serve the restrained person with a copy of form DV-100 and related papers, a judge may allow you to give, or serve, the restraining order papers another way. This is called alternative service. The judge could order you to have your server give the restrained person your court papers in more than one way. To qualify for alternative service, you must show the judge at least two things.

① You have tried many times (usually 3 or more times) to have someone personally serve the restrained person.

Some examples of ways you can try to have the restrained person personally served:

- ▶ Serve the restrained person at home, their workplace, or somewhere they go a lot.
- ▶ Search online for where they may be located.
- ▶ Check with their family and friends.



Make sure any attempts to find the restrained person are done safely.

If you have an address for the restrained person, you can ask the sheriff or marshal to serve your papers, and they will do it for free.

② You believe the restrained person is avoiding (evading) personal service.

Be ready to explain why you think the restrained person is avoiding service. If you have people who will help you prove this to a judge, bring them to your court hearing or have them write a statement that describes what they witnessed. [Form MC-030](#) may be used for this purpose.

Alternative service may involve other people having access to your court papers.

This will mean they can see your name, the fact that you want a restraining order against the other party, and possibly your statements regarding the abuse. You may want to talk to an advocate about your safety and privacy concerns before you consider this request.

**What are some examples of
alternative service?**

Here are some examples of what a judge can order if the judge allows alternative service in your case.

1**Leave a copy and mail a copy to the
restrained person's home, mailing
address, or workplace**

If you have the restrained person's home, mailing (not a PO box), or workplace address, this type of service requires your server to follow these steps:

- ➊ Give the papers to someone 18 years or older who lives at the restrained person's home or mailing address, or who appears to be in charge at the restrained person's workplace;
- ➋ Get the name of the adult who got the papers, and tell the adult that the papers are for a request for a restraining order against the restrained person;
- ➌ Mail the papers to the restrained person's home, mailing, or workplace address;
- ➍ Completely fill out [form POS-010](#); and
- ➎ File [form POS-010](#) with the court or give the completed form to the person asking for the restraining order so they can file it with the court.

This type of service is called "substituted service." Check with your local self-help center or a lawyer to find out how to make this request. Your court may have forms that you can complete to make this request.

2**Publish in a newspaper**

You would have to pay a newspaper to run a copy of [form DV-210](#) at least once a week for at least four weeks in a row. The judge would approve a newspaper that would have the best chances of the restrained person seeing it. To make this request, complete the forms listed below and take them to the courthouse to file.

- ▶ [Form FL-980](#); and
- ▶ [Form DV-210](#), items 1 and 2.

If the judge grants your request, follow the orders made by the judge. Usually these orders are made on [form FL-982](#).

After the newspaper publishes form DV-210, make sure you get a signed statement from the newspaper that includes a copy of what was published in the newspaper and when it was published. This statement is usually called "Proof of Publication." After you receive this statement, take it to the courthouse to file in your case.

3**Post in courthouse**

If you do not have money to pay a newspaper to publish your papers, you could ask the judge for permission to post a copy of [form DV-210](#) in a courthouse. To be eligible, you have to qualify for a fee waiver. To make a request to post your court papers in a courthouse, complete the forms listed below. Take the completed forms to the courthouse to file.

- ▶ [Form FW-001](#);
- ▶ [Form FL-980](#); and
- ▶ [Form DV-210](#), items 1 and 2.

If the judge allows you to serve the restrained person this way, you must find a server (an adult not protected by the restraining order or ask the court clerk) to post [form DV-210](#) for you in the location approved by the judge for at least 28 days. After it has been posted for the required number of days, have your server completely fill out [form FL-985](#) and [form DV-250](#). Take both forms to the courthouse to file in your case.



**May I serve by email
or electronically?**

To serve someone electronically, like by email or text message, the person you are serving has to agree to being served electronically. In your situation, if the person is avoiding service, it is unlikely that they will agree to being served electronically. The judge could tell you to send your paperwork by email or electronically to the restrained person as a way to give the restrained person notice, but the judge would also tell you to serve the restrained person in another way, like one of the examples listed above.

**Where can I find legal help?**

Free legal information is available in every county at a court self-help center. Staff can provide you with your legal options but will not tell you what you should do in your case and will not provide you with legal representation. To find your local self-help center, go to www.courts.ca.gov/selfhelp.

Where can I find other help?

For safety tips or other help, call the [National Domestic Violence Hotline](http://www.ndvhl.org) at 1-800-799-7233; TDD: 1-800-787-3224.