How to Serve Domestic Violence Restraining Order (DVRO) Forms in California

1. What is Service?

Service of Process:

After court forms and documents are filed, California law requires that the other party in the case be given official notice through a legal process known as service of process.

Service:

Service means that a person other than you—who is at least 18 years old and not involved in your case—must personally hand or mail a copy of the *file-stamped* (also known as "conformed" or "endorsed") court forms and documents to the other party. These include all documents the court has ordered served.

> *Note for Petitioners filing the Request for DVRO: Under California law, a Temporary Restraining Order (TRO) is not legally enforceable against the restrained party until they are served with a copy of the court forms and documents. The court also cannot make permanent orders at the hearing unless proper service has occurred.*

2. Preparing Your Court Documents for Filing

Who Can Serve Court Papers?

Under California law, the person who completes service must meet all of the following:

- Be 18 years old or older, and
- Not be involved in the case, which means the server:
  - Cannot be a party in the case,

- Cannot be protected by any current restraining order, and
- Cannot be someone the court is being asked to protect.

Service Options

There are multiple lawful methods for serving DVRO papers:

1. Personal Service by Sheriff (Free or Small Fee)

The sheriff's office in each county may offer service of process in DVRO matters. This is generally free or low cost. In most cases, the sheriff will notify the person requesting service once service is completed. If a move-out order is issued, law enforcement may assist with enforcing that order.

- Form SER-001 (Request for Sheriff to Serve Court Papers) is typically required to initiate service through law enforcement.

2. Personal Service by Third Party (Free)

Any adult meeting the server requirements may hand-deliver the required court forms and documents. The court may require that the server appear at the hearing if questions arise about how service was completed.

- For step-by-step instructions, see form DV-200-INFO.

3. Personal Service by Process Server (Paid)

Any adult meeting the server requirements may hand-deliver the required court forms and documents. The court may require that the server appear at the hearing if questions arise about how service was completed.

3. Step-by-Step Overview

Step 1: Determine Your Deadline for Service

Unless the court orders otherwise, service must be completed at least 5 days before the scheduled hearing. This requirement is based on California Family Code § 243(a), and the court may modify this deadline under Family Code § 243(b).

- **To confirm the deadline, review Form DV-109 (Notice of Court Hearing):**

- Page 1, Item 3 shows the hearing date.
- Page 2, Item 6 indicates how many days before the hearing the forms must be served and which forms must be included.
- If no number is listed in Item 6, the law defaults to 5 days before the hearing.

- **This deadline applies in requests to:**
  - Issue a DVRO (Form DV-100),
  - Renew a DVRO (Form DV-700 / DV-710), and
  - Change or End a DVRO (Form DV-300 / DV-310).

Respondents must also follow service requirements if they file a written response to the court before the hearing.

Step 2: Serve Your Papers on the Other Party

The method of service depends on the type of request and role in the case.

Petitioners: Personal Service Required

The court forms and any blank response forms ordered to be served must be personally handed to the other party by someone meeting the legal server requirements.

- Service by mail does not meet this requirement.
- If the other party refuses to accept the documents, the server may leave them in the party's presence (e.g., on the ground or another surface nearby) and note the refusal on the Proof of Service.

Blank Response Forms: While petitioners are not required to file blank response forms with the court, they must be served along with the filed documents if indicated in Item 6 of form DV-109.

Respondents: Personal Service or Service by Mail Allowed

Respondents may serve the other party either by:

- First-class mail, or

- Personal delivery (via a third party, process server, or sheriff).

If choosing service by mail:

- The server must mail the documents early enough for the other party to receive them before the hearing.
- Certified mail is not required and may not meet legal requirements under Code of Civil Procedure § 1013(a).
- The documents must be mailed to the correct address of the party or their attorney, if represented.
- The server who mails the documents must complete and sign the Proof of Service by Mail (form DV-250).

Step 3: Proof of Service

After service is completed, the server must fill out the appropriate Proof of Service form.

- Personal Service: DV-200 (Proof of Personal Service)
- Service by Mail: DV-250 (Proof of Service by Mail)
- Sheriff or Process Server: May use their own equivalent form

Proof of Service forms must include:

- A list of the documents served,
- The date and time of service,
- Where service occurred, and
- The server's signature.

Once completed:

- The original proof of service must be filed with the court.
- A file-stamped copy should be kept by the filing party and brought to the hearing.