



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-181*

For business meeting on November 17, 2023

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**Title**

Rules and Forms: Service Forms to Implement Assembly Bill 2791

**Rules, Forms, Standards, or Statutes Affected**

Adopt forms SER-001 and SER-001A

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Tamara L. Wood, Chair  
Family and Juvenile Law Advisory Committee  
Hon. Stephanie E. Hulseley, Cochair  
Hon. Amy M. Pellman, Cochair

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2024

**Date of Report**

October 6, 2023

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### Executive Summary

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adoption of two new forms, *Request for Sheriff to Serve Court Papers* (form SER-001) and an attachment to that form, *Special Instructions for Writs and Levies—Attachment* (form SER-001A). The proposed forms comply with the statutory mandate in Assembly Bill 2791 that by January 1, 2024 the Judicial Council adopt a form or forms for civil litigants to request that a sheriff's office serve their court papers.

### Recommendation

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2024, adopt *Request for Sheriff to Serve Court Papers* (form SER-001) and *Special Instructions for Writs and Levies—Attachment* (form SER-001A) for civil litigants to use when requesting service of court papers by the sheriff or marshal.

The proposed forms are attached at pages 7–14.

### **Relevant Previous Council Action**

The forms in this proposal are the first Judicial Council forms for litigants to request service by the sheriff<sup>1</sup> and thus the Judicial Council has not previously taken action relevant to this proposal.

### **Analysis/Rationale**

The committees advance this proposal in response to Assembly Bill 2791 (Stats. 2022, ch. 417),<sup>2</sup> which requires the Judicial Council, by January 1, 2024, to “create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff, including their department or office.” (Gov. Code, § 26666.10(a).)<sup>3</sup> In addition to creating the forms, the new law also mandates that the council include the following required information on the form or forms: “the name, address, and description of the person to be served and the signature of the litigant requesting service, or their attorney of record.” (Gov. Code, § 26666.10(c).) The council may require other information but must indicate which fields on the form are required and allow the signature of the requesting party or that party’s attorney to be made electronically. (*Id.*) The new law also requires the forms to be confidential. (Gov. Code, § 7927.430.)

To meet the council’s obligations in AB 2791, the committees recommend adoption of the two forms listed above. All litigants requesting service of court papers would be required to complete form SER-001 and turn it in to the applicable sheriff’s office. Those litigants requesting service of a writ or levy would also be required to complete form SER-001A.

### **Form SER-001**

In addition to requiring on form SER-001 the name, address, and description of the person to be served, as required by statute, other pieces of information are proposed to be required on the form in response to comments received the first time this proposal was circulated. Additional proposed required fields include the court case number, the court case name, the name and address of party requesting service, the identification of known safety or accessibility issues, and a brief description of the type of documents to be served.

The form also includes optional fields that the committees believe will assist the sheriff in attempting service, including a field for an alternate address for the person to be served, fields for certain pertinent information about the case, and a field in which the litigant requesting service

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<sup>1</sup> Although the forms in this proposal are directed to the appropriate sheriff *or marshal*, this report, for brevity, has omitted this reference and further references to marshals.

<sup>2</sup> Assembly Bill 2791 is available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB2791](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2791).

<sup>3</sup> Note that “notice” is defined broadly in the new statute to include “all papers and orders required to be served in any proceedings before any court.” (Gov. Code, §§ 26660 & 26666.)

can enter additional information. The form indicates which items are optional, as mandated by the statute, and an instruction at the top of the form explains that “[a]ll information is required unless it is listed as optional or does not apply to your case.” Form SER-001 also includes an instruction to complete and include form SER-001A if the request includes services related to a writ or levy.<sup>4</sup>

### **Form SER-001A**

The Code of Civil Procedure requires litigants requesting service by the sheriff to provide specific information to the sheriff in certain types of cases, for service of certain types of documents.<sup>5</sup> In developing this attachment form, the committees included specific items requesting such statutorily required information from litigants, as well as a catchall item in which litigants can include other specific instructions, as required, depending on the circumstances of the case. Because some information may be required in certain cases but not others, the committees have also included at the top of form SER-001A the instruction from the top of form SER-001, which alerts filers that information that “does not apply to your case” is not required.

### **Policy implications**

The forms recommended in this report are required by statute for civil litigants to use to request service of papers by the sheriff, and so their adoption does not of itself implicate any policies. Accordingly, the key goals are to ensure that council forms reflect the law correctly, collect the necessary information, and can be understood by the parties, especially self-represented litigants, to ensure access to justice.

### **Comments**

This proposal initially circulated for public comment from March 30 through May 12, 2023. Based on the initial comments received, the committees made changes to form SER-001 and proposed an additional form, SER-001A, to be used for writs and levies. The proposal circulated a second time between August 11 and September 5, 2023.

For the first circulation, nine commenters responded to the proposal. Three agreed with it, two agreed if modified, and four did not indicate a position. Commenters were the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties; the California Association of Judgment Professionals; the California State Sheriff’s Association; the Family Violence Appellate Project; the Orange County Bar Association; and a judicial officer. A chart of comments and the committees’ responses for the first circulation is attached at pages 15–40 (identified as chart SPR23-27).

Based on the comments received, the committees made some modifications to the originally circulated form SER-001, including adding an item for the requester identify the specific sheriff’s office the request is directed to, and an item in which the requester may list the

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<sup>4</sup> Both forms also include a link for a California Courts Self-Help Guide webpage on how to request service by the sheriff. The site is not yet live, but will be by January 1, 2024.

<sup>5</sup> See, e.g., Code Civ. Proc., §§ 488.030, 687.010 & 700.080.

documents to be served.<sup>6</sup> In response to commenters, the committees also proposed adoption of an additional form, form SER-001A, as an attachment to form SER-001, to be used when requesting service of writs and levies. The proposal was then posted for further public comments with these modifications.

During the second circulation, 17 commenters responded to the proposal. Two agreed with the proposal, four agreed if modified, and 11 did not indicate a position; no commenters disagreed with the proposal. Commenters were the Superior Courts of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Cruz, and Ventura Counties; the California Association of Judgment Professionals; the California Detective Agency; the California Partnership to End Domestic Violence; the California State Sheriffs' Association; Community Legal Aid SoCal; the Family Violence Appellate Project; OneJustice; and three individual commenters. In general, commenters supported the proposal. A chart of comments and the committees' responses for the second circulation is attached at pages 41–162.

Based on comments received, the committees made several changes to recommended form SER-001, including having a specific section to address service on an entity (as opposed to a person) and providing more information regarding eligibility for free service by the sheriff. For form SER-001A, the committees recommend asking for more details regarding certain types of levies, such as real property levies, bank levies, and levies on personal property located in private places. The committees also sought specific comment on the issues described below.

### ***Listing court papers***

In the second invitation to comment, the committees asked commenters if litigants filling out form SER-001 should be required to list the papers they are requesting service of. Commenters were split on this issue. Commenters in favor of requiring the requester to list the court papers<sup>7</sup> noted that it would ensure that the proper documents were provided to the sheriff (sheriff could compare the list of forms with the documents provided to make sure they match). Supporters noted that it would also aid the sheriffs in completing the proof of service form. Commenters who opposed requiring requestors to list papers provided<sup>8</sup> noted the hardship it would create on self-represented litigants, and raised concerns over the sheriff using this as a basis for rejecting a request if the forms were listed incorrectly (stopping this practice was an impetus for this new law to begin with, according to commenters), and noted that some sheriffs do not currently require such a list. The committees agreed with commenters opposed to making this item

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<sup>6</sup> The committees were particularly interested in whether such a list should be required and asked for specific comment on this issue in the second circulation.

<sup>7</sup> Commenters in favor of requiring the requester to list the court papers to be served were the California Association of Judgment Professionals; the Superior Courts of Los Angeles, Orange, San Bernardino, San Diego, Riverside and Ventura Counties; and two individuals.

<sup>8</sup> Commenters who opposed requiring the requester to list the court papers to be served were the California Detective Agency, Community Legal Aid SoCal, the California Partnership to End Domestic Violence, the Family Violence Appellate Project, the Superior Court of Santa Cruz County, and one individual.

required. Instead, the committees recommend including an optional item in which the requesting party may provide a list of papers to be served.

### ***Court case number***

The committees also asked commenters if they believe it is beneficial to have the case number on the header of form SER-001. Most commenters supported including the case number on the first page of the form and the top of each page, noting that some sheriff offices do not assign a sheriff's file number and instead refer to the request by the court case number. A commenter was concerned that including the case number may confuse court staff because the form will not be filed with the court. However, the committees remark that the form states on the first page of the form and at the bottom of each page that the form is not to be filed with the court. The committees agree with the majority of commenters and recommend including an item for entering the "court case number" on each page of both form SER-001 and form SER-001A.<sup>9</sup>

### ***Instructions summarizing statutory provisions***

In addition to the other requests for specific comment, the committees asked commenters if instructions summarizing the provisions of new Government Code section 26666.2 would be helpful on form SER-001. The majority of commenters who responded to this question believed that it would or might be helpful to have a summary informing both the sheriff and litigants of the requirement that the sheriff must not review the substance of any summons, order, or notice from the court. Based on the comments received, the committees recommend adding a section at the end of the form that provides some information that would be helpful for sheriffs and litigants to know.

### ***Other specific case types***

Lastly, the committees asked commenters if the new attachment form, proposed form SER-001A, would be needed for any general or specific case types other than writs or enforcement of money judgments. One commenter noted that this form could be used to enforce a pre-judgment writ of attachment and suggested that the form take those writs into account. Another commenter noted that the form could be used for a bank levy. Based on these comments, the committees have modified the circulated form, removing the proposed requirement that the requester provide a copy of the judgment and instead require that any order related to the writ be included. The committees also recommend including "bank levy" as an example of the type of court papers the requester would like served, which is provided on item 5a of form SER-001.

### **Alternatives considered**

In addition to the alternatives discussed in the comments section, the committees considered recommending a single form for all litigants to use as originally circulated for comment, but

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<sup>9</sup> The committees note that when collecting case numbers Judicial Council forms generally refer to "case number" instead of "court case number" as recommended here. The committees recommend using "court case number" on the forms in this proposal because they will be turned into the sheriff's office, and using "case number" without the identifier may confuse the requestor or sheriff's personnel if the sheriff's office has separately assigned a number for the request.

ultimately decided to recommend an attachment form for requesting service of writs and levies. The committees concluded that an additional form specifically addressing service of writs and levies would be beneficial because additional information for service and enforcement is required for serving those documents that is not required for others. The committees, however, made the writs and levies form an attachment—rather than simply adding the items to the original form—in order to keep both forms as simple and user-friendly as possible. All the information on form SER-001 would be helpful in serving a writ or levy, but not all the information in the SER-001A is needed for service of other documents.

The committees did not consider taking no action because statutory provisions mandate the creation of at least one form to request service of civil court papers by the sheriff.

### **Fiscal and Operational Impacts**

The recommended forms in this proposal are unlikely to have significant fiscal or operational impacts on the courts because these forms will not be filed or otherwise provided to the courts. That said, courts will incur some impacts when training self-help and other court staff about the new forms and in making sure the forms are available to court users.

### **Attachments and Links**

1. Forms SER-001 and SER-001A, at pages 7–14
2. Chart of comments (first circulation), at pages 15–40
3. Chart of comments (second circulation), at pages 41–162
4. Link A: Assembly Bill 2791,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2791](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2791)

# SER-001

# Request for Sheriff to Serve Court Papers

**CONFIDENTIAL**

**To Court Clerk: Do not file this form.**

**Sheriff File Number** (for sheriff to complete, if needed):

Fill in case number:

**Court Case Number:**

**Instructions:** Each county in California has a sheriff (and sometimes a marshal) that can serve different types of court papers, including restraining orders. Note that the sheriff cannot guarantee that they will be successful in finding the person you need served, but they will try to serve based on the information you put on this form.

- Complete this form for each set of papers you need served. You must complete a separate form for each person you need served.
- Find out where the person you need served is located. Give your papers to the sheriff or marshal’s office in that county.
- You may have to pay for service of some court papers. For more information, see page 5 of this form, or go to <https://selfhelp.courts.ca.gov/sheriff-serves>.
- Do not use this form if you are asking the sheriff to enforce a wage garnishment order on an employer. Instead, use forms WG-001, *Application for Earnings Withholding Order*, and WG-035, *Confidential Statement of Judgment Debtor’s Social Security Number*.
- If you want the sheriff to enforce a writ or levy, complete this form and form SER-001A, *Special Instructions for Writs and Levies—Attachment*.

All information is required unless it is listed as optional or does not apply to your case.

1 **To the Sheriff or Marshal of (name of county):** \_\_\_\_\_

2 **Your Information**

a. Your name (party requesting service): \_\_\_\_\_

b. Your lawyer’s information (if you have one)

Name: \_\_\_\_\_

Firm name: \_\_\_\_\_

c. Court case name: \_\_\_\_\_  
(example: Garcia v. Smith)

d. Contact information for the sheriff or marshal to reach you

(Give an address where you can receive mail regularly, like a post office box, a Safe at Home address, or another safe address. If you have a lawyer, give the lawyer’s information.)

Address to receive mail: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number (optional): \_\_\_\_\_ Email Address (optional): \_\_\_\_\_

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**

Court Case Number: **3 Information About Person or Entity You Want Served***(Check a or b)*a.  I ask the sheriff to serve a person *(complete section below)*(1) Name of person: \_\_\_\_\_  
Nicknames or aliases *(optional)*: \_\_\_\_\_(2) Telephone number *(optional)*: \_\_\_\_\_

(3) Can you describe the person?

 No, I do *not* have any information about the person's description. Yes *(complete the section below with any information you have)*:Gender:  Male  Female  Nonbinary

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_

Date of birth or age *(give estimate, if unknown)*: \_\_\_\_\_

Race/Ethnicity: \_\_\_\_\_

Special marks or features *(tattoos, scars, etc.)*: \_\_\_\_\_Vehicle *(type, model, year, color, plate number)*: \_\_\_\_\_ *Check here if you are including a picture of the person.*

(4) Do you know of any safety or accessibility issues?

 No Yes *(complete the section below with any information you have)*:The person *(check all that apply)*: Has a gun or other weapon. Has a history of violence or abuse. Has special training *(examples: military, first responder)*. Is Deaf or hard of hearing. Does not speak English *(list language)*: \_\_\_\_\_ *Add any other information about safety or accessibility that you know about:*\_\_\_\_\_  
\_\_\_\_\_ Is on probation or parole. Has an aggressive animal. Has mental health issues.b.  I ask the sheriff to serve an entity *(examples: business or government agency)*(1) Name and type of entity: \_\_\_\_\_  
Telephone number *(optional)*: \_\_\_\_\_

(2) If there is a specific person who should be served, give name: \_\_\_\_\_

(3) If there is an agent for service of process, give name: \_\_\_\_\_

(4) List any safety or accessibility issues *(examples: weapons, aggressive animals, language barrier)*:  
\_\_\_\_\_**This is not a court form. Do not file with the court.**



Court Case Number: \_\_\_\_\_

**4 Address Where Person or Entity Should Be Served**

*(The sheriff typically serves during normal business hours. Check with the sheriff’s office for the exact times.)*

Address: \_\_\_\_\_  Home  Business

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Gate code or special instructions: \_\_\_\_\_

Best time to serve at this address *(example: 8 a.m.–noon)*: \_\_\_\_\_

Check here if the person is in jail or prison and give name of facility: \_\_\_\_\_

*Alternate address (optional)*

*(If the person cannot be found at the address listed above, some sheriffs may try a second address if it’s in the same county. If you have a second address for the person you want served, complete the section below.)*

Address: \_\_\_\_\_  Home  Business

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Gate code or special instructions: \_\_\_\_\_

Best time to serve at this address *(example: 8 a.m.–noon)*: \_\_\_\_\_

**5 Information About Your Request**

a. What type of court papers are you giving the sheriff to serve *(examples: summons, restraining order, eviction, small claims, bank levy, or writ of attachment)*?

\_\_\_\_\_

b. List all forms or court papers you want served on the person in ③a. *(optional)*  
*(Note: You can list each form by its form number (example: FL-100, SC-100). If there is no form number, give the title of the document. The court may have ordered you to serve certain papers. Look at the court’s order and list all forms required. If you do not know which papers you need to serve, ask a lawyer, or contact your local self-help center for free information.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Is there a court hearing (court date)?

I don’t know

No

Yes *(if yes, give date of hearing)*: \_\_\_\_\_

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**

Court Case Number: \_\_\_\_\_

5 d. Is there a deadline for service?  
 I don't know  
 No  
 Yes (if yes, give deadline): \_\_\_\_\_

e. Has the court allowed you to serve your court papers in another way besides personal service (example: substituted service)?  
 I don't know  
 No  
 Yes (if yes, include a copy of the order allowing another type of service)

f. Is there any other information you want or need to give to the sheriff to serve your court papers?  
 No  
 Yes (if yes, give information below):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6 Enforcement of Writ or Levy

If you want the sheriff to enforce a writ or levy, you must complete form SER-001A, Special Instructions for Writs and Levies—Attachment, and turn it in with this form.

(Only complete this section if you want the sheriff to enforce a writ or levy.)

Do you want the sheriff to both serve your court papers and act as levying officer?  
 Yes  
 No. I only want the sheriff to act as levying officer. A registered process server has or will serve my papers.

Your Signature (party asking for service, or their lawyer)

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Sign your name (may be electronic)

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**

Court Case Number:

## Your Next Steps

- Find out if you need to pay a fee for service by asking the court's self-help center, a lawyer, or the sheriff's office. Here are some situations where you **do not** need to pay for service:
  - If you have a fee waiver in your case (fee waiver granted by a judge on form FW-003 or FW-005).
  - If you are serving a domestic violence, elder abuse, or gun violence restraining order.
  - If you have a civil harassment, workplace violence, or school violence restraining order based on a credible threat of violence or stalking.
- Give this form and a copy of all the court papers you need served to the sheriff or marshal, including a copy of a fee waiver (if you have one). If you do not have to pay a fee to the sheriff, you can send your papers electronically. If you have to pay a fee, contact the sheriff to find out your options for turning in your request. Note that you can always turn in your request in person.
- You should get a form back from the sheriff.
  - If the sheriff was able to serve your court papers, you should receive a form (called a proof of service). **Make sure you get a copy from the sheriff and file it with the court.** Note that if there is a court stamp at the top right corner of the first page, it has already been filed and you do not need to file it with the court.
  - If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person. If the sheriff was unable to serve your papers, you can ask a lawyer or court's self-help center about your next steps.
- To find your local court self-help center, go to [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp). Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case. Services are free.

### To Sheriff or Marshal

- This form is confidential and must not be made public.
- Any papers submitted with this form should be served and listed on the applicable proof of service form.
- Note that (5)b is optional and may help to identify documents that should have been submitted but were not received by your office.
- Under Government Code section 26666.2, once you've received a completed copy of this form and forms for service, you must attempt service unless:
  - Any order submitted does not have a judge's signature or other representation of a judge's signature; clerk's endorsement; or court stamp, seal, or other court endorsement; or
  - A court case number is not listed on the order, summons, or other notice.

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**

**SER-001A**

**Special Instructions for Writs and Levies—Attachment**

**CONFIDENTIAL**

Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

**Instructions**

Generally, you **will not** need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order.

- Complete this form if you want the sheriff or marshal to enforce a writ. You must complete this form and form SER-001, *Request for Sheriff to Serve Court Paper*, and turn both forms in to the sheriff or marshal.
- You must include any writ and related order you want the sheriff to enforce.

This form is attached to form SER-001, *Request for Sheriff to Serve Court Papers*.

**All information is required unless it is listed as optional or does not apply to your case.**

For more information about what may be required in your case, go to <https://selfhelp.courts.ca.gov/sheriff-serves>.

**1 Additional Information About You (Person Requesting Service)**

Are you a judgment creditor (person awarded money or property by the court)?

- Yes
- No (complete the section below):

(a) What is your role in the case?: \_\_\_\_\_

(b) Is there a judgment creditor in your case?

- No
- Yes (list the names of all judgment creditors):

\_\_\_\_\_  
\_\_\_\_\_

**2 Additional Information About Person or Entity You Want Served**

The person or entity you want served (listed in item 3 of form SER-001):  
(check one)

- Owes you money in this case (judgment debtor).
- Is not a party in this case but has the property.
- Is a person who lives on the property.
- Other (explain):

\_\_\_\_\_  
\_\_\_\_\_

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**

**3 Information About the Writ and Judgment**

- a. Date writ was issued: \_\_\_\_\_
- b. The writ included with this request is (*check one*):
  - An original writ.
  - A copy of the original writ issued by the court as an electronic record and has not already been given to the levying officer (sheriff or marshal).
  - A copy of the original writ that has already been given to the levying officer (sheriff or marshal).
- c. Has a judgment been issued by the court?
  - No
  - Yes (*complete section below*):
    - (1) Date judgment was issued: \_\_\_\_\_
    - (2) If it is a money judgment, give amount: \_\_\_\_\_
    - (3) List all judgment debtors (*people who owe money*) if there are any in this case:  
If the judgment debtor is not a person, also include the type of organization (*example: corporation*).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4 Information About the Property to Levy**

- a. Describe the property in as much detail as possible. For example:
  - For bank accounts, give account number (if known).
  - For personal property, describe property and give the address where property is located.
  - For vehicles, give license plate number and address where vehicle is located.
  - For evictions, give address, and any information needed to access the property.
  - For real property (other than evictions), give legal description, address, and assessor’s parcel number.
  - If requester is not the person receiving the property, give clear instructions on who will receive the property and how.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check here if you are including a map or other document to describe property.

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**



4 b. Is the property in the judgment debtor’s name?

Yes

No (list the names of owners and explain their interest in the property, including any leasehold interest):

\_\_\_\_\_  
\_\_\_\_\_

(Note: You may also need to have the people listed above served with your court papers. Check the Code of Civil Procedure for service requirements or talk with a lawyer. Your local court self-help center provides help for free and may be able to help you. To find your local self-help center, go to [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find).)

c. Are you asking the sheriff to levy on property that is a dwelling (a place someone can live in)?

No

Yes (complete the section below):

The dwelling is (check one):

Real property (examples: house, condo, other building attached to land)

Personal property (examples: house boat, RV)

5 **Special Instructions for Sheriff**

In some situations, you will have to give detailed instructions on how you want the sheriff to enforce the order. Use the space below to list any instructions. Some examples of when instructions may be needed include:

- Instructions to serve the summons and complaint with a writ of attachment, if not previously served (see Code of Civil Procedure section 488.020(c)).
- Instructions that the levying officer must place a keeper in charge of the property (see Code of Civil Procedure sections 700.070 and 700.080).
- Instructions to seize personal property from a private place (see Code of Civil Procedure section 699.030).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if you need more space to list instructions. Use a separate piece of paper and write “SER-001A, Special Instructions for Sheriff” at the top. Turn it in with this form.

