

**MONTGOMERY COUNTY JUVENILE COURT  
SERVICE OF PAPERS  
FREQUENTLY ASKED QUESTIONS**

1. Q. What does “service of papers” mean?

A. “Service” is just the legal term for delivery of legal papers to a party to a lawsuit, usually called the Respondent or Defendant.
2. Q. How are legal papers delivered?

A. In most cases the papers must be directly handed to the person, but you can’t do it yourself. It must be done by a adult over 18 usually a process server.
3. Q. What happens if the person won’t take the papers?

A. As long as you identify them as a Court summons you can set them near the person, or even at their feet.
4. Q. Who has the responsibility for serving the papers?

A. In most Civil cases, the Petitioner has the responsibility for serving the papers. However, sometimes the police or sheriff will serve papers such as an order of Protection.
5. Q. Why can’t the Court serve the papers for me?

A. The Court is not staffed to serve papers. However, as a courtesy, the Court will mail the summons and petition to the Respondent but this will not give the Court what the law calls “personal jurisdiction” over the Respondent.
6. Q. Why is “personal jurisdiction” important?

A. For most cases, the law requires that actual notice of the lawsuit be given to the Respondent by personally handing the papers to that person. Without personal jurisdiction, the Court is limited in how it can proceed with the case.
7. Q. Can you explain this a bit more?

A. Yes, if a person is personally served and then does not appear in Court, that person is in “default”. When this happens, the Court can

**enter final orders, say for custody, support or an Order of Protection. If the person is only mailed the papers and then doesn't voluntarily appear in Court, the Court's authority is more limited.**

- 8. Q. Why can't the Court just have the Respondent arrested?**
- A. While the Court does have the authority to issue arrest warrants, it usually requires serious circumstances, such as a risk of violence or refusal of the person to come to Court after they have been personally served.**
- 9. Q. So I should serve the papers on the Respondent to get "personal jurisdiction"?**
- A. That's up to you. If you feel the Respondent will voluntarily show up in Court after getting the summons in the mail, there may be no need to personally serve the papers. Most people will appear in Court after receiving a summons in the mail.**
- 10. Q. So, if I do want to have the Respondent personally served, I can't do it myself, right?**
- A. Right. It must be a non-party over the age of 18. It could be a friend or relative or you can pay to have it done by a process server. You can find one under "Process Servers" in the Yellow Pages. The cost is minimal.**
- 11. Q. When must the summons be served?**
- A. In most cases the summons must be served at least one week before the Court date**
- 12. Q. So I can still serve the Respondent if he or she lives in another State?**
- A. Yes you can, but not in all circumstances. The rules get a bit more complicated when a person lives outside Ohio you should seek legal advice.**
- 13. Q. So once the papers have been served, what else must be done?**
- A. When you return to Court you must have a completed proof of service, signed by the person Who served the papers, and notarized by a notary public.**