BENCH WARRANT BOOKLET

HOW TO HAVE A BENCH WARRANT SERVED

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE

To have a bench warrant served, refer to and fill out the following forms:

- Bench Warrant Instructions (form L1166)
- Bench Warrant (form L525)
- Request for Sheriff to Serve Court Papers (form SER-001)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

www.occourts.org

BENCH WARRANT INSTRUCTIONS

A Bench Warrant is an order of the Court directing a Sheriff within the State of California to arrest a person and bring him or her to the Court.

If a Bench Warrant has been authorized by the court on your case and you want to proceed with the warrant, please do the following:

- Complete the Bench Warrant (#L525) and the Request for Sheriff to Serve Court Papers (#SER-001).

- Identifying information must be entered on the Bench Warrant or it may not be entered into the Sheriff's warrant system. Please include as much information on the Service Instructions as possible. For example, is there more than one address at which the person can be found? Is there a particular time of the day when the party can most likely be reached at a particular address? Do you know what kind of car the person drives? Does he or she have any unique characteristics? If the Sheriff (or other peace officer) is not given enough information, it may be impossible to serve the warrant.

- Please submit the appropriate fees, if applicable, with the warrant. Go to the Sheriff's website of the county where your warrant will be served to obtain current fees.

- If your warrant is for an out-of-county Sheriff, please provide address for Sheriff and return this page along with documents noted below:

  Address: _____

  City: _____ Zip code: _____

- Hand deliver or mail the completed Bench Warrant, Sheriff Service Instructions, and any required fee to the Clerk's Office at the Justice Center where your case is filed. The Clerk's Office will issue the warrant as appropriate and forward the completed Bench Warrant and fee to the Sheriff's Department.

Should an agreement be reached between you and the party the warrant was issued against, or if the judgment is paid in full, you must immediately submit written notice to the Clerk's Office at the Justice Center where your case is filed so the warrant can be recalled. Failure to do so may result in a wrongful arrest and possible legal action against you.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address)	FOR COURT USE ONLY
Telephone No.: Fax No.(Optional): E-Mail Address (Optional): Attorney for (Name): Bar No.:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: ☐ Central – 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 ☐ Civil Complex Center – 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 ☐ Costa Mesa Justice Complex – 3390 Harbor Blvd., Costa Mesa, CA 92626-1554 ☐ Harbor – Newport Beach – 4601 Jamboree Rd., Newport Beach, CA 92660-2595 ☐ Lamoreaux – 341 The City Drive, Orange, CA 92868-3205 ☐ North – 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 ☐ West – 8141 13th Street, Westminster, CA 92683-4593	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
BENCH WARRANT	Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date:

TO: ☐ **SHERIFF OF:** _____ **COUNTY** ☐ **ANY PEACE OFFICER OF THIS STATE**

YOU ARE COMMANDED TO ARREST (name): _____

and bring said person to the above-named Justice Center, or the nearest court if in session, for the setting of bail in the amount of the warrant or to release on the person's own recognizance. Any person arrested pursuant to Code of Civil Procedure § 1993, shall be released from custody if the person cannot be brought before the court within 12 hours of arrest, and the person shall not be arrested if the court will not be in session during the 12-hour period following the arrest.

Physical description: Gender: ☐ Male ☐ Female ☐ Nonbinary Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

The last known address of the person to be arrested is: _____

_____

To be completed by the clerk:

BAIL SET AT: $_____ **This warrant expires on (date): _____**

Upon posting bail or promising to appear, set appearance on (date): _____

at (time): _____ (Dept.): _____ located at the above Justice Center.

☐ Good cause is shown as provided in Penal Code § 840 for nighttime service.

☐ This person may be released upon a promise to appear as provided by Code of Civil Procedure § 1993.1.

