I filed paperwork with the Court – Now what?

When you file something with the Court, the law requires you to give formal notice to the other side, which means you have to provide a copy of everything that you give to the Court to the other side. The legal term for this is "service."

What Is Service?

"Service of court papers" means that the other side MUST get copies of any paper you file with the court. Until the other side has been properly "served," the Judge cannot make any permanent orders or judgments.

How do I Serve the other side?

Remember, it is very important that while you are responsible to make sure the other party served with all papers you are filing, you **DO NOT** personally serve your own papers. You need to have a third person deliver the paperwork to the other side. The person who is your "Server" MUST:

1. Be 18 years old or older;
2. Not be a party (not involved) to the case;
3. Serve the paperwork on the other side in the time required;
4. Fill out a "Proof of Service" form that tells the court whom they served, when, where, and how; and
5. Return the "Proof of Service" to you so you can file it with the court.

The types of people who may be used as your "Server" are:

1. A friend or relative;
2. A coworker;
3. A county sheriff or marshal;
4. A professional process server; or
5. Anyone over 18 who is NOT part of the case.

What does my "Server" do?

1. Identify the person being served
2. Inform him or her that they are being served court papers.
3. Say "These are court papers for you" and hand all copies to the person in a neutral manner. It can be at the party's home, work, or anywhere on the street.
4. Stand back politely - do not argue or discuss the case.
5. If the party being served does not want to take the papers, they can be left on the ground in front of him or her. If he or she takes the papers and tears them up or throws them away, service is still considered to be valid.
6. Leave papers behind even if the person discards them or tries to hand them back.
7. Document details (dates, places, recipients and any other useful information) of their delivery efforts and provide a notarized affidavit that they personally delivered the papers to the recipient as described.
8. The server then gives you the Proof of Service.
9. Once you have the Proof of Service
    a. Make a copy.
    b. Take the original to your court clerk right away to file it.
    c. The clerk will stamp the Proof of Service "Filed", make a copy and give the copy to you for your file.
    d. Keep the copy in a safe place.

Service by Publication

If you do not know how to find the person on other side of your legal issue, and do not have an address or workplace for him or her, there is a special process for Serving which is called, "Service by Publication."

"Service by Publication" means that you publish the summons and complaint in a newspaper of general circulation in the area where the other side is likely to be.

How do I Serve by Publication?

1. You **MUST** get the court's permission to Serve by Publication.
2. Prove to the court that you tried as hard as possible to find the other side.
    a. Server went to his or her last known address or last known work.
    b. Mailed letters to the last known address with forwarding address requested.
    c. Sent certified letter to last known address.
    d. Call the other side's friends and family or ex-coworkers to ask about his or her whereabouts
    e. Search on the Internet.
3. Write up a "Declaration of Due Diligence," which is a document where you tell the court every attempt you made to find the other side. Include as much detail as possible. For example, if you called friends and family, write down the dates and what they told you. If you mailed a letter to the last known address, explain when you sent it, what address you sent it to, and what the result was.
    a. Have the Declaration of Due Diligence notarized.
4. File an ex parte Motion asking that the Court allow you to serve by publication.
    a. If the court grants your request to serve by publication, the judge will sign your proposed order, and allow you to publish your court document in a newspaper of general circulation in the area.
5. You must make arrangements with the newspaper to publish and pay the newspaper.
    a. You will have to publish it for 3 weeks in a row, at least once a week.
    b. Ask the newspaper to give you an affidavit showing the time and place the document was published.
6. Once you have the Proof of Service
    a. Make a copy.
    b. Take the original to your court clerk right away to file it.
    c. The clerk will stamp the Proof of Service "Filed", make a copy and give the copy to you for your file.
    d. Keep the copy in a safe place.

If you have any questions regarding Service please email to _____.

Please keep in mind that the Clerks of Court **CANNOT** give you legal advice.