**CONFIDENTIAL**

**This is not a court form. Do not file with the court.**

SPR23-27

Rules and Forms: Service Form to Implement Assembly Bill 2791 (Adopt form SER-001)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	Committee Response
1.	California Association of Judgment Professionals by Gretchen D. Lichtenberger, Legislative Chairperson	NI	On behalf of the California Association of Judgment Professionals, we would like to submit our comments regarding your proposed adoption of form SER-001, and our suggestion for a second form adopted exclusively for post-judgment use.	The committees appreciate the information provided.
			<b>Suggestions for the new proposed <i>Request for Sheriff to Serve Court Papers (form SER-001)</i>:</b>  Page 1: We suggest you add a box above “Sheriff File Number” in the upper right for “ <i>Case Number</i> ”. The case number box is on the upper right on page 2 but not on page 1. Also, a place for the case name, like “ <i>Plaintiff/Petitioner vs. Defendant/Respondent</i> ” and the <i>County</i> in which the case is entered.	In light of this comment and others, the committees recommend including the court case number in the top right of each page of form SER-001, in addition to the sheriff file number, and including the case name in item 2.
			Page 1, upper left box: We suggest the following change: “Find the sheriff’s office for the county <i>of the where the</i> person you want served <i>is located</i> .”	In light of this comment and others, the committees recommend the instruction as “Find out where the person you want served is located. Give your papers to the sheriff or marshal’s office in that county.”
			Page 1, just below the “Instructions” box in upper left corner: We suggest, per CCP §262, you insert a line stating: <i>If you are requesting service to enforce a court judgment, please use the SER-002 form.</i> “ <i>Service Instructions to Sheriff of _____ County</i> ”	In light of this comment and others, the committees recommend adoption of an attachment form (SER-001A) for writs and levies and that the instructions on form SER-001 point requestors to that form.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

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**Rules and Forms: Service Form to Implement Assembly Bill 2791 (Adopt form SER-001)**

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	Commenter	Position	Comment	Committee Response
			<p>Page 1: We suggest the contact information for the person submitting the service request should be the first item, not item 3. So, the entirety of item 3 on page 2 should be moved to item 1. Like with any court form, the “submitter’s” information should be in the upper left corner.                      Page 1, item 1: We suggest this entire item becomes item 2, after item 3 is moved to item 1.</p>	<p>In light of this comment, the committees have moved the item regarding the requestor’s information to the first page of the recommended form, above the information for the person to be served. However, in response to another comment, the committees recommend having the requestor provide in item 1 the county of the sheriff or marshal the request is directed to.</p>
			<p>Page 1, item 1a.: We suggest the following changes:                      Please complete one form for each separate person to be served. If you are serving a named natural person, please complete item (1). If you are serving an entity, please enter the exact name of the entity in item (2), then enter the name of the natural person being served on behalf of the entity and that person’s title (ie. Agent for Service of Process, President, CEO, etc)                      (1) *Name (if serving a named natural person): _____                       (2) *Name (if serving an entity): _____                       Name of natural person being served on behalf of the entity and that person’s designated title:                      _____</p>	<p>In light of this comment and others, the committees have modified the proposed form’s instructions to explain that the requestor “must complete a separate form for each person you need served.” The committees also modified item 3 to request information about the person <i>or entity</i> to be served.</p>
			<p>Page 1, item 1b.: We suggest the following change:</p>	<p>In light of this comment and information from the Sheriff’s Association, an instruction has been</p>

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			<p>“Alternate address (if the person cannot be found at the address listed above – <i>this will require a separate service fee per Government Code §26721</i>)”</p>	<p>added to this item noting that some sheriffs <i>may</i> try a second address.</p>
			<p>Page 1, item 1c: These items are marked with a star “*”, as required items, however, many times the party has never seen the other person and does not know this information. We suggest you remove the stars for the Description, so it is not a “required” item.</p>	<p>The committees are not adopting this suggestion in their recommendation as the Government Code requires that the form include a description of the person to be served. However, the committees have included an option to indicate that they do not have any information regarding the person’s description.</p>
			<p>Page 2, item 3b {<i>whether it stays as item 3 or moves to item 1</i>}: We suggest the following changes:            “Contact information (If you have a lawyer, give their information. <i>If you don’t have a lawyer, give</i> Give an address where you can receive mail regularly, including a post office box, a Safe at Home address, or other safe address.)”</p>	<p>The committees do not agree with such a modification as the initially proposed instruction is similar to instructions on other Judicial Council forms.</p>
			<p>We also suggest the Requestor’s/Attorney’s Telephone Number should have a star “*” to make it a required item.</p>	<p>The committees do not recommend that requestor’s telephone number be mandatory as some individuals may not have a phone number or access to a consistent phone number.</p>
			<p>Page 2, above the signature line: We suggest you add:  <i>****Notice to Requestor: The Sheriff’s Office DOES NOT guarantee service. The Sheriff is entitled to his fee, whether or</i></p>	<p>In light of this comment and others, the committees are adding information to the instructions at the beginning of the recommended form noting that successful service is not guaranteed.</p>

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			<p><i>not the service is successful, in accordance with GC §§26721.2 and 26736.</i></p> <p><b><u>Suggestions for a new Judgment Creditor’s Instructions to Sheriff/Levying Officer (form SER-002):</u></b></p> <p>As an “<i>alternative</i>” consideration, you stated “[y]et another could be used to request service of writs”. Because post-judgment service of process is completely different from litigation, proper instructions require a <i>very different</i> type of information than pre-judgment service of process. For this reason, we suggest a second form for use exclusively for post-judgment instructions.</p> <p>Unlike in pre-judgment service of process, the Sheriff is required to act as Levying Officer when executing a levy under a Writ of Execution. See our attached mock-up of a suggested form for a new form SER-002. We formatted it to resemble a standard Judicial Council form to aid the Sheriff in comparing it to the Writ of Execution.</p> <p>Because the new law does not require the new “form or forms” to be effective until January 1, 2024, if you adopt our consideration for a second form, hopefully you can take all the feedback you receive with this <i>Invitation To Comment</i> and still have time to put out a second Invitation to Comment in the next cycle to ask for comments regarding our second form before the January 1, 2024 statutory deadline.</p>	<p>The committees appreciate the information provided and, in light of this comment and others, recommend an additional form (SER-001A) to be used as an attachment to form SER-001 for service of writs and levies.</p>

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			<p><b><u>Request for Specific Comments</u></b>                      Yes, we believe your Proposal appropriately addressed the stated purpose. We have included our suggestions for a second form providing for post-judgment instructions as one of your proposed “Alternatives Considered”.</p> <p>Thank you for your consideration of our current suggestions. Should you need any further clarification or have any questions, please do not hesitate to contact me.</p> <p>[Attachment “Judgment Creditor’s Instructions to Sheriff/Levying Officer SER-002, mock-up” included at end of chart]</p>	<p>The committees appreciate the information provided.</p>
2.	<p>California State Sheriff’s Association,                      Civil Committee                      By Michael Motz, Chief Civil Deputy</p>	NI	<p>As the California State Sheriffs’ Association Civil Committee, we appreciate the opportunity to provide input on the Judicial Council’s proposed sheriff’s instruction form to comply with AB 2791. We acknowledge the efforts the committee has made in preparing this form.</p> <p>We would like to address the form in two parts. The first part would be specific to single service and non-writ process, and the second part would be to address concerns if the proposed form is intended to be used for all service requests including writ process.</p> <p>Single service and non-writ civil process:</p> <p>If the intent is for this form to be used only for</p>	<p>The committees appreciate the information provided.</p>

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			<p>single service and non-writ process, the civil committee would like to offer the following recommendations regarding the draft of the proposed form in order to best serve the general public. In review of multiple agency forms, and input from several members of civil units around California, the committee has come up with recommendations for requested revisions to the proposed SER-001. Below are the suggestions and following is a sample form to include recommended revisions with highlights.</p>	
			<p><b>ADDITIONS TO PAGE 1</b>            Add a line to address the specific Sheriff's Office for service.</p> <p>Include case number and case title on Page 1.</p>	<p>In light of this comment, the committees are adding to the recommended form an item for the litigant to direct the request to a specific sheriff's office.</p> <p>In light of this comment and others, the committees are including the court case number in the top right corner of each page and the case name on the first page of the form in item 2.</p>
			<p><b>INSTRUCTION BOX</b>            Add sentence "One instruction form is required per type of service per person."</p> <p>Instruction box on Page 1 would be modified to remove the verbiage "but they must try to serve" and replace it with "including." <i>All law enforcement officers (LEO) can serve</i></p>	<p>In light of this comment, the committees are adding an instruction that one form must be completed for each person to be served. The committees also are adding an instruction that a separate form needs to be completed for each set of papers.</p> <p>In light of this comment, the committees are rewording the instruction.</p>

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			<p><i>restraining orders. The proposed statement is misleading and may cause confusion.</i></p> <p>Add bullet point "This form is to be used for non-writ process only."</p> <p>Sentence would be rephrased to state "Per CCP § 262, the Attorney of Record or the Plaintiff, if in pro per, must sign these instructions."</p>	<p>In light of this comment and others, the committees recommend adopting an attachment form for service of writs and levies. The committees recommend including an instruction at the top of form SER-001 that the attachment, form SER-001A, must also be completed if they want the sheriff to enforce a writ or levy.</p> <p>The committees do not agree with this modification as it does not increase clarity.</p>
			<p><b>PAGE 1 SECTION 1</b></p> <p>Section 1a should include a possibility of Name/Agent for Service.</p> <p>Section 1b should include "(Check with the sheriffs office if an alternate address is accepted)"</p> <p>Section 1c should remove "nonbinary" and replace with "other" and leave space for description.</p> <p>Section 1c should be modified to be a non-requirement (no asterisk) because this information is not always available from the</p>	<p>In light of this comment and others, the committees are modifying item 3 in the recommended form to include a line for agent for service.</p> <p>In light of this comment and others, the committees are revising the language to state that some sheriffs <i>may</i> try a second address.</p> <p>The committees do not agree with this modification as the council has committed to using gender-inclusive language on its forms and content, including having a "nonbinary" option.</p> <p>The committees note a description of the person is required by the Government Code. However, the committees acknowledge that the requestor may</p>

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	Commenter	Position	Comment	Committee Response
			<p>requestor.</p> <p>Section 1d should be modified to require (include asterisk) for “Safety and accessibility.”</p> <p>Section 1d should add option boxes for "military/first responder", "non applicable", "In Custody" and "prior Law Enforcement contact."</p> <p>On Page 2 of Section 1d, remove "explain" after the box for “other” and replace with “must explain checked boxes.”</p>	<p>not know this information and thus the committees are adding an option for requestor to indicate if they don’t have this information.</p> <p>In light of this comment and others, the committees have changed the safety accessibility section of the form to be required.</p> <p>In light of this comment, the committees are adding options to indicate: if the person to be served has special training (e.g., military, first responder); and whether the person is in custody. The committees are not adding “prior law enforcement contact” as it is unclear whether this would create a safety issue (i.e., law enforcement contact could be positive or negative).</p> <p>In light of this comment and others, the committees are replacing the “other” option with an instruction to provide any other information about safety and accessibility that the requestor knows about.</p>
			<p><b>PAGE 2 SECTION 2</b>            Section 2a should add in parentheses "List documents as you would like them to appear on your Proof of Service." <i>Section 2a should remove the listed examples because generic titles will not suffice for Proof of Service.</i></p>	<p>In light of this comment and others, the committees are making this item optional in the recommended form. The committees do not believe that this item can solely be relied upon to generate the list of documents recorded on a proof of service form. A sheriff who successfully serves the documents provided would need to independently verify the titles of the documents for service, as that sheriff is signing the proof of service form under penalty of perjury.</p>

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	Commenter	Position	Comment	Committee Response
			<p><b>PAGE 2 SECTION 3</b>                      Section 3a should remove "Your name" and only "Party Requesting Service" should remain.</p> <p>Section 3a should remove "Firm name" and replace with "Business/Firm/Entity Name."</p> <p>Section 3a should include address, city, state, zip, telephone number and email (as listed in Section 3b.)                      Telephone number should be required (include asterisk).</p> <p>Section 3b should have italicized verbiage removed completely.</p>	<p>The committees do not agree with such modification as “your name” is easier to understand for self-represented litigants.</p> <p>The committees are not making such modification as “firm name” is sufficient for any organization that a lawyer is associated with.</p> <p>The committees note that those fields are included for the person requesting service.</p> <p>The committees do not recommend that requestor’s telephone number be mandatory as some individuals may not have a phone number or access to a consistent phone number.</p> <p>The committees are not making this modification as the instruction is helpful as written.</p>
			<p><b>PAGE 2 SECTION 4</b>                      Section 4 should have italicized verbiage removed completely.</p>	<p>The committees are not making such modification as it is helpful to indicate that the party requesting service or their lawyer, can sign this form.</p>
			<p>If the proposed form is intended to be used <i>only</i> for single service and non-writ process, the consensus of the committee is that with the above recommendations implemented, most concerns expressed by Civil Units throughout the state will be addressed. The committee believes the form with these recommendations</p>	<p>The committees believe that its recommendations adequately address the concerns raised by commenter and agrees that form SER-001 would be used for single service and non-writ processes, consistent with the intent of AB 2791.</p>

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			<p>will serve our communities consistent with the intent of this bill.</p> <p>If the proposed form is to be used for <i>all</i> services including writ process, the committee has the following concerns in regard to codified requirements for instructions to the Sheriff to enforce writ actions that are not present. This could severely impact the Sheriff's ability to conduct thorough, accurate and lawful levy processes throughout the state.</p> <p>AB 2791 created Government Code §26666.2, which states the Sheriff is prohibited from reviewing the substance of any submitted documents other than a few exceptions. Additionally, Government Code §26666.10(d) states the Sheriff is prohibited from requiring any additional forms other than the Judicial Council approved instruction form, and also prohibits the Sheriff from requesting any additional information.</p> <p>With the aforementioned in mind, the form as proposed, <i>even if</i> amended with the civil committee's suggested changes, contains a minimal amount of codified required information which plaintiffs must provide to the Sheriff for a variety of levy services and enforcement of writs. The following outlines one such example among many.</p> <p>WRIT OF EXECUTION MONEY</p>	<p>The committees appreciate the information provided. In light of this comment and others, the committees also propose the adoption of form SER-001A, an attachment form that would be used for writs and levies.</p>

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			<p><b>JUDGMENT- REAL PROPERTY LEVY</b>                      A good example of required information that must be included in instructions to the Sheriff can be viewed in the attached exhibit with some referenced codes below.</p> <ul style="list-style-type: none"> <li>(1) An adequate description of any property to be levied upon.</li> <li>(2) A statement whether the property is a dwelling.</li> <li>(3) If the property is a dwelling, whether it is real or personal property.</li> <li>(4) The name of the judgment debtor. If the judgment debtor is other than a natural person, the type of legal entity shall be stated.</li> </ul> <p>CCP § 684.130 (a) If the levying officer is required by any provision of this title to serve any writ, order, notice, or other paper on any person, the judgment creditor shall include in the instructions to the levying officer the correct name and address of the person. The judgment creditor shall use reasonable diligence to ascertain the correct name and address of the person.</p> <p>CCP § 684.130 (e) If the instructions directing the levying officer to perform a levy are accompanied by a writ of execution for money, possession, or sale of personal or real property</p>	

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			<p>issued by the court as an electronic record, as defined in subdivision (b) of Section 263.1, or a document printed from an electronic record issued by the court, the instructions shall also include all of the following information, as stated in the writ:</p> <ul style="list-style-type: none"> <li>(1) The date of issuance of the writ.</li> <li>(2) The name of each judgment creditor and judgment debtor.</li> <li>(3) The amount of the total judgment for money, a description of the property subject to a judgment for possession or sale, or both the amount and the description.</li> <li>(4) A statement indicating that the accompanying writ is either of the following:               <ul style="list-style-type: none"> <li>(A) An original writ, or a copy of the original writ issued by the court as an electronic record, not already in the possession of the levying officer.</li> <li>(B) A copy of the original writ already in possession of the levying officer.</li> </ul> </li> </ul>	
			<p>One area of particular concern with writ services is what is required for wage garnishment law in regard to the Plaintiffs</p>	<p>In light of this and other comments, the committees do not believe that the SER forms would be used to enforce an earnings withholding</p>

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			<p>instructions to the Sheriff. There are two mandatory forms, the WG-001 and the WG-035, which have been adopted by the Judicial Council for mandatory use and in conformance with CCP § 706.121. AB 2791 lends ambiguity to the Sheriff on how to proceed when there are established instructions per code, and now a new instruction form is required. The two procedures are incongruent and lack clarity for how the Sheriff shall proceed.</p>	<p>order. Therefore, the committees recommend adding an instruction at the top of form SER-001 directing people to the applicable WG forms to be used.</p>
			<p>In conclusion, these are just a few examples of codes applicable to levy services and writ enforcement. There are many other codes which constitute required instructions for a variety of other processes such as Personal Property Levies including Going Business, Bank Levies, Vehicle Levies, Attachment Law, Writs of Sale and Writs of Possession. If the proposed form will be mandatory for levy services and writ enforcement, the Sheriff will be left impotent in their legal obligation to enforce writs and court orders of this nature. This is why Sheriff's Office Civil Units statewide have various instruction forms specific to the wide variety of writ processes and levy actions that are commonly requested.</p> <p>[Attachments included at end of chart]</p>	<p>The committees appreciate the information provided.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
3.	Family Violence Appellate Project by Jennafer Dorfman Wagner Director of Programs	NI	<p>On behalf of Family Violence Appellate Project (FVAP), I write to offer support and comments for the Council’s proposal SPR23-27.</p> <p>Family Violence Appellate Project (FVAP) is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. FVAP provides legal assistance to survivors of abuse at the appellate level through direct representation, collaborating with pro bono attorneys, advocating for survivors on important legal issues, and offering training and legal support for legal services providers and domestic violence, sexual assault, and human trafficking counselors. As a State Bar-funded legal services support center and California Office of Emergency Services funded legal support provider, an important part of our work is administrative advocacy—such as commenting on this proposal—to ensure survivors throughout the state have equal access to justice.</p> <p>Family Violence Appellate Project agrees the proposed form SER-001 appropriately addresses the stated purpose. <b>We would recommend two changes to the proposed Form SER-001</b> to increase clarity and make the forms more user-friendly, especially for self-represented litigants.</p>	The committees appreciate the information provided.
			<i>First</i> , on page 1, the title should be “Request for	The committees do not agree with this suggestion

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Sheriff <i>or Marshal</i> to Serve Court Papers.” (Proposed changes in italics.) While the instructions clarify the form may be used for both types of law enforcement agency, litigants searching for the correct form may be confused by the title and not look beyond it to the Instructions box.</p>	<p>changing the title of the recommended form to include “marshal” because the committees believe that only one or two counties in California have a marshal that will attempt service. Adding “marshal” to the title would likely provide more confusion as the title would suggest to litigants that the marshal could also attempt service.</p>
			<p><i>Second</i>, also on page 1 of the form, in the Instructions box, the final dot-point should be amended to read: “If you have a fee waiver order (form FW-003), <i>or this is the type of case that does not require fees</i>, you . . . .” (Proposed changes in italics.) This will help self-represented litigants who already know they did not have to pay a fee to file their action to understand they also do not need to pay any fee for service—information not readily apparent from the form itself.</p>	<p>The committees agree that it is helpful to provide information on when fees for service do not apply. The committees are including this information on the last page of the recommended form under “Your Next Steps” which the user is directed to in the instructions on page 1.</p>
4.	Steven Ipson, Commissioner Superior Court of California, County of Los Angeles	A	<p>This will greatly streamline the process for having documents served statewide. It will be especially helpful to a self-represented litigant. I support the proposed changes.</p>	<p>The committees appreciate the information provided.</p>
5.	Orange County Bar Association by Michael A. Gregg President	A		<p>No response required.</p>
6.	Superior Court of California, County of Los Angeles by Bryan Borys Director of Research and Data Management	AM	<p>The following comments are submitted on behalf of the Los Angeles Superior Court. Regarding SER-001, Request for Sheriff to Serve Court Papers</p>	
			<p>Suggest making it clearer to litigants that this</p>	<p>In light of this comment, the committees have</p>

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			<p>form is only given to the Sheriff and not filed with the Court by adding a bullet in the instructions box at the top of the page that says “Do not file this form with the Court”</p>	<p>changed the text within the black block at the bottom of each page of the recommended form with “This is not a court form—Do not file with the court.”</p>
			<p>In the Instructions box, suggest replacing “but they must try to serve restraining orders” with “including restraining orders.”</p>	<p>The committees have made such a change to the recommended form.</p>
			<p>Suggest adding a box for Instructions to the Sheriff that includes language prohibiting them from rejecting documents for service other than exceptions listed in the statute (eg: missing case number or judge’s signature).</p>	<p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and the parties. The instructions are listed on the last page of proposed form SER-001.</p>
7.	Superior Court of California, County of Orange Family Law/Juvenile Division	NI	<p><b>Form SER-001</b></p> <ul style="list-style-type: none"> <li>• Section 1c, under Gender, spell out Male and Female for consistency.</li> <li>• Ask for additional information in section X:               <ul style="list-style-type: none"> <li>o Nicknames/Aliases</li> <li>o List any known previous arrest</li> </ul> </li> <li>• Align items listed in section 3a.</li> </ul> <p><b>Specific Comments</b></p> <p><input type="checkbox"/> Does the Proposal appropriately address the stated purpose? Yes.</p> <p><input type="checkbox"/> Would the proposal provide cost savings? If</p>	<p>The committees have made this change to the recommended form.</p> <p>The committees have included a field to list nicknames or aliases, but not an additional option to include known previous arrests. This information, if it impacts safety, could be provided under the last checkbox.</p> <p>The committees have made this correction.</p> <p>The committees appreciate the information provided.</p> <p>The committees appreciate the information</p>

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	Commenter	Position	Comment	Committee Response
			<p><i>so, please quantify.</i></p> <p>No.</p> <p><input type="checkbox"/> <i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i></p> <p>This implementation would require training for Self Help Center staff, updating service packets to include this form and written communication to other staff in Family Law that provide correspondence to the Sheriff’s department for service.</p> <p><input type="checkbox"/> <i>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes.</p> <p><input type="checkbox"/> <i>How well would this proposal work in courts of different sizes?</i></p> <p>Our court is a large court, and this process can work for a court of our size.</p>	<p>provided.</p> <p>The committees appreciate the information provided.</p> <p>The committees appreciate the information provided.</p> <p>The committees appreciate the information provided.</p>
8.	Superior Court of California, County of Riverside by Susan Ryan Chief Deputy of Legal Services	A	<p>Apart from the suggested edits below, the proposed revisions offer clarity and comply with existing law.</p> <p>SER-001 Request for Sheriff to Serve Court Papers</p> <p>1c Information about person you want served</p> <p>Suggested edit:</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comments, the committees have</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR23-27**

**Rules and Forms: Service Form to Implement Assembly Bill 2791 (Adopt form SER-001)**

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	Committee Response
			<p>Age (actual or approx.) or date of birth</p> <p>Age is often unknown.</p> <p>Suggested edit:</p> <p>What type of court papers are you asking the sheriff to serve? Provide name of document and form number.</p> <p>The customers should be specific about the forms that must appear on the proof of service.</p>	<p>added an instruction to the recommended form, to give an estimate of age, if date of birth or age of the person being served is unknown.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office.</p> <p>A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p>
9.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	<p><b>Request for Specific Comments</b></p> <p>Does the proposal appropriately address the stated purpose?</p> <p><b>Yes.</b></p>	<p>The committees appreciate the information provided.</p>
			<p>Would the proposal provide cost savings? If so,</p>	<p>The committees appreciate the information</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR23-27**

**Rules and Forms: Service Form to Implement Assembly Bill 2791 (Adopt form SER-001)**

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	Committee Response
			please quantify. <b>No.</b>	provided.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? <b>Updating restraining order packets to include form.</b>	The committees appreciate the information provided.
			Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <b>Yes.</b>	The committees appreciate the information provided.
			How well would this proposal work in courts of different sizes? <b>It appears the proposal would work for courts of various sizes.</b>	The committees appreciate the information provided.
			<p style="text-align: center;"><b>General Comments</b></p> Page one of the SER-001 includes “Sheriff File Number” in the top right corner while page two lists “Case Number.” Since this form will not be filed with the court it is recommended that page two be changed to reflect “Sheriff File Number.” No additional Comments.	In light of this comment and others, the committees are including the case number in the top right of each page of recommended form SER-001, but have clarified that it is the “court” case number. Some commenters note that the sheriff’s offices may use the court case number to reference a request for service.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Judgment Creditor's Instructions to Sheriff/Levying Officer**

**SER-002**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, Address, Phone and Email)</i>  ATTORNEY FOR <i>(Name)</i> :	Sheriff's Date Stamp, as received
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT	
Case Number:	

**To the Sheriff/Levying Officer of the County of :** \_\_\_\_\_

I herein instruct you to serve the following included document(s):

Application and Order to Appear and Examination

Civil Subpoena (Duces Tecum)

Notice of Entry of Judgment on Sister-State Judgment

Other: \_\_\_\_\_

Upon the below named person at the following address:

Name: \_\_\_\_\_ Agent for Service/Officer: \_\_\_\_\_

Address: \_\_\_\_\_

*\*\*Including a picture of the person to be served, or description , it would be helpful*

Description: \_\_\_\_\_

I am opening a levy file regarding the below named Garnishee and the following Judgment Debtor:

**Garnishee's Information {CCP §701.030}:**

Name of Bank, Institution, Person or Business: \_\_\_\_\_

Address: \_\_\_\_\_

**Judgment Debtor's name is:** \_\_\_\_\_

Debtor's Last Known Address: \_\_\_\_\_

Debtor's Account Number (if known): \_\_\_\_\_ SSN/FEIN (if known): \_\_\_\_\_

Other Necessary Information: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

<b>Case Name:</b>	<b>Case Number:</b>
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Pursuant to the included Writ of Execution, I herein instruct you to levy upon the following type(s) of property of the Judgment Debtor, as further described on page 3 {CCP §697.010}:

- Deposit Account at Financial Institution {CCP §700.140}
- Safe Deposit Box at Financial Institution {CCP §700.150}
- Accounts Receivable/General Intangibles {CCP §700.170}
- Property in possession/control of third person {CCP §700.040}
- Vehicle or Vessel (*circle one*) {CCP §700.090}

Color: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Type: \_\_\_\_\_

License plate # \_\_\_\_\_ State: \_\_\_\_\_ VIN \_\_\_\_\_

Hull Identification Number: \_\_\_\_\_

Address where vehicle/vessel may be found: \_\_\_\_\_

Other important information: \_\_\_\_\_

Place Keeper in judgment debtor's Business {CCP §700.070}

Seize all cash and checks, release other tangible personal property

Seize all cash and checks, and SEIZE, MOVE, STORE and SELL all tangible personal property on the attached list

Business Address: \_\_\_\_\_

Business Hours: \_\_\_\_\_

Conduct a Till Tap only

Other important information: \_\_\_\_\_

Real Property {CCP §700.015} or Dwelling {CCP §700.080} Interests

The property to be levied upon is not a dwelling

The property to be levied upon is a dwelling that is:

real property

personal property

Third person in whose name title is held: \_\_\_\_\_

Address: \_\_\_\_\_

Other type of levy/other necessary information: \_\_\_\_\_

Included herewith is the following document(s), which must be served, or is required, per statutory requirements:

- Spousal/Domestic Partner Affidavit {CCP §700.160(b)(2)}
- Unexpired Certified Copy of Fictitious Business Name Statement {CCP §700.160(b)(3)}
- Affidavit of Identity {CCP §§700.160(b)(4) / 700.010(a)(4)}
- Private Place Order {CCP §699.030(a)}
- Private Place Order with break-in order {CCP §699.030(b)}
- Turnover Order {CCP §699.040 or §708.205}
- Copy of Legal Description of real property {CCP §701.540(a)}

<b>Case Name:</b>	<b>Case Number:</b>
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The property to be levied upon, whether levied by Levying Officer or Registered Process Server, is further described as follows:

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Pursuant to the included Writ of Execution, I herein instruct you to merely act as Levying Officer whereas a levy will be performed by a Registered Process Server (RPS) as follows:

RPS Name and Telephone Number: \_\_\_\_\_

Please hold Writ of Execution for the full statutory term

Please return Writ of Execution upon completion of levy performed

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney / Judgment Creditor, In Pro Per

California State Sheriff's Association, Civil Committee Attachment  
 (Levy Upon the Debtor's Real Property)  
**INSTRUCTIONS TO THE SHERIFF OF \_\_\_\_\_ COUNTY**

The Sheriff must have written, signed, instructions by the attorney for the creditor, or the creditor if he/she has no attorney in accordance with CCP 262; 687.010.

Plaintiff	<b>VS</b>	Defendant
Court Case Number		Levying Officer File Number

- Check here if this is supplemental information or addendum to previously submitted instructions.
- **Provide the original and any attachments to the writ.**
- **Provide the required advance deposit for fees and costs.**
- **Below, select the type of writ and provide all the requested information:**

**Writ of Attachment** – A levy will be conducted in conformance with CCP 488.315 and 700.015. The defendant's interest is not sold under a writ of attachment. When levy is pursuant to a writ of attachment and the defendant has not been previously served with a copy of the summons and complaint, you are required, pursuant to CCP 488.020(c), to instruct\* the levying officer to serve a copy of the summons and complaint when the writ is served upon the defendant.

\* Please serve a copy of the summons and complaint upon the defendant(s). I am providing two copies of the summons and complaint for each defendant to be served.

The defendant was previously served with the summons and complaint.

