



General Order 74.1 - Legal Process

PURPOSE: Describe the criminal warrants record system, the record of legal process, the record of attempts to serve legal process, records on the service of legal process, and service of legal process in foreign jurisdiction.

DATE OF APPROVAL: 01/28/2010

DATE OF ISSUE: 2/22/2010

EFFECTIVE DATE: 2/22/2010

REVIEW DATE: Annual

AMENDS: 74.1.4

THIS ORDER CANCELS: 74.1 Approved 02/01/02

ISSUED BY : Sheriff Robert Hinshaw

REVIEWED BY: Standard Review Committee

INDEX AS:

[74.1.1 Criminal Warrants Record System](#)

[74.1.2 Record of Legal Process](#)

[74.1.3 Record of Attempts to Serve Legal Process](#)

[74.1.4 Records on the Service of Legal Process](#)

[74.1.5 Service of Legal Process in Foreign Jurisdiction](#)

DEFINITIONS:

- A. **(R) Civil Process:** A writ, summons, subpoena, order, warrant, or other process issuing from a court of law or equity pertaining to a cause of action of a civil nature.
- B. **Criminal Process:** A writ, summons, mandate, warrant, or other process issuing from a court of law compelling a person to answer for a felony or misdemeanor.
- C. **Execution:** The performance of an act required by a writ, warrant or other process commanding the seizure of a person or thing.
- D. **Foreign Jurisdiction:** Any jurisdiction outside of the State of Kansas.

- E. Foreign Process: Any writ, warrant, mandate, order, or other process, either civil or criminal, originating in a foreign jurisdiction and intended to be served or executed in Sedgwick County jurisdiction.

74.1.1 CRIMINAL WARRANTS RECORDS SYSTEM

- A. The Sedgwick County Sheriff's Office maintains a system whereby department personnel are permitted twenty-four (24) hour access to information regarding warrants.
 - 1. Warrants are recorded in the in-house computer, as well as N.C.I.C., when applicable.
 - 2. N.C.I.C. (felony) warrants received by the Sedgwick County Sheriff's Office are physically stored within the Judicial Division.

74.1.2 RECORD OF LEGAL PROCESS

- A. When each out of county document, civil or criminal, is received for service by the Sedgwick County Sheriff's Office, the following shall be recorded:
 - 1. Date and time received;
 - 2. Type of legal process (civil or criminal);
 - 3. Nature of document;
 - 4. Source of document (court);
 - 5. Name of defendant/respondent;
 - 6. Date served;
 - 7. Served by;
 - 8. Court docket number.

74.1.3 RECORD OF ATTEMPTS TO SERVE LEGAL PROCESS

- A. Attempts to serve each document shall be recorded on the civil return page assigned to a deputy, to include:
 - 1. Date and time of the attempted service;
 - 2. Deputy attempting service;
 - 3. Address attempted if different than listed address; and
 - 4. The reason for non-service of the document.

74.1.4 RECORDS ON THE SERVICE OF LEGAL PROCESS

- A. When recording the execution or service of a document on the accompanying civil return page, the deputy shall include:
 - 1. Date and time served;
 - 2. **(R)** Printed name of deputy serving the document and ID number ;

3. **(R)** To whom process was served or on whom executed, if different than listed name;

4. Method of service; and

5. Location of service, if different than listed address.

6. A stamped or written declaration containing either of the following wording:

"I declare under penalty of perjury that the foregoing return of service is true and correct" OR

I Declare under penalty of perjury that the above return is true and correct

7. The name of the Sheriff and the county, if required.

74.1.5 SERVICE OF LEGAL PROCESS IN FOREIGN JURISDICTION

A. The service of legal process in foreign jurisdictions shall adhere to the Uniform Enforcement of Foreign Judgments Act, [K.S.A. 60-3001](#) through [K.S.A. 60-3007](#) in the applicable foreign jurisdictions.

B. In those jurisdictions that are not a party to the U.E.F.J., then the pertinent statutes of that jurisdiction will apply to the service of legal process.