

What is “Service”?

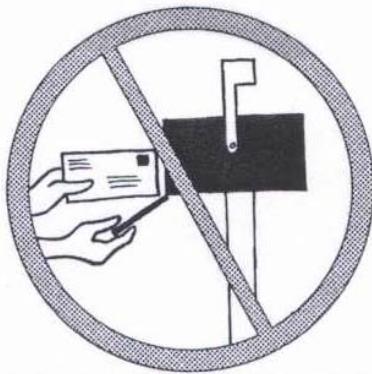
Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The following types of restraining order forms must be served “in person”: *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), the *Notice of Court Hearing* (form EA-109), *Temporary Restraining Order* (form EA-110), *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300), and *Notice of Court Hearing to Allow Contact* (form EA-309). 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**. 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 EA-200, *Proof of Personal Service*.
- Fill out and sign the [*Proof of Personal Service*](#) form.
- Give the signed *Proof of Personal Service* to you.

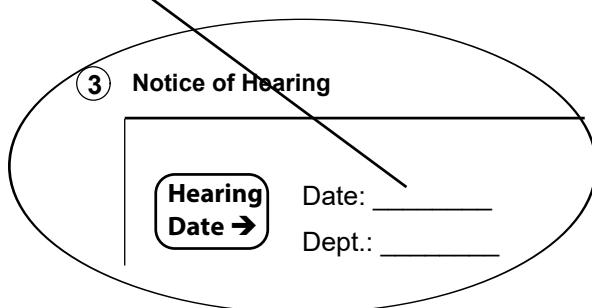
What if the person won’t take the papers or tears them up?

- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on form EA-109, *Notice of Court Hearing* or form EA-309, *Notice of Court Hearing to Allow Contact*:

First, look at the hearing date on form EA-109 (item ③ on page 1) or form EA-309 (item ⑤ on page 2).



Next, look at the number of days in item ⑤ on page 2 of form EA-109 or in item ⑥ on page 2 of form EA-309.

⑤ Service of Documents By the Person in ①
At least five _____ days before the hearing,

Look at a calendar. Subtract the number of days in item ⑤ on form EA-109 or the number of days in item ⑥ on form EA-309 from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date. If nothing is checked or written in ⑤ on form EA-109 or ⑥ on form EA-309, 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 EA-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.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Ask the clerk to enter the *Proof of Service* (unless for form EA-300) 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 EA-110) and *Proof of Personal Service* (form EA-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.
- If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.
- Always keep an extra copy of the restraining orders with you for your safety.
- **Note: Restraining orders to allow contact (which use the EA-300 form series) are not entered into CLETS.**

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

Before your hearing, fill out and file form [EA-115, Request to Continue Court Hearing](#) (or form [EA-315](#), if you are trying to serve forms EA-300 or EA-309). 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 EA-116, *Order on Request to Continue Hearing*, (or form EA-316) to a copy of your original orders. Ask the clerk to enter form EA-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.