

## Chapter 3 - Service

### Rule 3.01 - General.

- (A) It is the responsibility of the pleading/moving party to ensure service is completed in accordance with the Ohio Rules of Civil Procedure. The Clerk will service only as instructed by written and filed instructions of the pleading/moving party.
- (B) **Certificate of Service:** The Certificate of Service for all documents filed after the initial pleading must state the name, address, and email address of each counsel or party served and specify the method of service. If the email address of a self-represented party is unknown, the Certificate of Service shall contain a certification that this information is unknown.

### Rule 3.02 - Process Servers

- (A) **General.** An individual may apply to be appointed as Special Process Server, pursuant to R.C. 311.22, Civ. R. 4.1, and Civ. R. 45 for the Medina County Domestic Relations Court.
- (B) **Application for Appointment.** The Applicant shall file an Application for an Appointment as a Special Process Server which substantially complies with the Court's forms.
- (C) **Affidavit.** With each Application, the Applicant shall file an affidavit which shall affirm all of the following:
  1. The Applicant is 18 years of age or older;
  2. The Applicant will not serve or attempt to serve any process in any case in which the applicant is a party, counsel for any party, a witness, a relative, or an employee of any party.
  3. The Applicant has not been convicted in the last ten years of any felony, offense of violence, or offense involving dishonesty or false statement, and not currently under community control sanctions, probation, post-release control, or parole.
  4. The Applicant is not currently a respondent under any civil protection order.
  5. The Applicant has not will follow all applicable Ohio statues, Ohio Rules of Civil Procedure, and Local Court Rules; all special instructions for service as ordered by the Court in any particular case, and properly sign and file all returns of service as required by any rule, statute, or Court order with the Clerk of Courts.
  6. The Applicant is a United States citizens or a legal resident of the United States.
  7. The Applicant holds a valid government-issued identification card, passport, or driver's license.
  8. The Applicant is familiar with the required procedure for service of process.
  9. The Applicant will conduct himself/herself in a professional manner.
- (D) **Proposed Order.** With each Application and affidavit, the Applicants shall present an order which shall be reviewed and signed by the Administrative Judge. This order shall substantially comply with the Court's proposed order presented in the Forms of the Court.
- (E) **Filing.** The Clerk shall record the application and affidavit when submitted by an Applicant as a miscellaneous case filing. When the order is signed, it shall also be entered on the Clerk's docket and a copy then provided to the Applicant. No Applicant may serve process until a signed order has been filed with the Clerk and provided to the Applicant.

**(F) Term for a Special Process Server.**

1. An Applicant may request to be appointed as a one-time Special Process Server for a particular matter. In this instance, the Applicant's term shall terminate when the case is terminated by a final entry or as otherwise ordered by the Administrative Judge.
2. An Applicant may request to be appointed as a Standing Special Process Server. The term for a Standing Special Process Server is one year from the date the signed order granting the Application is journalized. A Standing Special Process Server may serve process in any action pending in this Court during this term.

**(G)** No duly appointed Special Process Server may represent or advertise to the public, in any manner, that he or she is the official Process Server for the Court.

**(H)** After the Applicant is duly appointed as a Special Process Server under this Rule, he or she shall present a time-stamped copy of the signed order to the Clerk to verify his or her appointment.

**(I)** If any standing process server seeks to continue any term, he or she shall, not later than 30 days prior to the expiration of the current term, file an application, affidavit, and proposed order as herein required seeking to be reappointed for another term.

**(J)** The Clerk shall maintain a list of the approved Standing Process Servers, including the name, contact information, and term of appointment.

**Rule 3.03 - Service by Publication.**

**(A)** In all cases when service of process is to be accomplished by publication in a newspaper of general circulation, it shall be the responsibility of the serving party to ensure that the publication is accomplished, including the selection of the means of publication and administration of the publication.

**(B)** Upon completion of the last publication of service, the serving party shall file with the court an affidavit showing the fact of publication, together with a copy of the notice of publication. The affidavit and its exhibits shall constitute the proof of service.

**(C)** Where service of process by publication is perfected in accordance with the Ohio Rules of Civil Procedure, the Clerk of Courts shall cause notices to be posted:

1. In a conspicuous place adjacent to the Clerk of Courts for the Domestic Relations Court
2. On the public notice board by the Medina County Recorder's Office in the Medina County Administration Building.
3. On the public notice board at Medina City Hall.
4. On the public notice board by the Clerk of Court of the Medina County Court of Common Pleas, General Division.