

SERVICE EXPLANATION

All complaints, motions, pleadings, etc. (including post-decree motions), **must be served on all parties/attorneys on the case.** It is the filing parties' responsibility to serve the other parties and to follow up with the clerk. Service is the official delivery of a legal document to person(s) on your case. A case may not proceed until each party has been properly served.

*****METHODS OF SERVICE BY THE CLERK OF COURTS*****

1. Service by U.S. Certified or Express Mail:

- a. For mailing to the address set forth in written instructions provided to the Clerk
- b. Signed return receipt must be received by the Clerk seven (7) days prior to the hearing date
- c. Specific signature must be seen on a green card (must be legible)
- d. ***If returned marked as "unclaimed" or "refused", then request ordinary mail through the Clerk's office to the same address.***

2. Personal service by Sheriff or Process Server:

- a. Person serving as a process server must be same person who was appointed to serve process AND shall endorse that fact on the process and return it to the Clerk
- b. Signed returned receipt must be received by the Clerk no later than 7 days prior to a hearing date
- c. If personal service by process server fails, you must try another method, such as Certified mail or Sheriff through the clerk's office.

3. Service by Publication or Posting:

- a. If reasonable attempts have been made to serve a party by certified, process server and/or sheriff and are unsuccessful, you may serve by publication or posting.
- b. Service shall be complete at date of last publication, plus seven (7) days
- c. In *Domestic court* – Publication shall be published at least once a week for 6 consecutive weeks; In *Juvenile court* – Publication shall be published one time
- d. **John Doe service:** if you must serve John Doe because paternity has not been established for a child, you should request that service be done via publication.

4. Out of State & Foreign Service:

- a. Registered mail; see instructions above for Certified mail

5. Waiver of Service:

- a. A signed waiver may constitute complete service; the party is acknowledging in writing that they have received the Complaint/Motion
- b. Signed waiver must still be filed with the Clerk

You will receive written notification at the address you provided to the Clerk's office.

You MUST follow up by attempting another type of service or your court date may be continued or your case/pleading may be dismissed pursuant to the Civil Rules, if service is not complete within 6 months after the filing date of the Complaint or Motion.

Court staff/SRRC staff cannot give you legal advice. For questions, please consult an attorney.