

## CH-135

## What "Is Proof of Service"?

### What is "service"?

There are many kinds of service—in person, by mail, and others. This form is about "in-person service." The *Notice of Hearing and Temporary Restraining Order* (CH-120) and the *Request for Orders to Stop Harassment* (CH-100) must be served "in person."

That means someone—not you or anyone else protected by the order—must personally "serve" (give) the restrained person 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 law enforcement 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.

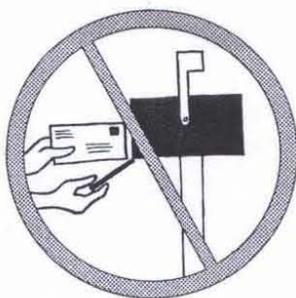
The server must:

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

The sheriff or marshal may be authorized to serve the court's orders *for free* if the orders are based on claims of stalking or threat of sexual assault or if you are eligible for a fee waiver.

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

(If law enforcement 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 CH-130, the Proof of Service form..
- Fill out and sign the Proof of Service form.
- Give the signed Proof of Service 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 Service. You do not sign Form CH-130. The restrained person does not sign this form.

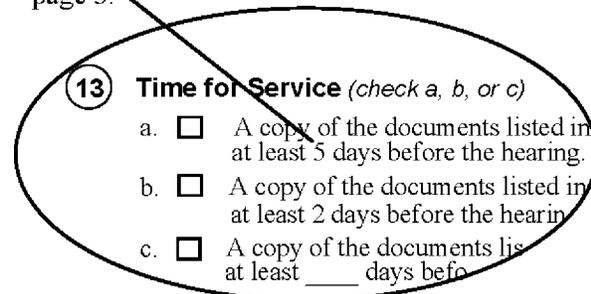
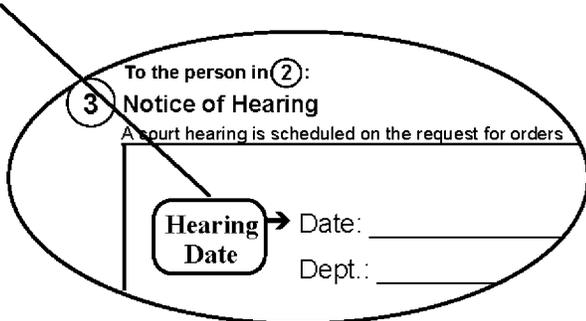


**When do the orders have to be served?**

It depends. To know the exact date, you have to look at two things on Form CH-120:

First, look at the hearing date on page 1 of CH-120.

Next, look at the number of days written in ⑬ on page 3.



Look at a calendar. Subtract the number of days in ⑬ 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 ⑬, 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 *Reissue Temporary Restraining Order* (Form CH-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 CH-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 your local police. 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 Service (form CH-130) to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.