Trumbull County Court of Common Pleas
Domestic Relations Division

IN-STATE INSTRUCTIONS FOR SERVICE

Review the Checklist When Filing for Divorce

Review Local Rules- *Service*, which requires you to complete the *Service Request Form*.

You are required by the Ohio Rules of Civil Procedure to notify your spouse (or other party) that you have filed a *Complaint for Divorce*. If you have not properly notified the other party, meaning that service is not properly completed, **YOU** must try again until proper service has taken place.

I. Options you may use to attempt service initially if the other party resides locally:

- Federal Express
- Certified Mail
- *Sheriff Service
- *Personal Service Process Server
    - *These services require an **additional fee.**
- Your spouse (other party) may also waive service by completing a ***Waiver of Service*** **Summons**. *This is the fastest way to accomplish service.*
    - If a waiver of service is filed, it means the other party is voluntarily entering the lawsuit and is not requiring proper service of the *Summons* and *Complaint* in accordance with the Rules of Civil Procedure.
- This form is available on the Court's website.
    - Go to the Forms Tab on the Trumbull County Family Court Website
    - Click on "Domestic Relations Division"
    - Select the "Waiver of Service Summons" form under the "Divorce Forms" tab
- This document must be signed by the Defendant, your spouse (or other party), and must be notarized.
    - You must then file the *Waiver of Service Summons* form with the Clerk's Office.

II. If Your Service Attempt Fails and the Other Party Resides Locally:

- Follow the instructions below depending upon which type of service you tried first: **If you Previously Sent Certified Mail:** If your mail is returned as "**Address Unknown**" or "**Insufficient Address:**"
    - Try and find out your spouse (or other party)'s current address. If you have your spouse (or other party)'s phone number or email and/or if you know where they work, contact them and get an updated address. Or, try contacting mutual friends, or your spouse (or other party)'s family members. Also, try "Google" or the White Pages.
        - Once you have a new address, file another "Instructions for Service" form and request **certified mail** service at the new address.

- **If you Previously Sent Regular Mail:** If service is **refused** or **unclaimed:**
    - Complete another "Instructions for Service" form but request service by **regular mail with a certification of mailing.**
    - After a few weeks, check the Clerk's office online docket or contact the Clerk's Office by calling (330) 675-2600 to confirm your regular mail service has not been returned with an endorsement showing failure of delivery.

III. If Your Service Attempts Failed and You Cannot Find Your Spouse (or Other Party)'s Address:

Publication:

- If you **cannot find your spouse (or other party)'s address** and have tried everything possible:
    - Fill out the required Affidavit, *Motion for Service by Publication* detailing your attempts to find your spouse (or other party)'s address.

    - You may also file a Financial Affidavit in Support of Motion for Service by Publication by Posting and Mail.
        - Take your documents to Trumbull County Legal News, located at 108 Main Ave SW, Warren, OH 44481, (phone number: 330-392-7112);
        - Pay the **required fee** for posting.
    - Check the docket and/or contact the Clerk's Office at (330) 675-2600 to make sure your "*Proof of Publication*" was submitted to the Clerk's Office after the posting has expired.

- The publication/ posting must run for six successive weeks. The other party then has 28 days to respond to the posting.

- **Personal Service:**
  - For an **additional cost**, you may, at any time, request the Defendant be served personally. You may either contract with a **process server** or pay an additional fee to the **Sheriff's Office**.
  - Indicate in your *Service Request Form* that service is to be completed by personal service and list the process server you have hired (or select Sheriff Service).

- Refer to Local Rules (Rule 31 - *Service* for further instructions and information)

Follow up!

- Keep checking to see if you have service.
- It is your responsibility to inquire if service has been completed and, if it has not been completed, to follow up and continue to make attempts to serve your spouse (or other party).
- Log in to E-File to view more details about your case.
- Contact the Clerk's Office at (330) 675-2600.
- **If you wait until your uncontested hearing date and the Defendant has not been properly served, the Court will continue your case and it will take longer to get your divorce completed.**

Resources

- For general information about divorce in Ohio, visit https://www.ohiolegalhelp.org/
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