



SUMMIT COUNTY
DOMESTIC RELATIONS COURT
ADMINISTRATIVE JUDGE KATARINA COOK

FOR JUDGE COOK'S COURT

OUT-OF-STATE / OUT-OF- COUNTRY SERVICE INSTRUCTIONS

Review the Checklist When Filing for Divorce (www.drcourt.org/wp/download/2335/)

Review Local Rule 3- *Service*, which requires you to complete the *Service Request Form*. You are required by the Ohio Rules of Civil Procedure to notify your spouse (or other party) that you have filed a *Complaint for Divorce*. If you have not properly notified the other party, meaning that service is not properly completed, **YOU** must try again until proper service has taken place.

I. Out of State Service

If the other party lives outside of the State of Ohio **but still lives in the United States**, service attempts must comply with Ohio Rule of Civil Procedure 4.3(B) which states, in relevant part:

(1) **Service by clerk.** The clerk may make service of process or other documents to be served outside the state in the same manner as provided in Civ.R. 4.1(A)(1) through Civ.R. 4.1(A)(3).

(2) **Personal service.** When ordered by the court, a "person" as defined in division (A) of this rule may be personally served with a copy of the process and complaint or other document to be served. Service under this division may be made by any person not less than eighteen years of age who is not a party and who has been designated by order of the court to make personal service of process. On request, the clerk shall deliver the summons to the plaintiff for transmission to the person who will make the service. The person serving process shall locate the person to be served and shall tender a copy of the process and accompanying documents to the person to be served.

Proof of service may be made as prescribed by Civ.R. 4.1 (B) or by order of the court. Failure to make service within the twenty-eight-day period and failure to make proof of service do not affect the validity of service.

Civ.R. 4.1(A)(1) through Civ.R. 4.1(A)(3) states as follows:

(A) Service by clerk.

(1) Methods of service.

(a) **Service by United States certified or express mail.** Evidenced by return receipt signed by any person, service of any process shall be by United States

certified or express mail unless otherwise permitted by these rules. The clerk shall deliver a copy of the process and complaint or other document to be served to the United States Postal Service for mailing at the address set forth in the caption or at the address set forth in written instructions furnished to the clerk as certified or express mail return receipt requested, with instructions to the delivering postal employee to show to whom delivered, date of delivery, and address where delivered.

(b) **Service by commercial carrier service.** Unless the serving party furnishes written instructions to the clerk that service be made pursuant to Civ.R. 4.1(A)(1)(a), the clerk may make service of any process by a commercial carrier service (E.G. FedEx, UPS) utilizing any form of delivery requiring a signed receipt. The clerk shall deliver a copy of the process and complaint or other document to be served to a commercial carrier service for delivery at the address set forth in the caption or at the address set forth in written instructions furnished to the clerk, with instructions to the carrier to return a signed receipt showing to whom delivered, date of delivery, and address where delivered.

II. **If the Other Party Resides Outside of the United States**

If the other party lives **outside of the country**, service attempts must comply with Ohio Rule of Civil Procedure 4.5 which states, in relevant part:

(A) **Hague Convention Signatory.** If the foreign country is a signatory to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, service shall be pursuant to a method allowed by the Articles of that Convention, including any method allowed by Article 8 or Article 10 to which the foreign country has not objected in accordance with Article 21.

(B) **Other cases.** In all cases to which division (A) does not apply, service may be made in a manner provided by Civ. R. 4.3(B)(1) or, if applicable, Civ. R. 4.4, and may also be made:

(1) In the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction when service is calculated to give actual notice;

(2) As directed by the foreign authority in response to a letter rogatory when service is calculated to give actual notice;

(3) Upon an individual by delivery to him or her personally;

(4) Upon a corporation or partnership or association by delivery to an officer, a managing or general agent;

(5) By any form of delivery requiring a signed receipt, when the clerk of the court addresses the delivery to the party to be served and delivers the summons to the person who will make the service;

(6) As directed by order of the court.

Service under division (B)(3) or (B)(6) of this rule may be made by any person not less than eighteen years of age who is not a party and who has been designated by order of the court, or by the foreign court. On request the clerk shall deliver the summons to the plaintiff for transmission to the person or the foreign court or officer who will make the service.

(C) **Return.** Proof of service may be made as prescribed by Civ.R. 4.1(B), or by the law of the foreign country, or by order of the court. Failure to make service within the twenty eight-day period and failure to make proof of service do not affect the validity of service.

When delivery is made pursuant to division (B)(5) of this rule, proof of service shall include a receipt signed by the addressee or other evidence of delivery to the addressee satisfactory to the court.

III. Whichever Method of Service You Use, Follow Up!

- Keep checking to see if you have service.
- It is your responsibility to inquire if service has been completed and, if it has not been completed, to follow up and continue to make attempts to serve your spouse (or other spouse).
- You have access to the online docket for your case.
 - Go to the Summit County Clerk of Court's website (<https://clerkweb.summitoh.net/welcome.asp>), click on "Records Search" and then "Domestic." At this point you are able to search by name or case number
- Contact the Clerk's Office at (330) 643-2202.
- **If you wait until your uncontested hearing date and the Defendant has not been properly served, the Court will continue your case only one time, and it will take longer to get your divorce completed.**

Additional Resources:

- If you have procedural questions, please contact Judge Cook's bailiff at (330) 643-2357.
- For general information about divorce in Ohio, visit <https://www.ohiolegalhelp.org/>.