

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Service of Civil Process Documents		CHAPTER/SECTION NO.: 50.3,50.4	
EFFECTIVE DATE:10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <u>** See Master File</u> Sheriff	
STANDARD NUMBER: 74.2.1			

50.3 Policy

50.3.1 The civil duties of the Sheriff are generally set forth by statute. This is true in Utah, where the duties are set out in Section 17-22-2, Utah Code Annotated, 1953. The Sheriff must:

- A. Serve all process and notices in the manner prescribed by law,
- B. Endorse upon all process and notices, the year, month, day, hour, and minute of reception,
- C. Issue to the person delivering the process or notice, a certificate showing the names of the parties, title of paper, and the times of reception of the process or notice,
- D. Certify, upon process or notice, the manner, date and place of service, or if he fails to make service, the reason for his failure, and return the same without delay,
- E. Release on record all attachments of real property when the attachment placed in his hands has been released or discharged.

50.3.2 Protective Order Service

- A. Weber County deputies will serve Ex Parte Protective Orders/petitions and Non-expiring Protective Orders.

- B. The person being served must be named as a respondent in the order.

50.3.3 Civil process is the responsibility of the Investigation and Special Services Bureau of the Weber County Sheriff's Office.

50.4 Procedure

50.4.1 The service of civil process is governed by Rule 4 (e), Utah Rules of Civil Procedure, 1953. Procedures for specific types of service are as follows:

- A. Substitute Service: Personal service will be attempted for the following civil process, however substitute service can be made to a person of suitable age and discretion, that is living at the residence (not babysitters):
 - 1. Summons and Complaint
 - 2. Summons
 - 3. Motion and Orders
 - 4. Writ of Restitutions
 - 5. Writ of Executions
 - 6. Order of Sales
- B. Personal Service Only: Personal service must be made on the following civil process:
 - 1. Subpoena
 - 2. Order to Show Cause
 - 3. Ex-Parte Protective Orders
 - 4. Protective Orders
 - 5. Bench Warrants
- C. Service on Corporations: Any civil process served on a corporation or business (except garnishments) must be personally served to a registered agent or an authorized corporate officer that can accept service.
- D. Garnishments: Writ of Garnishments and Garnishee Orders need to be served on the company that is listed as Garnishee on the paperwork and not the Defendant (unless there is no other person available).

1. The white slip that is included in the paperwork is to be signed by the person accepting service and returned to our office. This is all that is necessary.
 2. It is permissible to accept the money at the time of service, if the company wishes to remit the money immediately.
- E. Allowed to Post: Civil process that is allowed to be Posted are as follows:
1. Notices
 2. Writ of Restitutions ONLY if permission has been received by the Court. This should be noted on the card.
 3. Any other paperwork that has **received permission from the courts**, but this will be noted on the card.

50.4.2 Return of Process and Proof of Service

- A. The return of process is a statement by the Sheriff showing when and in what manner the process was served and also, returning the certificate to the person who issued the process.
- B. The return or proof of service must be made within five (5) days after service of process by a certificate of return with a statement as to the date, place, and manner of service. Rule 4 (g) (1) Utah Rules of Civil Procedure, 1953.
- C. The return of service is used as proof to the court that the defendant has been served.

50.4.3 Ex Parte Protective Order

- A. The deputy may take the victim/petitioners service-stamped copy of the Ex Parte Protective Order, Petition, or Protective Order and serve it on the respondent, after identifying the defendant.
- B. The respondent must receive a copy of all documents, except the Proof of Service, and,

- C. The order must be read and explained to the respondent by the deputy.
- D. Before giving the Ex Parte Protective Order, Petition, or Protective Order to the respondent, the deputy must complete the service-stamped information requested on the worksheet of the Ex Parte Protective Order, Petition, or Protective Order.
- E. The deputy should also provide the requested service-stamped information on the copy left with the victim.
- F. If the respondent violates the Order before the Weber County Sheriff's Office or Second District Court receives the Proof of Service, the responding deputy will need to confirm that the Order has been served by either checking with the Civil Section or by checking the Statewide computer.
- G. The deputy must then complete a Proof of Service form and notify the dispatcher or Civil Section of the service, to flag any deputies who may respond to the same location at a later time.
- H. The deputy will give the information and paperwork to his/her supervisor, to be passed to the day shift supervisor or the Records Unit.
- I. The deputy will notify the Civil Section or, if after hours, dispatch of the service so the information can be updated on the Statewide Computer system.
- J. The original Proof of Service will then be sent to the Second District Court by the Civil Section staff.