



**Marin County Sheriff's Office
Documentary Services - Civil Division
3501 Civic Center Drive, Room 145
San Rafael, CA 94903**

CIVIL FREQUENTLY ASKED QUESTIONS

Q. How do I look up California Code?

A. Most California Codes can be viewed in the California law section of the [Official California Legislative Information](#) web site. The primary area for civil actions can be found in the Code of Civil Procedure. The Government Codes regulate the fees that we may charge.

Q. What is a proof of service?

A. When legal action is brought to the court, the plaintiff in the case must notify the opposing party. A proof of service is the documentation to the court that the defendant or opposing party has been notified. Adherence to the laws governing service is very important to the ensuing legal action. If the opposing party does not receive proper service, the court can not impose a permanent order or judgment.

Q. What is substituted service?

A. Substituted service can only be used where permitted by law. If substituted service is available, the documents will be left with a competent adult living or in charge at the address for service. If due diligence applies, substituted service is generally performed after two or three attempts to personally serve. We recommend substituted service to ensure that the documents are served.

Q. Do I have to file the Proof of Service with the court?

A. For Small Claims and Restraining Orders that were filed with the Marin County court, we will file the Proof of Service with the court. For all other documents, the original Proof of Service will be returned to you for filing with the appropriate court.

Q. How many times will you attempt to serve someone?

A. For civil documents with a court date, we will adhere to the legal requirements for service.

Q. Why were you unable to serve my documents?

A. There are three main reasons that we were unable to serve documents:

- the service address was incorrect or incomplete
- the address information is not current (person or business has moved)
- we were unable to contact the person or entity to be served

Q. What do I do if you are unable to serve my documents?

A. We will provide you with an Attempt Service Return. This will explain why we were unable to serve the defendant, as well as the dates and times of each attempt. Depending on the type of court document, you may either reset (small claims) or have the order reissued (temporary restraining order. Contact the civil division of the [Marin County Superior Court](#) for more information.

Q. Is the Marin County Sheriff's Office the only entity that can serve my documents?

A. No, you have two other options. The first option is to have someone you know serve the papers for you. This individual must be over eighteen and not an involved party. The second option is to hire a registered process server.

Q. Can the Sheriff's office research the address of the individual I need to have served?

A. No, we do not offer this service.