**Writ of Execution** (money judgment)  
 Does the real property contain a dwelling?  Yes  No

**Writ of Sale** – Provide a certified copy of the Judgment for Sale as required by CCP 716.010(c).  
 The judgment is for the ...

1  partition of real property.

2  judicial foreclosure of a...

2a  mortgage or deed of trust.

The judgment indicates that a deficiency judgment...

may be ordered.

is waived or prohibited.

2b  special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity or district).

2c  assessment lien by an association or common interest development.

2d  mechanics lien (labor or improvements to real property).

2e  other lien(s) on real property.

Is a "right of redemption" applicable to the sale of this property?  Yes  No

▪ **Real Property Subject to Levy:**

Common street address (if any): \_\_\_\_\_

This property is vacant land or has no common street address. (assessor's map required with property boundary highlighted)

- **Legal Description:** Attach a separate sheet containing the legal description of the property, including the common street address (if any) and the assessor's parcel number. Ensure that the legal description is typed and clear enough for recording purposes.

- **Leasehold Interest:** Does the judgment debtor's/defendant's interest in the real property consist of a leasehold interest (may also be referred to as a "leasehold estate" or an "estate for years")?  
 Yes  No. If yes, provide the date the lease expires: \_\_\_\_\_.

- **Judgment Debtor/Defendant:** This levy seeks to sell or attach the real property interest of the following judgment debtor(s)/defendant(s):

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

- **Record Owners:** Does the real property also stand in the name of a person other than the judgment debtor/defendant having a **recorded interest** in the real property as shown by the records of the county (record owner)?  Yes  No.

If yes, provide the names and addresses of all such record owners. The Sheriff is required to serve (by mail) a copy of the writ and notice of levy on each such person. Section 700.015 of the Code of Civil Procedure requires that if "...service on the third person is by mail, it shall be sent to the person at the address for such person, if any, shown by the records of the office of the tax assessor of the county where the real property is located or, if no address is so shown, to the person at the address used by the county recorder for the return of the instrument creating the interest of the third person in the property."

List the names and addresses of all record owners. Attach a separate sheet if necessary.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Additional names and addresses of record owners are contained on a separate sheet.

\_\_\_\_\_  
Signature of attorney (or creditor without an attorney)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name of signor (include title if signing on behalf of a business)

\_\_\_\_\_  
Address of attorney/creditor (Number, Street, City and Zip Code)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Cell Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
FAX Number

**SER-001**

**Request for Sheriff to Serve Court Papers**

**Instructions:** Fill out this form if you want the sheriff or marshal to serve your court papers. **One instruction is required per type of service, per person.** Each county in California has a sheriff's office, and they serve different types of court papers, **including restraining orders.** You may have to pay for service of some court papers. For more information go to [link to courts self-help webpage]

- Find the sheriff's office for the county of the person you want served.
- Give the sheriff this form and the court papers to be served on the other party. You can give these papers to the sheriff in person or **by electronic transmission.**
- If you have a fee waiver order (form FW-003), you will not have to pay a fee. Give the sheriff a copy of form FW-003 that is signed by the judge.
- **This form is only to be used for non-writ processes only**
- Per CCP 262, Attorney of record or Plaintiff if In Pro Per must sign instructions.

**CONFIDENTIAL**

**To Court Clerk: Do not file this form.**

**Case Name:** \_\_\_\_\_

**Case Number:** \_\_\_\_\_

**Sheriff File Number** (for sheriff to complete, if needed): \_\_\_\_\_

Information that has a **star (\*)** next to it is required. All other information may be helpful but is not required.

**\*To the Sheriff of (County):** \_\_\_\_\_

**1 Information about person you want served**

a. **\*Name/Agent for Service:** \_\_\_\_\_  
**\*Telephone number:** \_\_\_\_\_

b. **Address where person should be served**  
*(Sheriff typically serves during normal business hours. Check with the sheriff's office for the exact times.)*  
**\*Address:** \_\_\_\_\_  Home  Business  
**\*City:** \_\_\_\_\_ **\*State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

Gate code or special instructions: \_\_\_\_\_  
 Best time to serve at this address *(example: 8 a.m.–noon)*: \_\_\_\_\_

Alternate address **(Check with sheriff's office if alternate address is accepted)**  
**Address:** \_\_\_\_\_  Home  Business  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
 Gate code or special instructions: \_\_\_\_\_  
 Best time to serve at this address *(example: 8 a.m.–noon)*: \_\_\_\_\_

c. **Description** **Removed \* as requirement as information may not be known**  
**Gender:**  M  F  **Other:** \_\_\_\_\_ **Age or date of birth:** \_\_\_\_\_  
**Height:** \_\_\_\_\_ **Weight:** \_\_\_\_\_ **Hair color:** \_\_\_\_\_ **Eye color:** \_\_\_\_\_  
**Race/Ethnicity:** \_\_\_\_\_  
**Special marks or features (tattoos, scars, etc.):** \_\_\_\_\_  
**Vehicle (type, model, year, color, plate number):** \_\_\_\_\_  
 *Check here if you are including a picture of the person.*

d. **\*Safety and accessibility**  
 The person you want served *(check any that may apply)*:  
 Has a gun or other weapon  Has an aggressive animal  Has a history of violence or abuse  
 Is on probation or parole  Has mental health issues  Is Deaf or hard of hearing

**This is not a Court Order—Do not place in court file.**

Case Number: \_\_\_\_\_


- 1 d. **Safety and accessibility** *(continued)*
- Military/First Responder     Prior Law Enforcement Contact     In Custody     Not Applicable
- Does not speak English (list language): \_\_\_\_\_
- Other *(must explain checked boxes)*: \_\_\_\_\_
- If your service request is a restraining order please provide CLETS-001 form if available.

- 2 **Information about your case**
- a. \*What type of court papers are you asking the sheriff to serve?  
*(List documents as you would like them to appear on your Proof of Service)*
- \_\_\_\_\_
- b. Is there a court hearing (court date)?  
 No     I don't know     Yes *(if yes, give date of hearing)*: \_\_\_\_\_
- c. Is there a deadline for service?  
 No     I don't know     Yes *(if yes, give deadline)*: \_\_\_\_\_
- d. Has the court allowed alternative or substituted service?  
 No     I don't know     Yes *(if yes, attach order or provide method of service)*: \_\_\_\_\_
- e. Other instructions *(any other information needed to attempt service)*:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 3 **Contact information for the sheriff to reach you**
- a. \*Party Requesting Service:  
 Name: \_\_\_\_\_
- Business/Firm/Entity Name (if applicable): \_\_\_\_\_
- \*Address to receive mail: \_\_\_\_\_
- \*City: \_\_\_\_\_ \*State: \_\_\_\_\_ \*Zip: \_\_\_\_\_
- \*Telephone number: \_\_\_\_\_ Email Address: \_\_\_\_\_

4 **\*Signature**

\*Date: \_\_\_\_\_

\_\_\_\_\_ *\*Type or print your name*       \_\_\_\_\_ *\*Sign your name (may be electronic)*

**CONFIDENTIAL**

**This is not a Court Order—Do not place in court file.**



**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committees Response</b>
1.	California Association of Judgment Professionals by Gretchen D. Lichtenberger Legislative Chairperson	NI	<p>On behalf of the California Association of Judgment Professionals, we would like to submit our comments regarding your proposed adoption of forms SER-001 and SER-001A. Our suggested additions are in <i>blue italicized</i> text and deletions are noted with strike-throughs.</p> <p><b><u>Suggestions for the new proposed Request for Sheriff to Serve Court Papers (form SER-001):</u></b>  <b>Page 1:</b> We suggest you add a box above (or below) “Sheriff File Number” in the upper right for “<i>Case Number</i>”. Also, add case title, like “<i>Plaintiff/Petitioner vs. Defendant/Respondent</i>” so the Sheriff can use the case title to verify the case number is correct. Often times, litigants mis-type the case number so having a second verifier is good practice.</p> <p><b>Page 1, upper left box:</b> We suggest the following slight change, for clarity, to the second bulleted item:  “Find out where the person you need served is located. Give your papers to the sheriff or marshal’s office in that county <i>where the person to be served is located.</i>”</p> <p><b>Page 1, item 2b.:</b> We suggest, for clarity, this rearranging of words in the following sentence:  “Contact information (If you have a lawyer, give the lawyer’s information. <i>If you don’t have a lawyer, give Give</i> an address where you can receive mail regularly, including a post office box, a Safe at Home address, or other safe address.)”</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>The committees do not believe the suggested modification increases clarity on the form and thus do not recommend it.</p> <p>The committees do not recommend this modification as the initially proposed instruction is similar to instructions on other Judicial Council forms.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

Committer	Position	Comment	Committees Response
		<p>We believe a “Telephone number” <u>should be mandatory</u>, not optional. This Instructions form is confidential, as stated in the upper right on page 1, so Requestors should not be hesitant to provide a telephone number. The Sheriff must have a way to contact the Requestor <i>other than by mail</i>. For example, when a Restraining Order has been served, it is imperative that the Requestor be notified immediately that the Restraining Order has been served.</p> <p><b>Page 1, item 3a.:</b> We believe the word “organization” can be confusing for lay persons, so we suggest the following clarity: If you’re serving an organization (<i>includes all types of corporate-type entities, other than a natural person</i>), give name and type of organization.</p> <p><b>Page 2, header/caption:</b> We suggest you add a box for “<i>Case Number</i>” on the line containing the “Sheriff File Number” box.</p> <p><b>Page 2, item 3c.:</b> We suggest the following change, for clarity and full disclosure: “If the person cannot be found at the address listed above, some sheriffs will try a second address, <i>however, this may require a separate service fee per Government Code §§26721.2 and 26738</i>.”</p> <p><b>Page 3, header/caption:</b> We suggest you add a</p>	<p>The committees do not recommend that requestor’s telephone number be mandatory as some individuals may not have a phone number or access to a consistent phone number.</p> <p>In light of this comment and others, the committees have modified the recommended form, modifying item 3 to request information about the person or <i>entity</i> to be served.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>In light of this suggestion, the committees have modified the recommended form, so it now states that “some sheriffs <i>may</i> try a second address.” If certain sheriffs charge for attempting service at another address, then such fee will be collected before the service is attempted.</p> <p>In light of this comment and others, the</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Committees Response
		<p>box for “<i>Case Number</i>” on the line containing the “Sheriff File Number” box.</p> <p><b>Page 3, item 4:</b> We suggest moving this information to the top right of page 1, as stated in our first suggestion for page 1.</p> <p><b>Page 3, item 5b.:</b> We suggest, for clarity, this small addition into the following sentence: “Look at the court’s order and list all forms required <i>to be served in that court order, or list all forms or documents required to be served by law for your proceeding.</i>”</p> <p><b>Page 3, item 5c.:</b> We suggest, for clarity, this small addition into the following sentence: “Is there an <i>upcoming</i> court hearing (court date)?”</p> <p><b>Page 3, item 5d.:</b> We suggest, for clarity, this small addition into the following sentence: “Is there a deadline for service <i>of these forms or documents?</i>”</p> <p><b>Page 3, item 5e.:</b> We suggest, for clarity, this small addition into the following sentence: “Has the court allowed, <i>by separate court order</i>, alternative service (for restraining orders only)?”</p> <p><b>Page 4, item 5f.:</b> We suggest, for clarity, this small addition into the following sentence: “Is substituted service allowed under the law (<i>For Summons: Code of Civil Procedure section 415.20 or for Small Claims: section</i></p>	<p>committees have modified the recommended form, including the case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>The committees do not believe the suggested modification increases clarity on the form and thus do not recommend it.</p> <p>The committees do not believe the suggested modification increases clarity on the form and thus do not recommend it.</p> <p>The committees do not believe the suggested modification increases clarity on the form and thus do not recommend it.</p> <p>The committees do not believe the suggested modification increases clarity on the form and thus do not recommend it, but are modifying the form to state that the order addressing alternative service be attached.</p> <p>In light of other comments received, the committees are removing this item from the recommended form.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Committees Response
		<p><i>116.340(a)(3)?”</i></p> <p><b>Page 4, item 5g.:</b> We suggest, for clarity, this small addition into the following sentence: Is there any other information you want or need to <i>provide the Sheriff</i> <del>give</del> to serve your court papers?</p> <p><b>Page 4, above the signature line:</b> We suggest you add: <i>****Notice to Requestor: The Sheriff acts in reliance on the instructions you provide. The Sheriff’s Office DOES NOT guarantee service. The Sheriff is entitled to his fee, whether or not the service is successful, in accordance with GC §§26721.2, 26736 and 26738.</i></p> <p><b>Page 4, Your Signature:</b> We suggest you do not use the word “plaintiff” here because there are so many other party types who ask the Sheriff for service, like a “Defendant” for a Defendant’s Claim in Small Claims court, like a “Petitioner” or “Respondent” in Family law or Probate law court. We suggest the following: “<b>Your Signature</b> (party (or <del>plaintiff</del> person) asking for service, or their lawyer)”</p> <p><b>Page 4, Your Next Steps:</b> We suggest that instructions be given for the persons who have a Fee Waiver to also provide the Sheriff with a copy of the signed Fee Waiver order. We think there should be a check box as part of the form itself stating “<i>Do you have a Fee Waiver?</i>” with a “<i>No</i>” and a “<i>Yes</i>” check box. Then, after the</p>	<p>In light of this comment, the committees have modified the recommended form, adding “to the sheriff” so that the instruction reads, “Is there any other information you want or need to give to the sheriff to serve your court papers?”</p> <p>In light of this comment and others, the committees have modified the recommended form, adding information to the instructions at the beginning of the form noting that successful service is not guaranteed.</p> <p>In light of this suggestion, the committees have modified the recommended form, deleting “plaintiff” from the signature line of the form.</p> <p>In light of this suggestion and other comments,</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Committees Response
		<p>“Yes”, it could say <i>(if yes, give Sheriff a copy of the signed Order on Court Fee Waiver)</i>. If this is not possible to add another item into the body of the form, then we suggest this addition to the Next Steps area:                      “Find out if you need to pay a fee for service by asking the court’s self-help center, a lawyer, or the sheriff s’ office. Note that you do not have to pay a fee if you have a fee waiver in your case (form FW-003 signed by a judge), or for certain types of cases like domestic violence, elder abuse, or gun violence restraining orders.  <i>If you have a signed Order on Court Fee Waiver to waive your fees, give a copy of it to the Sheriff with your papers to be served.”</i></p> <p><b><u>Suggestions for a new Special Instructions to Serve Court Papers –Attachment (form SER-001A):</u></b></p> <p><b><u>Page 1, Instructions, upper left box:</u></b> Unlike in pre-judgment service of process, the Sheriff is required to act as Levying Officer to receive all property when executing a levy under a Writ of Execution or Writ of Attachment, whether or not the Creditor or Plaintiff opts to use a Registered Process Server to serve certain legal documents. Therefore, we believe the second sentence “<del>If you are using a registered process server for service and are only asking the sheriff to serve as levying officer, contact your local sheriff’s office</del>” should be deleted and a check box added just above item 2, as explained below for item 1.</p>	<p>the committees have modified the recommended form, including an instruction under “Your Next Steps” to provide a copy of any order granting a fee waiver. The committees will consider whether to add a question to the form regarding fee waivers in the future, as time and resources allow.</p> <hr/> <p>In light of this comment and others, the committees have modified the recommended form, removing the instruction from the beginning of form SER-001A and instead posing such a question at the end of form SER-001.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

Committer	Position	Comment	Committees Response
		<p><b>Page 1, item 1:</b> The SER-001A form is designed to be an “Attachment” to the SER-001 form. Item 2 on the SER-001 form already has the name and contact information about the “person requesting service” so we don’t think this information is necessary on this attachment. For any post-judgment enforcement, only the Judgment Creditor or the Judgment Creditor’s attorney may instruct the Sheriff, so that information would be in item 2 on the SER-001 form. This SER-001A <u>form does not have a separate signature line</u>, so having a place where potential “different” information can be stated is not a good idea.</p> <p>We suggest instead that Item 1 ask, up front, if the person is using a Registered Process Server to serve the levy or earnings withholding order documents, with something like this:</p> <p><input type="checkbox"/> I request the Sheriff serve the legal documents and also act as Levying Officer.</p> <p><input type="checkbox"/> I will be using a Registered Process Server (<i>listed below</i>) to serve the legal documents and only request the Sheriff act as Levying Officer for the property executed upon by levy or attachment.</p> <p>Registered Process Server’s name _____</p> <p>Registered Process Server’s telephone number _____</p>	<p>The committees do not recommend modification based on this suggestion as the Code of Civil Procedure section 687.010(e) requires the identification of all judgment creditors, which would be confusing to require on form SER-001. If requestor is a judgment creditor the committees do not see any harm in that also being identified on form SER-001A.</p> <p>In light of this comment and others, the committees have modified the recommended forms, including a question addressing whether the person completing the form is using the sheriff only as a levying officer, and using a registered process server for service, at the end of form SER-001.</p> <p>The committees do not recommend asking for the name and telephone number of the registered process server, as that information may not be known at the time of completing the form or may change after the form has been submitted.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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Committer	Position	Comment	Committees Response
		<p><b>Page 1, item 2:</b> We suggest, for clarity, this small addition into the following sentence: No. Explain who the person is (<i>example: someone who lives on or has title to the property at issue or has possession of the judgment debtor's property, like a bank or third person</i>):</p> <p><b>Page 2, item 3c.:</b> We don't understand the need for the Sheriff to have a copy of the judgment or any information contained in item 3. The Writ of Execution or Writ of Attachment is the court authorized form that verifies all the information on the judgment. We believe item 3c is completely unnecessary and will lead to confusion. What if the judgment has been renewed or amended? What possible need could the Sheriff have for this information. If this information is required for some particular statutory procedure that we are unaware of, then this item should specific it is to be complete for that process ONLY, like on item 5e on the SER-001 for "restraining orders only".</p> <p><b>Page 2, item 3d.:</b> We suggest this correction and small addition into the following sentence: "If yes, include <i>Application for Earnings Withholding Order (WG-001) and Confidential Statement of Judgment Debtor's Social Security Number (WG-035)</i> <del>Earning Withholding Order (form WG-002)</del> and any other necessary forms with this form."</p> <p>This <i>Application</i> form (WG-001) was designed</p>	<p>In light of this comment and others, the committees have modified item 2 on the recommended form to include checkboxes for people who live on or have title to the property but are not a party to the case.</p> <p>In light of this comment and others, the committees have modified the recommend form so that it does not include a requirement to submit a copy of the judgment with form SER-001A.</p> <p>In light of this comment and others, the committees have modified the recommended form so that the proposed language on the form was replaced with instructions to not use the form for wage garnishment, but instead to use forms WG-001 and WG-035.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

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Commenter	Position	Comment	Committees Response
		<p>by the Judicial Council as the Creditor’s instructions to the Sheriff. Upon receiving this <i>Application</i> form, the Sheriff completes all the other wage garnishment forms necessary for service. However, the Sheriff will also need the debtor’s Social Security Number, which should not be put onto the SER-001A form, it is better for the Requestor to include the WG-035 form. The Requestor DOES NOT fill out the WG-002 form, as you have on your proposed SER-001A, just the WG-001 form and WG-035 form.</p> <p><b>Page 2, item 4a.:</b> We suggest, for clarity, this small addition into the following sentence: Personal property (<i>examples: mobile home, manufactured home, house boat, RV</i>)</p> <p><b>Page 3, item 4b.:</b> We suggest this correction and small addition into the following sentence: <del>Does any other person or organization besides those listed in 3 own the property?</del> This sentence incorrectly refers to “item 3”, which does not contain any “person or organization” information. It is very confusing, as written. We suggest, instead, it say this: <i>Is the property to be levied upon in the judgment debtor’s name?</i></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (<i>list the names of owners and explain their interest in the property, including any leasehold interest</i>):</p> <p><b>Page 3, item 5.:</b> For certain procedures, there</p>	<p>The committees do not recommend such a change as mobile homes and manufactured homes may be classified as real property if affixed to land.</p> <p>In light of this comment, the committees have modified the recommended form, using the suggested language to capture whether another person has title to the property.</p> <p>In light of this comment, the committees have</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p>may be need to provide a lot more specific instructions than item 5 will allow. We suggest the addition of a check box just below the two bulleted items for additional page attachments, like this:</p> <p><input type="checkbox"/> <i>I have included additional necessary instructions on an Attachment form (MC-025)</i></p> <p>We strongly suggest the inclusion of check boxes, like we attached in our mock-up form with our Comments submitted for the SPR 23-27 in May 2023. We have attached another copy of that mock-up here for your consideration for inclusion this SER-001A form.</p>	<p>modified the recommended form, including checkboxes on the form to allow filers to include an additional page if the space provided is insufficient.</p>
			<p><b><u>Responses to “Request for Specific Comments”</u></b></p> <ul style="list-style-type: none"> <li>• We believe the stated purpose of the Proposal is to comply with Assembly Bill 2791 and its new statutes effective January 1, 2024. It appears your Proposal complies with that stated purpose; however, we do not feel the current Proposal is sufficient for post-judgment service instructions.</li> <li>• We believe it is imperative that the documents to be served are listed on the Sheriff Instructions. This requirement serves several purposes: 1) It helps the Requestor of the service to write the name of each document to be served which will aid the Requestor in making sure each document is provided to the Sheriff; 2) It helps the Sheriff to assure that they are provided with each document the Requestor is asking to be served at the time of intake; 3)</li> </ul>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p>The list aids the Sheriff in creating the Proof of Service after service by itemizing the documents to be identified on the Proof of Service; 4) It aids the Court so the Court can easily determine what documents were actually served. It is each Requestor’s duty to provide the Sheriff with proper instructions, which includes identifying the documents to be served. The Sheriff has no liability for incorrect service when the Sheriff relies on the instructions given by the Requestor. [see, for example, CCP §§687.010, 687.040. 488.020, 488.080(e) and 488.140] It is the Requestor’s duty, <u>not the Sheriff’s</u>, to decide what documents need to be served. The Sheriff has no legal right to reject a request for service based upon missing or incomplete forms. The Sheriff’s duty is simply to serve EXACTLY what documents were provided, as provided, and the validity of the service will be decided by the Judicial Officer, not the Sheriff. [see Government Code §§6110, 26608 and CCP §262.1]</p> <ul style="list-style-type: none"> <li>• We believe, as we stated in our initial Comments in May 2023, that the case number should appear at the top of the first page. Additionally, the case number should also appear on the top of all subsequent pages along with the “Sheriff File Number”. Not all Sheriff’s Offices assign a “File Number”, so for those offices who do not, there would be no easy reference on page 1. Los Angeles County is a very large, if not the largest, Sheriff’s Office in California, and they <u>do not</u> use a File</li> </ul>	<p>to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 in any event, and would independently need to verify the documents provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the case number in the top right of each page of form SER-001 and including the case name in item 2.</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p>Number. Instead, they maintain their files by the case number.</p> <ul style="list-style-type: none"> <li>• We believe a summary of Government Code §26666.2 on the form is essential. It could be something as simple as <i>“A sheriff’s or marshal’s office shall not review the substance of a summons, order, or other notice [Government Code §§26666.2 and 26660(b)]”</i></li> </ul> <p>Thank you for your consideration of our current suggestions. Should you need any further clarification or have any questions, please do not hesitate to contact me.</p> <p>[Attachment “Judgment Creditor’s Instructions to Sheriff/Levying Officer SER-002, mock-up” included at end of chart]</p>	<p>In light of this comment and others, the committees believe some instruction may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p> <p>The committees appreciate the information provided.</p>
2.	California Detective Agency by Ali Ammar Chief Investigator	NI	<p>Thank you for requesting comments from stakeholders and justice partners on the proposed forms for Sheriff Service.</p> <p>My name is Ali Ammar, and I am the Chief Private Investigator at California Detective Agency (<a href="http://www.californiapi.com">www.californiapi.com</a>). For nearly 20 years, I have worked intimately with the Courts</p>	The committees appreciate the information provided.

