6-03/260.00 Service of Process

GC 26608. The sheriff shall serve all process and notices in the manner prescribed by law.

GC 26665. All writs, notices, or other process issued by superior courts in civil actions or proceedings may be served by any duly qualified and acting marshal or sheriff of any county in the state, subject to the Code of Civil Procedure.

The Sheriff shall attempt service of process without delay. “Without delay” does not mean the instant it is received. Rather, it is a matter of reasonableness in his actions to serve process “without delay”. What constitutes this varies with the circumstances and the process. Civil process may legally be served at any time of the day or night. However, it has been held that an officer serving civil process at midnight by pounding on the door was liable to an action for damages for extreme emotional distress (but not for abuse of process). (Golden v Dungan, 20 CA 3 295) The Los Angeles County Sheriff may serve process between 5:00 a.m. and 10:00 p.m.

• 6-03/260.10 Due Diligence

At least three attempts at service shall be made at times when the party to be served could reasonably have been expected to be present at the location for service. If the service is to be effected at a home address, unless it is determined that the party would not be present at such time, at least one of the attempts at service shall be during evening hours and/or on a weekend. For this purpose, evening hours begins at 1700 hours.

A “Not Found” return should be processed when the Sheriff has been unable to effect service for any of the following reasons:

- Defendant does not live or work at the address specified in the instructions and cannot be found in the service area in which the address is situated.
- There is no such address in the serving area.
- Defendant lives at the address but is presently confined for an indefinite period in a hospital located outside the service area specified.
- Defendant works for the firm indicated at the address specified but only occasionally reports there in-person.
- Defendant works at the address but cannot be served because of company policy. (To be used where the type of process does not allow for substitute service.)

A “No Service” return should be processed when the Sheriff has been unable to effect at least three attempts at service of the process in sufficient time before the hearing. When disposition is no service,

refund the fee deposit for each defendant so designated.

• 6-03/260.20 Short Dated Process

Process is short-dated if received seven days or less before the last day to serve. Short-dated process shall be rejected for service if it is determined that at least one attempt to serve cannot be made. If accepted for service, short-dated process shall be marked “Not Found” and a $30 fee charged only if at least one attempt to serve is made. If at least one attempt to serve is not made, the process shall be marked “No Service” and the service fee shall be refunded.

• 6-03/261.00 Treasurer/Tax Collector Notices

The Revenue and Taxation Code allows the Treasurer/Tax Collector to designate an agent to serve such notices. The responsibility of the Sheriff to serve process and notices are set forth in the Government Code and there are no statutes indicating the Sheriff has a duty to act as an agent for the Treasurer/Tax Collector in any capacity. Court Services Division personnel shall not serve notices for the Treasurer/Tax Collector including the notice referenced above.