

INSTRUCTIONS FOR SERVICE

The Court cannot consider a written request, like a complaint or motion, unless it has been “served” on all of the other parties to the case. If you are trying to change or enforce a court order after your divorce, dissolution or legal separation is over, the motion you file must be “served” by the Clerk of Courts, not by you. You must instruct the Clerk to do this using the form on the next page titled “Instructions for Service.” You must provide the clerk with a copy of the document you wish to be served.

A commonly used method of service is by certified mail. Sometimes, the party you seek to serve will either refuse the certified mail or never claim it. If the mail is returned to the Clerk of Courts by the Postal Service for either of these reasons, that information will be posted to the “docket” in your case. You may then, and only then, instruct the clerk to send service by ordinary mail, with a certificate of mailing. You will have to provide the clerk with another copy of the document you wish to be served. Generally, if the ordinary mail is not returned, service is considered complete.

There are exceptions to these service rules, especially when your case is already underway. As an example, if all the original papers in your divorce were served properly but the divorce has not yet been granted, you may serve the documents you file (such as a motion for continuance) by mailing the document to the other parties (or their lawyers, if represented) yourself by regular mail.

There are other ways to serve a party besides by certified mail. This website does not explain all of the rules and circumstances related to completing service. For further information refer to Local Rules 8 for the link to Ohio Rules of Civil Procedure “Service”.