

# Service of Process in the Circuit Court

Service of process is the way the other person, often called the defendant, receives court papers and notice about a court case. The defendant must be served before the court will hear your case. You may not serve the defendant yourself. Someone else, 18 or older, who is not involved in the case, must serve the defendant. There are three ways to serve someone: by **certified mail**, **sheriff**, and **private process**.

## Receiving the Summons

- The Clerk will mail you two copies of the summons. One copy is for serving on the defendant. The other will later be returned to the court.

## Certified Mail

- Give the summons to another adult who is not directly involved in your case. Have that person go to any United States post office. Have that person send the summons to the defendant for you, by certified mail. They must request restricted delivery and a return receipt.
- If the defendant accepts service by certified mail, the post office will send the return receipt postcard back to the person who helped you with the service.
- Your server must then complete an affidavit of service. This is form [CC-DR-056](#).
- Submit the return receipt, the affidavit of service, and the extra copy of the complaint and summons to the court.

## Sheriff Service

- Request service by the sheriff when you file your case at the Clerk's Office. You will pay an extra fee for the sheriff. The clerk will forward the summons to the sheriff's office.
- The sheriff will go to the address for the defendant that you have given the court. They will try to hand deliver the summons to the defendant.
- The sheriff may also leave the papers at the defendant's house with an adult who also lives there.
- The sheriff will send the court an affidavit of service – a sworn statement that the sheriff made proper service.

## Private Process

- You can have an adult other than you, who is not involved in the case, serve the defendant by hand delivery. Often, people use a family member or friend. There are also private companies that you can hire to do the hand delivery.



## My Laws, My Courts, My Maryland

**A VIDEO SERIES FOR THE SELF-REPRESENTED**

[mdcourts.gov/videos](http://mdcourts.gov/videos)

**TIP 06**

# Service of Process in the Circuit Court

- Your private process server must hand deliver the summons to the defendant. The process server may also leave the papers at the defendant's house with an adult who also lives there.
- Your private process server must then complete an affidavit of service. This is form [CC-DR-055](#).
- The affidavit must name and describe the person served, and 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 person served to defendant.
- Submit the affidavit and your extra copy of the summons, to the court.

## Summons Renewal

- Your summons has an expiration date. It must be served by that date. If the summons expires before it is served, return it to the court. The clerk can issue you a new summons.

## Self-Help

- You can speak with a lawyer free of charge at the Maryland Courts Self-Help Center. Those lawyers cannot represent you in court, but they can provide brief advice and help with court forms. Call 410-260-1392 or go to [mdcourts.com/selfhelp](https://mdcourts.com/selfhelp) for chat. Lawyers are available most weekdays from 8:30 a.m. to 8 p.m.



## My Laws, My Courts, My Maryland

**A VIDEO SERIES FOR THE SELF-REPRESENTED**

[mdcourts.gov/videos](https://mdcourts.gov/videos)