

MARIN COUNTY SHERIFF'S DEPARTMENT
CIVIL/DOCUMENTARY SERVICES POLICY AND PROCEDURE MANUAL

CHAPTER THREE - CIVIL PROCESS
CIV - 03 – 09
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DATE
07-15-98

CLAIM OF PLAINTIFF, RECEIVING/PROCESSING/RETURN OF SERVICE

POLICY

Pursuant to Government Code 26608, the Sheriff shall serve civil process. A Plaintiff's Claim and Order to Defendant should be received, processed, and a return of service prepared according to the following procedure.

PROCEDURE

Receiving the Claim:

When the Claim (see Example 1 attached) is brought to the counter for service, use the form "Instructions for Service of Plaintiff's Claim and Order to Defendant (Small Claims)" located in the fourth drawer from the right at the front counter (see Example 2 attached). The plaintiff completes the form with assistance as necessary. Make sure that everything has been completed and that there is sufficient time to perform the service (see (A) on the instruction form). The names listed on the instruction form must match the Claim and the service address given must be in Marin County. If the plaintiff authorizes substitute service (see (E) on the instruction form) you will need 2 copies of the Claim.

The fee for service is \$26.00 for each defendant to be served. If the fee is paid in cash, write a receipt (see Example 3 attached) from the civil receipt book on the counter at the civil window. Give the white copy of the receipt to the plaintiff, keep the pink copy with the instruction form and the Claim. If the fee is paid by check, advise the plaintiff that a computer receipt will be mailed to him/her when the case is closed. Put any cash received in the cash register at the end of the counter. Staple the check or pink copy of the receipt, the instruction form and the Claim(s) together with the check or receipt on the top left, instruction form in the middle and the Claim(s) on the bottom.

Write the date of hearing in the top right hand corner of the instruction form, subtract 9 days for a Marin County court hearing or 15 days for an out of county court hearing, and an additional 10 days if substitute service is authorized (refer to Example 2). Time stamp the instruction form, using a relatively clear area of the form so that the date is visible. Put the papers in the "Plaintiff's Claim and Order to Defendant" folder (located on the table behind the civil work stations) in order of service expiration date.

A Claim received by mail should be reviewed, dated, time stamped, etc. as indicated above. Use of our instruction form is not required.

Processing the Claim:

Take a new numbered civil case file from the box on the tables behind the civil work stations. Log on to any civil work station (see CIV 03-03, Civil System, Logging on).

Select "Go-to-Work" by typing G or pressing "enter" when "Go-to-Work" is highlighted (tab to selection if necessary).

Select "Papers" by hitting the down arrow or pressing "enter" when "Papers" is highlighted (tab to selection if necessary).

Select "FileNo" by typing F or pressing "enter" when "FileNo" is highlighted (tab to selection if necessary). Tab past "98" and type in the file number printed on the paper case file. Tab again to go to the next screen.

Select "Serve" by typing S or pressing "enter" when "Serve" is highlighted (tab to selection if necessary).

On the next screen, the green bar instruction is not useful for small claims papers as the indicated list will include only frequently used attorneys or plaintiffs. Simply type in the name of the person who gave the instructions (usually the plaintiff) at the "attorney name" prompt and press tab. The green bar will disappear. Note: you need not worry about lower case or upper case typing - the system will convert everything to caps when you finish a section. Begin the address (from the instructions) at the "Addr1" prompt, then press tab. Use the "Addr2" line if you need it or tab past it to "City," "State," and "Zip." These are all required fields and the system will not "accept" this page unless they are filled in.

Fill in plaintiff's phone number, then tab and type in "in pro" at the "Attorney for" prompt on small claims cases.

At the "Court name" prompt you may follow the green bar instructions to see the abbreviations for the most commonly used names and addresses or you may simply begin typing the court name and address and the green bar will disappear. The most common abbreviation will be for Marin County Small Claims - just type in "MCS", press tab and the name and address will be filled in.

At the "Case no." prompt, type in the court case number from the Small Claims papers exactly as shown. Tab through "judge" to "plaintiff(s)" and type the plaintiff's name exactly as shown on the Small Claims papers. Tab to "defendant(s)" and type the defendant's name as shown on the Small Claims papers using the "|" symbol (key under the backspace key) to indicate an indexing point, i.e. before the last name of the defendant (John K. |Jones). If you have a number of listed defendants; separate them with a semi-colon and use the "|" symbol before each last name. Tab through the next line to the next screen.

Review the screen to make sure all entered information is correct. If not, select "Edit" by typing E or tab to highlight "Edit" and press "enter." Tab through the page making corrections as necessary. When corrections have been made or if no corrections are necessary, select "Next-Step" by typing N or by tabbing to highlight "Next-Step" and pressing "enter."

The next screen will show the index names, the defendant name(s) as they will appear in a search for a case. If corrections need to be made, edit as shown above. When corrections have been made or if no corrections are necessary, select "Next-Step" as above.

