



How to Serve (for the person suing)

SAMPLE
Not Legal Advice

If you are suing, you are the *Plaintiff*. The person you are suing is the *Defendant*. Someone must serve (give) the Defendant copies of your court papers.

Be careful! There are special rules and strict deadlines for service. If you do not follow them carefully, you may have to pay a court fine or even start your case again.

1 What papers do I serve?

Make copies of and serve:

- The *Summons* and the *Complaint*
- Any other papers you filed at court for this case

2 Can I be the server?

No. Ask a friend or relative to serve the papers. Or, you can pay the Sheriff's Department or hire a "process server." Look in the Yellow Pages, under "Process Serving."

Remember: The server must:

- Be 18 or over.
- Not be involved in your case.

3 What does the server do?

The server must:

- Personally give the Defendant a copy of your court papers.
- Fill out and sign the *Proof of Service* form and give it to you.

4 Can the server mail the papers?

You can only serve by mail if the Defendant is willing to sign and mail back a *Notice and Acknowledgement of Receipt* form saying s/he received a copy of your court papers.

If the Defendant does mail it back, the server must fill out a *Proof of Service* and give it to you along with the signed *Notice and Acknowledgement of Receipt*.

If the Defendant does not mail it back, then you must do in-person service.

5 What if the server can't find the Defendant to serve in person?

If the server has tried several times, without success, to serve the Defendant at home or work, (called a 'good faith' effort) ask the server to follow these steps for *substituted service*.

How to do Substituted Service:

Tell the server to:

- Give the papers to a responsible adult where the Defendant lives, or to someone in charge where the Defendant works.
- Say, "These are court papers."
- Then, mail (first-class) a copy of the papers to the Defendant at the same address where s/he left the papers.
- Fill out and sign the *Proof of Service* form and give it back to you.
- Fill out a *Declaration of Due Diligence* form to explain in detail everything s/he did to try to serve the Defendant in person.

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

File your *Proof of Service* and other court papers at the Clerk's Office in Room 103. If there is a *Notice and Acknowledgement of Receipt*, file that too.

7 Can ACCESS help me?

ACCESS can only explain how legal papers must be served.

8 What if I need more help?

Call the San Francisco Bar Association. Ask for a lawyer who can help you. If you are low income, ask them if you qualify for free or low-cost legal help.

415-989-1616



ACCESS

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