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p>and Sheriffs as a licensed private investigator, judgment enforcement expert, and registered process server. I work on more judgments than most other investigators in California, working with County Sheriffs in over 20 counties throughout the State. I have assisted on over 1,000 levies, including bank levies, wage garnishments, and assisted with levies on intangible and tangible property, including aircraft, large boats, and vehicles.</p> <p>As a sample of my experience, please see the cases I have handled within the past three years:</p> <ul style="list-style-type: none"> <li>• \$175 million business dispute judgment enforcement, Los Angeles 2023</li> <li>• \$36 million traffic collision wrongful death judgment enforcement, Los Angeles 2023</li> <li>• \$90,000 judgment against a vexatious litigant, Orange County 2023</li> <li>• Identification and levy of an individual’s comprehensive real estate portfolio of eight homes, Los Angeles 2023</li> <li>• Enforcement of \$4 million class action judgment against a publicly-traded firm, representing hundreds of employees, Los Angeles 2023</li> <li>• Enforcement of \$3 million class action judgment representing hundreds of employees, Orange County 2023</li> <li>• Enforcement of \$29 million judgment against garment manufacturer, Los Angeles County 2022</li> <li>• Pursued a prolific entrepreneur for unpaid</li> </ul>	<p>The committees appreciate the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<p>wages, resulting in full satisfaction of judgment with costs and interest, Riverside County 2022</p> <ul style="list-style-type: none"> <li>• Enforcement of \$4 million class action lawsuit representing hundreds of airline employees, Los Angeles 2022</li> <li>• \$18 million skydiving wrongful death judgment enforcement, Central California 2021</li> <li>• Pre-judgment Writ of Attachment on business income, Orange County 2021</li> <li>• First-ever levy on an aircraft in Riverside, Riverside County 2021</li> </ul>	
			<p><b>Request for Specific Comments</b>            In addition to comments on the proposal as a whole, the advisory committees requested comments on the following:</p> <ul style="list-style-type: none"> <li>• <i>Does the proposal appropriately address the stated purpose?</i></li> <li>• Partially. The Judicial Council forms should include a simplified, short form for use by registered process servers (RPS), since the Sheriff is obligated by statute to serve follow-up notices on the litigant’s behalf after a levy is served.</li> <li>• Besides a summons or order, new statute Gov. Code 26666.5 requires the form to be generated by the Judicial Council for “...other notice to be served.”</li> <li>• The statute describes “notice” broadly to include “all papers and orders required to be</li> </ul>	<p>The proposal for a separate form of forms for use by registered process servers is beyond the scope of this proposal and would benefit from public comment. The committees will consider such a form in the future as time and resources permit.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p>served in any proceedings before any court.” (Gov. Code, §§ 26660 &amp; 26666.)</p> <ul style="list-style-type: none"> <li>• The documents the Sheriff serves after a levying officer has served a garnishee include mailing or faxing to the Court, litigants, garnishees, and other persons in interest. This includes a Notice of Claim of Exemption, Notice of Third Party Claim, Notice of Bankruptcy, Notice of Fee Deposit Due, among other Notices.</li> <li>• Even when served by an RPS, a levying officer is intimately involved in providing follow-up notices to litigants, garnishees, and the Courts, as mandated by CCP 699.080(c): <i>“the levying officer shall perform all other duties under the writ as if the levying officer had levied...”</i></li> <li>• It is a statutory requirement that an RPS file with the Sheriff “Instructions in writing” –</li> <li>• CCP 699.080(d)(4) and the Sheriff’s and RPS would be best served by a simplified form. Currently, an RPS only provides very general information about the levy (person or entity served, address, and type of levy), plus the standard e-writ declaration requirements.</li> <li>• Without mandating a statewide form, RPS and Sheriffs will continue to use outdated non-standard, illegible forms and procedures for serving levies and wage garnishments. Currently, an RPS must submit the same Sheriff’s request form as any other litigant.</li> <li>• The statutory intent of AB 2791 was to “...address issues with the current system by replacing County-specific forms with a single,</li> </ul>	

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Commenter	Position	Comment	Committees Response
		<p>uniform, statewide form...” <i>Assembly Floor Analysis 08/30/2022</i></p> <ul style="list-style-type: none"> <li>• An RPS most commonly levies upon bank accounts and wages, but the statute allows other types of property.</li>   <li>• <i>Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)?</i></li> <li>• No. The listing of forms requires additional duplicative work that is not required by any other Sheriff we are aware of. It is often challenging for litigants to identify the title of each document in a service package, so this could lead to additional Sheriff rejections. New statute Gov Code 26666.2 restricts the Sheriff, who “shall not review the substance”, except in limited circumstances.</li>   <li>• Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form? <ul style="list-style-type: none"> <li>○ There is no need for a levy file number. This is duplicative since many Sheriffs use a Court case number as the levying officer’s file number.</li> </ul> </li> </ul>	<p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office.</p> <p>In light of this comment and others, the committees modify the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>

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**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none"> <li>○ We recommend moving the case name and number to the top of the form page one, similar to other Judicial Council forms.</li> </ul> <p><i>Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?</i></p> <ul style="list-style-type: none"> <li>• No. This leads to a more complex form than necessary, and we don't believe the Sheriff needs a reminder of their statutory restrictions.</li> </ul> <ul style="list-style-type: none"> <li>• Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</li> <li>• No. We believe that any other unique types of service can be served by form SER-001.</li> </ul>	<p>In light of this comment and others, the committees believe some instruction may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the "substance of a summons, order, or other notice." The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p> <p>The committees appreciate the information provided.</p>
			<p><b><u>General Concerns</u></b></p> <p><i>Concern 1</i> The complexity of these forms has resulted in a much larger burden, defeating the legislative</p>	<p>The committees appreciate the information provided and have tried to make these forms as simple and user-friendly as possible. The committees note that these two forms are replacing dozens of different forms in some</p>

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**SP23-06**

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Committer	Position	Comment	Committees Response
		<p>intent of a single, standardized form statewide. A two-page form for a levy has ballooned into a 7-page request over two separate forms. Please consider simplification of the form wherever possible.</p>	<p>Sheriffs’ offices.</p>
		<p><i>Concern 2</i>                      The statutory intent of AB 2791 was “...replacing County-specific forms with <b>a single</b>, uniform, statewide form...” <i>Assembly Floor Analysis 08/30/2022</i>. Preferably, the Special Instructions form (SER-001A) would be used for Levies, without the need for the Request for Sheriff to Serve (SER-001). Litigants would use one form or the other. There should only be a “single” form depending on the type of service.</p>	<p>The committees appreciate the information provided and note that Government Code section 26666.10 mandates the Judicial Council to create “a statewide form or <i>forms</i>.” (emphasis added) The committees further note that nearly all the information collected on form SER-001 will be applicable to levies and thus form SER-001A is an attachment to form SER-001 to be used for levies.</p>
		<p><i>Concern 3</i>                      The legislative intent of the Assembly Bill simplifies the work with a Sheriff statewide. This should include a separate, simplified form specifically for a Registered Process Server (RPS) that requests a levy file for the levying officer to receive funds. As an alternative, a checkbox should suffice. For context:                       For an RPS to “open” a levy file, CCP 699.080(b) only requires a copy of the writ and a fee—NO INSTRUCTIONS until after the levy is served. Within 5 days of service, the RPS must file the writ, 1-2 proofs of service, and the instructions specified in CCP 687.010. Due to</p>	<p>The committees do not recommend a separate form for use by registered process servers as it is beyond the scope of this proposal and would benefit from public comment. The committees will consider such a form in the future as time and resources permit. In light of this comment and others, the committees recommend including a checkbox on form SER-001 for filers to check if a registered process server is being used.</p>

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**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<p>the unique nature of the process server’s statutory responsibilities, we recommend a unique form for the RPS to provide after serving a levy.</p> <p><i>CCP 699.080(b) “Before levying under the writ of execution, the registered process server shall cause to be deposited with the levying officer a copy of the writ and the fee, as provided by Section 26721 of the Government Code.”</i></p> <p><i>CCP 699.080(d) “Within five court days after levy under this section, all of the following shall be filed with the levying officer:</i></p> <p><i>(1) The writ of execution.</i></p> <p><i>(2) A proof of service by the registered process server stating the manner of levy performed.</i></p> <p><i>(3) Proof of service of the copy of the writ and notice of levy on other persons, as required by Article 4 (commencing with Section 700.010).</i></p> <p><i>(4) Instructions in writing, as required by the provisions of Section 687.010.</i></p> <p><i>(e) If the fee provided by Section 26721 of the Government Code has been paid, the levying officer shall perform all other duties under the writ as if the levying officer had levied...”</i></p> <p>Even when served by an RPS, a levying officer is intimately involved in providing follow-up notices to litigants, garnishees, and the Courts as required by CCP 699.080(c). As the Sheriff has obligations under 699.080(e) to “perform all other duties under the writ as if the levying</p>	

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**SP23-06**

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		<p>officer had levied...” the Sheriff will, at the least, be returning the writ of execution to Court with a notice of partial or full satisfaction. The Sheriff regularly sends other types of notices (claim of exemption, etc) to other litigants, and the Courts. This includes the service of notices therefore a Judicial Council form is required per the new statute.</p>	
		<p><b><u>Specifically for SER-001 (Request for Sheriff to Serve)</u></b>  <i>Item 3c: Alternate address (optional)</i>            Concern: I am unaware of any Sheriff in California that will allow service at an alternate address without a separate request and additional fee. To make the form easier to use, please consider removing this section.</p>	<p>The committees do not recommend removing this option as it enables the requestor to provide both work and home addresses and the sheriff can decide which address to attempt given the time of day.</p>
		<p><i>Item 5a: What type of papers are you asking the Sheriff to serve?</i>            Consider checkboxes for the most common types of papers: Summons &amp; Complaint, Restraining Order, Other</p>	<p>The committees do not recommend such a change as examples of the most common type of papers are already provided on the form.</p>
		<p><b><u>Specifically for SER-001A (Special Instructions)</u></b>  <i>Instructions: "If you are using a registered process server for service and are only asking the sheriff to serve as levying officer, contact your local sheriff's office"</i>            Concern: A registered process server (RPS) must provide a litigant’s signed Sheriff's Instructions, so we don't see why this statement</p>	<p>In light of this comment and others, the committees recommend including a checkbox on proposed form SER-001 for filers to check if a registered process server is being used.</p>

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**SP23-06**

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Committer	Position	Comment	Committees Response
		<p>is necessary. We prefer a checkbox for litigants using a registered process server or an even shorter form for RPS serves that don't require so much information.</p>	
		<p><i>Item 3c: Include a copy of the judgment with this form.</i>            Concern: There is no statutory requirement that I am aware of to provide a copy of the judgment, and this only duplicates the paperwork required to assemble for the Sheriff. This has never been required for any of the judgment enforcement cases I have worked in nearly 20 years in various counties.</p>	<p>In light of this comment and others, the committees have modified the recommended form, and it does not include a requirement to submit a copy of the judgment with form SER-001A.</p>
		<p><i>Item 1: Information About you</i>  <i>Item 2: Information About Person You Want Served</i>            Concern: Both of these items are duplicative since the form is being attached to form SER-001. The person requesting service is always the litigant, as required by statute.</p>	<p>The committees do not recommend modification of item 1 on form SER-001A as the Code of Civil Procedure section 687.010(e) requires the identification of all judgment creditors, which would be confusing to require on form SER-001. If requestor is a judgment creditor the committees do not see any harm in that also being identified on form SER-001A. In light of this comment and others, the committees have modified the recommended form, modifying item 2 on form SER-001A to identify the specific role of the person being served, which will be necessary to understand for writs and levies, but not for other types of service.</p>
		<p><i>Item 3d: Are you asking the sheriff to execute a wage garnishment order?</i>  <i>If yes, include Earning Withholding Order (form</i></p>	<p>In light of this and other comments, the committees do not believe that the SER forms would be used to enforce an earnings withholding</p>

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**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p><i>WG-002) and any other necessary forms with this form</i>                      Response: WG-002 is filled out by the levying officer, not the Judgment Creditor. Please consider removing this section as it will cause confusion and is contrary to the statutory requirements for wage garnishments.</p>	<p>order. Therefore, the committees have modified the recommended form, adding an instruction at the top of form SER-001 directing people to use the applicable WG forms instead.</p>
			<p><i>Item 4: Real Property Levy</i>                      Concern: The Special Instructions form has specifics necessary for a Real Property Levy that will not be necessary for more than 99% of requests. Primarily, this form would be used for a bank levy or wage garnishment. For real estate levy only, please consider instructing litigants to attach a legal description with a street address and APN and a separate page with the third parties and property description. Most of this information can be provided in the “Other Instructions” section.</p>	<p>In light of this and other comments, the committees have modified the recommended form, adding an instruction to include the assessor’s parcel number (APN), address, and legal description for real property levies at item 4a on form SER-001A.</p>
			<p>We truly appreciate your consideration of our comments. If you have any additional questions, you can reach me at [].</p>	<p>The committees appreciate the information provided.</p>
3.	<p>California Partnership to End Domestic Violence                      by Christine Smith                      Policy Analyst</p>	NI	<p>The California Partnership to End Domestic Violence (the Partnership) greatly appreciates the opportunity to comment on the above listed rule.</p> <p>The Partnership is California’s recognized domestic violence coalition, representing over 1,000 advocates, organizations and allied</p>	<p>The committees appreciate the information provided.</p>

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	Commenter	Position	Comment	Committees Response
			<p>groups. With offices in Sacramento, the Partnership’s diverse membership spans the entire state. Through our public policy, communications and capacity-building efforts, we align prevention and intervention strategies to advance social change. The Partnership believes that by sharing expertise, advocates and policy-makers can end domestic violence. Working at the state and national levels for nearly 40 years, the Partnership has a long track record of successfully passing over 200 pieces of legislation addressing domestic violence. The Partnership and its members led the efforts to craft and pass AB 2791 and thus have a deep interest in the successful implementation of this important law.</p> <p>Thank you for taking on the task of making service of process through the Sheriff’s Department more accessible to the many victims of domestic violence who rely on their local Sheriff’s departments or marshals for aid in serving their restraining orders.</p> <p>The invitation to comment queries the following questions:</p> <ul style="list-style-type: none"> <li>• <i>Does the proposal appropriately address the stated purpose?</i></li> </ul> <p>Yes, the proposal creates a uniform mechanism for litigants across the state to request service from the sheriff’s department.</p> <p>However, we request that under 3(d), you add</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the</p>

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		<p>“to the best of your ability” language, minimizing the possibility of a clerk rejecting the service request if an applicant does not know specific information. For example, a survivor may not know the exact height of an opposing party, or may know it in centimeters, not inches, or have grammar mistakes that could cause a clerk to reject the request.</p> <p>We also request that under Item 1, instructions be added to clarify that the name of the county should be where the person is being served, not the county where the requestor lives.</p> <p>We also request that under Item 3b, the name of the facility be optional, as a survivor may not have this specific information.</p> <p>Under Item 3d, an option should be added to allow a survivor to check a box that specifies that this information can be found on form DV 100, in the documents attached, since it is already provided.</p> <p>Additionally, under the instructions on page 4 related to proof of service, language should be added that proof of service should be filed by the Sheriff’s Department in a timely manner or taken to the hearing if it was a notice of hearing.</p> <p>● <i>Should litigants filling out form SER-001 be</i></p>	<p>committees have modified the recommended form, modifying that item to require requestor to include any information they “have.”</p> <p>The committees do not believe the suggested modification is necessary as the instructions above item 1 sufficiently explain which county the form is directed to.</p> <p>The committees do not recommend such a change (to what is now item 4) as the requestor will need to know where the person to be served is located in order to determine which sheriff should receive the request.</p> <p>The committees do not recommend such a modification as it seems best for the service request forms to contain all the information needed to complete service even if the same information is included elsewhere.</p> <p>The committees do not recommend such a modification as it is beyond the scope of this proposal.</p> <p>In light of this comment and others, the</p>

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			<p><i>required to list the court papers they are requesting service for (see item 5b)?</i></p> <p>This should be optional. While it could be helpful to have a list of documents to be served for clarity, it would be significantly outweighed by the burden on the survivor to list these documents. Requiring the survivor to list the documents is irrelevant to the service issue. If it would be required, or even if the court keeps this question but makes it optional, a checklist attachment for common documents and types of cases should be provided to minimize the burden on the survivor. The listing of documents as optional will also support survivors in resolving any dispute with a sheriff's department who, in our experience, have previously rejected service of packets they deem incomplete.</p>	<p>committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff's office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they've served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p>
			<p>• <i>Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form?</i></p> <p>Yes, this would be preferred.</p>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>
			<p>• <i>Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?</i></p>	<p>In light of this comment and others, the committees believe some instruction may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed</p>

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			<p>Yes, this would be helpful to summarize these provisions on the form to clarify the obligations of the Sheriff’s Department and the clerk’s office.</p> <hr/> <p>• <i>Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</i></p> <p>We are not aware of any. However, in the question on form SER-001 that asks whether the documents being served are to enforce a writ or money judgment, it would be helpful to include a description or instruction on this question to clarify an example of a writ or money judgment.</p>	<p>concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p> <hr/> <p>The committees appreciate the information provided.</p>
4.	California State Sheriffs’ Association Civil Committee	NI	<p>Members of the Judicial Council Civil and Small Claims Advisory Committee:</p> <p>The California State Sheriffs’ Association Civil Committee is grateful for the continued opportunity to provide input on the proposed Judicial Council’s suggested form to comply with AB 2791. We appreciate the collaborative efforts the committee has made in preparing the proposed form and respectfully wish to provide</p>	The committees appreciate the comments and the commenter’s collaborative efforts as well.

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	Commenter	Position	Comment	Committees Response
			additional comment.	
			<p><b><u>SER-001</u></b></p> <p><b>INSTRUCTION BOX</b></p> <p>2ND BULLET POINT - “You must complete a separate form for each person you need served” should add “AND for each type of service” to complete that sentence. It is important to be clear that a separate form is needed for <i>each</i> individual as well for <i>each</i> service.</p> <p><b>SHERIFF FILE NUMBER BOX</b></p> <p>While a Sheriff File Number is <i>helpful</i>, a Court Case Number is <i>necessary</i>. It is recommended to include Court Case Number in this box.            **This same reasoning and recommendation applies to all ensuing Sheriff File Number boxes throughout the form.**</p> <p><b>MISSING INFORMATION</b></p> <p>It is recommended to include space to list a Case Title.</p>	<p>The committees do not believe that the proposed language provides more clarity than the current proposed language of “for each set of court papers.” It is likely that self-represented litigants will need help in identifying what constitutes a separate set of forms or type of service.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>The committees have modified the recommended form, including court case name at item 2c of form SER-001.</p>
			<p><b><u>SER-001A</u></b></p> <p><b>SER-001A TITLE</b></p> <p>It is recommended to replace the word “papers” in “Special Instructions to Serve Court Papers –</p>	<p>In light of this comment and others, the committees have modified the recommended form, renaming form SER-001A, “Special</p>

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		<p>Attachment” with the word “orders” to prevent confusion that we serve anything but orders.</p> <p><b>SHERIFF FILE NUMBER BOX</b> As previously recommended in the SER-001, there should be an addition for Court Case Number.</p> <p><b>INSTRUCTIONS BOX</b> It is recommended to include add the word “certified” in the last sentence so it would read “You must include any writ and <i>certified</i> judgment with this request.”</p> <p><b>JUST BELOW INSTRUCTIONS BOX</b> There is no room to add details for Real Property Levies. This requirement must be considered, and it is recommended to add a line to address these complexities such as “Contact the Sheriff for additional instruction requirements when requesting Real Property Levy service.”</p> <p><b>(1) INFORMATION ABOUT YOU</b> It is recommended this remain with the addition of “and relation to (or role in) this case” in order to identify the requestor’s relationship to the case.</p> <p><b>(3) SUGGESTED ADDED INFORMATION</b></p>	<p>Instructions for Writs and Levies—Attachment.” The committees note that “orders” may be confusing as form SER-001 alone may be used to serve certain types of orders, like restraining orders.</p> <p>As stated above, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>In light of other comments received, the committees have modified the recommended form, removing the requirement to include a judgement with the request, as such this suggestion is moot.</p> <p>In light of this comment, the committees have modified the recommended form, adding instructions to include additional information to item 4c of the form. The committees do not recommend including an instruction to contact the sheriff for “additional instruction requirements” as such instruction is beyond the Judicial Councils mandate in Government Code section 26666.10.</p> <p>The committees do not recommend modification to this item as the requestor’s role in the case is provided at item 1b(1).</p> <p>The committees do not recommend such</p>

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		<p>It is recommended to allow space for the requestor to specify what type of writ is being submitted and what type of levy they want performed. i.e. “Type of writ?” and “What type of levy would you like performed?”</p> <p><b>(4c) PROPERTY DESCRIPTION</b> It is recommended to add “A Legal Description w/APN is required.”</p> <p><b>(5) OTHER INSTRUCTIONS</b> Include a statement addressing private place orders such as “Instructions should address private place orders per Code of Civil Procedures section 699.030, if applicable.”</p>	<p>modification as item 5a of form SER-001 already collects such information from requestor and that information will also be apparent in the papers to be served.</p> <p>In light of this comment, the committees have modified the recommended form, adding a specific instruction for real property, which should include a legal description and APN (assessor parcel number) at item 4a on form SER-001A.</p> <p>In light of this comment, the committees have modified the recommended form, adding instructions to include additional information to item 5 of the form.</p>
		<p><b>ADDITIONAL RECOMMENDED INFORMATION FOR BOTH SER-001 AND SER-001A</b> To prevent delay in service to requestors, it is recommended to include a statement in the beginning akin to “All written instruction must be clear and legible; otherwise, service may be delayed.”</p>	<p>The committees do not recommend including such information as it is unnecessary and is not included on any Judicial Council forms.</p>
		<p>The CSSA Civil Committee embraces the idea of continuing to strive together with the Judicial Council to produce an optimal product for the community we jointly serve. As always, we remain open to comment, question or</p>	<p>The committees appreciate this information and the willingness of the CSSA to provide additional comments.</p>

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			clarification and are grateful for the opportunity to provide comment.	
5.	Community Legal Aid SoCal by Christina Clauss Staff Attorney	NI	<p><b>Introduction:</b> Community Legal Aid SoCal is submitting these comments in response to the Civil and Small Claims Advisory Committee and Family Law and Juvenile Law Advisory’s recommended adoption of two new forms, the <i>Request for Sheriff to Serve Court Papers</i> (Form SER-001) and the attachment <i>Special Instructions to Serve Court Papers</i> (SER-001A), to comply with the Statutory requirements in Assembly Bill 2791.</p> <p>Community Legal Aid SoCal is dedicated to meeting the civil legal needs of low-income people throughout Orange and Southeast Los Angeles Counties. With an emphasis on innovation, language access, and a holistic approach to client care, we support clients with legal issues related to immigration, family law, access to healthcare, public benefits including unemployment, tax, and housing. We offer a full range of legal assistance, including information and referrals, counsel and advice, workshops, clinics, and direct legal representation in each of these areas. Additionally, Community Legal Aid SoCal facilitates the Orange County Small Claims Advisory program. Our services include weekly workshops, assistance with small claims questions and form preparation.</p>	The committees appreciate the information provided.

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			<p><b>General:</b>            Community Legal Aid SoCal supports and recognizes the need for the proposed new forms and supports the intent of Assembly Bill 2791 to create a statewide form to request service of process from the sheriff in Civil actions.</p> <p>Currently every sheriff's department has different forms and requirements for their service instructions. Some sheriff departments do not have required forms, but rather require the parties to write their instructions. Having a statewide form will potentially alleviate confusion and inconsistency for advocates and parties in civil cases.</p> <p>Proposed forms must be accessible, clear, and easy to understand for the parties, advocates, self-represented litigants, and the sheriff. These forms will be used throughout the state by people both represented by attorneys and self-represented. The forms must be in plain language with specific instructions for the sheriff to follow. Therefore, we make the following comments:</p>	<p>The committees appreciate the information provided.</p>
			<p><b><u>Form SER-001</u></b></p> <p><b>Section 3</b>  <b>Section 3a)</b>            This section as written has the potential to be confusing for litigants. While in many cases, such as family law, the parties involved are</p>	<p>In light of this and other comments, the committees have included a specific section for entities at item 3b on form SER-001.</p>

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		<p>natural people, other cases may involve parties that are not people. For example, many Small Claims litigants sue businesses or public entities in Small Claims Court. It is confusing that the proposed form only asks for the <i>person</i> you want served. Often the agent for service of process is not an individual person but a separate company such as CT Corporation System. The term person should be changed to party throughout section 3. This section should state “name of party you want served: (person/business/public entity)”</p> <p>An additional line under the party's information should be added that states: If the party being served is a corporation, Limited liability Company or Public entity, list the person or agent authorized for service:</p> <p>_____</p> <p>Name: _____</p> <p>Job Title: _____</p> <p>This proposed change more closely matches the language of the forms SC-100 and SC104.</p> <p>The forms should be as easy as possible for self-represented litigants to complete. Small Claims litigants are self-represented and often have no prior experience with the court forms.</p> <hr/> <p><b>Section 3c</b> We liked the addition of an alternate address for service. It is efficient and helpful to be able to include multiple addresses to attempt service.</p>	<p>In light of this and other comments, the committees have included a specific line to include agents for service of process at item 3b(4) on form SER-001A.</p> <p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, retaining the alternate address and adding an instruction that it should be in the same county as</p>

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		<p>However, the section should clarify that the alternate address should be in the same county because the sheriff will not serve outside their county of jurisdiction.</p>	<p>the first address.</p>
		<p><b>Section 3e)</b> We question whether all the information requested in this section is necessary. The concern is that in Domestic Violence Restraining Order cases, statements such as “has a history of violence” could refer to any adverse party. We, however, acknowledge the sheriff’s safety concerns and assume the information will be used by the sheriff for safety precautions.</p>	<p>The committees appreciate the information provided.</p>
		<p><b>Section 4</b> Information about the case is helpful, however we suggest moving it to the front page of the form.</p>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>
		<p><b>Section 5</b> <b>Section 5a)</b> We recommend the inclusion of Small Claims forms in the examples given.</p>	<p>In light of this comment, the committees have modified the recommended form, including “small claims” in the examples provided.</p>
		<p><b>Section 5 b)</b> Small Claims form numbers should be mentioned in the examples. For example, form SC-100.</p> <p>It could also be helpful for self-represented litigants to have a list of forms they can check</p>	<p>In light of this comment, the committees have modified the recommended form, including SC-100 in the examples provided.</p> <p>In light of this comment and others, the committees have modified the recommended</p>

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		<p>off. If the parties are being asked to list the forms themselves, there is potential for miscommunications. Self-represented litigants may not have the legal vocabulary to correctly state the names of the forms. This section needs consistency on how the forms are listed for the parties and the sheriff. Family Law cases are of particular concern because the forms involved have many different potential attachments. How the forms and attachments are to be listed could vary across departments and could potentially lead to the sheriff rejecting the form or serving the forms incorrectly. We recommend a checklist of forms and an “other” section to write more detailed instructions.</p>	<p>form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p>
		<p><b>Section 5 f)</b> A brief description of substitute service could be helpful for self-represented litigants.</p> <p>The forms should also add an additional box asking the litigant if they are authorizing the sheriff to perform substitute service and to include an additional copy of the court forms. Some sheriff departments will not perform substitute service for Small Claims cases unless specifically instructed to do so and require a second copy of the court forms.</p>	<p>In light of this and other comments, the committees do not recommend including a question that would specifically authorize the sheriff to perform substitute service. The committees note that most self-represented litigants may not understand the situations in which substituted service is allowed and could be authorizing ineffective service.</p>
		<p><b>Section 5 e)</b> Regarding alternate service. Why is this just for</p>	<p>In light of this comment, the committees have modified the recommended form, revising this</p>

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			<p>restraining orders? Other types of cases may also allow alternate forms of service such as posting or publication.</p>	<p>item to apply to any case type.</p>
			<p><b>General Comment:</b> Multiple sections throughout the forms have “I don’t know as an option.” We are concerned that an “I don’t know” answer may provide a reason for the sheriff to reject the form.</p>	<p>The committees appreciate the information provided.</p>
			<p><b><u>Form SER-001A</u></b> In general, this form is unclear as to what it is asking the sheriff to do. If the sheriff is acting as a levying officer to enforce a money judgment, a clear set of instructions stating what action the sheriff should take and what property is being levied/ garnished should be included on the proposed forms.</p> <p>There is a concern that the sheriff’s departments may reject the forms if they are not clear on what they are being instructed to do or are not given all the information they need. Self-represented litigants are not familiar with the various legal terms and information the sheriff will need. Small Claims litigants frequently need the sheriff to act as the levying officer to enforce Small Claims money judgments. Small Claims litigants are self-represented and are generally, due to the small amount of money involved in the judgments, not able to find attorneys to help them enforce their judgments. While Small Claims advisory services are</p>	<p>In light of this comment and others, the committees have modified the recommended form, including additional required information about the property to levy in item 4 of the form. The committees note that further special instructions about a specific levy may be provided in item 5 of the form.</p>