The issuance of this warrant is for the following reason:

☐ Failure to appear on (date): _____ for an examination hearing (CCP 491.160, 708.170), served on (date): _____

☐ Failure to appear on (date): _____ pursuant to a subpoena (CCP 1993), served on (date): _____

☐ Contempt (CCP 1209), served on (date): _____

☐ Failure of witness to attend hearing (CCP 1993) on (date): _____, served on (date): _____

☐ Other (specify): _____, served on (date): _____

Issued in the County of Orange on (date): _____ *Seal* _____

Judicial Officer

SER-001 Request for Sheriff to Serve Court Papers

Instructions: Each county in California has a sheriff (and sometimes a marshal's office) that can serve different types of court papers, including restraining orders. Note that the sheriff cannot guarantee that they will be successful in finding the person you need served, but they will try to serve based on the information you put on this form.

- Complete this form for each set of papers you need served. You must complete a separate form for each person you need served.
- Find out where the person you need served is located. Give your papers to the sheriff or marshal's office in that county.
- You may have to pay for service of some court papers. For more information, see page 5 of this form, or go to selfhelp.courts.ca.gov/sheriff-serves.
- Do not use this form if you are asking the sheriff to enforce a wage garnishment order on an employer. Instead, use forms WG-001, *Application for Earnings Withholding Order*, and WG-035, *Confidential Statement of Judgment Debtor's Social Security Number*.
- If you want the sheriff to enforce a writ or levy, complete this form and form SER-001A, *Special Instructions for Writs and Levies—Attachment*.

CONFIDENTIAL

To Court Clerk: Do not file this form.

Sheriff File Number *(for sheriff to complete, if needed):*

Fill in case number:

Court Case Number:

All information is required unless it is listed as optional or does not apply to your case.

1 To the Sheriff or Marshal of *(name of county):* _____

2 Your Information

a. Your name *(party requesting service):* _____

b. Your lawyer's information *(if you have one)*
Name: _____
Firm name: _____

c. Court case name: _____
(example: Garcia v. Smith)

d. Contact information for the sheriff or marshal to reach you
(Give an address where you can receive mail regularly, like a post office box, a Safe at Home address, or another safe address. If you have a lawyer, give the lawyer's information.)
Address to receive mail: _____
City: _____ State: _____ Zip: _____
Telephone number *(optional):* _____ Email address *(optional):* _____

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Court Case Number:

3 Information About Person or Entity You Want Served

(Check a or b)

a. ☐ I ask the sheriff to serve a person *(complete section below)*

(1) Name of person: _____

Nicknames or aliases *(optional):* _____

(2) Telephone number *(optional):* _____

(3) Can you describe the person?

☐ No, I do *not* have any information about the person's description.

☐ Yes *(complete the section below with any information you have):*

Gender: ☐ Male ☐ Female ☐ Nonbinary

Height: _____ Weight: _____ Hair color: _____ Eye color: _____

Date of birth or age *(give estimate, if unknown):* _____

Race/Ethnicity: _____

Special marks or features *(tattoos, scars, etc.):* _____

Vehicle *(type, model, year, color, plate number):* _____

☐ *Check here if you are including a picture of the person.*

(4) Do you know of any safety or accessibility issues?

☐ No

☐ Yes *(complete the section below with any information you have):*

The person *(check all that apply):*

☐ Has a gun or other weapon.
☐ Has a history of violence or abuse.
☐ Has special training *(examples: military, first responder).*
☐ Is deaf or hard of hearing.
☐ Is on probation or parole.
☐ Has an aggressive animal.
☐ Has mental health issues.
☐ Does not speak English *(list language):* _____
☐ Add any other information about safety or accessibility that you know about:

_____

_____

b. ☐ I ask the sheriff to serve an entity *(examples: business or government agency)*

(1) Name and type of entity: _____

Telephone number *(optional):* _____

(2) If there is a specific person who should be served, give name: _____

(3) If there is an agent for service of process, give name: _____

(4) List any safety or accessibility issues *(examples: weapons, aggressive animals, language barrier):*

_____

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Court Case Number:

4 Address Where Person or Entity Should Be Served

(The sheriff typically serves during normal business hours. Check with the sheriff's office for the exact times.)

