



Help Yourself

Serving Court Papers in D.C. for Divorce and Custody Cases

When you file papers with the court, everyone on the other side of the case is entitled to receive a copy. You are responsible for getting the copies to them. This is called *service of process*. **Different situations require different types of service.** You can get all the necessary *pleadings* (legal documents) at www.dcbbar.org/pleadings, or at the D.C. Superior Court Family Court Self-Help Center (500 Indiana Avenue NW, room JM-570), open Monday through Friday, 8:30 a.m. to 5 p.m. (202-879-1471). The Self-Help Center staff can explain the process and help you fill out the pleadings.

HOW TO SERVE... A Summons and Complaint

■ How do you start a divorce or custody case?

The first court paper you file will usually be a *complaint*. When you file your complaint, you will get a court form called a *summons*. You must serve a copy of the summons and complaint on the other party in the case. You must serve the summons and complaint in one of these ways:

- ▲ **Personal Service:** Ask an adult who is not involved in the case to hand the summons and complaint personally to the other party. You cannot do this yourself. You can ask a friend, a relative, or a professional process server to serve the papers.
- ▲ **Substitute Service at Home:** Ask an adult who is not involved in the case to hand the summons and complaint personally to another adult who actually lives in the same home as the other party. You cannot do this yourself. You can ask a friend, a relative, or a professional process server to serve the papers.
- ▲ **Certified Mail, Return Receipt Requested:** Mail the summons and complaint by certified mail, return receipt requested, to the other party. You can do this yourself at the post office. The post office will mail the return receipt (sometimes called the “green card”) back to you after the letter is delivered. You may mail the papers to any address where the other party receives mail (home, work, other). The other party, or an adult who actually lives in the same home, must personally sign the green card.

■ How much time do I have to serve a summons and complaint?

You have 60 days. If you need more time, you can ask the Family Court Central Intake Center to give you a second summons, which gives you another 60 days. You must ask for the second summons before the first summons expires. If you need more time after that, you will have to file a request with the judge.

■ How do I prove that I have served the summons and complaint?

After the other party has been served, you must file an Affidavit of Service at the Family Court Central Intake Center. This is a sworn statement about when and how the other party was served. There are different requirements, depending on how you served the papers.

- ▲ **Personal Service:** The adult who served the papers must complete the affidavit.
- ▲ **Substitute Service at Home:** The adult who served the papers must complete the affidavit.
- ▲ **Certified Mail, Return Receipt Requested:** You must complete the affidavit and attach the signed green card.

If you do not serve the summons and complaint and file the Affidavit of Service within the required time period, your case may be dismissed and you will have to start all over again.

■ What if I cannot find the other party?

You can file a Motion to Serve by Publication or Posting. You must include a statement of all the efforts that you made to locate the other party. You will get a copy of the judge’s decision in the mail. If the judge decides you have not made sufficient efforts, you can continue to make efforts and then file another motion if you still cannot find the missing party.

- ▲ **Service by Publication:** *Publication* means putting a notice in the newspaper. If the judge grants your motion, you must make the arrangements for publication of the notice. The notice must be published in two newspapers for three weeks. The judge will tell you which newspapers to use.
 - ▲ **Service by Posting:** *Posting* means putting a notice up in the courthouse. If you cannot afford to publish a notice, you can ask that the notice be posted instead of published. If you have already been granted a fee waiver, state that in your motion. Otherwise you will have to provide information about your financial situation in your motion and the judge will decide whether to allow notice to be posted instead of published. If the motion to post is granted, the court clerk's office will take care of posting the notice for the required 21 days.
- **How do I prove service by publication or posting?**
- ▲ **Service by Publication:** The newspapers will give you affidavits to file with the court.
 - ▲ **Service by Posting:** The court clerk's office will take care of everything, and you do not need to file an affidavit.

HOW TO SERVE...

Court papers filed after the initial complaint

In general, copies of any other papers you file in a case, such as answers or motions, must be served on the other party. These papers can usually be served by *regular, first-class mail*. If the other party has a lawyer, mail the papers to the lawyer. If the other party does not have a lawyer, mail the papers directly to the other party. You can also *hand-deliver* the paper to the attorney or the other party.

■ **How do I show the court that I served other court papers, filed after the initial complaint?**

When you file the court papers, you must also file a *certificate of service* that states who you served, how (by mail or by hand delivery), at what address, and on what date.

HOW TO SERVE...

Court papers filed after a final order has been entered

Generally, if you file a motion or other pleading more than 60 days after a final order or judgment in your case, the papers must be served the same way you would serve a summons and complaint.

The D.C. Bar Pro Bono Program provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact an attorney. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Program does not guarantee the accuracy of this information.