



HOW TO SERVE A SUMMONS AND PETITION (STEP 2)

Purpose of the Packet

This packet will provide you with instructions and forms for the completion of the next step of your case. Step 2 of the process requires you to have the Respondent served with a copy of your filed documents and blank Response forms. All of the forms you will need are available on the Court's web site.

Serving Documents

Now that your forms are filed, the next step is serving the Respondent. You will need the **“Documents to be Served on The Respondent”** packet for the type of case you have filed. Generally, hand-delivery of the forms, which is called “personal service,” is required. However the Court encourages parties to cooperate in effecting service using a Notice and Acknowledgment of Receipt. Instructions on “personal service” and instructions on “service by mail with acknowledgment” are described below. Other methods of service are only allowed in special situations. If you anticipate problems getting the Respondent served by hand-delivery or if he or she lives outside of California, you may discuss your options for other service methods with a private attorney.

Personal Service

In order to have the Respondent personally served, follow these instructions:

1. **Select Another Adult to Serve The Respondent**

You may not serve documents in your own case. Instead, select an adult friend, relative, Sheriff or professional process server to do the service of your forms on the Respondent. Both the Sheriff and a private process server charge a fee for the service. If your filing fees were waived by the court, the Sheriff may be able to serve your papers at no cost to you. If the Respondent is incarcerated, there should be someone at the facility who will serve him or her for you. You may contact the facility directly and ask to be connected to the person or department that serves legal documents on inmates. Follow carefully the instructions they give on how to obtain their help in serving the Respondent.

2. **Provide Server with the Forms**



The server will need all of the following forms to serve on the Respondent:

- A filed copy of the Summons
- A filed copy of the Petition
- A filed copy of the Declaration Under UCCJEA (if you have minor children)
- A filed copy of the Income and Expense Declaration (Petition for Custody and Support cases only)
- “Documents to Serve on The Respondent” packet

3. Server Hand Delivers the Forms

The server must walk up to the Respondent and hand the documents to him or her. If the Respondent refuses to take the papers and the server is face-to-face with the Respondent, the server can say “you are now served with legal papers” and drop the papers at the Respondent’s feet. The Respondent does not have to sign anything or agree to the service.

Service by Mail (Notice and Acknowledgment of Receipt (FL-117))

California Code of Civil Procedure §415.30 permits service by mail with Notice and Acknowledgment of Receipt. If you would like to pursue this method of service you must do the following:

1. Select Any Adult Over the Age of 18 (Sender) to Mail the Forms to The Respondent

You may not mail the documents in your own case. Instead, select a friend or relative over the age of 18 to mail them for you.

2. Provide the Sender with the Forms

The server will need all of the following forms to serve on the Respondent:

- A filed copy of the Summons
- A filed copy of the Petition
- A filed copy of the Declaration Under UCCJEA (if you have minor children)
- “Documents to Serve on The Respondent” packet

3. Preparing the Notice and Acknowledgment of Receipt (FL-117).

Complete the caption (top part of the form) only. Below the caption, print the name of the Respondent on the line next to the word “To.” Give the form to your server and he or she will complete the rest.

Your sender must complete items 2 and 3, then sign next to where he/she printed his/her name. In addition, your sender must check the boxes in the ACKNOWLEDGEMENT OF RECEIPT section, which correspond to the title of each document they are going to mail. Check item (a), (b) or (c) to indicate the type of case you have filed. Item (d)(1) must also be



checked if you completed and mailed the Declaration under UCCJEA. Before mailing the Notice and Acknowledgment of Receipt, make a copy of the form.

4. Sender Mails

Your sender may now mail all the forms for you. Your sender will mail the original Notice and Acknowledgment of Receipt – Family Law (FL-117) and copy along with all the forms you are serving on the Respondent. Your server must also include a stamped envelope addressed to the server for return of the signed Notice and Acknowledgment of Receipt.

Once your sender receives the completed and signed (by the Respondent) Notice and Acknowledgment of Receipt (FL-117), he/she must complete the Proof of Service of Summons (FL-115). If the Respondent does not sign and return the FL-117, you must have him or her served personally as described above.

Completing the Proof of Service of Summons (FL-115)

The Proof of Service of Summons (FL-115) notifies the Court that the other party was properly served with the necessary documents by another person over the age of 18, who is not a party in the case. You can complete part of the form now, and have the server complete the rest later.

The boxes at the top of page are called the “caption.” Complete them exactly as you did on your Petition.

Item 1. Check boxes a, b or c, and d, if appropriate. At item 1d, check any additional boxes for items that apply in your case, including box (1) if you have minor children with Respondent. If any of the boxes do not apply in your case, leave them blank.