The next screen is the deposit screen. Select the appropriate "person" at the top - usually "Individual" on a Small Claims case - by typing the first character or tabbing to highlight the selection and pressing "enter." Then select "counter" or "mail" as above, then "check" or "money-cash" as above. These three choices will fill in on deposit record below. If the deposit is a check with no receipt written, tab past "Reference No." and the system will produce a receipt. If the deposit is cash or a check with a written receipt, type in the last 5 digits of the receipt number at the "Reference No." prompt. At the "Check no." prompt enter the last 5 digits of the check deposit or tab through if a cash deposit. At "Deposit amount" enter the amount of the check or cash deposit. At "Received from" type in the appropriate name if different from the one shown. Tab to "Effective Date" and type in the date we received the papers (from time stamp on instructions). Tab to next screen and select "Edit" if any corrections are necessary. Tab through, then select "Next-Step."

Type in "4" to select Plaintiff's Claim under "Direct Selection," then select "Next-Step." Complete the service name and address where indicated using the information given in the instructions. If there is more

than one listed defendant, the system shows the first one only, so if you are serving a second or third listed defendant you will have to type over entry. Be sure you type a complete address, including zip code.

Tab through "Beat No." to "Remarks". This will include any special instructions from (D) on the instruction form. If the remarks are short, type on this line (type over the info that appears there). If remarks are too long for this line, type directions to see reverse of Trip Ticket or attached page where additional instructions will be added later. If there are no remarks, space through the phone number shown on the remarks line to remove it.

Tab to "Sub Serve Ok?" The default setting is "Y" (yes). Change to "N" (no) if instruction form under (E) says no or if mailed-in instructions do not authorize substitute service. Tab to "Hearing date" and fill in from the Claim, then "Hearing time" also from the Claim. Tab through "Dept/Div" and at "Advance days" prompt type in 9 if this is a Marin County action, or leave at default setting of 15 if it is an out of county action.

Select "Edit" if corrections are necessary and tab through to make corrections. Then select ".Serve". If you have a second defendant to serve, select "Do-Another" and repeat as indicated, substituting the name of the second defendant. If not, select "Finish." Put the file in numerical order in the box labeled "Computer Printing" on the table behind the civil work stations.

Processing the Return of Service

When the Trip Ticket (see Example 4 attached) is returned from the field, pull the matching file (File No. on Trip Ticket) from the active "blue-label" file drawers at the back of the room behind the civil work stations.

Log on to any civil work station (see CIV 03-03, Civil System, Logging on).

Select "Go-to-Work" by typing G or pressing "enter" when "Go-to-Work" is highlighted (tab to selection if necessary). Select "Post," then select "FileNo." and type in file number, then select "Serve."

Use the information from the Trip Ticket to determine your next selection. Most will be "Personal," "Subst," or "Attempt." Instructions for these three are shown below.

If the Trip Ticket indicates personal service on the defendant, select "Personal." Enter civil beat number matching the deputy area from the list at each civil work station (most will be 1 for Dave Gleason. Tab through fees shown and type in serving deputy's name with a | before the last name for indexing purposes (e.g. "D. |Gleason"). Select "Home-Serve" or "Business" according to information from the Trip Ticket. Then fill in date of service, time of service, and person served as indicated, tabbing through the screen. On the last screen you may select "Edit" if any corrections need to be made, or "Post-As-Is" if the service information is correct. Put the file in numerical order in the box labeled "Computer Printing" on the table behind the civil work stations.

If the Trip Ticket indicates substitute service on behalf of the defendant - that is the top line of the service section of the Trip Ticket shows a name other than the defendant, and the relationship to the defendant - select "Subst." Enter civil beat number as explained above, tab through fees, and type in serving deputy's name as above. Select "Home-Serve" or "Business" according to information from the Trip Ticket. Enter dates and times of attempts, then enter service date, time, individual served, and title (or relationship to defendant). If the mailing date shown on the Trip Ticket is different from that shown on the screen, type over to correct. Tab through and on last screen select "Edit" if any corrections need to be made, or "Post-As-Is" if the service information is correct. Put the file in numerical order in the box labeled "Computer Printing" on the table behind the civil work stations.

If the Claim is returned unserved from the field, select "Attempt." Enter the civil beat number and deputy's name as shown above. Tab to enter dates, times, address of attempts and tab to next screen.

Select one of the reasons shown for non-service or select "other" if none of the available reasons match the Trip Ticket. If you select one of the given reasons, you may adjust the remarks line as necessary. If you select "other" you will type in the appropriate reason. Tab through and on last screen select "Edit" if any corrections need to be made, or "Post-As-Is" if the service information is correct. Put the file in numerical order in the box labeled "Computer Printing" on the table behind the civil work stations.

RELATED STANDARDS:

GC 26608
CCP 116.340
CCP 415.20

AFFECTED DIVISIONS;

None

DATE OF REVISIONS:

None

By order of:

Tom McMains
Captain