Cost: $5.00

PETITION FOR DISMISSAL PACKET

Updated: 1/01/17

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Expunging Criminal Records

Disclaimer: This guide is intended as general information only. Your situation may have factors requiring different procedures or forms. If you need further assistance, consult a lawyer.

Click here to download this guide with step-by-step instructions for completing the forms.

BACKGROUND

What is an expungement?

An expungement reopens your criminal case, dismisses and sets aside the conviction, and re-closes the case without a conviction. In effect, you are no longer a convicted person. However, the case record itself will still exist, and the expungement will appear on your record.

Why would you want an expungement?
It can be difficult to get a job with a conviction on your record. Many employers must carry insurance on their employees, and insurance companies often refuse to insure employees with convictions.

What types of expungement exist?
There are three types of expungement:

1. The first, governed by Penal Code 1203.4, will expunge cases in which probation was part of the sentence.
2. The second, under Penal Code 1203.4(a), will expunge cases in which there was no probation.
3. The third, under Penal Code 17, will reduce a felony conviction to a misdemeanor. This misdemeanor can then be dismissed.If you received state prison as your sentence, you will need to file paperwork for a Certificate of Rehabilitation, rather than a Petition and Order for Dismissal.

Once my conviction is expunged, can I answer "No" to questions about convictions on job applications?
Legally, you may answer "No" to these types of questions. Keep in mind, though, that background checks typically go back 10 years, and employers can see that you had a conviction dismissed. Answering "No" may look dishonest. A better response may be "Yes, expungement granted."

If you are applying for a government job, a job that requires security clearance, or a job that requires a government-issued license, certificate or permit, the conviction will be discovered during the standard background check. You should disclose the conviction and expungement in these situations.

If you are applying for a government-issued license, certificate, or permit, you must disclose your conviction and expungement.

How does an expungement affect strikes or other sanctions?
Although your conviction may be dismissed, the sanctions such as firearms prohibitions, exclusions from jury duty, or strikes, cannot be dismissed. These remain intact for life.

An expungement does not:

- Remove the conviction from your criminal history. California and FBI criminal history records will still show the conviction and the subsequent dismissal.
- Reinstate your right to possess firearms.
- Allow you to omit the conviction from applications for government-issued licenses.
- Seal the court case file from public inspection. The court file remains public record.
- Prevent the conviction from being used as a "prior" for sentencing enhancements in subsequent convictions.
- Prevent the conviction from being used to impeach your testimony if you are called as a witness in court.
- Prevent the conviction from being used to refuse or revoke a government license or permit, such as real estate license, teaching credential, security guard certificate, etc.
- Prevent the conviction from being used by US Citizenship and Naturalization Services for removal or exclusion purposes.

PROCEDURE

Should I obtain a copy of my criminal record prior to filing for an expungement?
Yes, you will need a copy of your criminal record or case information from each conviction you wish to expunge. Your criminal record or case history includes information essential to filling out the expungement papers.

To get case information for your post-1988 Sacramento convictions, visit http://www.saccourt.com. Click on "Online Services", then on "Case Index Program," and use the search engine to find your cases.

For a copy of your state-wide criminal record, visit the California Department of Justice at 4949 Broadway, Sacramento. There is a $35 fee for your criminal record, which may be waived if you are low income. You will receive your criminal record via mail.

Click here to download information on how to read your criminal record

How much does it cost to get a conviction expunged?
The maximum amount is $120, but many petitions may be filed for $60. The filing fee is based on the type of conviction to be expunged. Fee waivers are available for low-income petitioners.

Where do I find the forms for an expungement?
There are two forms you will need to expunge your conviction:

- Petition for Dismissal (CR-180) http://www.courtinfo.ca.gov/forms/fillable/cr180.pdf
- Order for Dismissal (CR-181) http://www.courtinfo.ca.gov/forms/fillable/cr181.pdf

These forms are also available at the courthouse, and at the law library from these books:

- California Judicial Council Forms Manual (Ref Desk KFC 995.A65 C25)
- West's California Judicial Council Forms (Ref Desk KFC 995.W45 C3)

Click here to download instructions for completing these forms.

Can I attach letters explaining my situation or my improved life?
It is often a good idea to attach a declaration stating why you want the expungement and explaining your situation in life. Letters from employers, clergy, or other community members can be convincing, but should not be attached to your petition. You may provide these to the judge at your hearing.

What is a Proof of Service, and how is it used in an expungement case?
In many counties, the court will perform service for you. In counties that do not provide this service, you will need to handle the service of papers yourself. You are required to notify other parties of the date and place of the hearing. After you complete your Petition and Order for Dismissal forms, you will file them with the court. The court will give you stamped copies of your papers, which must be served on the District Attorney and the Probation Department. You will then complete a Proof of Service form, and turn it in to the court. The Proof of Service tells the courts the specifics of how and when the DA and Probation Department were served.

Where do I file my expungement forms?
You will need to file your petition in the Superior Court for the county where you were convicted.

What if I fill out the forms incorrectly?
The forms will be returned to you, often with an explanation of what is incorrect. You may correct the petition and return it to the court. There is no additional filing fee.

Can I expunge multiple convictions at the same time?
Yes, you can file several petitions for expungement simultaneously. You will need to file a separate Petitions and Orders for each conviction.

What if I have changed my name since my conviction?
Fill out the forms with the name under which you were convicted. Sign the forms with your current name.

