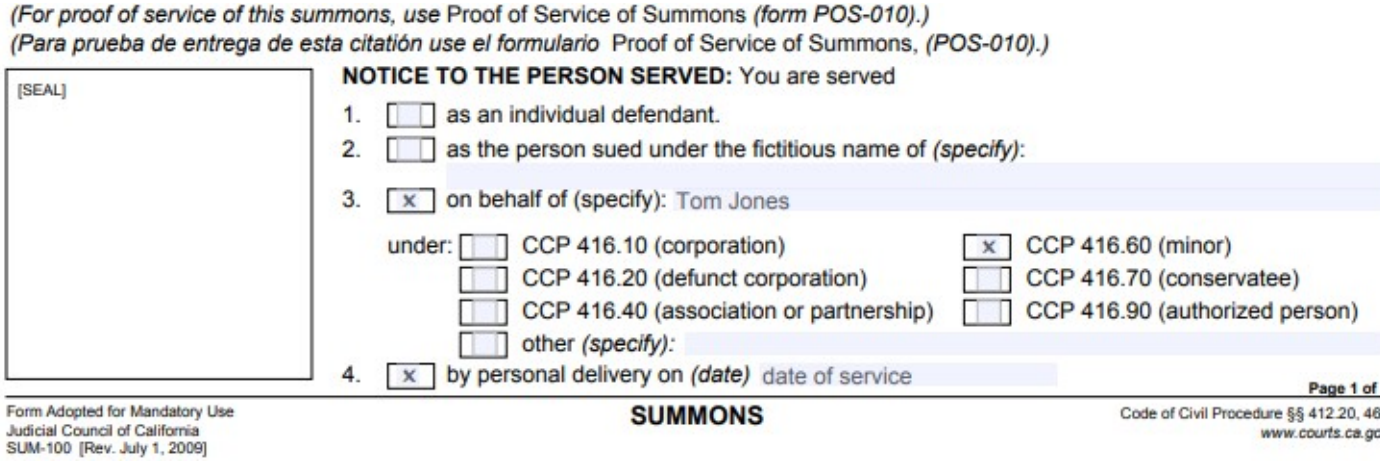
# 6-07/570.00 Minors

In general, a summons may be served on a minor by delivering a copy of the summons and complaint to his/her parent, guardian, conservator, or similar fiduciary. If none of these can be found, serve:

1. Anyone who's in charge of the care or control of the child, or
2. The person the child lives with, or
3. The person who employs the child.

If the minor is more than 12 years old, a copy of the summons and complaint must also be served on the minor. (CCP 416.60) When receiving the summons from the plaintiff, knowledge of the age of the minor should be attempted. If the minor is more than 12 years old, a second copy of the summons and complaint must be obtained. If the summons is sub-served, four copies should be requested; the second set is for mailing.
Before a summons against a minor is assigned out for service, the "Notice to the Person Served" at the bottom of the summons shall be completed by (1) inserting name of the defendant minor after the words "on behalf of," (2) checking the box "CCP 416.60 (Minor)" and (3) when applicable checking the box "as an individual defendant." This shall be done on the copies of the summons that are left with the guardian and the minor. If the summons is served using the substitute method, all copies of the summons shall be completed in this manner.



*(For proof of service of this summons, use* Proof of Service of Summons *(form POS-010).)*
*(Para prueba de entrega de esta citatión use el formulario* Proof of Service of Summons, *(POS-010).)*

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. [ ] as an individual defendant.
2. [ ] as the person sued under the fictitious name of *(specify)*:
3. [x] on behalf of (specify): Tom Jones

under: [ ] CCP 416.10 (corporation) [x] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other *(specify)*:

4. [x] by personal delivery on *(date)* date of service

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Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

**SUMMONS**

Code of Civil Procedure §§ 412.20, 46
www.courts.ca.gc

When completing the Proof of Service, be sure to include all information regarding the person served and the manner of such service. EXAMPLE: "Serve Tom Jones, a minor, by serving his mother, Susan Jones." The process server makes contact with Susan Jones. The process server should attempt to verify the age of the minor. In this example, Tom Jones is 13 years old. The Proof of Service should state the party served: Tom Jones, by serving his mother, Susan Jones. The address of the service must appear on the Proof of Service. You must indicate the manner of service as personal (CCP 415.10).

3. a. Party served *(specify name of party as shown on documents served):*
Tom Jones, a 13 year old minor

b. [x] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3*
Susan Jones, mother - and a copy to Tom Jones pursuant to CCP 416.60

4. Address where the party was served:
123 Main Street, Los Angeles California 90012.

5. I served the party *(check proper box)*

a. [x] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* date of service (2) at *(time):* time of servies

If the service is made by substitution (CCP 415.20), you must include the name and title or relationship. The party must be informed of the general nature of the process. The name of the responsible party per CCP 416.60 must still be indicated. A copy of the Summons and Complaint must be mailed to the Party served. Service by substitution must show attempts (diligence). Dates and times of all previous attempts of service declaration of diligence must documented on the Proof of Service. The declaration of diligence will be on an attached page.

3. a. Party served *(specify name of party as shown on documents served):*
Tom Jones, a 13 year old minor

b. [x] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a p under item 5b on whom substituted service was made) *(specify name and relationship to the party named i*
Susan Jones, mother - and a copy to Tom Jones pursuant to CCP 416.60

4. Address where the party was served:
123 Main Street, Los Angeles California 90012.

5. I served the party *(check proper box)*

a. [x] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized receive service of process for the party (1) on *(date):* (2) at *(time):*

b. [x] **by substituted service.** on *(date):* date of service at *(time):* time I left the documents listed i in the presence of *(name and title or relationship to person indicated in item 3):*
Jane Smith, housekeeper

(1) [ ] **(business)** a person at least 18 years of age apparently in charge at the office or usual place of bu of the person to be served. I informed him or her of the general nature of the papers.

(2) [x] **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or u place of abode of the party. I informed him or her of the general nature of the papers.

(3) [ ] **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual address of the person to be served, other than a United States Postal Service post office box. I infc him or her of the general nature of the papers.

(4) [x] I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be se at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date):* date mailed from *(city):* city mailed from **or** [ ] a declaration of maili

(5) [x] I attach a **declaration of diligence** stating actions taken first to attempt personal service.