

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 *Request for Orders to Stop Elder or Dependent Adult Abuse* (Form EA-100), the *Notice of Court Hearing* (Form EA-109), and the *Temporary Restraining Order* (Form EA-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.

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.

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.)



Don't serve it by mail!

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, the *Proof of Personal Service* form.
- 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*:

First, look at the hearing date on page 1 of Form EA-109.

3 Notice of Hearing

Hearing Date → Date: _____
Dept.: _____

Next, look at the number of days written in item 5 on page 2 of Form EA-109.

5 Service of Documents and Time for Service

To the Petitioner

At least _____ days before the hearing,

Look at a calendar. Subtract the number of days in 5 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 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 at least five 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 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.
- 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 serves the papers, he or she will send the proof of service to the court and 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 EA-115, *Request for Continuance and to Reissue Temporary Restraining Order*. 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 for Continuance and Reissuance and Notice of New Hearing Date*, to a copy of your original orders. Ask the clerk to enter EA-116 into CLETS or take a copy to the police. That way, the police will know your orders are still in effect.