Once service is accomplished, the server must complete the remainder of the original Proof of Service of Summons. This includes when and where service occurred, how service was accomplished, the name and address of the person who did the service, the date the Proof of Service form was completed and the signature of the server. If a professional process server, the Sheriff or a Corrections Officer is the server, they may prepare a different form of Proof of Service than the one the court normally uses. This form, if completed properly, should be acceptable.

File the completed Proof of Service of Summons along with the Notice and Acknowledgment of Receipt (FL-117) if applicable, plus one (1) copy as soon as service is complete.

If service can not be accomplished by the means listed above, there are additional service options available; however, the court does not provide written instructions for each method.



The Respondent has 30 days from the date of service to respond to your court forms, or longer if you do not return to court promptly to take the next step. On the 31st day after service, if you have not received a Response in the mail and your Declarations of Disclosures are completed and filed, you may be eligible to take the Respondent's default.

If the Respondent chooses to respond, he or she will complete the blank Response and Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act for minor children. These forms are in the group of blank documents served on the Respondent. These forms must be served on you by mail or hand-delivery before being filed with the court. You will know when the Respondent responds in the case because you will receive a copy of the Response form. If you receive the Respondent's Response, you need not wait 30 days to take the next step.

Finishing the Case

There are several ways to obtain a judgment depending on what happens after you file and serve the first papers. There are self-help packets available to assist you in completing your case. This is a very complex area of law, and you may want to seek help from a private attorney for guidance before choosing which method to use to complete your case.

Regardless of how you finish your case, be aware that your case will not be complete until you have a Judgment signed by the Judge.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS:3341 Power Inn Road MAILING ADDRESS:3341 Power Inn Road CITY AND ZIP CODE:Sacramento, CA 95826 BRANCH NAME:William R. Ridgeway Family Relations Courthouse	
PETITIONER: RESPONDENT:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT	CASE NUMBER: _____

(Sender completes items 1 through 4 and signs before mailing. Recipient completes items 5 and 6, signs, then returns)

1. To (name of individual being served): _____

NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. This is **not** an answer to the action. If you do not agree with what is being requested, you must submit a completed *Response* form to the court within 30 calendar days.

2. Date of mailing (specify): _____

3. _____
(TYPE OR PRINT SENDER'S NAME)

 (SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER)

ACKNOWLEDGMENT OF RECEIPT

4. I agree I received the following:
- a. Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
 - b. Uniform Parentage: *Petition to Establish Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Establish Parental Relationship* (form [FL-220](#))
 - c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
 - d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form [FL-105](#))
 - (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#))
 - (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#))
 - (4) Completed and blank *Property Declaration* (form [FL-160](#))
 - (5) Completed and blank *Income and Expense Declaration* (form [FL-150](#))
 - (6) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
 - (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
 - (8) Other (specify): _____

5. Recipient signed this acknowledgment on (specify date): _____

6. _____
(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)

 (SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS:3341 Power Inn Road MAILING ADDRESS:3341 Power Inn Road CITY AND ZIP CODE:Sacramento, CA 95826 BRANCH NAME:William R. Ridgeway Family Relations Courthouse	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a. Family Law—Marriage/Domestic Partnership: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
 - or–
 - b. Uniform Parentage: *Petition to Establish Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Establish Parental Relationship* (form [FL-220](#))
 - or–
 - c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
 - and
 - d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form [FL-105](#))
 - (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#))
 - (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#))
 - (4) Completed and blank *Income and Expense Declaration* (form [FL-150](#))
 - (5) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
 - (6) Completed and blank *Property Declaration* (form [FL-160](#))
 - (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
 - (8) Other (*specify*):

2. Address where respondent was served:

3. I served the respondent by the following means (*check proper boxes*):

a. **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): _____ at (*time*): _____

b. **Substituted service.** I left the copies with or in the presence of (*name*): _____ who is (*specify title or relationship to respondent*): _____

(1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.

(2) **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.

on (*date*): _____ at (*time*): _____

I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (*date*): _____

A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. c. **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: from *(city)*:
- (1) with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#)).**
(Code Civ. Proc., § 415.30.)
- (2) to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)
- d. **Other** (*specify code section*):
 Continued on Attachment 3d.

4. **Person who served papers**

Name:
Address:

Telephone number:

This person is

- a. exempt from registration under Business and Professions Code section 22350(b).
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor
 (1) Registration no.:
 (2) County:
- d. **The fee** for service was (*specify*): \$
5. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or—
6. **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE OF PERSON WHO SERVED PAPERS)