



# RESOURCES FOR PETITIONERS:

## Service of Process in Another State

November 2019

The National Council of Juvenile and Family Court Judges (NCJFCJ) was asked for resources available to petitioners seeking approved/official service of process in another state. NCJFCJ staff broke this technical assistance request into two parts:

- 1. Requirements for performing service in another state and types of people allowed to perfect service; and**
- 2. Information on whom to contact/assist with service across jurisdictions.**

When looking for resources, NCJFCJ staff first considered civil service of process generally and then looked specifically at service of process for civil protection orders, as the requirements for civil protection orders often vary from general rules of service. Pursuant to the Violence Against Women Act, states are required to certify that they do not charge victims for costs associated with seeking a protection order for the states to receive certain federal funds.<sup>1</sup>

### **Requirements for performing service in another state and types of people allowed to perfect service**

#### **National Charts or Summaries:**

- The US Marshals Service has a limited chart for service of process requirements in each state, including citations to the applicable law governing service by state. <https://www.usmarshals.gov/process/state.htm>
- The National Association of Process Servers has a website to locate private process servers based on zip code. <https://napps.org/Default.aspx>
- A few private process server organizations have the service requirements listed out by state.<sup>2</sup>

<sup>1</sup> 42 U.S.C. § 3796gg-5; 42 U.S.C. § 3796hh(c)(1)(D).

<sup>2</sup> The NCJFCJ neither endorses nor recommends the use of this private company or any other. Its inclusion is merely to provide an example of online resources available regarding out of state service of process.

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- Example: Serve-now: <https://www.serve-now.com/resources/process-serving-laws>
  - This site also has a “how to” section on perfecting service in another state. <https://www.serve-now.com/articles/2038/how-to-have-legal-documents-served-in-another-state>
- The Battered Women’s Justice Project’s (BWJP) National Center on Protection Orders and Full Faith and Credit (NCPOFFC) has a state matrix of statutes regarding state protection orders and fees for filing, issuance, registration, or service of process. This resource can also be useful if a sheriff's office tries to charge for service of an out of state protection order. <https://www.bwjp.org/2019-11-05-no-fee-statutes.pdf>
  - NCPOFFC also has a VAWA “No Fee” Toolkit available. <https://www.bwjp.org/assets/vawa-no-fee-toolkit-combined-final.pdf>

### International Service:

- The US State Department provides information on international service. <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internl-judicial-asst/Service-of-Process.html>

### Military and Service:

- BWJP has a webinar on serving parties who are in the military. [https://www.bwjp.org/assets/documents/pdfs/promoting\\_victim\\_safety\\_through\\_service\\_of\\_protection\\_orders.pdf](https://www.bwjp.org/assets/documents/pdfs/promoting_victim_safety_through_service_of_protection_orders.pdf)

### Other National Resources:

The following resources are not specific to serving process across state lines, but may contain helpful information on service of process and civil protection orders.

- NCPOFFC has the following resources that deal with service, but they do not necessarily address interstate service of process:
  - State and Territorial Full Faith and Credit Statutes: <https://www.bwjp.org/ncpoffc-ffc-state-and-territorial-matrix.pdf>
  - Protection Order Service Checklist: <https://www.bwjp.org/10-7-19-protection-order-checklist.pdf>
  - Promoting Victim Safety through Service of Protection Orders: [https://www.bwjp.org/assets/documents/pdfs/promoting\\_victim\\_safety\\_through\\_service\\_of\\_protection\\_orders.pdf](https://www.bwjp.org/assets/documents/pdfs/promoting_victim_safety_through_service_of_protection_orders.pdf)
- [Womenslaw.org](http://Womenslaw.org) has a few short resources written in plain language regarding serving process:

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- <https://www.womenslaw.org/laws/preparing-court-yourself/starting-court-case/what-service-process-and-how-do-i-accomplish-it>
- <https://www.womenslaw.org/laws/mn/restraining-orders/harassment-restraining-orders/getting-harassment-restraining-order/how-0>

### **Information on whom to contact/assist with service across jurisdictions**

Due to the varying departments responsible for service across each state, specifics for whom to contact for service were found on websites for state courts, self-help centers, or the sheriff's office for the county where the party to be served could be served according to state law. The following are a few examples of these types of pages. These are not intended to be viewed as model pages or best practices, instead they are merely examples of the types of local resources which may be of use to petitioners seeking out of state service of a protection order.

#### **Local Resources:**

- Courts:
  - o California State Courts website has a fairly in-depth FAQ on service in California: <https://www.courts.ca.gov/selfhelp-serving.htm?rdeLocaleAttr=en>.
  - o Washington State Courts website is another example and is specific to CPOs: [https://www.courts.wa.gov/dv/?fa=dv\\_order.ordersrv](https://www.courts.wa.gov/dv/?fa=dv_order.ordersrv).
- Self-Help:
  - o Michigan Legal Self-Help has the following guide on service: <https://michiganlegalthelp.org/self-help-tools/personal-safety/serving-your-personal-protection-order>.
- Sheriff's Offices:
  - o Douglas County Sheriff's Office in Kansas has a page dedicated to civil process with information on in-state and out-of-state service: <https://www.dgso.org/index.php/operations-division-mainmenu-30/civil-process-mainmenu-64>.
  - o Dane County Sheriff's Office in Wisconsin has the following information on service of process, including fees and exemptions: <https://www.danesheriff.com/Divisions/Support-Services/Civil-Process>.