



**Policy Type:** Departmental

**Category:** Administrative Practices

**Policy Name:** Process Server Registration Status

**Policy Owner:** County Clerk-Recorder

### **Policy Purpose**

The purpose of this policy is to allow the Clerk-Recorder's Office to reconcile conflicting information about a felony conviction of a registered process server and to communicate with the agencies that are authorized to assist.

### **Policy Summary**

Section 22351.5 of the California Business and Professions Code provides a method for the Clerk-Recorder's Office to receive notification about registered process servers. However, there are cases in which Subsequent Arrest Notification Contracts provided by the State of California Department of Justice subsequent to the initial certificate of registration do not provide the Clerk-Recorder's Office with notification of a current or pending status change that may affect a process server's ability to continue in their position.

These procedures enable the Clerk-Recorder's Office to provide information to the appropriate agencies in situations where the Clerk-Recorder's Office



receives information or allegations regarding a felony conviction of a registered process server from a source aside from the State of California Department of Justice, creating conflicting information about the status of that process server that should be communicated to and resolved by such other authorized agencies.

## **Procedures**

### *Notification of Process Server Status*

1. Upon receipt of a complaint or allegation regarding a process server registered with the County of Santa Clara, the Clerk-Recorder's Office will log the complaint or allegation.
2. Consistent with Section 22358 of the California Business and Professions Code, the Clerk-Recorder's Office will notify the Office of the District Attorney (DA) in writing of the complaint by any person who has alleged that he or she has been injured by a service of process. A copy of the complaint and all pertinent information or documentation will be attached to the packet to be sent to the DA for possible investigation pursuant to the statute.
3. If the allegations involve conviction of a felony, the Clerk-Recorder's Office will, pursuant to the provisions of Section 22351.5(b) of the California Business and Professions Code, provide written notice to the presiding judge of the Santa Clara Superior Court to determine if there are reason(s) to revoke such person's registration as a process server.
  - a. Should the Clerk-Recorder's Office receive updated findings from the Department of Justice or other relevant information, a



written notification will be sent to the Office of the District Attorney and/or the presiding judge to assist with their review of the matter.

### **Revision History**

| Date       | Changes Made   |
|------------|--|
| 01/29/2021 | Procedure completed  |
| 10/14/2022 | Revised at request of District Attorney to eliminate provision for informing process server that a complaint or allegation has been lodged against them. |