AFTER FILING THE PAPERS

What happens if the court denies my expungement?
If you attend the hearing, you may ask the judge what you can do to get your conviction expunged. You may re-file your petition for expungement in 3-6 months, after you've made the changes recommended by the judge.

What happens if I am arrested while trying to get a previous conviction expunged?
You cannot apply for expungement if you have any ongoing criminal proceeding, or are on probation for any criminal offense. If you are arrested after you apply for expungement, your petition will be denied.

How long will the expungement process take?
It will take anywhere from 3 weeks to 4 months, depending on how busy the court's calendar is.

FOR HELP EXPUNGING YOUR CRIMINAL CONVICTION

VLSP Criminal Records Expungement Clinic
http://www.vlsp.org/criminal.asp
551-2155
Tuesdays, Wednesdays and Thursdays - 10:00 a.m. and 4:00 p.m.
915 Broadway, Sacramento

Services provided: assistance expunging criminal records.
Call for an appointment.

FOR MORE INFORMATION

California Courts' Self Help Website
http://www.courtinfo.ca.gov/selfhelp/other/crimlawclean.htm
This website includes a section with information and instructions on cleaning up your criminal record.

Expunging Your Conviction Video
Co-sponsored by the Sacramento County Public Law Library and Voluntary Legal Services Program of Northern California.
http://www.saclaw.org/videoDetails.aspx?vid=1
This video provides information about the expungement process.

At the Law Library:

How to Seal Your Juvenile and Criminal Records in California. KFC1194 .Z9S53.

California Criminal Defense Practice. KFC1155 .C342. Chapter 103, Expungement of Criminal Records

California Criminal Law Procedure and Practice. KFC1155 .C35.

updated 4/09 mp

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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (*name*):	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER:
PETITION FOR DISMISSAL **(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 1203.49)**	*FOR COURT USE ONLY* DATE: TIME: DEPARTMENT:

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

Code	**Section**	**Type of offense***(felony, misdemeanor, or infraction):*	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)*

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 must explain why granting a dismissal would be in the interests of justice. You may complete and attach the* Attached Declaration *(form MC-031) or submit other relevant documents.)*

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)*:

a. ☐ has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land.

b. ☐ should be granted relief in the interests of justice. *(Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the* Attached Declaration *(form MC-031) or submit other relevant documents.)*

Form Approved for Optional Use
Judicial Council of California
CR-180 [Rev. January 1, 2017]

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:

4. ☐ **Misdemeanor conviction under Penal Code section 647(b)** ***(Pen. Code, § 1203.49)***
   a. Petitioner has completed a term of probation for a conviction under Penal Code section 647(b).
   b. Petitioner 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 complete and attach the* Attached Declaration *(form MC-031) or submit other relevant documents to establish that the conviction was the result of your status as a victim of human trafficking.)*

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) and 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 must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

6. ☐ **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 Penal Code section 1000.3 on *(date):* .Furthermore *(check one)*
   a. ☐ court records are available showing the case resolution.
   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)*
      ☐ has
      ☐ has not

      attached a copy of his or her state summary criminal history information.

7. 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).

8. Petitioner requests that he or she be permitted to withdraw the plea of guilty or nolo contendere, 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 section *(check one)*

   ☐ 1203.4 ☐ 1203.4a ☐ 1203.41 ☐ 1203.43 ☐ 1203.49 of the Penal Code.

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (*name*):	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	
ORDER FOR DISMISSAL **(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 1203,49)**	CASE NUMBER:

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:

1. The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces *(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)*:

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)*:

Form Approved for Optional Use
Judicial Council of California
CR-181 [Rev. January 1, 2017]

Penal Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41,1203.43 and 1203.49
www.courts.ca.gov

PEOPLE OF THE STATE OF CALIFORNIA v DEFENDANT:	CASE NUMBER:

5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner was a victim of human trafficking when he or she committed the crime. The court orders *(check one)*

   a. ☐ the relief described in section 1203.4.

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

6. If this order is granted under the provisions of Penal Code section 1203.4 or 1203.41,

   a. The petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office, or for licensure by any state or local agency, or for contracting with the California State Lottery 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)

POS-020

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TRINITY STREET ADDRESS: 11 Court Street MAILING ADDRESS: PO Box 1258 CITY AND ZIP CODE: Weaverville, CA 96093 BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
PROOF OF PERSONAL SERVICE—CIVIL	CASE NUMBER:

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

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

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

3. I personally served the following persons at the address, date, and time stated:
   a. Name:
   b. Address:
   c. Date:
   d. Time:

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

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

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

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

Date:

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

(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.

POS-030

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TRINITY STREET ADDRESS: 11 Court Street MAILING ADDRESS: PO Box 1258 CITY AND ZIP CODE: Weaverville, CA 96093 BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER:

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

1. I am over 18 years of age and **not a party to this action.** I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. On *(date):* I mailed from *(city and state):*
   the following **documents** *(specify):*

   ☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and *(check one):*
   a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
   b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
   a. **Name** of person served:
   b. **Address** of person served:

   ☐ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

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

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM) (SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service 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 Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age 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. Use the *Proof of Personal Service–Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail 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, a fillable version of the Proof of Service form is 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 telephone 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 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 case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:

   Check box a if you personally put the documents in the regular U.S. mail.
   Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.