6-06/400.00 Service of Plaintiffâ€™s Claim and Order to go to Small Claims Court

A Plaintiff's Claim and Order to go to Small Claims Court may be served by: personal service (CCP 415.10), substitute service without due diligence or service on the defendant's agent in the sheriff's office and mailing to the defendant (CCP 415.20), or service by the Clerk by certified mail. Service must be completed at least 15 days before the hearing if made within the county in which the hearing is scheduled. Otherwise, service must be completed at least 20 days before the hearing if made outside the county. The time for service is extended by 10 days for mailing if service is by substitution. Service on the agent of an individual defendant is not authorized by CCP 416.90. For purposes of service of small claims process, service on an agent of a defendant is considered substitute service. (CCP 116.340) Service of a Plaintiff's Claim and Order to go to Small Claims Court on an artificial person is served in the same manner as a summons, see 5-07/500.00 Service of Summons. However, there is no method of ascertaining capacity as with a summons. Only the party listed as a defendant in the Plaintiff's Claim and Order to go to Small Claims Court can be served. No alteration of the claim is allowed.

• 6-06/400.10 Untimely Service of Claim of Plaintiff

If service of the plaintiff's claim on the defendant is not timely completed within the required number of days before the hearing date, the court may postpone the hearing. Unless provision has been made to ensure that the plaintiff will receive timely notice of the service and the certificate of service is filed with the court in time for the hearing, service should not be attempted under this provision. (CCP 116.570)

• 6-06/400.20 Defendantâ€™s Claim and Order to Go to Small Claims Court

A Defendant's Claim and Order to Go to Small Claims Court is served in the same manner as a Plaintiff's Claim and Order to go to Small Claims Court (6-06/400.00). However, the claim must be served at least five days before the hearing instead of 15 days before the hearing. If the defendant was served with the Claim of Plaintiff ten days or less before the hearing, the Claim of Defendant may be served on the plaintiff at least one day before the hearing. (CCP 116.360)