

**Why do I have to serve the
restrained person?**

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. In most cases, the judge will require that you have someone personally deliver the papers to the person you want restrained. This is called personal service. See form CH-200-INFO for more information.

**What if I already have a civil harassment
restraining order?**

If a judge granted you a civil harassment restraining order on form CH-130, alternative service is not an option for you. Follow the orders for service on form CH-130. It is important to follow the orders for service because this is how the restrained person will find out about the restraining orders. Once you file proof that the restrained person was served, law enforcement and the court will have proof that the restrained person knows about the orders. If you have questions about what the judge ordered in your case, see page 2 for where to get legal help.

**What if I can't personally serve the
restrained person?**

When you cannot personally serve the restrained person with a copy of form CH-100 and related papers, a judge may allow you to give, or serve, the restraining order papers another way. This is called alternative service. The judge could order you to have your server give the restrained person your court papers in more than one way.

If you want to request alternative service, at your court date tell the judge details about your attempts to have the restrained person served. To qualify for alternative service, you must show the judge at least two things.

1 You have tried many times (usually 3 or more times) to have someone personally serve the restrained person.

Some examples of ways you can try to have the restrained person personally served:

- ▶ Serve the restrained person at home, their workplace, or somewhere they go a lot.
- ▶ Search online for where they may be located.
- ▶ Check with their family and friends.



Make sure any attempts to find the restrained person are done safely.

If you have an address for the restrained person, you can ask the sheriff or marshal to serve your papers, which they will do for free if:

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

**2 You believe the restrained person is
avoiding (evading) personal service or
cannot be located.**

Be ready to explain why you think the restrained person is avoiding service or cannot be located. If you have people who will help you prove this to a judge, bring them to your court hearing or have them write a statement that describes what they witnessed. Form MC-030 may be used for this purpose.

Alternative service may involve other people having access to your court papers.

This will mean they can see your name, the fact that you want a restraining order against the other party, and possibly your statements regarding the abuse. You may want to talk to an advocate about your safety and privacy concerns before you consider this request.

What is substituted service?

The judge may order you to perform substituted service at the restrained person's home or workplace, or, if no physical address is known, the restrained person's usual mailing address (other than a post office box; a private mailbox with a commercial business may be okay). Substituted service requires your server to follow these steps:

1. Give the papers to someone 18 years or older who lives at the restrained person's home or usual mailing address (that is not a P.O. box), or who appears to be in charge at the restrained person's workplace. If the only address reasonably known for the restrained person is a private mailbox with a commercial mail receiving agency, give the papers to someone 18 years or older who appears to be in charge.
2. Get the name of the adult who got the papers, and tell the adult that the papers are for a request for a restraining order against the restrained person.
3. Mail the papers to the restrained person's home, workplace, or usual mailing address. (This step is not required if the papers were given to a person in charge of the commercial mail receiving agency where the restrained person has a private mailbox.)
4. Follow the instructions for completing and filing a proof of service as ordered in item 1(d) on form CH-117.

What is service by publication?

The judge may also order you to serve the restrained person by publication. This means that you would have to pay a newspaper to publish a copy of whatever papers the judge orders you to have published at least once a week, for at least four weeks in a row. The judge would approve a newspaper that would have the best chances of the restrained person seeing it. Follow the orders made by the judge, which will usually be found on form CH-117.

After the newspaper publishes your court papers, make sure you get a signed statement from the newspaper that includes a copy of what was published in the newspaper and when it was published. This statement is usually called "Proof of Publication." After you receive this statement, file it with the court in your case.

May I serve by email or electronically?

To serve someone electronically, like by email or text message, the person you are serving has to agree to being served electronically or the judge has to order electronic service. If the person is avoiding service, it is unlikely that they will agree to being served electronically. If the judge orders you to serve the restrained person electronically, follow all the instructions of the judge, which will usually be found on form CH-117, including any orders to also provide additional forms of service, such as substituted service or publication.

Where can I find legal help?

Free legal information is available in every county at a court self-help center. Staff can provide you with your legal options but will not tell you what you should do in your case and will not provide you with legal representation. To find your local self-help center, go to www.courts.ca.gov/selfhelp.