



# How to Serve (for the person suing)

**SAMPLE**  
Not Legal Advice

If you are suing, you are the *Plaintiff*. The person you are suing is the *Defendant*. Someone must serve (give) the Defendant copies of your court papers.

**Be careful!** There are special rules and strict deadlines for service. If you do not follow them carefully, you may have to pay a court fine or even start your case again.

## 1 What papers do I serve?

Make copies of and serve:

- The *Summons* and the *Complaint*
- Any other papers you filed at court for this case

## 2 Can I be the server?

No. Ask a friend or relative to serve the papers. Or, you can pay the Sheriff's Department or hire a "process server." Look in the Yellow Pages, under "Process Serving."

*Remember:* The server must:

- Be 18 or over.
- Not be involved in your case.

## 3 What does the server do?

The server must:

- Personally give the Defendant a copy of your court papers.
- Fill out and sign the *Proof of Service* form and give it to you.

## 4 Can the server mail the papers?

You can only serve by mail if the Defendant is willing to sign and mail back a *Notice and Acknowledgement of Receipt* form saying s/he received a copy of your court papers.

If the Defendant does mail it back, the server must fill out a *Proof of Service* and give it to you along with the signed *Notice and Acknowledgement of Receipt*.

If the Defendant does not mail it back, then you must do in-person service.

## 5 What if the server can't find the Defendant to serve in person?

If the server has tried several times, without success, to serve the Defendant at home or work, (called a 'good faith' effort) ask the server to follow these steps for *substituted service*.

## How to do Substituted Service:

Tell the server to:

- Give the papers to a responsible adult where the Defendant lives, or to someone in charge where the Defendant works.
- Say, "These are court papers."
- Then, mail (first-class) a copy of the papers to the Defendant at the same address where s/he left the papers.
- Fill out and sign the *Proof of Service* form and give it back to you.
- Fill out a *Declaration of Due Diligence* form to explain in detail everything s/he did to try to serve the Defendant in person.

## 6 What do I do with the completed *Proof of Service*?

File your *Proof of Service* and other court papers at the Clerk's Office in Room 103. If there is a *Notice and Acknowledgement of Receipt*, file that too.

## 7 Can ACCESS help me?

ACCESS can only explain how legal papers must be served.

## 8 What if I need more help?

Call the San Francisco Bar Association. Ask for a lawyer who can help you. If you are low income, ask them if you qualify for free or low-cost legal help.

**415-989-1616**



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