

How do I Serve and File My Paperwork?

- Who gets copies of the CR-180 and CR-181?
- What do I do after they are served?
- What else should I know?

The District Attorney (DA) and Probation Department (PD) need *copies* of your forms before you file your *original* forms with the court.

You have options on how to get them their copies. You may not need to use a Proof of Service form.

YOU SERVE BEFORE YOU FILE

BEFORE YOU FILE YOUR CR-180 AND CR-181,

The DA and PD must be served (delivered) photocopies of the documents.

You have options on how to get them their photocopies of your documents.

Option 1: Counter Service

The DA and PD are accepting Counter Service again.

This means you (or someone else) can visit the counters at their offices and hand them photocopies of your paperwork. They will stamp your paperwork to show they received their photocopies.

Option 1: Counter Service

If the DA and PD stamp your paperwork, you are done filling out forms.

The stamps will show the court the DA and PD received their photocopies - in other words, the stamps themselves are the Proofs of Service.

Option 2: Have Someone Serve Your Forms For You

If you choose not to use Counter Service, you can also have someone other than you who is 18+ serve (deliver) copies of your paperwork to the DA and PD.

There are several methods of service which can be used.

Option 2: Have Someone Serve Your Forms For You

The DA's service information can be found on the web page where you found this slideshow.

The PD accepts service by mail and by fax in addition to the Counter Service we already went over.

Proof of Service

Remember, if you use Counter Service, the stamps the DA and PD put on your original paperwork is your proof to the court they got their photocopies.

If you use another method of service, your server will need to fill out a form called a Proof of Service to tell the court how the DA and PD got their paperwork.

Proof of Service

The PD and DA do not need to receive a Proof of Service. The Proof of Service is for the Court. The Court needs proof service was performed or they will not file your Petition and Order.

AFTER your server has completed service, they should fill in the information on the Proof of Service so the Court knows by which method the DA & PD got copies of your Petition and Order, on what day, and from whom.

Proof of Service

In this presentation, we will show how to fill out a Proof of Service by mail. If your photocopies are served by mail, schedule your hearing date 5 additional days out so the mail has time to arrive.

If your server uses a different method of service, be sure to look on the California Superior Court website for the right Proof of Service.

Proof of Service by First Class Mail

POS-030	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):	
EMAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
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.)

- 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.
- My residence or business address is:
- 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)).
- I served the documents by enclosing them in an envelope and (check one):
 - depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - 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.
- The envelope was addressed and mailed as follows:
 - Name of person served:
 - 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)

Form Approved for Optional Use
Judicial Council of California
POS-030 (New January 1, 2005)

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Code of Civil Procedure, §§ 1013, 1013a
www.courtinfo.ca.gov

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Herman Munster 1313 Mockingbird Lane Bakersfield, CA 93310</p> <p>TELEPHONE NO.: (861) 123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): Allouis4ever@fakemail.com</p> <p>ATTORNEY FOR (Name): Self</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</p> <p>STREET ADDRESS: 1215 Truxtun Ave. MAILING ADDRESS: 1215 Truxtun Ave. CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metro Justice Building</p>	
<p>PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Herman Munster</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	<p>CASE NUMBER: BM1234567</p>

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

Proof
of
Service

The Proof of Service should include your contact information in the top left corner, and it should match exactly with your CR-180 & CR-181. It is still your case, even if you do not perform service of the documents.

Proof
of
Service

POS-030

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<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	<p>CASE NUMBER: BM1234567</p>

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

You have to fill in the information for the court on the Proof of Service - do not omit the court address. Remember, in this example, it is a misdemeanor conviction originally heard in Bakersfield, so that is why the address is 1215 Truxtun Ave. Be sure to include the correct address for your specific matter.

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<p>PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Herman Munster</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	

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

Proof
of
Service

In all criminal matters, the plaintiff is People of the State of California. You are the defendant. Be sure to include your case number, and your work is done on the Proof of Service. The rest should be completed by your server.

Proof of Service

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:
742 Evergreen Terrace
Bakersfield, CA 93310
3. On (date): 4/14/2021 I mailed from (city and state): Bakersfield, CA
the following documents (specify):
CR-180 Petition for Dismissal, CR-181 Order for Dismissal

Your server doesn't need to write anything next to paragraph 1.

Your server can write their home address for paragraph 2.

For paragraph 3, your server needs to write the date they mailed your CR-180 and CR-181, NOT THE DATE THEY FILLED OUT THE FORM. They must state what city and state they mailed it from, and the documents they mailed. It is not good enough to write "Paperwork" or "Expungement documents." Your server should specify the exact names of the documents they served.

Proof of Service

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:** Kern County District Attorney
 - b. **Address of person served:**
1215 Truxtun Avenue, 4th Floor, Bakersfield, CA 93301

Your server must check one box or the other for paragraph 4. For the purposes of almost anyone viewing this presentation, the box to check will be A. It is just stating they put the stamped envelope in the mail with the CR-180 & CR-181 inside.

Your server must also write the name and address of the recipient. Above is an example for the Proof of Service on the Kern County District Attorney's office at 1215 Truxtun Ave., 4th Floor, Bakersfield, CA 93301.

Proof of Service

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:** Kern County District Attorney
 - b. **Address of person served:**
1215 Truxtun Avenue, 4th Floor, Bakersfield, CA 93301

Frequently Asked Question: Can I just do one Proof of Service for the DA and PD?

The answer is NO.

You must do one Proof of Service for each, and you should not staple them to each other.

Proof of Service

Final Notes/Reminders on Proofs of Service

- 1) REMEMBER: If your server gives the DA and PD your papers by mail, you should add 5 days to the 15 you count out for scheduling your hearing, so that the DA & PD have time for the USPS to get their copies to them.
- 2) You must file the Proofs of Service with the court along with your ORIGINAL CR-180 & CR-181. The DA & PD just get copies of the CR-180 & CR-181.
- 3) Your server should be someone else 18+. Find anyone - neighbors, friends, family, acquaintances - they just have to be over 18 and not named as a party to the case.

Almost Done

After you

1) Fill out your CR-180 & CR-181,

&

2) Have copies of them served on the DA & PD,

you must

3) File your original CR-180, CR-181, (and, if necessary, 2 Proofs of Service) with the appropriate court.

Filing your Documents

The best thing you can do to confirm how to file your documents is to contact the criminal department where you need to file and ask them how.

The clerks are there to assist with information on how to file documents, so they should be able to explain to you clearly how to do it, but:

Each courthouse has a dropbox for hand-delivered filings.

Each courthouse accepts filings by mail.

Filing your Documents

Though this is unlikely to be a permanent policy that survives the closures caused by Covid-19, the clerks of court may also accept your filings via email or fax.

Again: contact the criminal division in the courthouse you will be filing your documents with to confirm details - they are there to assist with information like this, so do not hesitate.

The Kern County Law Library also keeps up to date instructions on its Self-Help page on expungements at www.kclawlib.org

Attend Your Hearing

Go to your hearing on the date you scheduled it, unless you are represented by an attorney who specifically tells you that you do not have to.

Do not select a date for your hearing you cannot arrange well in advance to have available. Even though the hearing time may state “8:30 AM” you should be prepared to spend at least half a day at the court.