

# **PROOF OF SERVICE SUMMONS**

What you will find in this packet:

- **Additional Resources** (FamLaw-101)
- **Requirements for Filing Court Papers** (MC-500)
- **Serving the Other Party** (FamLaw-104)
- **Proof of Service of Summons** (FL-115)

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

*If you don't find what you're looking for here, you may want to check out the additional resources listed on the back of this page*

~ **Additional Resources** ~

**Contra Costa Superior Court**

[www.cc-courts.org/familylaw](http://www.cc-courts.org/familylaw)

**Virtual Self-Help Law Center**

[www.cc-courthelp.org/familylawtopics](http://www.cc-courthelp.org/familylawtopics)

Family Law court is for people who are ending a marriage or other committed relationship, dividing what they own and owe, working out child custody and visitation issues, dealing with child support or spousal support, addressing domestic violence issues, or identifying a child's legal parents.

Often, people involved in court cases need more than just legal help. It's important that you understand what is happening to you and get the help you need. For some suggestions about where to get other help, go to the California Court's Self-Help Center at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm) or check out one of the sites below:

**Contra Costa County Bar Association's Lawyer Referral Service**

[www.cccba.org/community/find-a-lawyer/index.php](http://www.cccba.org/community/find-a-lawyer/index.php)

**Contra Costa County (CA) Resource Center (211)**

[65.166.193.134/IFTWSQL4/cccc/public.aspx](http://65.166.193.134/IFTWSQL4/cccc/public.aspx)

(or do an internet search for 211 Contra Costa County Resource Center)

**Legal glossaries in 12 languages, prepared by the Superior Court in Sacramento**

[www.saccourt.ca.gov](http://www.saccourt.ca.gov)

**A Guide to California's Free Website for Legal Help**

[www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)

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*The*  
C o n t r a C o s t a C o u n t y

**Bar Association**

*is proud to sponsor*

*the*

F a m i l y L a w

**MODERATE MEANS PROGRAM**

IF you qualify\*,  
we will refer you to an experienced Family Law Attorney  
who has agreed to represent clients at a reduced rate.  
Please telephone us at:

**925 / 677- 0234**

Monday - Friday 1:00-4:00 p.m.

*\*This is not a low income or pro-bono service.*

**The Clerk of the Court cannot accept for filing any papers that do not comply with California Rules of Court 2.100 et seq. (CRC 2.118)**

**To avoid having your papers rejected by the clerk:**

**Use Judicial Council forms whenever possible**

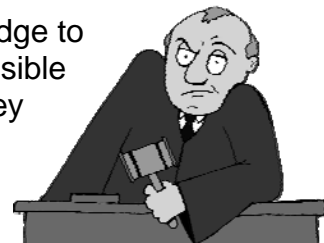
If you print Judicial Council forms from your computer, print them out single-sided. (Don't print double-sided unless you know how to tumble the pages). Judicial Council forms can be found at <http://www.courts.ca.gov/forms.htm>.

If the form you need is not on the Judicial Council website, you will have to make your own form which follows these rules

1. White or unbleached paper – 8 1/2 by 11 inches
2. One-sided paper – only one side of each page may be used
3. 12 pt font (Courier, Times New Roman, Arial or equivalent (Handwritten papers are OK – but write legibly)
4. Line spacing - One and one-half or double-spaced (use pleading paper – either the Judicial Council form MC-20 or create your own using the legal template in your word processor)
5. Margins – at least 1 inch from the left edge and ½ inch from right edge
6. Page Numbers – pages must be numbered consecutively on the bottom (1, 2, 3 ...)
7. Binding – Original and copies must be firmly bound (e.g. stapled) AND the Original must be 2-hole punched at the top.

You will need the **Original document**, signed in ink (blue is best), and correct number of identical copies (***original for the Court, a copy for each party***) for the clerk to file.

