

☞ NOTICE: How to use these forms ☞

You have selected forms used for the “service of process” in civil cases. Each form will open a pop-up window and you will be asked to select one of the following options:

Open: Selecting this option allows you to view the form and print a copy without saving the form on your computer.

Save: Selecting this option allows you to save a copy of the form on your computer for later use.

Cancel: Selecting this option will close the form without saving it to your computer and allow you to proceed to the next form in the packet.

Select the forms you need by choosing “Open” or “Save”. If there are forms you do not need, select “Cancel” for those forms.

The following instructions are provided to help you select and use the forms for “service of process”:

If you are filing a civil lawsuit, you must provide the person(s) you are suing with a copy of the complaint and a summons. This is called “service of process”. These instructions will outline the steps you must take to satisfy this requirement.

Issuance of the Summons: When a complaint or petition is filed, the clerk of the court will issue a summons at your request on a form which you must provide. The summons contains certain information about the case and the parties as well as information on how to file a response to the complaint. Court rules define the information which must be in the summons. The clerk will sign and date the original form, and return the original to you.

Service of Process by Personal Delivery: “Service of process” is accomplished by having someone personally deliver a copy of the complaint and the summons to the defendant(s). This can be done by a person who is over the age of eighteen (18) who is not a party to the action. This means if you are the person filing the complaint, you are not permitted to serve the documents but must have someone else do so.

“Service of process” can also be done by a law enforcement officer such as a county deputy sheriff. Depending on the type of case being filed, typically service by the sheriff’s department requires the payment of a service fee.

Once the complaint and summons has been served, the person who served those documents must provide written proof of service which tells the court the manner, date, and place of service. A law enforcement officer’s statement or return of service can be in the form of a certificate. However, the return of service by individuals who are not law

enforcement officers must be in the form of an affidavit, which is a statement made under oath.

Steps for Service of Process by Personal Delivery: For service by personal delivery you will need the following forms:

CAO Cv 1-1 Summons
CAO Cv 2-4x Affidavit of Service
CAO CvPi 2-3 Letter to Sheriff Requesting Service (if you are having the Sheriff serve the documents)

- Fill out and have the clerk issue the original summons.
- Fill out the Affidavit of Service and deliver it with 1 copy of the Complaint and Summons to either the individual who will be serving process, or the sheriff's department. If you are using the sheriff's department, you should also complete the Letter to Sheriff Requesting Service.
- If using an individual, make sure that person completes and signs the Affidavit of Service after service has been completed. This document must be signed in front of a Notary.
- Make two copies of the notarized form.
- Keep 1 copy, mail 1 copy to the defendant and file the original with the court along with the original summons you previously received.

Steps for Service by Consent: The requirement for personal delivery of the complaint and summons by a third person can be avoided if the defendant is willing to sign an Acknowledgment of Service admitting under oath that a copy of the complaint and summons was received. If the defendant is willing to acknowledge service of process, you will need the following forms:

CAO Cv 1-1 Summons
CAO Cv 2-1X Acknowledgment of Service

- Fill out and have the clerk issue the original summons
- Fill out Acknowledgment of Service and deliver it to the defendant with 1 copy of the complaint and summons.
- Have the defendant complete and sign the Acknowledgment of Service before a notary public and return the original signed document to you
- Make two copies of the notarized Acknowledgment of Service
- File the original with the court along with the original summons. Keep 1 copy and mail 1 copy to the defendant

Steps for Service by Publication: If you cannot locate the defendant for personal service, you may request permission by the court to publish notice in a newspaper. To do so you will need the following forms:

CAO Cv 1-7X Motion and Affidavit for Service by Publication

CAO Cv 1-8X Order for Service by Publication
CAO Cv 1-2X Summons by Publication
CAO Cv 2-5 Affidavit of Mailing per Order for Publication

Follow the same instructions for requesting service by publication in a divorce:

CAO Cv Inst 2-1 Service by Publication

Steps for Serving an Amended Complaint: If you are filing an Amended Complaint asking for relief which is different from the original complaint and the defendant has not appeared or filed a written response to the original complaint, you must serve the Amended Complaint and Another Summons on the defendant in the same manner as required for the original complaint. To do so, you will need the following form:

CAO Cv 1-4 Another Summons on Amended Complaint

- Follow the same steps outlined above for service of process using the Amended Complaint and the Summons on Amended Complaint.