



Service of Process. What is it?

“Service” is the legal act of giving papers to the other party.

Types of Service. Service can be done in the following ways:

- Handing papers to the other party personally. This is called “personal service.”
- Sending papers by mail, by express mail, or overnight delivery. This is called “service by mail.”
- Fax or electronically (such as e-mail.) The person receiving the documents must agree to these methods.
- Publication (with Court approval).

Certain papers require personal service. Be sure to check the rules applicable to the type of papers you are serving for the requirements.

Who can serve the papers? You cannot serve the papers. Any person over the age of 18, who is not involved with the case, must serve the papers. The person serving the papers must fill out a “Proof of Service” which describes the documents they gave or sent to the other party or parties, and the date the documents were served. You must file the completed “Proof of Service” with the court.

The Sheriff Department’s Civil Bureau is available to personally serve papers. They charge a fee for this service. This fee may be waived if you have an active fee waiver for the case. They can only serve someone in Sacramento County. Contact the Sacramento Sheriff’s Civil Bureau, 2969 Prospect Park Drive, Suite 200, Rancho Cordova CA 95670. The phone number is (916) 875-2665. The public counter hours are Monday through Friday from 9:00 am – 3:00 pm. A drop-box is available after-hours, and documents may be submitted through the Sheriff’s e-Services Portal: <https://civil.sacsheriff.com/Portal/>

Private companies will serve also personally serve papers. These companies charge a fee, which the Court cannot waive. We do not provide a list of process servers, but you can find them in the Yellow Pages or online.

What are the Forms for Service?

[POS-010](#)

Proof of Service of Summons.

Separate form required for each party served. For service of summons and complaint only.

[POS-030](#)

Proof of Service by First-Class Mail.

Cannot use for Proof of Service of Summons/Complaint.

[POS-050](#)

Proof of Electronic Service.

[POS-020](#)

Proof of Personal Service.

Cannot use for Proof of Service of Summons/Complaint.

[POS-040](#)

General Proof of Service for Civil papers.

Cannot use for Proof of Service of Summons/Complaint, or Electronic Service.

Disclaimer: This Information Sheet is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. If you need further assistance consult a lawyer.



How to Prepare the Proof of Service for Filing:

- Make two (2) copies of the signed Proof of Service.
- Put the original on top, followed by the copies. Do not staple original documents if they are more than one (1) page. Staple copies if they are more than one (1) page long.
- If the papers are for **Department 53 or 54**, file at 813 6th Street. Place the papers in the drop box in the lobby. The clerk will return a copy to you by mail after filing.
- If the papers are for **any other department**, place them in the drop box at the main courthouse at 720 9th Street, Room 102. Include an envelope with postage so the clerk can return a copy to you after filing.

Personal Service: Handing off documents from one person (not involved in the case) to a person directly involved with the case (or their agent of process). Service is completed when the person is handed the papers.

- The server must be within normal speaking distance from the person being sued.
- If the server does not know the person who they are trying to serve, ask, "Are you Sandy Jones?"
- Let the person know that they are being served. They can say, "These legal documents are for you" or "I'm serving you a Summons for a lawsuit."
- Give the documents to the person being served. You can leave the documents in the presence of the person if they refuse to take them. You can set them at their feet.
- Complete and file a Proof of Service with the Court.

Substituted Service: This is only an option if personal service is impossible.

- The court requires at least three attempts, on different days and at different times of day, at all known addresses for the party. (Home, work, etc.)
- Record every try to locate and serve the party personally.
- If they cannot find the party on the last try, speak with a person over 18 who is a member of the household. If they are trying to serve at a business, speak with the person in charge of the business at that time.
- Let the person know that they are being served. They can say, "These legal documents are for Sandy Jones" or "I'm serving Sandy Jones a Summons for a lawsuit."
- Leave the papers with someone who is at least 18 years old and a competent member of the household. If service is performed at a business, they must leave papers with the person in charge of the business at that time.

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- Get the name of the person who accepts service. If they will not give you their name, make note of their physical description.
- Mail a copy of the papers to the address where you left the documents.
- Complete a Declaration of Diligence. This document is where you describe the lengths you went to serve the party personally.
- Complete a Proof of Service. File the Proof of Service and Declaration of Diligence with the court.

Service by Mail: Some documents can be served by mail. Be sure to check the rules applicable to the type of papers you are serving for the requirements.

For the Server:

- Fill out a Proof of Service by Mail (POS-030). Do not sign it at this time. List each of the documents you are serving in Item 3. If you run out of room, you can use Attachment POS-030(D). List the party you are serving and the address you mailed to in Item 5. If you are serving more than one party, use Attachment POS-030(P). If the party has an attorney, you need to serve the attorney.
- Copy the unsigned Proof of Service. You need one for each party you are serving.
- For each party, put a complete copy of the documents in an envelope with a copy of the unsigned Proof of Service. Use the sender's address from Court document papers for the envelope. Make sure you use enough postage. Copy the envelope for the filing party's records.
- Mail the envelope. You can take it to a post office, or a mailbox. If your work has a regular mail pick-up that will be delivered to the post office the same day, you can mail it that way.
- Once you mail the envelope, sign the original Proof of Service. Give the Proof of Service to the Filing Party.

Service by Publication

If you have exhausted all other resources, you can file a request with the court that allows you to publish the summons in a newspaper of local record.

How do you find the defendant?

If you are not sure where to find the defendant for service of the summons and complaint, there are resources you can use to locate them.

SacLaw.org/finding-people