Address: _____ ☐ Home ☐ Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon):* _____

☐ *Check here if the person is in jail or prison (give name of facility):* _____

Alternate address *(optional)*

(If the person cannot be found at the address listed above, some sheriffs may try a second address if it's in the same county. If you have a second address for the person you want served, complete the section below.)

Address: _____ ☐ Home ☐ Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon):* _____

5 Information About Your Request

a. What type of court papers are you giving the sheriff to serve *(examples: summons, restraining order, eviction, small claims, bank levy, or writ of attachment)?*

_____

b. List all forms or court papers you want served on the person in (3) a. *(optional).*
(Note: You can list each form by its form number (example: FL-100, SC-100). If there is no form number, give the title of the document. The court may have ordered you to serve certain papers. Look at the court's order and list all forms required. If you do not know which papers you need to serve, ask a lawyer, or contact your local self-help center for free information.)

_____
_____
_____
_____
_____
_____

c. Is there a court hearing (court date)?

☐ I don't know
☐ No
☐ Yes *(if yes, give date of hearing):* _____

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5 d. Is there a deadline for service?

☐ I don't know
☐ No
☐ Yes *(if yes, give deadline):* _____

e. Has the court allowed you to serve your court papers in another way besides personal service *(example: substituted service)?*

☐ I don't know
☐ No
☐ Yes *(if yes, include a copy of the order allowing another type of service)*

f. Is there any other information you want or need to give to the sheriff to serve your court papers?

☐ No
☐ Yes *(if yes, give information below):*

_____
_____
_____
_____
_____
_____
_____
_____

6 Enforcement of Writ or Levy

If you want the sheriff to enforce a writ or levy, you must complete form SER-001A, *Special Instructions for Writs and Levies—Attachment*, and turn it in with this form.

(Only complete this section if you want the sheriff to enforce a writ or levy.)

Do you want the sheriff to both serve your court papers and act as levying officer?

☐ Yes
☐ No. I only want the sheriff to act as levying officer. A registered process server has or will serve my papers.

Your Signature *(party asking for service, or their lawyer)*

Date: _____

_____ ▶ _____

Type or print your name *Sign your name (may be electronic)*

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Your Next Steps

- Find out if you need to pay a fee for service by asking the court's self-help center, a lawyer, or the sheriff's office. Here are some situations where you **do not** need to pay for service:
  - If you have a fee waiver in your case (fee waiver granted by a judge on form FW-003 or FW-005).
  - If you are serving a domestic violence, elder abuse, or gun violence restraining order.
  - If you have a civil harassment, workplace violence, or school violence restraining order based on a credible threat of violence or stalking.

- Give this form and a copy of all the court papers you need served to the sheriff or marshal, including a copy of a fee waiver (if you have one). You can turn in your papers in person or send them electronically.

- You should get a form back from the sheriff.
  - If the sheriff was able to serve your court papers, you should receive a form (called a proof of service). **Make sure you get a copy from the sheriff and file it with the court**. Note that if there is a court stamp at the top right corner of the first page, it has already been filed and you do not need to file it with the court.
  - If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person. If the sheriff was unable to serve your papers, you can ask a lawyer or court's self-help center about your next steps.

- To find your local court self-help center, go to selfhelp.courts.ca.gov/. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case. Services are free.

To Sheriff or Marshal

- This form is confidential and must not be made public.
- Any papers submitted with this form should be served and listed on the applicable proof of service form.
- Note that (5) b is optional and may help to identify documents that should have been submitted but were not received by your office.
- Under Government Code section 26666.2, once you've received a completed copy of this form and forms for service, you must attempt service unless:
  - Any order submitted does not have a judge's signature or other representation of a judge's signature; clerk's endorsement; or court stamp, seal, or other court endorsement; or
  - A court case number is not listed on the order, summons, or other notice.

CONFIDENTIAL

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