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			<p>available, Small Claims advisors cannot give legal advice and services may be limited in smaller counties.</p> <p>It would be more accessible for self-represented litigants, and clearer for the sheriff department, if the form had a list of options to check off instead of relying on the litigant to accurately describe the action.</p> <p>For example, see the attached Orange County sheriff department’s Levy Garnishment Instruction form (OCSD3) which provides a clear list of actions the sheriff is instructed to carry out to enforce the collection of a money judgment.</p>	<p>The committees do not recommend such modification as listing every type of writ or levy that the sheriff may be asked to enforce would make the form unwieldy. The committee notes that item 5a on form SER-001 already lists the most common types of writs and levies that sheriffs are likely to encounter.</p>
			<p><b>Section 1</b> The term judgment creditor should include a brief explanation of its meaning.</p>	<p>In light of this comment, the committees have modified the recommended form, including a parenthetical explanation of judgment creditor on the form.</p>
			<p><b>Section 2</b> This section asks for information regarding the <b>person</b> you want served. However, this section is confusing because it is unclear why the person is being served and often the Judgment debtor may not be a person at all (business or public entity). Additionally, if the sheriff is acting as the levying officer to collect a judgment, the sheriff may not be serving the Judgment Debtor directly. For example, if the creditor is instructing the sheriff to levy the bank account</p>	<p>In light of this and other comments, the committees have modified the recommended form, having a separate sub-item to address entities at item 3b on form SER-001.</p>

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Committer	Position	Comment	Committees Response
		<p>of the Judgment Debtor the sheriff would serve the bank and not the debtor, or If the Judgment Creditor is instructing the sheriff to garnish the judgment debtor’s wages the sheriff would serve the debtor’s employer.</p>	
		<p><b>Section 3 d Wage Garnishments</b> The sheriff will also need the name and address of the Judgment Debtor’s employer. The forms should include: Name of Judgment Debtor’s Employer: _____ Address of Judgment Debtor’s Employer: _____ Include WG-001 and WG-002</p>	<p>The committees do not recommend such modification as the judgment debtor’s employer is listed on form WG-001. And the forms have been modified to instruct the party to use the WG forms rather than this one for wage garnishment.</p>
		<p><b>Section 5 Additional Instructions</b> This section is too vague and should provide more information and examples of the type of information that should be provided to the sheriff. Many self-represented litigants and especially Small Claims litigants are not going to know what information needs to be included in this section. Without clear instructions, the sheriff will not be able to levy the Judgment Debtor's property. Additional examples and things to include: The keeper levy section should include if the keeper is for 8 hours or open ended Till Tap Name and address of judgment debtor’s</p>	<p>In light of this suggestion and others, the committees have modified the recommended form, including additional instructional information on items 4 and 5 of form SER-001A.</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p>business, hours                      Vehicle levy: license number of vehicle, address where vehicle is located.</p>	
			<p><b>Proposed Additional Sections</b>  <b>Bank Levies:</b>                      The form does not include a request to levy the bank account of the Judgment Debtor. This is one of the most common and cost-effective ways a Small Claims Judgment creditors can try and enforce their judgment. The SER-001A form should have a section specific to Levy the Judgment Debtor’s bank account.                      To make the request clear for the sheriff, the forms should also include information on the name and address of the debtor’s bank as well as a place for the bank account number if known and the amount the levying officer is to accept if below the total on the writ of execution.                      For example:                      Name Bank: _____                      Address of Bank: _____                      Bank Account number(s) (if Known): _____                      Levy amount- To instruct on the Sheriff to levy on Less than the amount shown on the writ, plus interests and costs, indicate only the amount to reduce the levy by \$ _____                      (include Notice of Levy EJ-150)</p>	<p>In light of this suggestion and others, the committees have modified the recommended form, including additional instructional information on items 4 and 5 of form SER-001A.</p>
			<p><b>Fee Waivers</b>                      Add a section asking if the party requesting service has a Fee Waiver and instructions that</p>	<p>In light of this suggestion and other comments, the committees recommend including an instruction under “Your Next Steps” to provide a</p>

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			<p>the party attach the Fee Waiver Order. This will make the process easier for litigants that may qualify for fee waivers and for the sheriff. If a party that qualifies for a fee waiver does not attach their fee waiver order to the form it could result in the form being rejected, delays or misunderstandings where the litigant believes they must pay the fee.</p>	<p>copy of an order granting a fee waiver, when there is one. The committees will consider whether to add a question to the form regarding fee waivers in the future.</p>
			<p><b>Disbursement Information</b> The levying officer information sheet should also include a section for disbursement information. Sometimes the person completing the form may not be the one receiving the funds. For example, an attorney may complete forms for a client, or an employee/ officer of a company may be completing the forms on behalf of a business.</p>	<p>The committees believe such a modification would benefit from public comment and thus do not recommend it at this time. The committees note that such information can be provided in item 5 of form SER-001A.</p>
			<p><b>Conclusion</b> In conclusion, Community Legal Aid SoCal appreciates the work of the Judicial Council to create new forms that will meet the requirements of Assembly Bill 2791. We believe the above-mentioned modifications will ensure that the forms are clearer and easier to understand for parties, advocates, self-represented litigants, and the sheriff. Thank you for your time and attention on these important issues.</p>	<p>The committees appreciate the information provided.</p>
6.	Family Violence Appellate Project by Arati Vasani	NI	On behalf of Family Violence Appellate Project (FVAP), I write to offer to support in part and	The committees appreciate the information provided.

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committees Response</b>
	Senior Managing Attorney		<p>oppose in part the Council’s proposal SPR23-06.</p> <p>Family Violence Appellate Project (FVAP) is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. FVAP provides legal assistance to survivors of abuse at the appellate level through direct representation, collaborating with pro bono attorneys, advocating for survivors on important legal issues, and offering training and legal support for legal services providers and domestic violence, sexual assault, and human trafficking counselors. As a State Bar-funded legal services support center and California Office of Emergency Services funded legal support provider, an important part of our work is administrative advocacy—such as commenting on this proposal—to ensure survivors throughout the state have equal access to justice.</p> <p>Assembly Bill 2791 was drafted largely as a remedy for the dangerous problem of some sheriff’s departments improperly rejecting restraining orders for service and the wide variances between counties for requesting and obtaining service of restraining orders which left survivors unprotected. As such, forms SER-001 and 001A must 1) make it easier and create consistency for litigants to request service</p>	

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**SP23-06**

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			<p>regardless of the county and 2) prevent improper rejection of documents for service. With this in mind, we have made several recommendations that we believe would make the forms better able to meet these two criteria. We have answered the questions as outlined in SPR23-06. <b>Specifically, we recommend 1) several changes to the form SER-001; 2) not requiring a litigant to list all the forms; 3) including the court case number in the header of the form, 4) not including a summary of Government Code section 26666.2; and 5) recommendations for changes to form SER-001A given that it may be used in cases involving abuse.</b></p>	<p>These recommendations are responded to where made in more detail below.</p>
			<p><b>1. Does the proposal appropriately address the stated purpose?</b></p> <p>Family Violence Appellate Project <b>would recommend several changes to form SER-001 including two that we previously recommended in response to SPR 23-27</b> in order to appropriately address the purpose of AB2791.</p> <p>As previously recommended,</p> <ul style="list-style-type: none"> <li>• page 1, the title should be “Request for Sheriff <i>or Marshal</i> to Serve Court Papers.” (Proposed changes in italics.) While the instructions clarify the form may be used for both types of law enforcement agency, litigants searching for the correct form may be confused by the title and not look beyond it to the Instructions box.</li> </ul>	<p>The committees do not recommend changing the title to include “marshal” because the committee believes that only one or two counties in California have a marshal that will attempt service. Adding “marshal” to the title would likely provide more confusion as the title would suggest to litigants that the marshal could also attempt</p>

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			<p>• page 1, in the Instructions box, the final dot-point should be amended to read: “If you have a fee waiver order (form FW-003), <i>or this is the type of case that does not require fees</i>, you . . . .” (Proposed changes in italics.) This will help self-represented litigants who already know they did not have to pay a fee to file their action to understand they also do not need to pay any fee for service, such as with restraining orders for domestic violence (DVROs), for civil harassment (CHROs) based on violence or threats and for elder abuse in certain circumstances. This information not readily apparent from the form itself. In addition, this change would help connect the form to the webpage that the Council is creating to accompany the forms which will list all the forms that do not require a fee.</p>	<p>service.</p> <p>In light of this comment and others, the committees have modified the recommended form to include this information on the last page of the form under “Your Next Steps” which the user is directed to in the instructions on page 1.</p>
			<p><u>Additional recommendations</u> to appropriately address the stated purpose:</p> <p>• page 1, in the Instructions box, consider changing the phrase “set of papers” to “set or group of papers” or a term that better reflects that someone may have multiple copies of the same document. The purpose of this form is in part to make it easier for unrepresented litigants to request service by the sheriff or marshal. One of the issues identified in comments to the previous proposal is that litigants do not necessarily know if documents go together as</p>	<p>The committees do not recommend such a change as it does not appear to increase clarity.</p>

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			<p>one document or several documents. The word “set” implies that there are defined documents that make up a single set. For example, a clerk may provide all of the various request and response forms even where those issues are not requested. A petitioner does not need, nor do they need to serve, a DV-105 or DV-140 if there is not a request for custody. It is important that form SER-001 reduces the burden on litigants to understand how all the forms connect or are grouped together. (See also our response to Question 2 regarding listing the documents.)</p> <ul style="list-style-type: none"> <li>• page 1, the sentence beginning “all information is required...” would benefit from recommending that the person completing the form indicate that something is not applicable, or they do not know, so that the questions are less likely to be left blank which may be used as a way to reject a request for service. In a form of this length and detail and given the conditions in which they may be filled out, the form should reduce the need for follow up with the litigant to explain missing information.</li> <li>• page 1, item 3a makes provision of nicknames and aliases optional. It is unclear why if the person requesting service knows of nicknames or aliases it would not be helpful to put them down. If they know there are none or do not know if there are any, that information could also be useful. So, we would recommend not making it optional. This is also why as recommended more clarity about being able to</li> </ul>	<p>The committees do not recommend such modification as the existing instruction sufficiently explains that information inapplicable to a specific case is not required.</p> <p>While the information may be helpful, the committees do not recommend making it mandatory as the information is not necessary to effectuate service.</p>

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			<p>write “not applicable” or “I don’t know” for questions that are required without the risk of rejection.</p> <ul style="list-style-type: none"> <li>• page 2, item 3e asks <i>the person completing the form</i> to designate whether the person being served has mental health issues. While the intent is to help a person serving documents to do so more successfully, it is not clear how a litigant checking this box absent additional verified information would change how service is effectuated. Given that 1) abusive parties often use claims about a survivor’s “mental health” and also file abusive and retaliatory request for restraining orders; 2) problems, including potentially lethal ones, with interactions between law enforcement and those perceived to have “mental health issues,” as well as those who actually have diagnosed or undiagnosed conditions; and 3) the vague terminology that is taken as a statement of fact, it is concerning that this language is in the form. We would defer to those whose primary experience and expertise is providing direct services to those with mental health needs, but we are concerned that this box has the potential to cause law enforcement to engage with the person being served in ways that could be based on false or misleading information, unhelpful preconceived notions and stereotypes give that the information is coming from a litigant and the person to be served an opposing party.</li> <li>• pages 3-4, items 5c-f all provide an option to</li> </ul>	<p>The committees do not recommend modification of such item because the safety benefits of alerting the sheriff to potential mental health issues of the person being served outweigh the possible seem to outweigh any safety benefits of not including such information. The committees further note that additional information may be provided about such mental health issues at the bottom on item 3a(4).</p> <p>The committees understand the concern but do not</p>

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			<p>respond, “I don’t know.” Given that the purpose of the bill is to eliminate opportunities for improper rejection of service, it is important to have language on the form at the top that makes it clear that checking “I don’t know” is not a basis for not serving the documents. This is information that needs to be clear to the litigants before they respond, particularly given the instruction that all questions require responses unless marked “optional”. It is also important for litigants to have language to point to on the form in the event that there is an attempt to reject their forms on the basis of checking “I don’t know.”</p>	<p>recommend adding an additional instruction. The committees believe that providing “I don’t know” as an option makes it clear that it is an acceptable response and therefore should not be a reason to reject the request to serve court papers.</p>
			<p><b>2. Should litigants filling out form SER-001 be required to list the court papers they are requesting service for?</b>  <b>No</b>, requiring for example a protected party to go through process of listing all of their request and order forms as well as the response forms, gives more opportunities for documents to be rejected based on determinations that forms are missing, improper or incomplete. The purpose of the bill was to stop these types of arbitrary and impermissible determinations. Requiring litigants to list the documents will continue to place the burden on those seeking assistance rather than those who are supposed to provide it, effectually undermining the very purpose of AB 2791.</p> <p>In addition, the process of completing these</p>	<p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify</p>

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			<p>forms, whether in advance or at the sheriff's office, and waiting for them to be accepted, is time-consuming and potentially confusing. For survivors of domestic violence, they may essentially be handed stapled packets and asked to take one to the sheriff's office (which may or may not be close by) to have it served. Expecting unrepresented protected parties to go page by page through these packets and identify the names and numbers of different documents when the priority is getting a restraining order served in a timely manner, is unduly onerous. In particular, for someone whose safety and well-being are at risk, this requirement increases the hurdles for those most in need of protection. For someone for whom English is not a language they are most comfortable with, and who may have been using a translated version of the documents or receiving sight-translation assistance, it will be additionally confusing and burdensome.</p> <p>In addition, the sheriff's department may believe additional forms need to be listed or attached before service can be completed, even if those forms do not apply. Some examples are: 1) a DVRO litigant may have children with the restrained party but may not be seeking child custody. Yet the sheriff may think a DV-105 and DV-140 need to be attached and included when they do not.; 2) a CHRO litigant may not have sought a TRO and only want the hearing on the ROAH, yet the sheriff may erroneously believe a CH-110 needs to be included, 3) a</p>	<p>the documents provided.</p>

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			<p>DVRO litigant may have sought child or spousal support in their DV-100 but may not have attached an FL-150 because one has already been recently filed, or because the petitioner may not have been able to complete that yet (and support cannot be ordered until the hearing anyway). Yet the sheriff may think the I&amp;E needs to be attached before service can be done, even if it doesn't.</p> <p>If it is more helpful for litigants for documents to be listed in non-restraining order cases or non-family law cases, then we would recommend an exception be made for restraining order and family law cases.</p>	
			<p><b>3. Is it beneficial to have the court case number in the header of the form?</b>  <b>Yes</b>, it would be beneficial to have the court case number on the header because if applicable, litigants will be able to better separate out service documents from multiple cases or for multiple parties. For example, a protected party may have a case number for their restraining order case and a different number for their dissolution or parentage case. It is true that in some counties a case number is required to see a register of actions so it is important that, as with the other pieces of information on the form, safety is prioritized over information, but in this case, there would be a benefit overall for litigants.</p>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>

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		<p><b>4. Would instructions summarizing the provisions of Government Code section 266666.2 be helpful on form SER-001?</b></p> <p>No. While normally we would say more explanation and information would be helpful, not in this case. Again, the purpose of this bill was to reduce the myriad of ways in which service was being rejected and to increase the information and understanding of litigants in the face of claims that their documents were not proper. However, this document is already four pages long. It may be that it is being filled out at a time when someone has just received a protection order or just before the Sherrif’s office is closing. It will already take time to fill it out and more explanations will increase that amount of time and lengthen the form to add a complete summary.</p> <p>As an alternative, we would recommend adding a line on page 4 to the section “Your Next Steps” or to page 1 in the “Instructions” which simply states that the Sherrif must serve your forms upon request and cannot deny service based on its review of your forms. The Instructions section is preferred because similar to our recommendation about the line about fees, litigants need to know that that it is not the sheriff’s department decision as to whether the documents are complete, accurate, and proper for service, and service may not be rejected for those purported reasons.</p>	<p>In light of this comment and others, the committees believe some instruction may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>

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		<p><b>5. Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</b>  Writs and enforcement of money judgments can be issues in cases of domestic violence. One example is where an abusive party may be refusing to pay court-ordered restitution, costs, support, or attorney’s fees. Abusive parties may force survivors to engage in further legal actions to enforce judgments as a tactic of abuse. Given that, it would be helpful to have a line on the top of page 1 of form SER-001 that mentions form SER-001A is needed only if someone wants to enforce a money judgment or levy rather than only mentioning it for the first time at item 6.</p> <p>In addition, the first two lines in the Instructions box on form SER-001A may benefit from further simplification. Separating the sentences into two points similar to the format of the two points below would likely be easier to read. The points themselves are distinct, so would be better separated.</p> <p>Further, the second line in the Instructions box about using the sheriff as a levying officer is confusing. If the issue is that the SER-001A and presumably the SER-001 should not be completed in a case where the sheriff is being used as a levying officer, then that can be stated more clearly at the top of the SER-001. A sentence that says something that makes it clear either not to complete the forms before contacting the sheriff’s office to confirm they</p>	<p>The committees appreciate the information provided.</p> <p>The committees agree and have modified the recommended form, adding an instruction to the top of form SER-001.</p> <p>In light of other comments, the committees have modified the recommended form, so that the instructions on form SER-001A no longer reference the litigant using a process server.</p> <p>In light of this and other comments, the committees have modified the recommended form, that the instructions on form SER-001A no longer reference the litigant using a process server, but instead contain an item on form SER-001 for the requestor to indicate that a registered process server is serving the documents. That item notes that requestors still must fill out form SER-001A.</p>

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			<p>need to be completed or that they do not to complete the form at all at the beginning of SER-001 would be clearer than the current sentence as written and placed in the instructions of the SER-001A.</p> <p>In addition, in the past each county’s forms for requesting service were made available at the sheriff’s office itself and were often filled out at the same time. It is true that now as a statewide Council form potentially more people will get these at the courthouse instead. At the same time, given the attachments necessary for SER-001A it seems confusing to tell a litigant to contact the local sheriff’s office on the SER-001A when they may already be at the sheriff’s office and have filled out the SER-001.</p> <p>We believe these changes will enhance litigants’ ability to use the forms as intended, increasing access to justice. Your attention to this comment is greatly appreciated. Please feel free to contact us at [].</p>	<p>In light of this comment, the committees have modified the recommended form, so that the forms no longer direct filers to contact the Sheriff’s office.</p> <p>The committees appreciate the information provided.</p>
7.	Tony Klein Attorney Service of San Francisco	NI	I am the Forms Committee Chairman for the California Association of Legal Support Professionals (CALSPPro) and have been a registered process server since 1976. I am also the author of The Registered Process Server’s Guide to Service of Writs of Attachment and Writs of Execution, now in its 3d Edition. I conduct process serving seminars about serving Writs of Attachments, Writs of Execution, and Wage Garnishments.	The committees appreciate the information provided.

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			<ul style="list-style-type: none"> <li> <b>Does the proposal appropriately address the stated purpose?</b> The SER-001 form is appropriate for general service of process serving requests, but not for service of attachments, levies, and wage garnishments. Referencing it to a SER-001A will make the instructions into a 7+ page request for attachments, levies, and wage garnishments which is currently accomplished with a 1- or 2-page letter.                 </li> </ul> <p>Due to the complexity and varied service requirements, and unique documents to be served, a stand-alone SER-001A form to be signed by the party or lawyer should be considered.</p>	<p>The committees appreciate the information provided.</p> <p>The committees considered creating a standalone form but determined that since much of the information from form SER-001 will be needed for service using form SER-001A, that it made sense for form SER-001A to be an attachment.</p>
			<ul style="list-style-type: none"> <li> <b>Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)?</b> Yes, but the specific documents should be listed on the SER-001A form.                 </li> </ul>	<p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff's office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they've served all the documents listed on the proof of service. Therefore, a sheriff would not be</p>

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			<p>able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p>
		<ul style="list-style-type: none"> <li>• <b>Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form?</b> Yes, the case name and case number should be at the top of the form.</li> </ul>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>
		<ul style="list-style-type: none"> <li>• <b>Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?</b> A summary may be helpful, but sheriffs are now barred from reviewing the documents for completeness. Often there are missing pages or otherwise incomplete, stale-dated court dates, and wrong forms. Referencing the section will do little in the way of guidance for a pro se litigant.</li> </ul>	<p>In light of this comment and others, the committees believe some instruction may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>
		<ul style="list-style-type: none"> <li>• <b>Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</b> No, the SER-001A should be</li> </ul>	<p>The committees appreciate the information provided.</p>

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Commenter	Position	Comment	Committees Response
		<p>used exclusively for service of attachments, levies, and wage garnishments.</p> <p><b>Comments to SER-001</b></p> <ul style="list-style-type: none"> <li>➤ The case name and number should be at the top of the form.</li> <li>➤ Item 2: This mandatory form will be used by lawyers for attachments, levies, and wage garnishments too - not just Pro Se litigants. 2(a) and (b) should be modified reflecting that - "Your name" for party requesting service will not necessarily be the name of the party. The party could more accurately be describe as "Name of party requesting service", with check marks for Plaintiff, Defendant, or Other.</li> <li>➤ Item 3: This is not information known for attachments, levies, and wage garnishments. Perhaps a check box with a prompt: "If this is an Attachment Levy, or Wage Garnishment, use SER-001A."</li> <li>➤ Also, an additional address will incur and additional fee for the sheriff.</li> </ul>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>The committees do not recommend such a change as a lawyer filling out the form would know to put the party’s name under “Your name (party requesting service)”</p> <p>The committees do not recommend such a modification as the requestor will need to provide certain information about the person or entity possessing the property that is being levied upon.</p> <p>The committees do not recommend removing this option as it enables the requestor to provide both work and home addresses and the sheriff can decide which address to attempt given the time of day. The committees note that including an alternate address would not obligate the sheriff’s</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none"> <li>➤ Item 4: The case name and number should be at the top of the form.</li>   <li>➤ Item 5 seems redundant. Listing the forms ONLY by form number is inefficient, requiring the recipient to look up the particular form referenced. I suggest listing the name of the form, not just the form number.</li>   <p>There are specific common forms that could be facilitated with check boxes:</p> <p>[Examples included at end of chart]</p> <li>➤ Beter yet, put the attachments, levies, and wage garnishments list on the SER-001A form, not on the SER-001 form.</li>   <li>➤ <b>Item 6:</b> A Writ of Attachment is used to encumber assets of the defendant, and a Writ of Execution directs the levying officer to enforce the judgment and levy assets or wages. The existing statement in this Item might not be accurate.</li> </ul>	<p>office to attempt a second address.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>In light of other comments on this issue, the committees recommend making this item optional and retaining options to list forms by title or number. The committees do not anticipate recipients of the form needing to look up forms by number as they would be attached to the request.</p> <p>The committees do not recommend such modification as listing the common forms that could be served, would make the form unwieldy.</p> <p>The committees note that form SER-001A is an attachment to form SER-001 and thus believe it is appropriate for requestor to provide the type of case in item 5 of form SER-001.</p> <p>The committees do not recommend modification to this item as specifying that writs may be executed to enforce a judgment or to encumber assets may be confusing to requestors.</p>
			<p><b>Comments to SER-001A</b></p>	<p>The committees note that the word “attachment”</p>

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**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none"> <li data-bbox="850 293 1367 992">➤ Title: Special Instructions should be entitled “Special Instructions to Serve Court Papers- Attachment Levy, or Wage Garnishment”. Not just Attachment. I would suggest a separate form for Attachments, Levies, and Wage Garnishments, but if its only 1 form, add ... "Levy, and Wage Garnishment" to the title. Ideally, because the documents, service requirements and procedures are so disparate, (there are 22 attachments and levies an RPS may serve, and 23 that must be performed only by the sheriff), perhaps a base form referencing a separate attached Attachment, Levy, and a Wage Garnishment should be considered. <i>(See following suggested proposal, summarizing the instructions to the sheriff for each attachment, levy, and wage garnishment)</i></li> <li data-bbox="850 1032 1367 1227">➤ <b>Instructions:</b> This form will not be used for service of a Restraining Order. This form will also be required if the litigant is using a registered process server. A copy of the judgment is not a legal requirement.</li> <li data-bbox="850 1357 1367 1419">➤ The case name and number should be at the top of the form.</li> </ul>	<p data-bbox="1396 293 1990 456">in the title of form SER-001A refers to the form being <i>attached</i> to form SER-001. In light of other comments, the committees recommend changing the title of the form to “Special Instructions for Writs and Levies—Attachment.”</p> <p data-bbox="1396 1032 1990 1292">The committees note that the instructions explain that the form is <i>not</i> used for service of restraining orders. In light of these comments and others, the committees have modified the recommended form, including a separate checkbox on form SER-001 for requestor to indicate if they are using a registered process server and removing the requirement to attach a judgment.</p> <p data-bbox="1396 1333 1990 1419">In light of this comment and others, the committees have modified the recommended form, including the court case number in the top</p>

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	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none"> <li>➤ <b>Item 1:</b> The lawyer’s name should be stated. (Replicate from existing SER-001 proposal) (b) Are you a (add: “representing a plaintiff, assignee, or...” (b)(2) Is there (add: “another”) judgment creditor ... (add” ...other than listed in item 1(b) above) (b)(2) Why are additional judgment creditors necessary?</li>   <li>➤ <b>I would suggest making 3 sections: 1) Attachment, 2) Levy, and 3) Wage Garnishments, listing the specific documents required.</b></li>   <li>➤ <b>Item 2:</b> (This only relates to levies) Add “Information about the Garnishee (the person or entity) that has the asset you are levying.” This section does not describe the Judgment Debtor. This is describing the Garnishee. An attachment, levy, or wage garnishment is NOT being served on the Defendant or Judgment Debtor, but someone or an entity that holds assets belonging to a Defendant or Judgment Debtor. After the attachment, levy, or wage garnishment is served, then the sheriff or RPS gives notice of the attachment or levy to the Defendant or Judgment Debtor, 3d parties, etc., or in the case of</li> </ul>	<p>right of each page of form SER-001A and including the case name in item 2.</p> <p>The committees do not recommend such a modification as the lawyer’s name will be provided on form SER-001, which form SER-001A will be attached to.</p> <p>The committees note that all judgment creditors are required for certain types of writs under Code of Civil Procedure section 687.010(e).</p> <p>The committees believe such a major restructuring of the form would benefit from public comment and will consider making such a change at a later date as time and resources permit.</p> <p>The committees appreciate the information provided. In light of this comment and others, the committees have modified the recommended form, revising item 2 to collect information about the role in the case of the person to be served.</p>

