

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

Welcome. This video will discuss service of process in the circuit court. 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. Service of process takes place after you open a new case or reopen an old one.

The court cannot schedule a hearing or handle your case until service has been completed. In this video, we will go through the required steps to have someone served. Let’s get started.

CHAPTER HEADING FULL SCREEN TEXT - RECEIVING A SUMMONS

Most cases in the circuit court start when you file a complaint, petition, or motion at the clerk’s office. Once the paperwork is filed, the clerk’s office will send you a summons by mail. A summons is an official court notice that directs an individual to respond to the court. The documents you filed to open the case are attached to the summons. You will receive two copies. Use one copy to serve the defendant.

After service has been completed, return the second copy to the court along with proof of service. You cannot serve the summons yourself. An adult, who is not directly involved in the case, must serve the summons.

There are three ways to serve someone: by certified mail, by a private process server, or by the sheriff’s office.

CHAPTER HEADING FULL SCREEN TEXT - CERTIFIED MAIL

First, let’s discuss service by certified mail. To serve someone by certified mail, give the summons to an adult who is not directly involved in your case. Have that person go to any United States post office and send the summons by certified mail to the defendant.

Make sure a return receipt is requested. Remember, you can’t serve the defendant yourself. The person serving the defendant must NOT write your address in the “From” box. Also, ask the person to check off the box next to “Restricted Delivery.” This means that only the person listed in the “To” box, the defendant, can accept the delivery.

If the defendant accepts service by certified mail, the post office will send the Return Receipt postcard back to the person who helped you serve the defendant. That person should give the return receipt to you along with an affidavit of service.

The affidavit of service is available at the clerk’s office and online. This form, CC-DR-056 Affidavit of Service for Certified Mail, should be completed by the person helping you. The last step is to submit the affidavit, a copy of the summons, and the Return Receipt to the court as proof of service.

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CHAPTER HEADING FULL SCREEN TEXT - SHERIFF

The second way to serve someone is to have the sheriff hand deliver a copy. Request service by the sheriff when you file your case at the Clerk's Office. You will pay an extra fee for this service. The clerk will forward the summons 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. When the defendant is served, the sheriff will send the court an affidavit of service which is a sworn statement that proper service has been made.

CHAPTER HEADING FULL SCREEN TEXT - PRIVATE PROCESS

The third option is called private process. An adult other than you, who is not involved in the case, may serve the defendant by hand delivery. Often, people use a family member or friend. There are also private companies you can hire to do a hand delivery.

Give the summons to the person you choose to be your private process server. They then must hand deliver the summons to the defendant. The private process server 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.

After the hand delivery, your process server must complete an affidavit of service. This is proof that they served the defendant. Have that person complete form CC-DR-055, Affidavit of Service. 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 the defendant. It is also important to include that person's approximate age and physical description. Submit the affidavit, and a copy of the summons, to the court.

CHAPTER HEADING FULL SCREEN TEXT - SUMMONS RENEWAL

The summons has an expiration date. If you cannot serve the summons before it expires, that is okay. Return the expired summons to the court. The clerk will issue a new summons upon request. You can then try to serve the defendant again.

CHAPTER HEADING FULL SCREEN TEXT - LET'S REVIEW

Serving a summons is the legal way to notify someone that you filed a court case involving them.

You cannot be the one who serves the summons.

- The sheriff can hand deliver the summons.
- Someone can send the summons by certified mail for you.
- Or, you can have the summons hand delivered by private process.

If your summons expires, return it to the court and request a new one.

More information about service of process and other legal topics is available on the People's Law Library website at peoples-law.org. Additionally, all the court forms I've discussed are available online at

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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. Lawyers from the self-help center 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.

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