

INFORMATION ON THE USE OF SPECIAL PROCESS SERVERS FOR CASES FILED IN THE JUSTICE OF THE PEACE COURTS

1. The proper forms, including the Complaint (J.P. Civ. Form 1) and the appropriate Summons form (one of J.P. Civ. Form 2, 3 or 4), and Answer to Complaint (J.P. Civ. Form 7) for debt actions, must be filed in the Justice of the Peace Courts, a case number assigned to the case, and the summons signed by the court official. Once these forms have been processed, the Justice of the Peace Court will notify a Plaintiff who wishes to use a special process server designated by the Chief Magistrate of the availability of the forms for service by the designated special process server.

2. A Plaintiff wishing to use a special process server may only use a business or individual who has been designated by the Chief Magistrate of the Justice of the Peace Courts as a special process server for cases filed in the Justice of the Peace Courts. The special process server is not an officer of the court and does not have an official function with the Justice of the Peace Courts.

3. Designation as a special process server in Justice of the Peace Courts must be renewed annually and automatically expires one year after the date of the designation, unless the Chief Magistrate or designee withdraws the designation prior to that time. The special process servers are responsible for renewing their designation (or refiling an application).

4. All Justice of the Peace Civil Courts maintain a list of all designated special process servers and will make the list available for review by individuals upon request.

5. Special process servers must perform personal service of the Justice of the Peace Court documents in a businesslike manner in accordance with all applicable statutes, rules of procedure and Justice of the Peace Court policies and procedures regarding personal service.

6. Special process servers must return personally "served" documents to the Justice of the Peace Court noted on the documents **no later than three (3) days following service, except forthwith summonses must be returned immediately to the court.**

7. Special process servers must return processed documents bearing no

scheduled hearing or trial date information to the Justice of the Peace Court noted on the document **no later than thirty (30) days from the date the document was picked up from the court, whether served or non-est.**

8. Special process servers must return documents bearing a hearing date **at least four (4) business days prior to the hearing date, whether served or non-est.**

9. Special process servers must accurately, completely and legibly provide to the court the requisite information on each document relative to service, including process server's signature and date and time of service and the signature of the person accepting service if required.

10. For landlord/tenant cases: If service other than personal service is made, proof of satisfaction of all the requirements for service must be provided to the court (i.e., certification of posting of notice and complaint on rental unit and proof of mailing notice and complaint, within one day of posting, by certified or registered mail to the Defendant.) See 25 Del. C. § 5706.

11. Payments related to the serving of process in cases filed in the Justice of the Peace Court will come from the parties utilizing the special process servers and the State of Delaware or the Justice of the Peace Courts are not responsible for payments or for any other matters related to services provided by special process servers in any capacity.

12. Special process servers may not serve process in a case in which they or their spouses are related to any of the parties in the case or they have a personal or financial interest or involvement in the case.

13. Special process servers must be 21 years of age or older and a resident of the State of Delaware.