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			<p>a wage garnishment, by the employer.</p> <p>➤ <b>Item 3:</b> (b) Does this eliminate a special statement regarding an e-issued writ now required under CCP 687.010(e)(4)?</p> <p>(c) Was judgment issued by a court? Why would it not be? (c)(3) This is not necessary, unless the co-debtors are also subject to the levy. (c)(4) This is not a legal requirement. (d) This section relates to wage garnishments, not attachments or levies. A separate section should be relegated to Wage Garnishments.</p> <p>➤ Are you asking the (add) <input type="checkbox"/> sheriff (add) <input type="checkbox"/> registered process server ... to execute ... These forms are always required whether the sheriff or an RPS serves. Add: Employer's name and address where the employee works or where the employee is paid: If yes, include the EWO. List of All Documents: Application for EWO, EWO, Employer's Return, Employee's Instructions, Financial Statement, Claim of Exemption (Wage Garnishment), (if known): Confidential Statement of Judgment Debtor's Social Security Number (WG-035) or x-referenced in 5(b) of the SER-001???</p> <p>Currently, the Application for Earnings Withholding Order REPLACES a written Letter of Instruction to the</p>	<p>The committees note that such a statement is required for certain writs under Code of Civil Procedure section 687.010(e).</p> <p>In light of this comment and others, the committees recommend removing the requirement to include a copy of the judgment and to direct requestors to use forms WG-001 and WG-035 for wage garnishment in lieu of form SER-001A.</p> <p>In light of these comments and others, the committees have modified the recommended form, including a separate checkbox on form SER-001 for requestor to indicate if they are using a registered process server and directing requestors to use forms WG-001 and WG-035 for wage garnishment in lieu of form SER-001A.</p>

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Committer	Position	Comment	Committees Response
		<p>Sheriff. Is the proposed Letter of Instruction adding to the protocol of submitted duplicate instructions to the sheriff?</p> <ul style="list-style-type: none"> <li>➤ <b>Item 4:</b> Move this up to Levy Section. None of this is subject to a Wage Garnishment. 4(b) Does any other person ... (add) “or has a vest or recorded interest?”. Note: You may also ... This is only relevant to real property attachments or levies, not wage garnishments. 4(c) Property description: Must include a clean, recordable copy (not a 3d or 4th generation copy) of a legal description, showing “metes and bounds, etc.”</li> <li>➤ <b>Item 5:</b> Instructions to serve the summons and complaint ... (This only relates to an attachment)</li> </ul> <p><b>Proposed attachment to SER-001A</b>            The is a suggested attachment to the proposed SER-001A.            The current proposal fails to incorporate all the special manners of service involving attachments, levies, and wage garnishments. This summary is sufficient to instruct the sheriff to perform, which they have been doing by following statutes that went into effect 40 plus years ago. The summary provides the litigant the ability to initiate the process by citing the</p>	<p>In light of this comment and others, additional examples and instructions have been added to items 4 and 5.</p> <p>In light of this comment and others, additional examples and instructions have been added to item 5.</p> <p>The committees do not recommend such modification as listing every type of writ or levy that the sheriff may be asked to enforce, and every form that would need to be served, would make the form unwieldy. The committee notes that item 5a on form SER-001 already lists the most common types of writs and levies that sheriffs are likely to encounter.</p>

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			<p>appropriate code section to identify which collection method is being requested.</p> <p>A list of forms for this process can cite to the Judicial Council forms page, Popular Topics, for the link to <a href="#">Enforcement of Judgments</a>.</p> <p>The (pre-judgment) attachments sections are found in sections CCP §§ 488.315, et seq., and the (post-judgment) execution sections are from CCP §§ 700.150, et seq. The manners of service requirements are cited and summarized.</p> <p>The lawyer or litigant can place a check mark for the attachment , levy, or wage garnishment requested, and attach below or on a separate page information with the garnishee’s name address, the name and address of the defendant or judgment debtor, and, if any, any third party to notify.</p> <p>A sheriff may serve all these attachments, levies, and a wage garnishment. A registered process server may serve certain attachments, levies, and a wage garnishment, but not all. A checkbox mark is provided for those attachments, levies, and a wage garnishment that may be served by a registered process server. This will also notify the sheriff that a registered process server will be serving the documents, eliminating duplicate services.</p> <p>[Rest of attachment included at end of chart]</p>	

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committees Response</b>
8.	Marjy La Costa La Mesa	AM	<p>•Does the proposal appropriately address the stated purpose? No. It does not adequately address the complexities of enforcement of property and monetary judgments. It appears to be based exclusively on the Sheriff or Marshall's role in service of process and ignores the ministerial duties of the Sheriff or Marshall as a levying officer. It will make it necessary for the Sheriff or Marshall to contact litigants to request additional information or documents that may be required by the Code of Civil Procedure and is likely to cause undue hardship or delay for litigants, particularly those that are self-represented.</p> <p>•Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)?</p> <p>Yes. Pursuant to Gov. Code § 26666.2 the Sheriff or Marshall is prohibited from reviewing documents aside from the noted limited exceptions and therefore must rely on the litigant to identify and provide complete documents for service. The self-represented litigants have resources such as court staff, self-help links, and clinics that are available to them for procedural assistance and therefore should not be caused undue hardship or difficulty identifying documents.</p> <p>The argument that the Sheriff or Marshall may</p>	<p>The committees appreciate the information provided. The committees believe the recommended forms comply with the new statutory provisions and the intent of the legislature in enacting them, and will be of particular assistance to self-represented litigants. In light of other comments received, the committees have modified recommended form SER-001A to have litigants provide additional instruction to the sheriff or marshal.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff's office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they've served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form</p>

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			<p>potentially reject a document for service is moot under § 26666.2. They may not reject a document based on their belief that the documents are incomplete. However, they should not be placed in a position to defend defective service should incomplete documents be provided. Requesting that the litigant identify the documents to serve mitigates that possibility.</p>	<p>SER-001 and would independently need to verify the documents provided.</p> <p>The committees note that in such a situation service would be defective because the requestor failed to provide all the necessary documents.</p>
			<p>•Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form?</p> <p>Yes. The court case number should replace the Sheriff or Marshall's file number. The Sheriff or Marshall typically assigns their internal file number at the time service is processed rather than at intake. Replacing it with the case number will help with intake by making it easier to confirm that the case number matches that of the documents to serve.</p>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>
			<p>• Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?</p> <p>Yes. While the Sheriff or Marshall is aware of the Government Code, litigants may not be, especially if they are self-represented. It is</p>	<p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.”</p>

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			<p>important that they are informed of their responsibility to review their documents to ensure there are no errors and omission, especially those which could impact their safety in the case of restraining orders.</p>	<p>The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>
			<p>• Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</p> <p>Yes. Levying officers serve multiple and complex needs of litigants either seeking to recover funds following a judgment or to protect property from being disposed of prior to a judgment. State agencies such as the Franchise Tax board often request collection by use of a Tax Warrant. The SER-100A must be able to accomplish a wide variety of such needs. These include but are not limited to identifying the following:</p> <ul style="list-style-type: none"> <li>• Whether the writ is pre-judgment or post-judgment, and whether any additional orders pursuant to the relevant Code of Civil Procedure must be included.</li> <li>• As the levying officer, the Sheriff or Marshall must be empowered to request additional information, in writing, tailored to the enforcement requested so they may meet needs such as recording,</li> </ul>	<p>The committees appreciate the information provided.</p> <p>The committees do not recommend including such information as the writ must be attached to the forms.</p> <p>The committees do not recommend including such information on the form as that is beyond the purview of the Judicial Council in creating these forms.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committees Response</b>
			storage, and other duties requested for enforcement of a judgment or attachment order. This should be available at the time enforcement is requested so the Sheriff or Marshall may minimize delays.	
9.	Roger McComb San Diego	NI	<p><b><u>Request for Specific Comments</u></b>            In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:  <b>Does the proposal appropriately address the stated purpose?</b> No. Although I understand (and agree with) the court's desire to provide litigants with standardized service instructions to be used in all 58 counties, the new forms, as drafted are overly complicated, ask for information that the sheriff or marshal does not really need, and will create an unnecessary burden upon litigants who need to request the sheriff's or marshal's services in serving documents or enforcing writs. Currently, all 58 counties use their own in-house created forms, but these forms tend to be of similar design and from my research, all of the different, existing sheriff's or marshal's instructions are no more than two pages, with the majority being a single page. This even includes real property levy instructions, which are the most complicated levies performed by the sheriff's or marshal's offices. Requiring a litigant to complete a 4-page instruction (or a 4-page instruction and a second 3-page instruction for a writ service) where they currently only need to complete a 2-</p>	The committees appreciate the information provided. The committees believe the recommended forms comply with the new statutory provisions and the intent of the legislature in enacting them, and will be of particular assistance to self-represented litigants.

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			<p>page instruction at the most is not a step in the right direction. Yes, having standardized service instructions for all 58 counties to use is ideal but the service instructions need to improve on the existing options, and be user-friendly and the new SER-001 and SER-001A are not user-friendly. I understand that there is probably insufficient time before January 1, 2024, to make many improvements to the two forms as they exist, but it is my hope that the forms will be re-visited as soon as possible to be improved. It is my belief that three separate instructions is the best approach. One instruction for document services. One instruction for writ services, and because a real property levy is more complicated and requires the sheriff or marshal to obtain additional information, over and above the information needed for all other writ services, there should be a separate real property levy instruction.</p> <p><b>Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)?</b> In San Diego County we only expect that the lead document will be listed on the service instructions and when our staff enters the documents for service, we will go through the documents provided for service and list all of the documents included (which will then appear on our proof of service). I do know of at least one other sheriff's department that will only include the documents that were listed on the</p>	<p>This proposal is the first effort to comply with the new statutes, but the committees remain open to recommending the forms be revisited should issues arise. The committees believe such a major restructuring as suggested here of the form could only be done with further opportunity for public comment. The committees will consider making such a change at a later date as time and resources permit.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff's office. A</p>

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			<p>service instructions on their proof of service (even if additional documents were served but not listed on the service instructions.)</p> <p><b>Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form? Yes.</b></p> <p><b>Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001? Yes.</b></p> <p><b>Would form SER-001A be used for any</b></p>	<p>sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p> <p>The committees appreciate the information</p>

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			<p><b>general or specific case types other than writs or enforcement of money judgments?</b> Nothing comes to mind.</p> <hr/> <p><b>General Comments</b></p> <ol style="list-style-type: none"> <li>1. The sheriff's department only needs a (certified) copy of the <b>judgment</b> when processing a Writ of Sale of real or personal property. Adding the requirement for all writ service requests to provide the sheriff with a copy of the judgment places an undue burden upon the creditor and this requirement should be removed from SER-001A. (Writ of Sale service requests are typically filed by an attorney and the attorneys are aware of the requirement to provide the sheriff's department with a certified copy of the judgment for sale.)</li> <li>2. If a creditor wants the sheriff to serve an Earnings Withholding Order, the only instruction form that is required to be submitted to the sheriff's department (in addition to the writ) is the <b>Application for Earnings Withholding Order (WG-001)</b>. The sheriff will then generate the Earnings Withholding Order (WG-002) and the additional documents required pursuant to CCP § 706.103 to serve the wage garnishment on the employer. The new forms, as drafted will create an undue</li> </ol>	<p>provided.</p> <hr/> <p>In light of this and other comments, the committees have modified the recommended form, removing the instruction to attach a copy of the judgment.</p> <p>In light of this and other comments, the committees believe that the SER forms would not be used to enforce an earnings withholding order. An instruction at the top of form SER-001 directs people to the applicable WG forms to use.</p>

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			<p>burden upon the creditor because the creditor will have to fill out eight pages instead of one, the SER-001, the SER-001A, and the WG-001, when only the WG-001 should be used to submit a request for the sheriff's department to serve an Earnings Withholding. Recommendation is that a notice to use form WG-001 Application for Earnings Withholding Order should be used instead of the SER-001 and SER-001A should be added to the Instructions section of both the SER-001 and SER-001A. Also, there is additional, important information on the <b>Application for Earnings Withholding Order (WG-001)</b>, such as if the judgment is for child or spousal support (which has a higher withholding rate than the withholding rate for a money judgment) that the sheriff's department needs to process and set-up the earnings withholding order.</p> <p>3. This is a follow-up to #2. If question 3.d. on the SER-001A survives to the final draft, that question should be corrected to indicate to "include Application for Earnings Withholding Order (form WG-001)..." instead of the WG-002.</p> <p>4. A notice should be included somewhere on the forms that the sheriff is entitled</p>	<p>In light of this and other comments, the committees believe that the SER forms would not be used to enforce an earnings withholding order. An instruction at the top of form SER-001 directs people to the applicable WG forms to use.</p> <p>In light of this and other comments, the committees have modified the recommended</p>

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Committer	Position	Comment	Committees Response
		<p>to their fee, whether or not the service is completed pursuant to Gov. Code §26738)</p> <p><b><u>Form-specific Comments</u></b>  <b>SER-001:</b></p> <ol style="list-style-type: none"> <li>1. Add statement in the Instructions section informing that the sheriff is entitled to their fee, whether the service is completed or not pursuant to GC § 26738.</li> <li>2. Add statement in the Instructions section directing that if the service being requested is a wage garnishment, for Application for Earnings Withholding Order (WG-001) should be used instead of this form.</li> <li>3. A box for the Court Case Number should be included at the top of page 1 instead of the Sheriff File Number.</li> <li>4. To help make it easier for litigants to complete the form electronically, it is suggested to add a dropdown list with the names of all 57 counties to question 1.</li> </ol>	<p>form, adding an instruction that service might not be successful.</p> <hr/> <p>In light of this suggestion and other comments, the committees have modified the recommended form, including an instruction under “Your Next Steps” to provide a copy of an order granting a fee waiver, when there is one. The committees will consider whether to add a question to the form regarding fee waivers in the future.</p> <p>The committees agree and have modified the recommended form, adding an instruction at the top of form SER-001 directing people to the applicable WG forms.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>The committees do not recommend such a change as some filers will use the paper version of the form.</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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Committer	Position	Comment	Committees Response
		<p>5. Question 3:</p> <ul style="list-style-type: none"> <li>a. Because a large percentage of services are on non-human (business) entities, it is recommended that the form state <b>Person/Party</b> instead of just <b>Person</b>. (Stating just "person" may cause litigants to question "But I'm not serving a person, I'm serving a business?")</li> <li>b. To be consistent with the recommendation in a, change "person" in 3.a. 3.b., and 3.c. to "person/party"</li> <li>c. Recommend changing "If you're serving an organization..." to "If you're serving an organization/business, give the name of the agent for service (if known)."</li> <li>d. For question 3.d., after "Can you describe the person?", it is recommended to add (Not required where the party to be served is not a person.)</li> <li>e. For question 3.e, recommend adding four additional options:               <ul style="list-style-type: none"> <li>i. Uses drugs or alcohol</li> <li>ii. Is elderly or disabled</li> </ul> </li> </ul>	<p>In light of this and other comments, the committees have modified the recommended form, having a separate section at item 3b to address entities.</p> <p>In light of this and other comments, the committees have modified the recommended form, having a separate section at item 3b to address entities.</p> <p>In light of this comment and others, the committees have modified the recommended form, including information about agent for service for a business entity on form SER-001</p> <p>In light of this and other comments, the committees have modified the recommended form, including a description of the person under item 3a, which only applies to serving an individual.</p> <p>The committees do not recommend such a modification as the first three suggestions are not sufficiently related to safety or accessibility to</p>

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			<ul style="list-style-type: none"> <li>iii. Has a criminal history</li> <li>iv. Is on parole/probation</li> </ul> <p>6. Recommend replacing the Sheriff File Number box at the top of pages 2 through 4 with a Court Case Number box.</p> <p>7. For question 4, recommend replacing the single-entry line for the Case Name into two entry lines for Plaintiff and Defendant.</p> <p>8. Question 5:</p> <ul style="list-style-type: none"> <li>a. In 5.a., for the listed examples, recommend adding "bank levy" and "Small Claims order to go to court" after eviction, just to provide more examples.</li> <li>b. In 5.b, recommend adding a notice that "Some sheriff's departments will only list forms listed here on their proof of service, even if additional forms not listed here were served. Contact the applicable sheriff's department for more information. (As I stated in the Specific Comments previously, my county will list all forms provided for service on our proof of service, irregardless if</li> </ul>	<p>warrant inclusion, and the fourth is already on the form.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p>The committees do not recommend such a change as not all cases have a plaintiff and defendant.</p> <p>In light of this comment and others, the committees have modified the recommended form, including additional examples in this item.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff's office. A sheriff who successfully serves the documents provided will need to complete a proof of service</p>

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**SP23-06**

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			<p>the form was listed on the instructions, but I know of at least one other sheriff's department that will only list the forms listed on the instructions, even if they serve other documents.)</p> <p>c. In 5.e, for "Yes", recommend re-wording the part in parenthesis to provide further clarification: (if yes, include a copy of <u>the order allowing the alternative service of the restraining order.</u>)</p>	<p>where they sign under penalty of perjury that they've served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p> <p>In light of this and other comments, the committees have modified the recommended form, removing the specific reference to restraining orders as alternative service may be ordered by the court in other case types. The committee has added clarifying text as to what order should be attached.</p>
			<p><b>SER-001A:</b></p> <ol style="list-style-type: none"> <li>1. The form does not provide a place for the address of the party to be served.</li> <li>2. General Comment: Because the service being requested may be for a pre-judgment writ, where there is no judgment creditor or judgment debtor, several changes are being recommended to reflect this.</li> <li>3. Referring back to my first general comment, because the sheriff's department only needs a certified copy of the judgment for writs of sale (which is a very small percentage of the services performed by the sheriff's</li> </ol>	<p>The committees note that such information is included on form SER-001, to which this form must be attached.</p> <p>The committees note that item 1 of form SER-001A allows requestor to state that they are not a judgment creditor and otherwise explain their role in the case.</p> <p>The committees have modified the recommended form, removing the instruction to include a copy of the judgment.</p>

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			<p>departments), it is recommend to remove the requirement to include a copy of the judgment with this request in the <b>Instructions</b> box.</p> <p>4. Question 1. Recommend revision:</p> <p>① Information About You (Person Requesting Service)</p> <p>a. Your name: _____</p> <p>b. You are: <input type="checkbox"/> Plaintiff/Judgment Creditor/Assignee of Record <input type="checkbox"/> Attorney/Authorized agent (for plaintiff/judgment creditor/assignee of record)</p> <p>c. Is there a judgment creditor or assignee of record other than those listed on the writ? <input type="checkbox"/> No <input type="checkbox"/> Yes (list the names of the judgment creditor or assignee of record not listed</p>	<p>The committees do not recommend the suggested modification as it does not increase clarity.</p>

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			<p>on the writ):</p> <p>[blank lines omitted]</p> <p>5. Our agency (and I am inclined to believe that the other 57 sheriff's departments as well) would like to have the type of levy being requested indicated on the first page of the form. To that end, it is recommended to add a new question 2 on the first page of the form as suggested below:</p> <p>New</p> <p>② What type of levy/writ service are you requesting:</p> <p><input type="checkbox"/> Eviction</p> <p><input type="checkbox"/> Bank Levy <input type="checkbox"/> Third Party Levy (for monies owed to judgment debtor)</p> <p><input type="checkbox"/> Rent Levy (served on "Tenant in Possession" for rent monies paid to the judgment debtor)</p> <p><input type="checkbox"/> Personal Property levy (for property in possession of judgment debtor)</p> <p><input type="checkbox"/> Personal Property Levy (for property in possession of a third</p>	<p>The committees note that this information could be listed at item 5a of form SER-001 and does not recommend adding a list of checkboxes at this time.</p>

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			<p>party)</p> <p><input type="checkbox"/> Real Property Levy</p> <p><input type="checkbox"/> Till Tap (levy on cash on the premises of the debtor's going business)</p> <p><input type="checkbox"/> Keeper ((levy on cash only or cash and equipment/inventory of the debtor's going business)</p> <p><input type="checkbox"/> Verbal Demand Upon Debtor (for cash in debtor's possession)</p> <p><input type="checkbox"/> Other levy:            _____            _____ pursuant to CCP            code _____.</p> <p>6. As the majority of writ services are served on businesses, who are not the judgment debtor, the wording of question 2 doesn't make sense (it appears to be directed only towards an eviction and not towards other types of writ services) and the following revision is recommended so that the litigants can provide the name and address of the party to be served:</p> <p>Existing</p> <p>② <b>Information About</b></p>	<p>In light of this and other comments, the committees have modified the recommended form, expanding item 2 and adding a separate section for entities at item 3b of form SER-001.</p>

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			<p><b>Person/Party You Want Served</b></p> <p>Name of person/party to be served: _____</p> <p>(Enter Tenant in Possession for a rent levy)</p> <p>Address of person/party to be served:</p> <p>Street address: _____</p> <p>City: _____ State: _____</p> <p>Zip Code: _____</p> <p>7. Question <b>3</b> :</p> <p>a. Recommend that the first question in this section ask the litigant to list the type of writ they are submitting, i.e., Attachment, execution, possession of real property, sale, etc.</p> <p>b. In section b. we ask that a spot be added to the third option where the writ is a copy of the original writ already given to the sheriff for the litigant to</p>	<p>The committees note that this information must be provided at item 5a of form SER-001 and do not recommend adding a similar question to form SER-001A at this time.</p> <p>The committees do not recommend such modification as the forms require the requestor to provide the case name and court case number.</p>

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			<p>enter the existing levying officer file number:</p> <p>c. Recommend removing c.(4) from the form. As previously stated, for most of the writ services, the sheriff does not need (or want) a copy of the judgment. The sheriff only needs a copy of the judgment for writs of sale which are a very small percentage of the services performed by the sheriff's department. Retaining this requirement puts an undue burden on the litigant.</p> <p>d. If section d. will be retained, this section should indicate that the form to include is the <b>Application for Earnings Withholding Order (form WG-001)</b>, not the Earnings Withholding Order (form WG-002). As mentioned earlier in the general comments, the creditor submits the WG-001 to the sheriff's department and the sheriff's department will generate the Earnings Withholding Order (WG-002) and all other forms that are required to be served with the Earnings Withholding Order.</p>	<p>The committees agree and have modified the recommended form, removing the instruction to include a copy of the judgment.</p> <p>In light of this and other comments, the committees do not believe that the SER forms would be used to enforce an earnings withholding order. Therefore, the committees have modified the recommended form, adding an instruction at the top of form SER-001 directing people to the applicable WG forms to be used.</p>

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			<p>The sheriff <u>must have</u> the <b>Application for Earnings Withholding Order (WG-001)</b> because the form contains important information that the sheriff needs to process and generate the earnings withholding order.</p> <p>8. Question ④ appears to be skewed towards evictions or real property levies and is not generic enough to cover other levies and it is recommended that the property description be the first item listed. The following changes are recommended:</p> <ul style="list-style-type: none"> <li>a. Property Description (describe the property to be levied, being as specific as possible, such as listing all accounts or only a specific account for a bank levy or listing the exact property in possession of the third-party sought to be levied upon.) [blank lines omitted]</li> <li>b. Is the property to be levied upon a dwelling (a place someone can live in)? <input type="checkbox"/> No</li> </ul>	<p>In light of this comment and others, the committees have modified the recommended form, additional instructions about describing property on item 4, but have retained its placement on the form.</p>

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			<p> <input type="checkbox"/> Yes (complete the section below)         </p> <p>           The dwelling is (check one):         </p> <p> <input type="checkbox"/> Real Property (examples: house, condo, other building attached to land)         </p> <p> <input type="checkbox"/> Persona Property (examples: houseboat, RV)         </p> <p>           9. In regard to real property levies, these are the most complex levies that sheriff's departments perform, and we always need additional information (that is provided for on all of our existing Real Property Levy Instructions). It is recommended to add a separate section on the SER-001A for questions specific to real property levies (before the Other Instructions section) as follows (Yes, this will most likely cause the SER-001A to become 4 pages but that is better than the sheriff's department having to obtain this information from the judgment creditor later before the sheriff can process the real property levy and it will help to speed up the process for the creditor):         </p>	<p>           In light of this and other comments, the committees have modified the recommended form, including an instruction to include the assessor parcel number, address, and legal description for real property. Other instructions or information may be provided in narrative form.         </p>

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			<p>⑤ Additional Questions for Real Property Levies</p> <p><i>(Note: A recordable copy of the legal description is required for all real property levies, and for a writ of sale, a certified copy of the judgment for sale is also required.)</i></p> <p>a. (Does a person or organization other than the judgment debtor(s) own the real property?  <input type="checkbox"/> No  <input type="checkbox"/> Yes (list the names and addresses of these record owners):                      [blank lines omitted]</p> <p>b. Is the real property a leasehold estate?  <input type="checkbox"/> No <input type="checkbox"/> Yes (how many years remain on the lease? _____)</p> <p>c. Common Street Address:                      _____                      _____</p> <p>d. What is the APN of the real property?</p>	

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			<p>e. <u>For Writ of Sale of Real Property:</u>                      (a) The judgment is for the ...                      (1) <input type="checkbox"/> Partition of real property                      (2) <input type="checkbox"/> judicial foreclosure of a ...                      (2a) <input type="checkbox"/> Mortgage or deed of trust                      The judgment indicates that a deficient judgment...                          <input type="checkbox"/> is (or may be) ordered.                          <input type="checkbox"/> is (or may be) waived or prohibited.                      (2b) <input type="checkbox"/> special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity or district).                      (2c) <input type="checkbox"/> assessment lien by an association or common interest</p>	

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			<p>development.                      (2d) <input type="checkbox"/> mechanics lien (labor or improvement s to real property).                      (2e) <input type="checkbox"/> other lien(s) on real property.                      (b) Is a "right of redemption" applicable to the sale of this property? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[Attachment included at end of chart]</p>	
10.	OneJustice by Leigh Ferrin Program Director	AM	<p>OneJustice writes to express our support for SP23-06 and offer our suggestions to improve the forms.</p> <p>OneJustice is a legal nonprofit organization in California working to strengthen the legal services sector's expertise and capacity to advance equity and access to justice. We equip the sector with skills and tools to maximize impact, champion robust and reliable legal service resources, convene the sector to harness its wisdom and power, and share analyses and insights about systemic trends and challenges.</p> <p>We appreciate the time and energy that the Committee put into developing forms SER-001 and SER-001A to comply with Assembly Bill</p>	The committees appreciate the information provided.

