6-23/400.00 Return of Service

A proof of service is not issued. Instead, a return detailing the Sheriff's actions is prepared which accompanies the writ when it is returned to the court. However, a copy of the Employer's Return is mailed to the creditor upon receipt by the Sheriff.

Like other officer's returns, an earnings withholding order return must state all that has been done in making the service. Therefore, the return must state the method of service, name and address of the employer served, name and title of the person delivered to, and what documents were served. The documents indicated should include all those required to be served by the officer and also any additional documents that were served in a particular case, such as a court order to levy on the wages of a spouse. The return must also state whether an "Earnings Withholding Order," or an "Earnings Withholding Order for Support" was served. If no "Employer's Return" was received, such fact should be stated on the officer's return.

• 6-23/410.00 Accounting for Collections

All collections received from employers shall be accounted and paid to person entitled at least once every 30 days. At least every two years, the levying officer shall file an accounting with the court for all amounts collected under the earnings withholding order, including costs and interest added to the amount due. the levying officer may electronically file the accounting with the court. (CCP 706.026, 706.025, 699.560, 263)

• 6-23/420.00 Service of Modification/Termination

Service of any document or notice other than the earnings withholding order may be made by either personal delivery or by first-class mail, postage prepaid. If service is made on the employer after the levying officer has received the employer's return, the service shall be made on the person and at the address designated in the return to receive notices, whether or not such address is within the county. (CCP 706.101(c)) If the notice or document to be served runs in the debtor's favor, and the levying officer's permission has been obtained, it may be personally served by the debtor or the debtor's agent. (CCP 684.140)