

A Maryland Judiciary Production
My Law, My Courts, My Maryland
Service of Process in the District Court

Welcome. This video will discuss the second step of a District Court lawsuit called service of process. The term “Service of process” describes how the other side, often called the defendant or respondent, receives notice about your case. This important step assures that the defendant gets due process, meaning they have a chance to be present and to tell their side of the story in court. You must have the defendant served, otherwise the court will not hear your case. In this video, you will learn how to have someone served. There will be a lot of new terms, so consider using the tip sheet and taking notes.

Let’s get started.

CHAPTER HEADING - TYPES OF SERVICE

You may choose one of three ways to have someone served: certified mail, sheriff service, or private process. A decision about how to serve the defendant must be made before you start your case. There are boxes for each type of service on the District Court complaint form. Check the box for the type of service you want. Then file your complaint.

CHAPTER HEADING - CERTIFIED MAIL

Your first option is service by certified mail. If you choose certified mail, the clerk creates a summons and mails it to the defendant. If you choose certified mail, the clerk creates a summons and mails it to the defendant. The court will charge a fee for this service. A postal worker will bring the summons to the defendant’s address. They will ask the defendant to sign for the mail. If the defendant signs for the mail, a green return receipt will be returned to the courthouse as proof of service. The court will notify you if the other side has been successfully served.

CHAPTER HEADING -SHERIFF SERVICE

You may also ask the Sheriff’s Office to serve the defendant. If you choose sheriff service, you will pay an extra fee when you file your complaint. The clerk will send the summons and your fee to the sheriff’s office. The sheriff will then go to the address you provided for the defendant and attempt to hand deliver the summons. The sheriff may leave the summons with a person other than the Defendant so long as that person is both an adult and resides at that address with the Defendant.” The sheriff will then send the court an affidavit of service – a sworn statement that proper service has been made. The court will notify you if service was successful. If you are in Baltimore County, sheriff service is instead called service by the constable. The constable’s office will follow the same steps as the sheriff.

CHAPTER HEADING - PRIVATE PROCESS

The third option is service by private process. An adult other than you, who is not involved in the case, may serve the defendant by hand delivery. There are also private companies that can be hired to do the hand delivery. However, you do not have to hire a company. Often, people use a family member or friend. If you choose to serve by private process, the court will mail a summons to you. The summons must then be hand delivered to the defendant. The private process server may leave the summons with

Last updated: 7.31.20

Word count: 950

Time: 6 minutes, 5 seconds

a person other than the Defendant so long as that person is both an adult and resides at that address with the Defendant.

After delivery, the person who served the defendant must file an affidavit of service with the court. This is proof that they served the defendant. The affidavit of service will be sent to you along with the summons. Have the person who delivered the summons complete the affidavit. They must name and describe the person served, and state the date, time, and place of service. If the summons was left with someone other than the defendant, the affidavit should state the relationship of the defendant and the person served. File the completed affidavit of service with the court.

The summons has an expiration date. If the summons is not served on the defendant before it expires, return the summons to the court.

CHAPTER HEADING - SUMMONS RENEWAL

If your attempt at service is not successful, you may try again. Return to the courthouse and file a "Request for Renewal of Writ of Summons." This is form DC-CV 10. There is a fee for summons renewal. If you select service by certified mail or sheriff, you will have to pay the extra fee for those services. The court will then issue a new summons and set a new trial date. One last thing before we review. If you are trying to serve a business, there are extra steps you must take. Watch our video on *How to Serve a Business*, for more information.

CHAPTER HEADING - LET'S REVIEW

The three ways to serve a defendant are by certified mail, sheriff, or private process. Your case cannot proceed to trial until the court receives proof the defendant was served. If the summons expired, you can try to serve again by filing a request to renew the summons. You can find more information about service of process and other legal topics on the People's Law Library website at peoples-law.org. Additionally, all the court forms we discussed are available online at mdcourts.gov/courtforms.

Finally, if you need additional help, you can speak with a lawyer free of charge at the Maryland Courts Self-Help Center. These lawyers cannot represent you in court, but they can provide brief advice and help with court forms. Call 410-260-1392. The call center is open most weekdays from 8:30 a.m. to 8 p.m.

Thanks for watching.