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			<p>2791. For the most part, we agree with the proposal. We believe the following suggestions will empower self-represented litigants to successfully navigate the process.</p> <p>Forms SER-001 and SER-001A            In both proposed forms, SER-001 and SER-001A, there is a reference to a website, purportedly to allow self-represented litigants to get additional information. The link is written out as  <a href="https://selfhelp.courts.ca.gov/sheriffsserves">https://selfhelp.courts.ca.gov/sheriffsserves</a>.            On Form SER-001, the link is listed in the Instructions section, in bullet point #3. On Form SER-001A, the link is in the Instructions section, in the sentence that reads “Give all information that is relevant to your situation. For more information about what may be required in your case, go to <a href="https://selfhelp.courts.ca.gov/sheriff-serves">https://selfhelp.courts.ca.gov/sheriff-serves</a>.”            However, that link goes directly to a page that requires a login with an email address and a password, with no further information.</p> <p>This page can confuse people who are looking for help, as the page does not provide clarity for; 1) why a visitor needs to log in, 2) where to retrieve a username or password in the event a visitor does not remember their credentials, 3) an indication of how a new account can be created if needed. Sending litigants to the original page is inefficient if the intent is to direct litigants to a page where they can get</p>	<p>The committees note that the site is not yet live, but is anticipated to be live on January 1, 2024. The web site will not require any kind of log-in or password.</p>

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		<p>information about a legal topic or find a self-help center. The current link will place a burden and time deficit on people who have emergency situations, such as a restraining order, that require immediate attention to protect their lives.</p>	
		<p>We propose three alternative solutions. First, the Judicial Council could create a new page, specifically for information for those seeking to request the Sheriff serve their documents. Second, the Judicial Council could use the page in existence at <a href="https://selfhelp.courts.ca.gov/DV-restraining-order/sheriff-serves-request">https://selfhelp.courts.ca.gov/DV-restraining-order/sheriff-serves-request</a>. The title of that page discusses Sheriff service in restraining orders, but the information may be generally applicable. It may be possible to change the title of the page to make it more universal. Third, and as a last resort, the Judicial Council could simply direct self-represented litigants to the self-help home page, at <a href="https://selfhelp.courts.ca.gov/">https://selfhelp.courts.ca.gov/</a>. The downside to the last approach is that the self-represented litigant will still be required to navigate the court's self-help website on their own. We believe the best practice would be to direct the self-represented litigant to the specific page that has the information that they need.</p>	<p>As noted above, a web site is being developed and the site will launch at the current web address on January 1, 2024, when the new forms are expected to become effective.</p>
		<p>Digital and technological advancement can enhance access to courts. While courts are improving access by use of new tools,</p>	<p>The committees appreciate the information provided.</p>

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			<p>technology is also creating barriers, especially for low-income self-represented, and non-English speaking litigants. A 2019 study conducted by Rebecca Sandefur found that there are hundreds of legal tools on the market, but those tools are often poorly designed or inaccessible for the majority of Californians due to the knowledge gap. [2019 California Justice Gap Study Executive Report, Recommendations, retrieved from <a href="https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-Executive-Summary.pdf">https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-Executive-Summary.pdf</a>, pg. 24]. The usability of technology requires resources, capabilities, and abilities that some groups and communities are unlikely to have. [Legal Tech For Non-Lawyers: Report of the Survey of US Legal Technologies, retrieved from <a href="https://www.americanbarfoundation.org/wpcontent/uploads/2023/04/report_us_digital_legal_tech_for_nonlawyers.pdf">https://www.americanbarfoundation.org/wpcontent/uploads/2023/04/report_us_digital_legal_tech_for_nonlawyers.pdf</a>, pg 3]. Providing people with a more direct link will make it easier to navigate the court’s website and encourage users to find help.</p>	
			<p>Legislators and advocates intended for AB 2791 to create a statewide form to be used by litigants in civil actions or proceedings to request service of process by the Sheriffs. Litigants rely heavily on the Sheriff’s Department and we do believe the proposal addresses the stated purpose, with the exception that the forms can be improved with the aforementioned changes.</p>	<p>The committees appreciate the information provided.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committees Response</b>
			<p>We are grateful for the Judicial Council’s efforts to ensure and promote access to justice and equity. We are particularly pleased with the Council’s concern with the needs of self-represented litigants who will benefit most from the new forms.</p>	
11.	<p>Superior Court of California, County of Los Angeles by Bryan Borys Director of Reasearch and Data Management</p>	A	<p>The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee.</p> <p>In response to the Judicial Council of California’s (JCC) “Invitation to Comment SP23-06: Rules and Forms: Service Form to Implement Assembly Bill 2791,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its ability to appropriately address its stated purpose.</p> <p>The Court believes that litigants filling out form SER-001 be required to list any and all court papers they are requesting service for to ensure that the proper documents are served and</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees recommend making item 5b, for listing all papers to be served ,optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants. The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will</p>

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			<p>agrees that it would be beneficial to have the court case number in the header of the form for ease of processing and identification.</p>	<p>need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>
			<p>Additionally, the Court agrees that it might be helpful for form SER-001 to include instructions to sheriffs and marshals reiterating the prohibition on reviewing the substance of the documents requested for service, with limited exception, under Government Code section 26666.2, to ensure accountability, compliance, and public trust.</p>	<p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>
			<p>Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which</p>	<p>The committees appreciate the information provided.</p>

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	Commenter	Position	Comment	Committees Response
			<p>include but are not limited to:</p> <p>Providing staff with information about Request for Sheriff to Serve Court Papers (form SER-001) and Special Instructions to Serve Court Papers (SER-001A)</p>	
			<p>Since the forms will not be filed with the Court, the implementation requirements (e.g., training) are minimal and the Court believes that this proposal would work in courts of different sizes.</p>	<p>The committees appreciate the information provided.</p>
			<p>Lastly, the Court agrees that three months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation.</p>	<p>The committees appreciate the information provided and note that the forms are slated to be considered by the Judicial at its November meeting and courts will have about 6 weeks to implement the new forms.</p>
12.	<p>Superior Court of California, County of Orange Family Law Division by Jenny Diaz Avendano Operations Analyst II</p>	NI	<p><i>Does the proposal appropriately address the stated purpose?</i> Yes.</p> <p><i>Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)?</i> Yes, including this information will ensure all documents intended to be served are attached.</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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Commenter	Position	Comment	Committees Response
		<p data-bbox="793 461 1373 659"><i>Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form?</i></p> <p data-bbox="793 662 1373 824">Yes, adding the case number box to SER-001 will provide consistency with attachment page SER-001A. Recommendation is to add the case number to the header on the first page only, see mock-up below.</p> <div data-bbox="802 863 1150 1107" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center; background-color: black; color: white; margin: 0;"><b>CONFIDENTIAL</b></p> <p style="margin: 5px 0;"><b>Sheriff File Number</b> (for sheriff to complete, if needed):</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin: 5px 0;"></div> <p style="margin: 5px 0;"><b>Case Number:</b></p> <div style="border: 1px solid black; height: 20px; width: 100%; margin: 5px 0;"></div> </div> <p data-bbox="793 1166 1373 1263"><i>Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?</i></p> <p data-bbox="793 1266 1373 1328">Yes, this information is particularly helpful for the self-represented population.</p>	<p data-bbox="1394 295 1995 425">penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p> <p data-bbox="1394 464 1995 626">In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p> <p data-bbox="1394 1166 1995 1393">In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.”</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committees Response
				<p>The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>
			<p><i>Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</i> Based on the refence to restraining orders within the instructions in form SER-001A, this can be used in all case types.</p>	<p>The committees appreciate the information provided.</p>
			<p><i>Would the proposal provide cost savings? If so, please quantify.</i> No.</p>	<p>The committees appreciate the information provided.</p>
			<p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> This implementation would require written communication to staff, judicial officer and management, training for Self Help Center, counter and courtroom staff. In addition, service packets would need to be updated to include this form.</p>	<p>The committees appreciate the information provided.</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
			<p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes.</p>	<p>The committees appreciate the information provided and note that the forms are slated to be considered by the Judicial at its November meeting and courts will have about 6 weeks to implement the new forms.</p>
			<p><i>How well would this proposal work in courts of different sizes?</i> Our court is a large court, and this could work for Orange County.</p>	<p>The committee appreciate the information provided.</p>
13.	<p>Superior Court of California, County of Riverside by Sarah Hodgson Managing Attorney</p>	NI	<p><i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposed SER-001 and SER-001A forms do seem to meet the mandate created by AB 2791, for the Judicial Council to “create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff, including their department or office.”</p>	<p>The committees appreciate the information provided.</p>
			<p><i>Should the litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)?</i> Yes, litigants should be required to list the documents they are requesting served, however the sheriff should just make sure the documents have been provided and not scrutinize the details or contents of the documents.</p>	<p>In light of this comment and others, the committees recommend making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants. The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that</p>

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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	Commenter	Position	Comment	Committees Response
				they've served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.
			<p><i>Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the case court number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form?</i></p> <p>Yes, the SER-001 should include a space for the court case number. The sheriff would need this case number when preparing a proof of service to file with the court. Some sheriff's offices may also have electronic access to certain types of court files. Having the court case number may assist them in case they needed to look the case up electronically for any other information. Having the case number on the forms could also assist court staff and court self-help staff in the event that any litigants had questions or required any type of procedural assistance. The court case number is required on the first page of each document. Documents should not be rejected for service for not containing the case number on every page.</p>	In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.
			<p><i>Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?</i></p> <p>Yes, often times the sheriff will refuse to serve</p>	In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern

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**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

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Committer	Position	Comment	Committees Response
		documents for reasons which have no bearing on the document or case, for example forgetting to write the case number at the top of all pages or for not including documents which the sheriff believes are required which are not.	over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.
		<i>Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?</i> This may be used for Family Law writs of execution which sometimes are issued with no formal judgment but instead a court order. Item 3 should be expanded to not only ask if a judgment was issued, but also a court order.	The committees appreciate the information provided.
		<i>Would the proposal provide cost savings? If so, please quantify.</i> None	The committees appreciate the information provided.
		<i>What would be the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> The only implementation requirements for	The committees appreciate the information provided.

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**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<p>courts would be training to court staff and court self-help staff about the existence of the forms. These are not intended to be filed documents, so no updates would be needed to the case management systems.</p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes.</p> <p><i>How well would this proposal work in courts of different sizes?</i> The proposal should work well for courts of any size.</p>	<p>The committees appreciate the information provided and note that the forms are slated to be considered by the Judicial at its November meeting and courts will have about 6 weeks to implement the new forms.</p> <p>The committees appreciate the information provided.</p>
14.	Superior Court of California, County of San Bernardino Court Executive Office & Civil Committee	AM	<p>Please see the compiled responses to the invitation to comment below:</p> <ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose? <ul style="list-style-type: none"> <li>○ Yes</li> </ul> </li> <li>• Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)? <ul style="list-style-type: none"> <li>○ Yes, and Sheriff can confirm those are the documents received and served.</li> <li>○ Yes, I believe so. I agree with the committee members reasoning on this issue. I think the arguments against are</li> </ul> </li> </ul>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff</p>

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**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<p>not sufficient. Listing the documents will help ensure that the proper documents are served and the proof of service is complete and accurate.</p> <ul style="list-style-type: none"> <li>○ I believe they should be required to list the court papers they are requesting service for. In the event they fail to provide the sheriff with all of the forms that are requested served:               <ol style="list-style-type: none"> <li>1. Would the sheriff be held responsible for non-service of the forms missing?</li> <li>2. Would the sheriff be able to return the request indicating there are papers missing?</li> </ol> </li> </ul> <p>In listing the court papers requested served it would give the sheriff a list of what is attached, so they can verify they have all of the documents that need to be served. Then if there is any dispute as to whether or not all court papers were received and served later, the document would show exactly what was received from the party for service and it would be helpful for the sheriff in completing their proof of service to know which documents are being</p>	<p>service request forms do not require the requestor to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p> <p>The committees believe the recommended forms comply with the new statutory provisions and the intent of the legislature in enacting them, and that such questions go to the construction of certain parts of California law, including Code of Civil Procedure section 262 and Government Code section 26666.2.</p>

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	Commenter	Position	Comment	Committees Response
			<p>served.</p> <ul style="list-style-type: none"> <li>○ I would change the notice on the form that says: “You should get papers back from the sheriff. If the sheriff was able to serve your forms, you should receive a form (called a proof of service) that you will need to file with the court. If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person.”</li> <li>○ I think it should state that the person is “responsible for getting the papers back from the sheriff.” I do not know if all sheriff’s offices file the pos with the court and it is the party who is responsible to see that these are actually filed with the court.</li> </ul>	<p>In light of this comment and others, the committees modified the recommend form to bold the statement, “[m]ake sure you get a copy from the sheriff and file it with the court.”</p>
			<ul style="list-style-type: none"> <li>• Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form? <ul style="list-style-type: none"> <li>○ No. This form is not being reviewed or filed with the Court, it is being</li> </ul> </li> </ul>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2. Some commenters note that sheriff offices refer to requests by the court case number.</p>

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			<p>submitted to the Sheriff's so I don't see why we would need that?</p> <ul style="list-style-type: none"> <li>○ Unsure on this. I only think it would be helpful to list the court's case number at the top of the form if it is beneficial to the Sheriff's department. Because the form is not filed with the court, the information would only be utilized by the sheriff in completing the actual proof of service form.</li> <li>○ It would certainly be easier to find the case number if it is in the header, rather than having to scan the document for the case number.</li> </ul>	
			<ul style="list-style-type: none"> <li>● Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001? <ul style="list-style-type: none"> <li>○ Yes, definitely.</li> <li>○ I believe it would be helpful. However, I do not think it should be placed on the front of the form, because the information could get "lost" amongst all the other instructions. I think it would be a good idea to put it under #5 where the documents are listed. When the sheriff reviews the list of documents to be served, this area may serve as a good reminder of the prohibition on reviewing the substance of papers.</li> </ul> </li> </ul>	<p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the "substance of a summons, order, or other notice." The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>

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			<ul style="list-style-type: none"> <li>○ It could be, but at the same time as stated in the proposal it would be assumed the sheriff's already have knowledge regarding the code and would know they are not to review the substance of those specific documents being served. Assuming sheriff deputies are not fully aware of the code and have not been trained, then it most certainly would be helpful. This might also make litigants feel at ease knowing that their documents being served are not being reviewed by anyone other than the intended party.</li> </ul>	
			<ul style="list-style-type: none"> <li>● Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?               <ul style="list-style-type: none"> <li>○ Not that I can think of?</li> <li>○ No comment.</li> <li>○ The form seems to have specific verbiage and questions regarding service of writs, so I do not see it being used for anything other than that. It could potentially be used by self-represented litigants for service on Application and Order for Judgment Debtor's examination as this document can be requested to be served by the sheriff and it falls under the category of</li> </ul> </li> </ul>	<p>The committees appreciate the information provided.</p>

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	Commenter	Position	Comment	Committees Response
			<p>forms used to assist in enforcing of judgment/obtaining information to assist with enforcement of judgments.</p>	
			<p>The advisory committees also seek comments from courts on the following cost and implementation matters:</p> <ul style="list-style-type: none"> <li>• Would the proposal provide cost savings? If so, please quantify.               <ul style="list-style-type: none"> <li>○ No idea.</li> <li>○ No comment.</li> <li>○ I do not see the proposal affecting the court at all. Other than the court adding the forms into any applicable packets for sale to the public which would be offset by the parties purchasing the forms.</li> </ul> </li> </ul>	<p>The committees appreciate the information provided.</p>
			<ul style="list-style-type: none"> <li>• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?               <ul style="list-style-type: none"> <li>○ 10 minute briefing on update to staff. We wouldn't be filing with the Court, so I do not think anything would need to be added/updated. (My idea would be treating it the same as the current</li> </ul> </li> </ul>	<p>The committees appreciate the information provided.</p>

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	Commenter	Position	Comment	Committees Response
			<p>Sheriff info sheet.)</p> <ul style="list-style-type: none"> <li>○ I don't think there will be any significant impact to the court. The form appears to be mainly for the sheriff's department. Training would be minimal for court staff; mainly LPA's and Self-help. The training would require court staff to be familiar with the form and it's required fields in order to assist self-represented litigants. I imagine training could be handled within a 15 – 30 minute block of time where the form could be reviewed and the process explained. There would be no impact to the court's case management system.</li> <li>○ I believe there wouldn't be much training needed regarding the forms needed. Supervisors can send an email or introduce the existence of the documents in a meeting and provide staff with information as to why they were created. Since the forms are not filed with the court there will not need to be any additional training nor codes created for the forms in the case management systems, so there would be no need to modify the case management system. This would only be needed if the forms are ever to the filed with the court.</li> </ul>	

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	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none"> <li>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?                             <ul style="list-style-type: none"> <li>○ I see no issue if we are not actually filing this form.</li> <li>○ Yes, I believe so.</li> <li>○ For the court, this would be sufficient time to allow communication with staff regarding the forms and their use. I am not sure as to whether this would be sufficient time for the sheriff's departments throughout the state to provide the information and training regarding the forms to the deputies.</li> </ul> </li> </ul>	<p>The committees appreciate the information provided and note that the forms are slated to be considered by the Judicial at its November meeting and courts will have about 6 weeks to implement the new forms.</p>
			<ul style="list-style-type: none"> <li>• How well would this proposal work in courts of different sizes?                             <ul style="list-style-type: none"> <li>○ I think this could benefit litigants, and help court staff explain the procedure to litigants, as opposed to just giving them the Sheriff info.</li> <li>○ I believe the impact to the courts in general is minimal. It would work in a court of any size.</li> <li>○ I think as long as management/supervision communicate with necessary staff regarding the implementation of the form and its</li> </ul> </li> </ul>	<p>The committees appreciate the information provided.</p>

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	Commenter	Position	Comment	Committees Response
			intended use it could work not matter the size of the courts.	
15.	Superior Court of California, County of San Diego by Mike Roddy Executive Officer	A	<p>Q: Does the proposal appropriately address the stated purpose? <b>Yes.</b></p> <p>Q: Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)? <b>Yes.</b></p> <p>Q: Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form?</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p> <p>In light of this comment and others, the committees believe it is helpful to include the court case number in the top right of each page of form SER-001 as some sheriff offices use the case number to identify a request for service. The committees note that on the bottom of each page</p>

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Commenter	Position	Comment	Committees Response
		<p><b>No. By not including the court case number in the header, it will make it clear to litigants and court staff that the form is not to be filed with the court.</b></p>	<p>of the proposed forms there is a notice that “[this is not a court form” and an instruction to not file it with the court.</p>
		<p>Q: Would instructions summarizing the provisions of Government Code section 26666.2 be helpful on form SER-001?  <b>Yes, this would be helpful.</b></p>	<p>In light of this comment and others, the committees believe instructions may be helpful to sheriffs, marshals, and parties. The committees note that some commenters expressed concern over the inability of the sheriff to review the documents provided, as this would go to the “substance of a summons, order, or other notice.” The committees do not read this requirement as prohibiting the sheriff or marshal from verifying the documents that have been provided and note that all servers sign a proof of service under penalty of perjury and therefore must properly verify and correctly list the documents they served. The proposed instructions are listed on the last page of form SER-001.</p>
		<p>Q: Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments?  <b>No.</b></p>	<p>The committees appreciate the information provided.</p>
		<p>Q: Would the proposal provide cost savings? If so, please quantify.  <b>No.</b></p>	<p>The committees appreciate the information provided.</p>
		<p>Q: What would the implementation requirements be for courts—for example, training staff (please identify position and</p>	<p>The committees appreciate the information provided.</p>

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**SP23-06**

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	Commenter	Position	Comment	Committees Response
			<p>expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?  <b>Updating local restraining order packets to include form.</b></p> <p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>Yes, provided the final versions of the forms are provided to the court at that time. This will allow the court to modify local packets and obtain printed stock.</b></p> <p>Q: How well would this proposal work in courts of different sizes?  <b>It appears the proposal would work for courts of various sizes.</b></p> <p>No additional Comments.</p>	<p>The committees appreciate the information provided and note that the forms are slated to be considered by the Judicial at its November meeting and courts will have about 6 weeks to implement the new forms.</p> <p>The committees appreciate the information provided.</p>
16.	Superior Court of California, County of Santa Cruz by Amanda Jackson Miller Family Law Facilitator/Managing Attorney, SHC	AM	<p>Hello,            I am the FLF and Managing Attorney of the Self Help Center for Santa Cruz Superior Court. I have discussed the comments below with my Director and CEO and they approved my submission of comments on this issue.</p> <p>I am concerned that requiring self-represented litigants to list all of the forms that must be served (Item 5b on the proposed SER-001) could create barriers for SRLs and it would</p>	<p>The committees appreciate the information provided.</p> <p>In light of this comment and others, the committees recommend making this item optional. The committees agree with commenters who expressed concern over the burden it would</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committees Response
			<p>make much more sense to either exclude that requirement completely or at least include some check-box options for the most common groupings of forms to be served, i.e.:</p> <p><input type="checkbox"/> Request for Restraining Order: See form DV/CH/EA 109 for list of documents</p> <p><input type="checkbox"/> Small Claims, Plaintiff's Claim: SC-100</p> <p><input type="checkbox"/> Other:</p> <p>Currently our local Sheriff has their own form for service of process, and that form just has checkboxes for what type of case it is rather than a comprehensive list of the documents to be served. I am concerned that specifically requiring people to list all documents to be served will cause unnecessary confusion and will increase the likelihood that documents won't be served if mistakes or omissions are made on this form.</p>	<p>place on self-represented litigants. The committees also note that currently many sheriff service request forms do not require the requestor to list all forms provided to the sheriff's office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they've served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p>
17.	<p>Superior Court of California, County of Ventura Self Help Legal Access Center by Connie White Supervising Attorney</p>	NI	<p>Below are the comments on the above-referenced proposed forms:</p> <p>1. Should litigants filling out form SER-001 be required to list the court papers they are requesting service for (see item 5b)? I believe a list of forms to be served is helpful to the Sheriff. The Sheriff can see if they have all copies expected to be served and ask the litigant about any missing forms.</p>	<p>In light of this comment and others, the committees have modified the recommended form, making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants, including the potential for the request being rejected if the list is incorrect in some way (reported to be an impetus for the new law). The committees also note that currently many sheriff service request forms do not require the requestor</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

Committer	Position	Comment	Committees Response										
		<p>The way the litigant is required to list the forms could be more user-friendly. At this time, the proposed form has a blank paragraph to list the forms. A combination of check box and “Other” option may be more user-friendly and plain language for the litigants. See attached sample.</p> <p style="margin-left: 40px;">To the Sheriff, you are instructed to serve the following documents:</p> <table style="margin-left: 40px; border: none;"> <tr> <td><input type="checkbox"/> Small Claims</td> <td><input type="checkbox"/> Bench Warrant</td> </tr> <tr> <td><input type="checkbox"/> Restraining Order</td> <td><input type="checkbox"/> Subpoena</td> </tr> <tr> <td><input type="checkbox"/> Summons &amp; Petition</td> <td><input type="checkbox"/> Request for Order FL-300</td> </tr> <tr> <td><input type="checkbox"/> Summons&amp;Complaint</td> <td><input type="checkbox"/> Response- serve by date _____</td> </tr> <tr> <td><input type="checkbox"/> Summons&amp;Complaint Unlawful Detainer</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>	<input type="checkbox"/> Small Claims	<input type="checkbox"/> Bench Warrant	<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Subpoena	<input type="checkbox"/> Summons & Petition	<input type="checkbox"/> Request for Order FL-300	<input type="checkbox"/> Summons&Complaint	<input type="checkbox"/> Response- serve by date _____	<input type="checkbox"/> Summons&Complaint Unlawful Detainer	<input type="checkbox"/> Other _____	<p>to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.</p> <p>The committees do not recommend including such a checkbox in the proposed form as providing a comprehensive list of the type of documents that could be served, would make the form unwieldy.</p>
<input type="checkbox"/> Small Claims	<input type="checkbox"/> Bench Warrant												
<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Subpoena												
<input type="checkbox"/> Summons & Petition	<input type="checkbox"/> Request for Order FL-300												
<input type="checkbox"/> Summons&Complaint	<input type="checkbox"/> Response- serve by date _____												
<input type="checkbox"/> Summons&Complaint Unlawful Detainer	<input type="checkbox"/> Other _____												
		<p>2. Form SER-001 includes an item for the person requesting service to provide the court case number at item 4 but does not include the court case number at the top of the form. Do commenters believe it is beneficial to have the court case number in the header of the form? Yes, it would be helpful to have the case number as well as the names of the Plaintiff/Petitioner and Defendant/Respondent at the top of the form.</p>	<p>In light of this comment and others, the committees have modified the recommended form, including the court case number in the top right of each page of form SER-001 and including the case name in item 2.</p>										
		<p>3. Would instructions summarizing the provision of Government Code section 26666.2 be helpful on form SER-001? It does not appear that the additional summary of the Code would be helpful.</p>	<p>In light of this comment and others, the committees recommend making this item optional. The committees agree with commenters who expressed concern over the burden it would place on self-represented litigants. The committees also note that currently many sheriff service request forms do not require the requestor</p>										

