

Packet M – Service

1. Form 31 – Service
2. Instruction 9 – In-State Instructions for Service
3. Instruction 10 – Out of State/International Service
4. Continuance Due to No Service Instructions



**Summit County Court of Common Pleas
Domestic Relations Division
SERVICE REQUEST**

Instructions: Complete the following form and file with the Summit County Clerk of Courts – Domestic Relations Division, located at: 205 South High Street, 1st Floor, Akron OH 44308. For further instruction, go to Website: www.drcourt.org

Case Caption:

_____ **Case Number**

_____ Plaintiff / Petitioner 1 / Petitioner

vs.

_____ Defendant / Petitioner 2 / Respondent

To Clerk: You are hereby requested to make service upon the following by:

- FedEx [preferred over Certified Mail] *
- Certified Mail *
- Regular Mail [only after FedEx/Certified fails for being unclaimed or refused]*
- Sheriff Service
- Personal Service by Process Server _____
- E-Mail for Child Support Enforcement Agency (CSEA) only

* **If FedEx/Certified returns as insufficient address, vacant, unable to forward or unknown, you must attempt to Find a new address and start service over; if you are unable to find a new address, you must file an affidavit and request for publication/posting with the Clerks.**

Please Serve: Indicate below what you would like served, e.g., Complaint for Divorce.
(If you would like service on a previously filed document, include the name of the document and the date it was filed).

Please check the box of the person(s) whom you are requesting to be served (notified):

Plaintiff / Petitioner 1 / Petitioner

 Address _____

 City _____ State _____ Zip _____
 Phone _____ Email _____

Defendant / Petitioner 2 / Respondent

 Address _____

 City _____ State _____ Zip _____
 Phone _____ Email _____

Additional Party: _____

Address _____

 City _____ State _____ Zip _____
 Phone _____ Email _____

Additional Party: _____

Address _____

 City _____ State _____ Zip _____
 Phone _____ Email _____

 Attorney or Self-Represented Filer _____ Supreme Ct. #
 (if attorney, include your Supreme Ct. #)
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Email _____



Summit County Domestic Relations Court

Administrative Judge Katarina Cook

FOR JUDGE COOK'S COURT

IN-STATE INSTRUCTIONS FOR SERVICE

Review the Checklist When Filing for Divorce (www.drcourt.org/wp/download/2341/)

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. Options you may use to attempt service initially if the other party resides locally:

- Federal Express
- Certified Mail
- *Sheriff Service
- *Personal Service Process Server
 - *These services require an **additional fee**.
 - Your spouse (other party) may also waive service by completing a ***Waiver of Service Summons***. *This is the fastest way to accomplish service.*
 - If a waiver of service is filed, it means the other party is voluntarily entering the lawsuit and is not requiring proper service of the *Summons* and *Complaint* in accordance with the Rules of Civil Procedure.
 - This form is available on the Court's website.
 - Go to www.drcourt.org;
 - Select the "Forms" tab;
 - Click on "All Forms;"
 - Select the "Waiver of Service Summons" form.
 - This document must be signed by the Defendant, your spouse (or other party), and must be notarized.
 - You must then file the *Waiver of Service Summons* form with the Clerk's Office.

II. If Your Service Attempt Fails and the Other Party Resides Locally:

- Follow the instructions below depending upon which type of service you tried first: **If you Previously Sent Certified Mail:** If your mail is returned as “Address Unknown” or “Insufficient Address:”
 - Try and find out your spouse (or other party)’s current address. If you have your spouse (or other party)’s phone number or email and/or if you know where they work, contact them and get an updated address. Or, try contacting mutual friends, or your spouse (or other party)’s family members. Also, try “Google” or the White Pages.
 - Once you have a new address, file another “Instructions for Service” form and request **certified mail** service at the new address.
- **If you Previously Sent Regular Mail:** If service is **refused** or **unclaimed:**
 - Complete another “Instructions for Service” form but request service by **regular mail with a certification of mailing.**
 - After a few weeks, check the Clerk’s office online docket or contact the Clerk’s Office at (330) 643-2202 to confirm your regular mail service has not been returned with an endorsement showing failure of delivery.

