



SERVICE OF PROCESS FOR PRO SE LITIGANTS

This factsheet provides an overview of a topic, but it is not legal advice. Please consult an attorney about your particular situation.

WHAT IS SERVICE OF PROCESS?

Service of process is the court requirement that both parties must deliver copies of their court documents to the other side. The delivering of these copies prevents one party from being surprised during the trial and promotes fairness by allowing each side to prepare adequately for their day in court. The delivering of copies is required until the case has been completed.

When representing yourself, the case will not begin until your complaint has been filed with the court and a copy along with other documents are served properly to the opposing side. In a family law case, you must include a domestic case information report with the complaint. The report should have information like relief sought. The court will not accept a domestic incident report without your complaint.

Your case can be dismissed if your court documents are not served to the opposing side. If the other side does not timely file their response, then your case can enter a default judgment. A default judgment means the court can award some or all the relief you demanded.

WHAT IF THE OTHER PARTY IS IN JAIL?

If the opposing side is an inmate, you cannot use certified mail because inmates cannot sign for their mail. So, you should use hand delivery or sheriff service when the other party is incarcerated. All copies of the documents must have the inmate's ID number and the process server must inform the inmate they have been served.

WHAT HAPPENS IF A PARTY IS EVADING SERVICE?

If the opposing party is evading service, the process server should take photos of their attempts. If the opposing party claims they were not properly served, the photos may be used to attempt to prove service or attempted service.

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HOW DO I SERVE DOCUMENTS?

The parties to the case cannot serve their copies to the opposing side. The three service methods are hand delivery, certified mail restricted delivery, and sheriff service.

A third party also known as a process server can be used for service and you can hire them for delivering the copies. The individual must be above the age of 18 and must be mentally competent.

The requirements for hand delivery are a copy of the court summons, complaint and other papers must be delivered physically to the other side. Sometimes, the process server can deliver the copies to an adult resident living with the opposing party. However, the process server must serve the resident at the opposing side's home. Finally, please make sure the process server is reliable! You can also use a local process server business for serving documents, but these companies can be expensive for self-representing parties.

Alternatively, anyone over the age of 18 not a party to the case can hand deliver the documents and complete the affidavit of service for filing with the court. Care should be taken to choose someone unrelated to the case at issue for safety reasons.

Certified mail restricted delivery is the cheapest and most efficient method of service for self-representing parties. An adult of your choice must mail the summons and complaint. The adult must check restricted delivery on the certified mail green card return receipt when mailing the documents. If the opposing party has received and signed for the delivery, a receipt card will be returned to the mailer. When the receipt card is returned, review the signature on the receipt. If the mail is returned to sender, one of the other methods should be used.

ALTERNATIVE SERVICE

When other service methods have failed or are not possible, a motion for alternative service and an affidavit can be filed to show you made reasonable efforts to serve the other side. The first alternative method is a notice posted by the sheriff at the local courthouse. The second method is publishing a notice in the newspaper or local papers where the case is going to take place. Additionally, the court can order a specific form of service, and you must comply with the method stated in the order. After the ordered service is completed, you must notify the court that you followed the order.

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