

## What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

## Why do my court papers need to be served?

Before a judge can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side.

Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

## What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served on the other party by personal service:

- 
- 
- 
- 
- (leave this form blank);
- and
- (leave this form blank).

## Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

## How do I have my court papers served?

### ○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

### ○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- 1 Before you serve the forms, note which forms you have, including the name of the form and the form number. See \_\_\_\_\_ for a list of forms.
- 2 Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- 3 Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- 4 Fill out \_\_\_\_\_ completely and sign.
- 5 File \_\_\_\_\_ with the court or give \_\_\_\_\_ to the person who is asking for the restraining order so they can file it.

### ○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign \_\_\_\_\_.

**The person you want restrained does not sign anything.**

File \_\_\_\_\_ with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides \_\_\_\_\_. Make sure a copy is filed with the court and that you get a copy.



**When is the deadline to serve my court papers?**

It depends. To know the exact date, you need to look at two items on form CH-109. Follow these steps:

- **Step 1: Look at the court date listed under ③ on page 1.**

③ **Notice of Hearing**  
A court hearing is scheduled on \_\_\_\_\_

Hearing Date → Date: \_\_\_\_\_  
Dept.: \_\_\_\_\_

- **Step 2: Look at the court date listed under ⑥ on page 2.**

⑥ **Service of Documents for the Person in ①**  
At least  five  \_\_\_\_\_ days before the \_\_\_\_\_

- **Step 3: Look at a calendar**

Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

**What happens if I can't get my court papers served before the court date?**

You will need to ask the court to reschedule (continue) your court date. Fill out and file form CH-115 and [form CH-116](#). These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with form CH-115, form CH-116 **and** the original papers you filed. You should keep a copy of form CH-115, form CH-116, and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form CH-115-INFO.

**What if the other party is avoiding (evading) service or cannot be located?**

If you've tried many times to serve the restrained person, and you can show the judge that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form CH-205-INFO, *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?*, for more information.