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committees Response
				to list all forms provided to the sheriff’s office. A sheriff who successfully serves the documents provided will need to complete a proof of service where they sign under penalty of perjury that they’ve served all the documents listed on the proof of service. Therefore, a sheriff would not be able to solely rely on the list provided on form SER-001 and would independently need to verify the documents provided.
			4. Would form SER-001A be used for any general or specific case types other than writs or enforcement of money judgments? There does not appear to be an option for bank levies, only wage garnishments.	The committees appreciate the information provided.
			5. Other comments: a. SER-001 i. Question 5a may not be needed. If the forms are listed in 5b. ii. Self-represented litigants typically will not know the answer to question 5f.	Because the committees recommend making item 5b (list of court papers to be served) optional, the committees recommend retaining item 5a which requires the requestor to describe the type of court papers being provided.
			b. SER-001A i. If the writ was issued by the Court, it would have the information needed by the Sheriff to execute. It is unclear why they would need a copy of the Judgment as stated in 3c.	In light of this comment and others, the committees have modified the recommended form, removing the requirement to include a copy of the judgment with form SER-001A.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SP23-06**

**Rules and Forms: Service Forms to Implement Assembly Bill 2791 (Adopt forms SER-001 and SER-001A)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committees Response
			<p>ii. Question 3d asks the litigant to include WG-002 but not WG-001 is also a mandatory form.</p> <p>iii. There is no section to ask for a bank levy.</p>	<p>In light of this comment and others, the committees have modified the recommended form, changing this to reference form WG-001 and is now included as an instruction at the top of form SER-001.</p> <p>In light of this comment and others, the committees have modified the recommended form, modifying item 4 on form SER-001A to instruct requests to provide certain information if a bank account is involved.</p>
			<p>Please feel free to contact me with any questions.</p>	<p>No response required.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Judgment Creditor's Instructions to Sheriff/Levying Officer**

**SER-002**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, Address, Phone and Email)</i>  ATTORNEY FOR <i>(Name)</i> :	Sheriff's Date Stamp, as received
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT	
Case Number:	

**To the Sheriff/Levying Officer of the County of :** \_\_\_\_\_

I herein instruct you to serve the following included document(s):

Application and Order to Appear and Examination

Civil Subpoena (Duces Tecum)

Notice of Entry of Judgment on Sister-State Judgment

Other: \_\_\_\_\_

Upon the below named person at the following address:

Name: \_\_\_\_\_ Agent for Service/Officer: \_\_\_\_\_

Address: \_\_\_\_\_

*\*\*Including a picture of the person to be served, or description , it would be helpful*

Description: \_\_\_\_\_

I am opening a levy file regarding the below named Garnishee and the following Judgment Debtor:

**Garnishee's Information {CCP §701.030}:**

Name of Bank, Institution, Person or Business: \_\_\_\_\_

Address: \_\_\_\_\_

**Judgment Debtor's name is:** \_\_\_\_\_

Debtor's Last Known Address: \_\_\_\_\_

Debtor's Account Number (if known): \_\_\_\_\_ SSN/FEIN (if known): \_\_\_\_\_

Other Necessary Information: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

<b>Case Name:</b>	<b>Case Number:</b>
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Pursuant to the included Writ of Execution, I herein instruct you to levy upon the following type(s) of property of the Judgment Debtor, as further described on page 3 {CCP §697.010}:

- Deposit Account at Financial Institution {CCP §700.140}
- Safe Deposit Box at Financial Institution {CCP §700.150}
- Accounts Receivable/General Intangibles {CCP §700.170}
- Property in possession/control of third person {CCP §700.040}
- Vehicle or Vessel (*circle one*) {CCP §700.090}

Color: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Type: \_\_\_\_\_

License plate # \_\_\_\_\_ State: \_\_\_\_\_ VIN \_\_\_\_\_

Hull Identification Number: \_\_\_\_\_

Address where vehicle/vessel may be found: \_\_\_\_\_

Other important information: \_\_\_\_\_

Place Keeper in judgment debtor's Business {CCP §700.070}

Seize all cash and checks, release other tangible personal property

Seize all cash and checks, and SEIZE, MOVE, STORE and SELL all tangible personal property on the attached list

Business Address: \_\_\_\_\_

Business Hours: \_\_\_\_\_

Conduct a Till Tap only

Other important information: \_\_\_\_\_

Real Property {CCP §700.015} or Dwelling {CCP §700.080} Interests

The property to be levied upon is not a dwelling

The property to be levied upon is a dwelling that is:

real property

personal property

Third person in whose name title is held: \_\_\_\_\_

Address: \_\_\_\_\_

Other type of levy/other necessary information: \_\_\_\_\_

\_\_\_\_\_

Included herewith is the following document(s), which must be served, or is required, per statutory requirements:

Spousal/Domestic Partner Affidavit {CCP §700.160(b)(2)}

Unexpired Certified Copy of Fictitious Business Name Statement {CCP §700.160(b)(3)}

Affidavit of Identity {CCP §§700.160(b)(4) / 700.010(a)(4)}

Private Place Order {CCP §699.030(a)}

Private Place Order with break-in order {CCP §699.030(b)}

Turnover Order {CCP §699.040 or §708.205}

Copy of Legal Description of real property {CCP §701.540(a)}

Case Name:	Case Number:
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The property to be levied upon, whether levied by Levying Officer or Registered Process Server, is further described as follows:

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Pursuant to the included Writ of Execution, I herein instruct you to merely act as Levying Officer whereas a levy will be performed by a Registered Process Server (RPS) as follows:

RPS Name and Telephone Number: \_\_\_\_\_

Please hold Writ of Execution for the full statutory term

Please return Writ of Execution upon completion of levy performed

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney / Judgment Creditor, In Pro Per

Klein Examples and Attachment

- **Item 3:** This is not information known for attachments, levies, and wage garnishments. Perhaps a check box with a prompt: "If this is an Attachment Levy, or Wage Garnishment, use SER-001A." Also, an additional address will incur and additional fee for the sheriff.
- **Item 4:** The case name and number should be at the top of the form.
- **Item 5** seems redundant. Listing the forms ONLY by form number is inefficient, requiring the recipient to look up the particular form referenced. I suggest listing the name of the form, not just the form number.

There are specific common forms that could be facilitated with check boxes:

<b>CIVIL</b>	<b>ATTACHMENT</b>	<b>EXECUTION</b>
<input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other:	Notice of Attachment (Garnishee) Notice of Attachment (Defendant) Right to Attach Order Bond (undertaking) Memorandum of Garnishee Blank: Financial Statement Claim of Exemption form (Enforcement of Judgments) <input type="checkbox"/> Other:	Notice of Levy (Garnishee) Notice of Levy (Judgment Debtor) Memorandum of Garnishee Blank: Financial Statement form Claim of Exemption form (Enforcement of Judgments) Exemption from the Enforcement of Judgments form Current Dollar Amounts Exempt from the Enforcement of Judgments form <input type="checkbox"/> Other:

<b>WAGE GARNISHMENT</b>
Application for Earnings Withholding Order Earnings Withholding Order Certificate of Employee's SSN Blank: Employer's Instructions Employee's Instructions (page 2 of Earnings Withholding Order) Financial Statement Claim of Exemption (Wage Garnishment) <input type="checkbox"/> Other:

Klein Examples and Attachment  
**Proposed attachment to SER-001A**

The is a suggested attachment to the proposed SER-001A.

The current proposal fails to incorporate all the special manners of service involving attachments, levies, and wage garnishments. This summary is sufficient to instruct the sheriff to perform, which they have been doing by following statutes that went into effect 40 plus years ago. The summary provides the litigant the ability to initiate the process by citing the appropriate code section to identify which collection method is being requested.

A list of forms for this process can cite to the Judicial Council forms page, Popular Topics, for the link to [Enforcement of Judgments](#).

The (pre-judgment) attachments sections are found in sections CCP §§ 488.315, et seq., and the (post-judgment) execution sections are from CCP §§ 700.150, et seq. The manners of service requirements are cited and summarized.

The lawyer or litigant can place a check mark for the attachment , levy, or wage garnishment requested, and attach below or on a separate page information with the garnishee’s name address, the name and address of the defendant or judgment debtor, and, if any, any third party to notify.

A sheriff may serve all these attachments, levies, and a wage garnishment. A registered process server may serve certain attachments, levies, and a wage garnishment, but not all. A checkbox mark is provided for those attachments, levies, and a wage garnishment that may be served by a registered process server. This will also notify the sheriff that a registered process server will be serving the documents, eliminating duplicate services.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> <b>Real Property</b>  | <input type="checkbox"/> <b>488.315 (RPS)</b> | <input type="checkbox"/> <b>700.015 (RPS)</b> |
| <ul style="list-style-type: none"> <li>• Record in the name of the Defendant</li> <li>• Serve Occupant</li> <li>• Serve any person or entity having ownership interest of real property</li> <li>• Serve the defendant/ judgment debtor</li> </ul>   |   |   |
| <input type="checkbox"/> <b>Growing Crops, Timber, or Minerals</b>   | <input type="checkbox"/> <b>488.325 (RPS)</b> | <input type="checkbox"/> <b>700.020 (RPS)</b> |
| <ul style="list-style-type: none"> <li>• Record in the name or names of defendant(s)/judgment debtor(s) where the growing crops, timber, or minerals are located</li> <li>• Record in the name or names of third party (or parties) where the growing crops, timber, or minerals are located</li> <li>• Serve the third party (or parties)</li> <li>• Serve the secured party (or parties)</li> <li>• Serve the occupant of the property</li> <li>• Serve the defendant/judgment debtor</li> </ul> |   |   |
| <input type="checkbox"/> <b>Tangible Personal Property of Defendant in Defendant's Control or Possession</b>   | <b>488.335</b>                                | <b>700.030</b>                                |
| <ul style="list-style-type: none"> <li>• Take the property into custody</li> <li>• Serve the defendant/judgment debtor</li> </ul>  |   |   |
| <input type="checkbox"/> <b>Tangible Personal Property of Defendant in Third Party's Control or Possession</b>   | <b>488.345</b>                                | <b>700.040</b>                                |
| <ul style="list-style-type: none"> <li>• Take the property into custody</li> <li>• Serve the defendant/judgment debtor</li> </ul>  |   |   |
| <input type="checkbox"/> <b>Personal Property in the Custody of a Levying Officer</b>  | <input type="checkbox"/> <b>488.355 (RPS)</b> | <input type="checkbox"/> <b>700.050 (RPS)</b> |
| <ul style="list-style-type: none"> <li>• Take the property into custody</li> <li>• Serve the defendant/judgment debtor</li> </ul>  |   |   |
| <input type="checkbox"/> <b>Property in the Custody of a Bailee</b>  | <b>488.365</b>                                | <b>700.060</b>                                |
| <ul style="list-style-type: none"> <li>• Take the property into custody</li> <li>• Serve notice on the defendant/judgment debtor</li> </ul>  |   |   |
| <input type="checkbox"/> <b>Equipment of Going Business</b>  | <input type="checkbox"/> <b>488.375 (RPS)</b> |   |
| <ul style="list-style-type: none"> <li>• File AT-1 form with the Secretary of State</li> <li>• Serve the defendant</li> </ul>  |   |   |

## Proposed attachment to SER-001A

- Equipment of Going Business 700.070**
  - Take the property into custody
  - Place a Keeper
  - Serve the defendant/judgment debtor
- Vehicle, Vessel or Mobile Home Used as Equipment of a Going Business  488.385 (RPS) 700.090**
  - Serve/File with the CA DMV or Dept. of Housing and Community Development
  - Serve the defendant/judgment debtor and junior lien holder
  - Serve the defendant/ judgment debtor
- Farm Products or Inventory of a Going Business 488.395**
  - Place a keeper in charge of the property for the period prescribed
- Alternative Procedure to Attached Farm Products or Inventory of a Going Business  488.405 (RPS)**
  - File AT-1 form with the Secretary of State
  - Serve the defendant
- Personal Property Used as a Dwelling  488.415 (RPS)  700.080 (RPS)**
  - Serve an Occupant
  - Place a Keeper
  - Serve the defendant/judgment debtor
- Vehicle, Vessel or Mobile Home 488.425 700.090**
  - Serve/File with the CA DMV or Dept. of Housing and Community Development
  - Serve the defendant/judgment debtor and junior lien holder
- Chattel Paper 488.435 700.100**
  - If the chattel paper is in the possession of the judgment debtor, take the chattel paper into custody
    - If the chattel paper is in the possession of a third person, personally serve a copy of the writ of execution and a notice of levy on the third person.
  - Serve the defendant/judgment debtor
- Instrument 488.440 700.110**
  - If the instrument is in the possession of the judgment debtor, take the instrument into custody.
  - If the instrument is in the possession of a third person, personally serve a copy of the writ of execution and a notice of levy on the third person.
  - Serve the defendant/judgment debtor
  - If the levying officer obtains custody of the instrument, the levying officer shall, if the judgment creditor so instructs, serve a copy of the writ of execution and a notice of levy on the obligor.
- Negotiable Document of Title 488.445 700.120**
  - If the negotiable document of title is in the possession of the judgment debtor, take the negotiable document of title into custody.
  - If the negotiable document of title is in the possession of a third person, personally serve a copy of the writ of execution and a notice of levy on the third person.
  - Serve the defendant/judgment debtor
- Security 488.450 700.130**
  - Service on the issuer of the security
  - Serve the defendant/judgment debtor
- Deposit Account  488.455 (RPS)  700.140 (RPS)**
  - Serve the financial institution
  - Court Order (unless a spouse 3d person with affidavit, or a certified copies of a fictitious business name certificate)
  - Serve any Third Party (or Parties)
  - Serve the defendant/judgment debtor
- Safe Deposit Box  488.460 (RPS)  700.150 (RPS)**
  - Serve the financial institution
  - Serve any Third Party (or Parties)
  - Serve the defendant/judgment debtor



Klein Examples and Attachment  
**Proposed attachment to SER-001A**

- Safe Deposit Box in the name of another person other than the defendant** 488.465                      700.160
- Serve the financial institution
  - Court Order (unless a spouse 3d person with affidavit, or a certified copy of a fictitious business name statement certificate)
  - Serve any Third Party (or Parties)
  - Serve the defendant/judgment debtor

- Account Receivable or General Intangible**                       488.470 (RPS)                       700.170 (RPS)
- Serve account debtor (entity owing money to the defendant/debtor)
  - Serve the defendant/judgment debtor

- Final Money Judgments**                       488.480 (RPS)                       700.190 (RPS)
- File a copy of the writ of attachment and a notice of attachment with the clerk of the court that entered the final money judgment
  - Serve the defendant/judgment debtor

- Interest of the judgment debtor in personal property in the estate of a decedent**  488.485 (RPS)  700.200 (RPS)
- Personally serve a copy of the writ and a notice of levy on the personal representative of the decedent
  - Serve the defendant/judgment debtor

**Writ of Possession for Real Property**                      715.020

Serve a copy of the writ of possession on one occupant of the property

715.40 (RPS) Only if the levying office fails to serve within 3 days of receipt.

**Wage Garnishment**                       706.108 (RPS)

- Service by mail
- Personal service on the employer

Serve the Garnishee (where is the Defendant's/ Judgment Debtor's Assets or Property is Located):  _____ _____ _____ _____ <input type="checkbox"/> See attached	Serve the Defendant/Judgment Debtor at this Address:  _____ _____ _____ _____ <input type="checkbox"/> See attached
Serve the Third Party:  _____ _____ _____ _____ <input type="checkbox"/> See attached	Additional Instructions:  _____ _____ _____ _____ <input type="checkbox"/> See attached

Registered Process Server name, address, RPS #



# SER-001

# Request for Sheriff to Serve Court Papers

**CONFIDENTIAL**

**To Court Clerk: Do not file this form.**

**Court Case Number:**

For service of an Earnings Withholding Order (wage garnishment) use form WG-001 Application for Earnings Withholding Order, instead of this form.

**Instructions:** Each county in California has a sheriff (and sometimes a marshal's office) that serves different types of court papers, including restraining orders. In most cases, it will be the sheriff that can serve your papers.

- Complete this form for each set of papers you need served. You must complete a separate form for each person you need served.
- Find out where the person you need served is located. Give your papers to the sheriff or marshal's office in that county.
- You may have to pay for service of some court papers. For more information, go to <https://selfhelp.courts.ca.gov/sheriff-serves>.
- **The sheriff or marshal is entitled to their fee whether service is completed or not (Government Code Section 267.38)**

All information is required unless it is listed as optional or does not apply to your case.

① **To the Sheriff or Marshal of (name of county):** Alameda County

## ② Contact Information for the Sheriff or Marshal to Reach You

- a. Your name (party requesting service): \_\_\_\_\_  
 Your lawyer's information (if you have one)  
 Name: \_\_\_\_\_  
 Firm name: \_\_\_\_\_
- b. Contact information (Give an address where you can receive mail regularly, including a post office box, a Safe at Home address, or another safe address. If you have a lawyer, give the lawyer's information.)  
 Address to receive mail: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone number (optional): \_\_\_\_\_ Email Address (optional): \_\_\_\_\_

## ③ Information About Person/Party You Want Served

- a. Name of person/party: \_\_\_\_\_  
 If you're serving an organization, give name of agent: \_\_\_\_\_  
 \_\_\_\_\_  
 Nicknames, aliases (optional): \_\_\_\_\_  
 Telephone number (optional): \_\_\_\_\_
- b. Address where person/party should be served  
 (Sheriff typically serves during normal business hours. Check with the sheriff's office for the exact times.)  
 Address: \_\_\_\_\_  Home  Business  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Gate code or special instructions: \_\_\_\_\_  
 Best time to serve at this address (example: 8 a.m.–noon): \_\_\_\_\_  
 Check here if the person is in jail or prison (name of facility): \_\_\_\_\_

**This is not a court form. Do not file with the court.**

Court Case Number: \_\_\_\_\_

**3** c. Alternate address (optional)  
 (If the person/party cannot be found at the address listed above, some sheriffs will try a second address. If you have a second address for the person/party you want served, complete the section below.)

Address: \_\_\_\_\_  Home  Business  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Gate code or special instructions: \_\_\_\_\_  
 Best time to serve at this address (example: 8 a.m.–noon): \_\_\_\_\_

d. Can you describe the person? (Not required where the party to be served is not a person)

(1)  No, I do not have any information about the person’s description.

(2)  Yes (complete the section below):

Gender:  Male  Female  Nonbinary

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_

Date of birth or age (give estimate, if unknown): \_\_\_\_\_

Race/Ethnicity: \_\_\_\_\_

Special marks or features (tattoos, scars, etc.): \_\_\_\_\_

Vehicle (type, model, year, color, plate number): \_\_\_\_\_

Check here if you are including a picture of the person.

e. Do you know of any safety or accessibility issues?

No

Yes (complete the section below):

The person in **3**a (check all that apply):

Has a gun or other weapon.

Is on probation or parole.

Has a history of violence or abuse.

Has an aggressive animal.

Has special training (examples: military, first responder).

Has mental health issues.

Is Deaf or hard of hearing.

**Is on probation or parole.**

Does not speak English (list language): \_\_\_\_\_

**Has an aggressive animal.**

**Has a criminal history.**

**Has mental health issues.**

Add any other information about safety or accessibility that you know about:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**This is not a court form. Do not file with the court.**

Court Case Number: \_\_\_\_\_

4 Information About Your Case

- a. Court case number: \_\_\_\_\_
- b. Case name: \_\_\_\_\_

5 Information About Your Request for Service

- a. What type of court papers are you asking the sheriff to serve (for example, restraining order, eviction, bank levy, till tap, keeper, or summons)?  
\_\_\_\_\_

- b. List all forms or court papers you want served on the person in 3a.\*  
(Note: You can list each form by its form number (example: FL-100). The court may have ordered you to serve certain papers. Look at the court's order and list all forms required. If you do not know which papers you need to serve, ask a lawyer or contact your local self-help center for free information.)

\*Some sheriff's or marshal's departments will only list forms listed here on their proof of service, even if additional documents not listed here are served. Contact the sheriff's or marshal's department for more info.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. Is there a court hearing (court date)?  
 I don't know  
 No  
 Yes (if yes, give date of hearing): \_\_\_\_\_

- d. Is there a deadline for service?  
 I don't know  
 No  
 Yes (if yes, give deadline): \_\_\_\_\_

- e. Has the court allowed alternative service (for restraining orders only)?  
 I don't know  
 No  
 Yes (if yes, include a copy of order allowing the alternative service of the restraining order)

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Court Case Number: [ ]

- 5 f. Is substituted service allowed under the law (Code of Civil Procedure section 415.20)?
  - I don't know
  - No
  - Yes

- g. Is there any other information you want or need to give to serve your court papers?
  - No
  - Yes (if yes, give information below):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6 Enforcement of Writ or Judgment

Does your request include enforcing a writ or judgment?

- No
- Yes (If yes, you **must** complete and attach form SER-001A, Special Instructions to Serve Court Papers)

Your Signature (party (or plaintiff) asking for service, or their lawyer)

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Sign your name (may be electronic)

Your Next Steps

- Give this form and a copy of all the court papers listed in item 5b to the sheriff or marshal.
- Find out if you need to pay a fee for service by asking the court's self-help center, a lawyer, or the sheriff's office. Note that you do *not* have to pay a fee if you have a fee waiver in your case (form FW-003 signed by a judge), or for certain types of cases like domestic violence, elder abuse, or gun violence restraining orders.
- If you do not have to pay a fee to the sheriff, you can send the papers electronically. If you have to pay a fee, contact the sheriff to find out your options for turning in your request. Note that you can always turn in your request in person.
- You should get papers back from the sheriff. If the sheriff was able to serve your forms, you should receive a form (called a proof of service) that you will need to file with the court. If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person.

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**This is not a court form. Do not file with the court.**

**SER-001A**

**Special Instructions to Serve Court Papers—Attachment**

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Sheriff File Number (for sheriff to complete, if needed):

Case Number:

**Instructions**

Generally, you will not need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order. If you are using a registered process server for service and are only asking the sheriff to serve as levying officer, contact your local sheriff's office.

- Complete this form if you want the sheriff or marshal to serve as levying officer to enforce a writ or money judgment and attach it to **form SER-001**.
- You must include a **copy of the** writ with this request.

Give all information that is relevant to your situation. For more information about what may be required in your case, go to <https://selfhelp.courts.ca.gov/sheriff-serves>.

**1 Information About You (Person Requesting Service)**

a. Your name: \_\_\_\_\_

- b. You are:  Plaintiff/Judgment Creditor/Assignee of Record  
 Attorney for Plaintiff/Judgment Creditor/Assignee of Record

c. Is there a judgment creditor or assignee of record other than those listed on the writ?

- No  
 Yes (list the names of all judgment creditors or assignees of record not listed on the writ:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2 What type of levy/writ service are you requesting?**

- Eviction  
 Bank Levy  Third-Party Levy (for monies owed to debtor)  Rent Levy (for rents paid to debtor)  
 Personal Property Levy (for property in possession of the debtor)  
 Personal Property Levy (for property of the debtor in possession of a third-party)  
 Real Property Levy  
 Till Tap (levy on cash on the premises of the debtor's going business)  
 Keeper (levy on cash and/or equipment/inventory of the debtor's going business)  
 Verbal Demand Upon Debtor (for cash in the debtor's possession)  
 Other Levy: \_\_\_\_\_ (pursuant to CCP: \_\_\_\_\_)

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**This is not a court form. Do not file with the court.**

Sheriff File Number: \_\_\_\_\_

**Information About Person/Party You Want Served**

- 3 a. Name of person/party to be served: \_\_\_\_\_  
(Enter Tenant in Possession for a rent levy)
- b. Address of person/party to be served:  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**4 Information About the Writ and Judgment**

- a. Date writ was issued: \_\_\_\_\_
- a. What type of writ are you presenting for service:
  - (1) Prejudgment:
    - Writ of Attachment  Writ of Possession (Claim and Delivery)
  - (2) Post-judgment:
    - Writ of Execution (Money Judgment)  Writ of Possession of Personal Property
    - Writ of Possession of Real Property  Writ of Sale
- b. Date writ was issued: \_\_\_\_\_
- c. Date judgment was issued: \_\_\_\_\_  Writ is pre-judgment (no judgment has been entered)
- d. Date(s) of judgment renewals, if any: \_\_\_\_\_
- e. The writ included with this request is (check one)
  - an original writ (not issued by the court as an electronic record).
  - an original writ, or a copy of the original writ, issued by the court as an electronic record, not already in the possession of the levying officer.
  - a copy of the original writ already in possession of the levying officer.  
(Levying officer's file number: \_\_\_\_\_)

**5 Information About the Property to be Levied Upon**

- a. Property description:  
*(Describe the property to be levied upon, being as specific as possible, such as listing "all accounts" or only a specific account number for a bank levy, or listing the exact property in possession of the debtor or third-party sought to be levied upon)*
- \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**This is not a court form. Do not file with the court.**





Sheriff File Number: \_\_\_\_\_

5 b. Is the property to be levied upon a dwelling (a place someone can live in)?

No

Yes (answer the following)

The dwelling is:

Real Property (examples: house, condo, other building attached to land)

Personal Property (examples: houseboat, RV)

6 Additional Questions for Real Property Levies

(Note: A recordable copy of the legal description is required for all real property levies, and for a writ of sale, a certified copy of the judgment for sale is also required.)

a. Does a person or organization other than the judgment debtor(s) own the real property?

No

Yes (list the names and addresses of these non-debtor record owners):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Is the real property a leasehold estate?

No  Yes (how many years remain on the lease? \_\_\_\_\_)

c. Common Street Address of the real property: \_\_\_\_\_

d. What is the APN of the real property? \_\_\_\_\_

e. For a Writ of Sale of Real Property:

(a) The judgment is for the..

1  partition of real property.

2  judicial foreclosure of a...

2a  mortgage or deed of trust

The judgment indicates that a deficiency judgment...

may be ordered

is waived or prohibited

2b  special assessment property tax or Mello-Roos tax lien (judgment creditor is a public entity or district).

2c  assessment lien by an association or common interest development. mechanics

2d  lien (labor or improvements to real property).

2e  other lien(s) on real property.

Is a "right of redemption" applicable to the sale of this property?  Yes  No

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**This is not a court form. Do not file with the court.**



<b>Sheriff File Number:</b>
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**7 Other Instructions**

Include all other instructions to the levying officer below. These may include the following:

- Instructions to serve the summons and complaint for a writ of attachment, if not previously served (see Code of Civil Procedure section 488.020(c))
- Instructions that the levying officer must place a keeper in charge of the property (see Code of Civil Procedure sections 700.070 and 700.080)

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**CONFIDENTIAL**

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