

Service of Court Filings

Legal Reference: [Ohio Rules of Civil Procedure](#)

What is Service?

Service is the notification to the other parties to a case that you have filed court documents. Put another way, after you file court papers with the Clerk of Courts, Ohio law requires that the opposing party be notified of this filing. This notice is called “service.” There are different methods of service, and using the proper one is important. The types will be explained later in this information flyer.

Why is it so Important?

Service gives the other party a chance to respond to whatever it is that you have requested of the Court. It is only fair that both parties to a lawsuit have the chance to present their side of each issue to the Court. If the opposing party is not properly notified, the Court does not have the power to make any decisions regarding your case. In fact, your case, or motion could be dismissed if service is not completed in a timely fashion.

How do I get Service on the Opposing Party?

If the case is newly filed, the Clerk of Courts will do the service. When you file a new case, you must include a **Request or Instructions for Service**. The first method that is usually asked for is Certified Mail Service. **Certified Mail Service** is a method of delivery used for important mailings that require proof of receipt. The Clerk will send one copy of all the documents/forms you filed to the opposing party at the address you provided for that person. The recipient is given a chance to sign for the envelope and if signed, that card is sent back to the Clerk to be placed in the file. A Clerk is also authorized to use an express mail service or commercial carrier.

What if initial Service does not work?

If the first effort is not successful, the Court will notify you and then **you must take steps to ensure service is completed**. The Clerk of Courts will send you a notice in the mail letting you know that service has failed. The notice will tell you why service was not successful. If this happens, the Clerk will not do anything unless you write to them and tell them what you want them to do. If you don't do anything, your case could be dismissed.

Court of Common Pleas, General Trial Division
Tuscarawas County, Ohio

What to Do After Receiving a Notice of Failure of Service from the Court?

Try to find another, more current, address for the opposing party. Call friends and family members. You must make your best effort to locate the opposing party.

If you are able to find a more recent address for the opposing party, complete a new **Request for Service form** (last page of this document), requesting **service by certified mail** to this new address.

Ordinary Mail Service - Civil Rule 4.6

Ordinary mail service is when the court documents are mailed to a person's last known or declared address. A request for ordinary mail service asks the Clerk to serve the person by mailing the court document to an address that you provide. Ordinary mail **can only be used after a failure of service by certified mail of either "refused" or "unclaimed,"** otherwise, certified mail or personal service must be reattempted. When the Clerk issues service by ordinary mail, a return receipt card will be placed in the file and dated so that a record is made of the mailing date. Use the Request for Service form mentioned in the previous paragraph and check the box "Ordinary/Certificate Mail."

Other Methods of Service that are Permitted by Rules of Civil Procedure

Personal Service

Personal Service is delivery of the court documents to the individual to whom it is directed or to someone authorized to receive it on his or her behalf. The court documents will be hand-delivered to the opposing party by someone from the court or the sheriff's department. This can be requested at the beginning of a case but costs more so certified mail service is often used instead.

***Publication - Civil Rule 4.4**

Service by Publication is used when you do not have an address for the opposing side and you serve a summons or other legal document by publishing the document in a newspaper of general circulation. You must submit an affidavit to the Court in accordance with Civil Rule 4.4(A)(1) when serving by publication due to an unknown residence. If serving by publication in a domestic relations matter, refer to Civil Rule 4.4(A)(2).

***Posting – Civil Rule 4.4(A)(2)** – This service is when a legal notice is posted on a designated public place at the courthouse as well as in two different locations in your community. This notice will be posted for six weeks.

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Who Can Request Service by Posting?

You can only request service by posting if:

1. You are filing for a divorce, annulment, or legal separation AND
2. You filed an affidavit of indigency with your request which allowed you to file without paying a filing fee/court cost deposit.

If you did not file such an affidavit or the court made you pay a filing fee, you must do service by publication if you have no address for the other side.

*Remember – The Court will only allow you to do **service by publication or posting** if you have made efforts to locate the opposing party's new address. You must explain in the affidavit for service by publication or posting exactly what you have done to try to locate the opposing party's address.

For service on out of state defendants, see Civil Rule 4.3

Disclaimer

This information guide is provided by Southeastern Ohio Legal Services and the Court of Common Pleas. The court makes no guarantee concerning the accuracy or reliability of the information. For legal advice you should contact an attorney.

**In the Court of Common Pleas
Tuscarawas County, Ohio
General Trial Division**

_____ :
Plaintiff/Petitioner, :
vs. : Case No. _____
 :
 : Judge: _____
 :
 :
_____ : **Request for Service**
Defendant/Petitioner :
Respondent. :
 :

To the Clerk of Court:

Please serve the following party/parties:

With the Summons and/or copy of the following documents:

- By: Certified Mail, return receipt requested
 Ordinary/Certificate Mail – upon Failure of Service Notice
 Personal Service (Sheriff)

(Name)