III. If Your Service Attempts Failed and You Cannot Find Your Spouse (or Other Party)’s Address: Publication:

- If you **cannot find your spouse (or other party)’s address** and have tried everything possible:
 - Fill out the required Affidavit, “*Affidavit for Publication*” detailing your attempts to find your spouse (or other party)’s address.
(www.drcourt.org/wp/download/2351/)
 - Complete the corresponding “*Legal Notice.*”
(www.drcourt.org/wp/download/2362/)
 - Take your documents to Akron Legal News, located at 60 South Summit St., Akron, Ohio 44308, (phone number: 330-376-0917);
 - Pay the **required fee** for posting.
 - Check the docket and/or contact the Clerk’s Office at (330) 643-2357 to make sure your “*Proof of Publication*” was submitted to the Clerk’s Office after the posting has expired.
- **If You Filed an Affidavit of Poverty and a Motion to Proceed In Forma Pauperis:**
 - Complete the “*Affidavit by Publication*” (<https://drcourt.org/wp/download/2351/>)
 - Provide your paperwork to the Clerk’s Office to accomplish service by posting.

- The publication/ posting must run for six successive weeks. The other party then has 28 days to respond to the posting.

- **Personal Service:**

- For an **additional cost**, you may, at any time, request the Defendant be served personally. You may either contract with a **process server** or pay an additional fee to the **Sheriff's Office**.
- Indicate in your *Service Request Form* that service is to be completed by personal service and list the process server you have hired (or select Sheriff Service).

IV. If Your Spouse (or Other Party) Does NOT Live Locally:

- Review “Out-of-State/ Out-of-Country Service Instructions” (<https://drcourt.org/wp/download/2335/>) for further instructions and information.
 - Refer to Local Rule 3- *Service* for further instructions and information.

V. 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 party).
- Access 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.**

VI. 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/>



Domestic Relations Division Summit County Court of Common Pleas

Honorable Katarina Cook
Administrative Judge

INSTRUCTIONS FOR UNREPRESENTED PARTIES IF OTHER PARTY NOT SERVED BY TIME OF THE HEARING

Chief Magistrate

Scot Stevenson

Magistrates

Jason Adams
Stephan Collins
Cara Ford
Rebecca DiDonato
Heimbaugh
Elisa Hill
Julie Schafer
Margaret Scott
Christopher Snyder
Cheryl Wear

Mediator

Diane Dougherty

Court Administrator

Thomas McLaughlin

1. Obtain a Motion for Continuance and an Order granting the continuance.
2. Fill out heading for both Motion and Order.
3. Fill out body of motion stating "lack of service" for reason for continuance.
4. Get magistrate's signature on Order. You can either leave it in her/his box or ask the bailiff to give it to her/him and ask if he/she will sign it immediately.
5. Get a hearing date from schedulers for new hearing.
6. Go to **Clerk of Courts, Domestic Relations window** and fill out a Service Request based on one of the two situations below:
 - a. If original certified mail service came back "not at this address", or "attempted not known", or "insufficient address" or similar reason that indicates that the other party does not live at the address or the address is insufficient (for example missing an apartment number) that means that you have a bad address for service purposes and cannot try to serve the other party there again. In that case you must *get a good address* and you must request **certified mail service all over again**. Make sure to include your original complaint or motion AND the motion and order to continue in the service package.
 - b. If the original certified mail service comes back "unclaimed" or "refused" or similar reason that indicates that the other party does live there but simply isn't responding to the mail, you must request **regular mail service with certification of mailing**. Make sure to include your original complaint or motion AND the motion and order to continue in the service package.
 - c. If you tried to serve the other party via FedEx but it failed *for any reason* you must start again using **certified mail service** all over again.
7. Show up at day and time of hearing with whatever evidence and/or witnesses you need for that particular hearing.



Summit County
Domestic Relations Court
Administrative Judge Katarina Cook

Hon. Katarina Cook
Administrative Judge

Hon. Kani H. Hightower
Judge

Court Administrator
Thomas McLaughlin

Chief Magistrate
Elisa Hill

Magistrates

Jason Adams
Diane Dougherty
Cara Ford
Rebecca DiDonato
Heimbaugh
Darci Jay
Julie King
David Lombardi
Kimberly Smith Rivera
Lynn Seifert
Christopher Snyder
Richard J. Stahl

**Court Mediator/
Community Outreach
Director**

Paul M. Henry

**Family Court Services
Evaluators**

Randy Flick, Director
Cortney Crew
Jean Dietz
Alissa Endicott
Lisa Radaker
Joan Shaffer

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