

## "SERVING" THE DEFENDANT

The words "service" or "serving" are legal terms that mean delivering the court papers to the Defendant. You CANNOT hand deliver the papers. You must serve the Defendant as required by North Carolina law and have legal proof that the Complaint and Civil Summons were delivered to the Defendant.

Ways to serve the court papers on the Defendant include:

**By Sheriff:** The easiest method is to have the Sheriff in the county where the Defendant lives or works serve the Defendant for you. To do this, pay a \$15.00 fee to the Sheriff of the county where the Defendant lives or works and they will deliver the papers for you. The clerk will direct you as to what documents to take to the Sheriff's office or may deliver the documents for you. (The fee is subject to future increase so always ask the Clerk or Sheriff how much the service fee will be.)

**By Certified Mail:** To serve the Defendant by mail, you need to mail the Complaint and Civil Summons to the Defendant's mailing address by Certified or Registered Mail, Return Receipt Requested. Once the green receipt is returned to you, you must complete and file with the court an "Affidavit of Return of Service by Certified Mail." (A sample form is attached.)

**By Acceptance of Service:** The Defendant may also sign a sworn statement before a Notary Public that he/she received the Complaint and Civil Summons. (This type of statement is not included in the Pro Se packet. The Defendant is responsible for preparing and filing this statement with the Court.)

**By Publication:** If you have made all possible efforts to find the Defendant, and still cannot locate his or her address, you may also consider serving the Defendant by publication in the newspaper. This type of service is not recommended and additional forms will be necessary to file with the newspaper and the court. (It is up to you to get these forms from an attorney or the Clerk of Court. They are not available on the court's website.)

## AFTER THE DEFENDANT HAS BEEN "SERVED"

The Defendant has thirty days to file an "Answer" or a "Motion for Extension of Time" once he/she is served your custody or visitation complaint. If the Defendant files an answer, he/she or his/her lawyer will send you a copy. If the Answer includes a Counterclaim or issues other than custody/visitation, then you have 30 days to file a response. You should consult an attorney to get some legal advice and make sure to file a response on time.

After the 30 days has passed, the next step is mediation.

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_\_-CVD-\_\_\_\_\_

\_\_\_\_\_,  
Plaintiff

v.

\_\_\_\_\_,  
Defendant.

AFFIDAVIT OF RETURN OF SERVICE  
BY CERTIFIED MAIL

I, \_\_\_\_\_, the Plaintiff in this action for custody/visitation, being first duly sworn, depose, say and certify that:

1. A copy of the civil summons and complaint in the above-entitled action was deposited in the U.S. Mail and mailed via certified mail, return receipt requested, to the Defendant.

2. The same was mailed to the Defendant at the following address:

\_\_\_\_\_

3. The summons and complaint were in fact received by Defendant on \_\_\_\_\_, as evidenced by the attached return receipt.

This is the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Plaintiff's SIGNATURE

\_\_\_\_\_  
Plaintiff's Mailing Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_ County, North Carolina

Sworn to (or affirmed) and ascribed before me,  
this date by \_\_\_\_\_

Date: \_\_\_\_\_

(Official Seal)

\_\_\_\_\_  
Official Signature of Notary

\_\_\_\_\_, Notary Public  
Notary's Printed or typed name

My commission expires: \_\_\_\_\_