

## What is “service”?

There are many kinds of service—in person, by mail, and others. This form explains “personal” service.

The *Notice of Hearing and Temporary Restraining Order* (Form EA-120) and the *Request for Orders to Stop Elder or Dependent Adult Abuse* (Form EA-100) must be served “in person.” That means someone—**not you** or anyone else protected by the order—must personally “serve” (give) the person to be restrained 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 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.

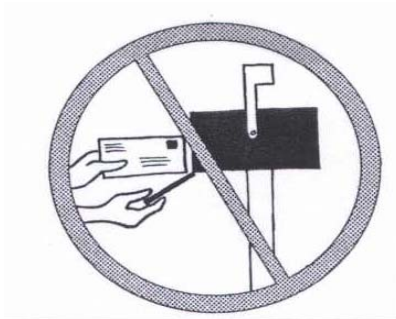
The server must:

- Be over 18 years of age.
- Not be you or anyone else protected by the orders.

The sheriff or marshal will serve the court’s orders *for free*.

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

(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’s the right person.
- Give the person copies of all papers checked on Form EA-140, the *Proof of Personal Service* form.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* form to you.

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

The server must attempt to make personal delivery even if the person won’t take the papers. 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 Personal Service*. You do not sign Form EA-140. The restrained person does not sign this form.

## 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-120:

First, look at the hearing date on page 1 of Form EA-120. Next, look at the number of days written in ⑭ on page 4.

3 **Notice of Hearing**  
A court hearing is scheduled on the request for orders again  
Hearing Date → Date: \_\_\_\_\_  
Dept.: \_\_\_\_\_

14  **Time for Service**  
A **To: Person Asking for Order**  
Someone 18 or over—not you—must personally "serve" a copy of this order to the restrained person at least \_\_\_\_\_ days before the hearing.

Look at a calendar. Subtract the number of days in ⑭ 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 checked or written in ⑭, you must serve the orders at least 5 days before the hearing.

## 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.

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

Before your hearing, fill out and file *Request and Order for Reissuance of Temporary Restraining Order* (Form EA-125). 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, you *must* attach a copy of Form EA-125 to a copy of your original orders. 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.

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

- Make at least 5 copies.
- File the original before your hearing.
- Ask the clerk to enter it into CLETS (California Law Enforcement Telecommunications System), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you they can't enter it into the computer, take a copy of the orders to the sheriff's department. They will put the information into the state computer system. That way, police all over the state will know about your restraining order.
- Bring a copy of the completed *Proof of Personal Service* (Form EA-140) to your
- Always keep an extra copy of the restraining orders with you for your safety.