**The Rules are important** – Remember - You want the Judge to understand what you have written. Don't make that impossible by submitting papers that are too hard to read because they are upside down, the print is too small or too light, or the pages have fallen out of the file because they are too small or too large and/or not properly fastened.



# SERVING THE OTHER PARTY AND FILING PROOF OF SERVICE OF SUMMONS

**WHO: Who do I have to have served?**

The Respondent in your case. If your case has other parties in it, they will also need to be served.

**Who does the service?**

You cannot serve your own papers. Someone 18 years old or older *and* who is not a party to the case must serve the Respondent. That person must hand the documents to the Respondent personally.

If you have a fee waiver, the Sheriff will serve your papers for you. (Civil Division, 920 Mellus Street, Martinez, CA, 8 am - 4 pm)

You can also hire a professional process server to do the service. You can find professional process servers in the Yellow Pages of your phone book or by searching the Internet.

**WHAT: What papers do I have served on the other party to the case?**

*ALL* of the papers you filed with the Court, and blank responsive documents such as:

- Petition (FL-100) (completed)
- Summons (FL-110) (completed)
- Response (FL-120) (blank)
- Declaration Under UCCJEA (FL-105) (completed)
- Declaration Under UCCJEA (FL-105) (blank)
- Declaration of Disclosure, (if you have completed the following documents at the time you serve the Summons and Petition.) This consists of: completed and blank Declaration of Disclosure (FL-140), Schedule of Assets and Debts (FL-142), Income and Expense Declaration (FL-150).

If you file a Request for Order(s) at the same time you file your Summons and Petition, you will need to serve a filed copy of those papers and a blank Responsive Declaration on the Respondent.

**What should I do after the other party has been served?**

- Have the person who served the Respondent complete and sign the Proof of Service of Summons (FL-115).
- Make 1 copy of the Proof of Service of Summons
- File the completed Proof of Service and 1 copy at the Clerk's Office, in Martinez.

**WHEN: When do I have to have the other party served?**

- If you filed a Request for Order with the Summons and Petition, at least 16 court days before the hearing or as otherwise stated on your Court papers.
- If you did not file a Request for Order with the Summons and Petition, as soon as possible.

**WHERE: Where do I get a Proof of Service?**

Contra Costa County Public Law Library, AF Bray Building, 1020 Ward Street, 1st Floor, Martinez, or online at [www.cc-courts.org/forms](http://www.cc-courts.org/forms).

**WHY: Why do I have to have the other party served?**

Nothing else may happen in your case if you do not file a Proof of Service. For instance, you can't take the other party's default until you have filed the Proof of Service of Summons.

If you filed a Request for Order when you filed the Petition and Summons and the other party is not served, or is not served on time, the Judge may not hear your case on the date set and may postpone your case until the other party is properly served.

**IF YOU HAVE QUESTIONS ABOUT SERVICE OR FILING YOUR PROOF OF SERVICE OF SUMMONS AND YOU DO NOT HAVE AN ATTORNEY, COME TO THE HELP DESK IN THE MARTINEZ, PITTSBURG OR RICHMOND COURTHOUSES:**

**For addresses, days and times, check the Court's website at:  
[www.cc-courts.org/FLF\\_days-hours](http://www.cc-courts.org/FLF_days-hours)**



PROOF OF SERVICE OF SUMMONS  
(Family Law—Uniform Parentage—Custody and Support)

Date:

\_\_\_\_\_  
(NAME OF PERSON WHO SERVED PAPERS)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED PAPERS)



6.  I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.
- or-
5.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- 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): \$ \_\_\_\_\_
- Telephone number: \_\_\_\_\_  
 This person is \_\_\_\_\_

4. Person who served papers

- Name: \_\_\_\_\_  
 Address: \_\_\_\_\_
- d.  Other (specify code section): \_\_\_\_\_  
 Continued on Attachment 3d.
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): \_\_\_\_\_  
 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.)  
 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.)

RESPONDENT:	
PETITIONER:	CASE NUMBER: