



SAN MATEO COUNTY LAW LIBRARY

RESEARCH GUIDE #2

EXPUNGING YOUR RECORD

This resource guide only provides guidance, and does not constitute legal advice. If you need legal advice you need to speak with an attorney. To find an attorney to assist you, you may contact the San Mateo County Lawyer Referral Service at (650) 369-4149.

WHAT IS AN EXPUNGEMENT?

Expungement is a method for clearing up your criminal record. This procedure reopens your criminal case, dismisses the conviction, and re-closes the case without a conviction.

WHAT TO DO:

NOTE: These instructions (Video Tutorial available [here](#)) are for the most common cases, if you have a unique situation, we advise you to talk with an attorney.

STEP 1: Determine if You Are Eligible for an Expungement

To be eligible to expunge your conviction, you must meet all the following conditions:

1. Your conviction must meet the guidelines described in PC § 1203.4, PC § 1203.4a, PC §1203.41, PC § 17, or PC § 1203.49.
2. At least one year must have passed since your conviction.
3. You must have completed the terms of your sentence.
4. You cannot be serving a sentence for any offense, or be charged with the commission of any other offense.
5. Your probation for the conviction you're trying to expunge must not have been revoked, and not reinstated.
6. Deferred Entry of Judgment PC § 1203.43, Petitioner performed satisfactorily during the period in which deferred entry of judgement was granted and the criminal charges were dismissed under PC § 1000.3.
7. If you have a *felony*, to learn more about it, look under "Figuring Out Your Options" on this page: <http://www.courts.ca.gov/1070.htm>

STEP 2: Obtain a Copy of Your Criminal Record (or Case Summary)

You will need a copy of your criminal record or case summary for each conviction you wish to expunge.

For a copy of your state-wide criminal record, visit a Live Scan fingerprinting site. To find a Live Scan site near you, see <http://ag.ca.gov/fingerprints/publications/contact.php>.

After providing your fingerprints and paying the required fee, a copy of your criminal record will be mailed to you.

More information about requesting your statewide criminal history is available at <http://ag.ca.gov/fingerprints/security.php>

STEP 3: Complete the Required Forms

First, you need to learn how to read your criminal record or case summary. See the sample at the end of this guide.

The Judicial Council forms used in this procedure are:

1. [Petition for Dismissal \(CR-180\)](#)

When filling out this form, you need to write down ONLY the cases you were convicted for. If there is more than one conviction under a different case number, you need to fill out a separate CR-180 for each one of these different case numbers. See the sample at the end of this guide.

2. [Order for Dismissal \(CR -181\)](#)

When filling out this form, just complete it with your personal information at the top of the 2 pages and leave the rest blank. The judge will review this form after reviewing your petition. See the sample at the end of this guide.

3. [Attached Declaration \(MC-31\)](#) (IGNORE if not provided with the packet.)

When filling out this form, you are basically attaching a declaration stating why you want the expungement and explaining your situation in life. In this declaration, you may want to discuss:

- Your plans for the future;
- The reasons you offended, and how your life is different today than it was when you offended;
- How the conviction has hurt your employment chances;
- If you have received any training or education since your conviction;
- Any occurrence in your life that changed how you interact with your community; and
- Any 12-step or religious affiliations you have.

See the sample at the end of this guide.

4. Proof of Service [POS-020](#) or [POS-040](#)

When filling out one of these forms, write your personal information at the top of the page, list the forms you are attaching, and the information of the party (the District Attorney) to whom a person of your choice (it can be a relative, a friend, or a registered California process server) is serving this document. See the sample at the end of this guide.

STEP 4: FILE YOUR FORMS

Expungement forms are filed in the county where you were convicted. For the San Mateo County, these are filed at the Hall of Justice located at 400 County Center Redwood City, CA 94063 on the 4th Floor.

There is a fee for processing your Petition. For the San Mateo County the fee is \$60. Fee waivers are available for low-income petitioners.

AND, THAT SHOULD BE IT!

For most people, no court hearing will be scheduled. Instead, the petition is automatically granted as long as you have met all the requirements. Keep in mind that the turnaround for expungement is from 30 to 90 days.

After some time, you should receive a letter in the mail letting you know that your record has been expunged. If you are denied, don't worry, there is no limit to the number of times you can apply for expungement. You might have just caught the wrong person on the wrong day.

CASE SUMMARY

CASE NO. .

The People of the State of California
vs.

§
§
§
§
§
§

Location: **Criminal**
Filed on: **12/26/2008**
District Attorney Number:
DMV Docket Number:

CASE INFORMATION

Offense/ Jurisdiction	Statute	Deg	Date	Case Type: Complaint
1. PC245(A)(1)-MISD-ASSAULT W/DEADLY WEAPON OTHER THAN FIREARM OR GBI FORCE Charge #: 001	245(A)(1)	M	12/24/2008	
Arrest: 12/24/2008	SCPD - San Carlos Police Department			
2. PC242-MISD-BATTERY Charge #: 002	242	M	12/24/2008	
Arrest: 12/24/2008	SCPD - San Carlos Police Department			
3. PC242-MISD-BATTERY Charge #: 003	242	M	12/24/2008	
Arrest: 12/24/2008	SCPD - San Carlos Police Department			

PC is the code and it means Penal Code

242 is the section of the code

M is the type of offense and it stands for Misdemeanor

Statistical Closures

01/09/2009 Conversion Closure (types except Other Felony Petition & HC)

DATE CASE ASSIGNMENT

Current Case Assignment

Case Number
Court Criminal
Date Assigned 12/26/2008

PARTY INFORMATION

Plaintiff The People of the State of California

Defendant

DATE EVENTS & ORDERS OF THE COURT INDEX

12/26/2008	Conversion Event FDCJR: AFFIDAVIT OF COSTS FOR CRIMINAL JUSTICE ADMINISTRATION FEE, RECEIVED.	
12/26/2008	Conversion Event SHRES: CASE SHIFTED FROM HEARING ON 12-26-2008 AT 1:30 P.M. IN DEPARTMENT 1C OF SUPERIOR COURT SOUTHERN BRANCH TO HEARING ON 12-26-2008 AT 1:30 P.M. IN DEPARTMENT 20 OF SUPERIOR COURT SOUTHERN BRANCH.	
12/26/2008	Conversion Event HHELD: HEARING HELD ON 12-26-08 AT 1:30 P.M. IN SUPERIOR COURT SOUTHERN BRANCH, D- 20. HON. JONATHAN E KARESH, JUDGE, PRESIDING. CLERK: SANDY HARRIS. REPORTER: JOAN WOODS. CLERK2: VILMA BURKHART. DEPUTY D.A. WADE. DEFENSE COUNSEL PRESENT: NONE.	
12/26/2008	Conversion Event	

CASE SUMMARY
CASE NO.

DEFENDANT MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR SELL TO A LICENSED GUN DEALER ANY FIREARM OWNED OR SUBJECT TO HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER SERVICE OF THIS ORDER AND MUST FILE A RECEIPT WITH THE COURT SHOWING COMPLIANCE WITH THIS ORDER WITHIN 48 HOURS OF RECEIVING THIS ORDER.

01/09/2009	Conversion Event <i>MIORD:</i> GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT MUST NOT ATTEMPT TO OR ACTUALLY PREVENT OR DISSUADE ANY VICTIM OR WITNESS FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON.
01/09/2009	Conversion Event <i>SEACP:</i> DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.
01/09/2009	Conversion Event <i>MIASE:</i> ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.
01/09/2009	Conversion Event <i>MIENT:</i> ENTERED BY M.KING ON 01/09/2009 .
01/09/2009	Disposition 1. PC245(A)(1)-MISD-ASSAULT W/DEADLY WEAPON OTHER THAN FIREARM OR GBI FORCE Dismissal: Negotiated Plea ← No need to expunge this charge because it was dismissed Charge #: 001 Allegation:
01/09/2009	Disposition 2. PC242-MISD-BATTERY ← This charge resulted in a conviction and need to be expunged Pled Nolo Contendere Charge #: 002 Allegation:
01/09/2009	Disposition 3. PC242-MISD-BATTERY ← This charge resulted in a conviction and need to be expunged Pled Nolo Contendere Charge #: 003 Allegation:
01/09/2009	Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY) 2. PC242-MISD-BATTERY No Contest / Nolo Contendere Charge #: 002 Allegation:
01/09/2009	Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY) 3. PC242-MISD-BATTERY No Contest / Nolo Contendere Charge #: 003 Allegation:
01/13/2009	Conversion Event <i>FDCH:</i> CII FORWARDED TO ARRESTING AGENCY.
01/13/2009	Conversion Event <i>CJFNI:</i>

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: FOR COURT USE ONLY

NAME: **Your name and address**

FIRM NAME:

STREET ADDRESS:

CITY: STATE: ZIP CODE:

TELEPHONE NO.: FAX NO.:

E-MAIL ADDRESS:

ATTORNEY FOR (Name): **In Pro Per (representing yourself)**

PEOPLE OF THE STATE OF CALIFORNIA

DEFENDANT: **Your name** DATE OF BIRTH: **Your birthdate**

PETITION FOR DISMISSAL
(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)

DATE: **Your case number**

TIME:

DEPARTMENT:

Date of conviction

1. On (date): **Date of conviction**, the petitioner (*the defendant in the above-entitled criminal action*) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code	Section	Type of offense (<i>felony, misdemeanor, or infraction</i>):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (yes or no)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (yes or no)
PC	594	Misdemeanor		
PC	459	Felony	Yes (if could have been charged as misdemeanor)	

Code, Section & Type you were convicted on

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2. Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)
 Probation was granted on the terms and conditions stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply)

a. has fulfilled the conditions of probation for the entire period thereof.

b. has been discharged from probation prior to the termination of the period thereof.

c. should be granted relief in the interests of justice. (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below, or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

Check box a, b, or c depending on which best describes your situation.

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

Your name here

Your case number

3. Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)

Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):

has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; or

b. should be granted relief in the interests of justice. (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

4. Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49)

Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the petitioner can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.

(Please note: You may provide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

For the most common cases, nothing needs to be selected here, only n. 2 on page 1.

5. Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)

Petitioner is not under supervision under Penal Code section 1170(h)(5)(B); is not serving a sentence for, on probation for, or charged with the commission of any offense; and should be granted relief in the interests of justice, and (check one)

a. more than one year has elapsed since petitioner completed the felony county jail sentence with a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); or

b. more than two years have elapsed since petitioner completed the felony county jail sentence without a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).

(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

Your name here

Your case number

- 6. Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)

Petitioner is not under supervision and is not serving a sentence for, on probation for, or charged with the commission of any offense; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.

Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

For the most common cases, nothing needs to be selected here, only n.2 on page1.

- 7. Deferred entry of judgment (Pen. Code, § 1203.43)

Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge(s) were dismissed under former Penal Code section 1000.3 on (date): _____ . Furthermore (check one),

- a. court records are available showing the case resolution; or
- b. petitioner declares under penalty of perjury that the charges were dismissed after he or she completed the requirements for deferred entry of judgment. Petitioner (check one)
 - (1) has
 - (2) has not
 attached a copy of his or her state summary criminal history information.

- 8. Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).
- 9. Petitioner requests that he or she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under the Penal Code section(s) noted above.

Date, sign, and your address

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(SIGNATURE OF PETITIONER OR ATTORNEY)

(ADDRESS OF PETITIONER)

(CITY)

(STATE)

(ZIP CODE)

CR-181

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Paul Sample FIRM NAME: STREET ADDRESS: 1234 Main Street CITY: Sacramento TELEPHONE NO.: 916-555-1423 E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>STATE: CA ZIP CODE 95814 FAX NO.:</p>	
<p>PEOPLE OF THE STATE OF DEFENDANT: Paul Sample</p>	<p>DATE OF BIRTH: 05/10/1975</p>
<p>ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 1203.49)</p>	
<p>CASE NUMBER: 05M012345</p>	

Your name, address, and phone number. "In Pro Per" means you are representing yourself.

Your name and birthdate

Case number for the conviction you're trying to expunge

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (*the defendant in the above-entitled criminal action*) is eligible for the following requested relief:

LEAVE THE REST OF THIS FORM BLANK!
The judge will complete this form after reviewing your petition.

- only the following convictions in the above-entitled action (*specify charges and date of conviction*):
2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for (*check one*)
- ALL FELONY CONVICTIONS in the above-entitled action.
 ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
 Only the following convictions in the above-entitled action (*specify charges and date of conviction*):
3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code § 1203.4 § 1203.4a § 1203.41 § 1203.43 § 1203.49 and it is ordered that the pleas of guilty or nolo contendere, or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for (*check one*)
- ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
 only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):
4. The court **DENIES** the petition for dismissal under Penal Code § 1203.4 § 1203.4a § 1203.41 1203.43 § 1203.49 for (*check one*)
- ALL CONVICTIONS in the above-entitled action.
 only the following convictions or pleas for deferred entry judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

Your name

CR-181

PEOPLE OF THE STATE OF CALIFORNIA v DEFENDANT:
Paul Sample

CASE NUMBER:
05M012345

5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the defendant committed the crime. The court orders (*check one*)

Your case number

- a. the relief described in section 1203.4.
- b. the relief described in section 1203.4., with the following exceptions (*specify*):

LEAVE THE REST OF THIS FORM BLANK!
The judge will complete this form after reviewing your petition.

Commission; and

- b. Dismissal of the conviction does not *automatically* relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.)

7. If the order is granted under the provisions of Penal Code section 1203.49, the Department of Justice is hereby notified that petitioner was a victim of human trafficking when he or she committed the crime, and of the relief ordered.

8. If the order is granted under the provisions of either Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.49, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, or 1203.49 does *not* release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

FOR COURT USE ONLY

10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of defendant's prior plea due to misinformation in Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program.

Date:

(JUDICIAL OFFICER)

OPTIONAL

MC-031

PLAINTIFF/PETITIONER: People of the State of California	CASE NUMBER: 05M012345
DEFENDANT/RESPONDENT: Paul Sample	

DECLARATION

Parties in the original case

to be attached to another form or court paper before

Case number for the conviction you're trying to expunge

At the time of my conviction in 2005, I was only 19 years old, I had dropped out of school and was not working. I had too much time on my hands and was hanging out with people who were a bad influence. This led me to getting in trouble.

After the birth of my daughter in 2007, I realized that I needed to get my life back on track, so that I could support her. With the help of my parents, I got my GED, and enrolled at UniTech to study Automotive Technology. I worked part time at an auto parts store while going to school part time, so I could support my daughter and help my parents with bills, since they were letting me stay with them. I finished my schooling in January 2011. Since then, I've been trying to find full time work as an Automotive Technician or Smog Technician, but am having a hard time. There are not a lot of jobs available right now, and having a conviction on my record puts me at a disadvantage against other applicants.

In your own words, tell the court why you want to expunge your conviction. Consider including information like:

- Your plans for the future;
- The reasons you offended, and how your life is different today than it was when you offended;
- How the conviction has hurt your employment chances;
- If you have received any training or education since your conviction;
- Any occurrence in your life that changed how you interact with your community; and
- Any 12-step or religious affiliations you have.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 6/22/2011

Print name, Sign and Date

Check "Defendant"

Paul Sample

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="border: 1px solid black; padding: 2px; width: fit-content;">Your name and address</div> TELEPHONE NO.: <div style="border: 1px solid black; padding: 2px; width: fit-content;">Your phone number</div> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <div style="border: 1px solid black; padding: 2px; width: fit-content;">In Pro Per</div>	FOR COURT USE ONLY CASE NUMBER: <div style="border: 1px solid black; padding: 2px; width: fit-content;">Case number of the conviction</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <div style="border: 1px solid black; padding: 2px; width: fit-content;">San Mateo</div> STREET ADDRESS: <div style="border: 1px solid black; padding: 2px; width: fit-content;">400 County Center</div> MAILING ADDRESS: <div style="border: 1px solid black; padding: 2px; width: fit-content;">Redwood City, CA 94063</div> CITY AND ZIP CODE: BRANCH NAME: <div style="border: 1px solid black; padding: 2px; width: fit-content;">Southern Branch</div>	
PETITIONER/PLAINTIFF: <div style="border: 1px solid black; padding: 2px; width: fit-content;">People of the State of California</div> RESPONDENT/DEFENDANT: <div style="border: 1px solid black; padding: 2px; width: fit-content;">Your name</div>	
PROOF OF PERSONAL SERVICE—CIVIL	

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action.
- I served the following documents (specify):

Petition for Dismissal
 Order for Dismissal

The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).

- I personally served the following persons at the address, date, and time stated:

- Name:

District Attorney
- Address:

400 County Center Redwood City, CA 94063
- Date:
- Time:

Date and time

The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).

- I am
 - not a registered California process server.
 - a registered California process server.
 - an employee or independent contractor of a registered California process server.
 - exempt from registration under Business & Professions Code section 22350(b).

- My name, address, telephone number, and, if applicable, county of registration and number are (specify):

Name, address, and phone number of person who served the papers

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date:

Date

Person who served the papers print name here

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

Person who served the papers sign name here

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE—CIVIL

(This information sheet is not a part of the Proof of Service form and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Personal Service* (form POS-020).

A person at least 18 years of age or older must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document.

The person who personally served the documents must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, fillable versions of the form are available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are listed on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The number should be the same as the case number on the documents that you served.

Complete all applicable items on the form:

1. You are stating that you are over the age of 18 and that you are not a party to this action.
2. List the name of each document that you delivered to the person. If you need more space, check the box in item 2, complete the *Attachment to Proof of Personal Service—Civil (Documents Served)* (form POS-020(D)), and attach it to form POS-020.
3. Provide the name of each person served, the address where you served the documents, and the date and time of service. If you served more than one person, check the box in item 3, complete the *Attachment to Proof of Personal Service—Civil (Persons Served)* (form POS-020(P)), and attach it to form POS-020.
4. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
5. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
6. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
7. Do not check this box unless you are a California sheriff or marshal.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form at the arrow. By signing, you are stating under penalty of perjury that all the information that you have provided on form POS-020 is true and correct.