

**RULE GOVERNING APPOINTMENTS AND
PRACTICES OF PROCESS SERVERS**

RULE 24. Process Server.

24.01 This Rule shall govern the appointment and practices of all persons serving process in civil matters pursuant to Civ.R. 4.1 and 4.3, other than a person employed by the Portage County Sheriff, Prosecuting Attorney, or Probation Office and discharging such duties in their capacity as an employee of Portage County.

Appointment as a process server under this Rule shall permit only the delivery and return of process and papers contemplated in Civ.R. 4.1 and 4.3, and not empower or permit any other service, including without limitation service of writs, levies, and executions, unless specifically authorized by the Administrative Judge.

24.02. Qualifications of Process Server.

A person having the qualifications in Civ.R. 4.1 and this Rule may be appointed by the Court to serve process in an individual civil case or for a fixed term.

(a) A process server seeking appointment to serve process within this State shall have the following qualifications: (i) those qualifications set out in Civ.R. 4.1; (ii) a high school diploma or equivalent; (iii) a permanent residence in the State of Ohio; (iv) a valid Ohio driver's license; (v) not convicted in the last ten years of any felony, any offense of violence as defined in R.C. 2901.01(A)(9), or any offense involving moral turpitude or dishonesty; and (vi) demonstrate familiarity with the various documents to be served or returned.

(b) An out-of-state process server shall meet the following qualifications: (i) those qualifications set out in Civ.R. 4.3(B)(2); (ii) a high school diploma or equivalent; (iii) a permanent residence in the State in which process is to be served; (iv) a valid driver's license in that State; and (v) not convicted in any State in the last ten years of an offense substantially similar to those set out in subsection (a)(v) above.

24.03. Appointment Procedure.

(a) Appointment in a Single Case. Counsel seeking the appointment of a process server for a single case shall file with the Clerk of Courts a motion to appoint a process server in that case and attaching the Court's prescribed application and affidavit completed and signed by the prospective process server, and an entry appointing that person to serve process in that case.

The Judge assigned to that case or the Administrative Judgment may approve such appointment.

(b) Appointment for a Term. Any person seeking to serve process in more than two civil cases within this State in any calendar year and any person employed by a business or agency as a process server shall be classified as a process server for a term. Counsel seeking the appointment of a process server for a term shall file with the Clerk of Courts a motion to appoint a process server for a term and attaching the Court's prescribed application and affidavit completed and signed by the proposed process server and a non-refundable fee to the Clerk of Courts of \$50.00.

(c) Appointment Out-of-State. Counsel seeking the appointment of an out-of-state process server for a single case shall file with the Clerk of Courts a motion to appoint a process server in that State and attaching the Court's prescribed application and affidavit completed and signed by the proposed process server, a copy of any appointment or licenser required by that State or court in the county or district in which process is to be served, and an entry appointing that person to serve process in that case.

(d) The Administrative Judge shall determine from the motion, application, affidavit, attachments, and any other inquiry or materials as needed, whether the applicant meets the qualifications set out in Civ.R. 4.1 or 4.3 and this Rule. If the Administrative Judge determines that the applicant is qualified, then the application may be approved and an Order of Appointment filed with the Clerk of Courts. If the Administrative Judge, in their sound and absolute discretion, determines that the applicant is not qualified, then no Order of Appointment shall issue.

If approved, the Clerk of Courts shall provide the process server with a certified copy of the order of appointment, which shall be filed on the Miscellaneous Docket.

24.04. Duration, Renewal, and Revocation.

(a) Appointment of a process server for a term shall not exceed three (3) years. Appointment of a process server for a single case shall continue as long as the case is active.

(b) Appointments of process servers may be renewed by following the above procedures.

(c) The Administrative Judge, in their sound and absolute discretion, may revoke any authority granted under this Rule. The Judge appointing a process server in a single case, in their sound and absolute discretion, may revoke that appointment.

24.05. Additional Duties of Process Server.

(i) All returns of service shall be personally endorsed by the process server and return made using the documents issued by the Clerk of Courts to the process server.

(ii) Every process server while serving process shall carry on their person a copy of the Order of Appointment and a photo driver's license. A process server shall, upon request or inquiry of any person, present these at the time service is made or attempted to be made.

(iii) While serving process a process server shall dress and conduct themselves in a manner that will reflect favorably upon the Court.

(iv) Every process server shall update the Court any change of address, e-mail address, or telephone number.

(v) Any failure of a process server to follow any portion of this Rule shall result in revocation of appointment and subject the process server to the penalties of contempt of court.

(Adopted April 24, 2008)

PROCEDURE FOR APPOINTMENT OF PROCESS SERVER

TO OBTAIN AUTHORITY FOR A PRIVATE PROCESS SERVER TO SERVE SUMMONS AND COMPLAINT PURSUANT TO LOCAL R. 24, THE ATTORNEY MUST DO THE FOLLOWING:

1. File with the Clerk of Courts a motion to appoint a private process server, either for a single case or for a term.
2. **If appointment is sought for a single case**, attach to the motion the following: (i) the Court's prescribed application and affidavit completed and signed by the proposed process server; and (ii) a journal entry granting authority to the named person to serve summons and complaint in that case.

If appointment is sought for a term, attach to the motion the following: (i) the Court's prescribed application and affidavit completed and signed by the proposed process server; and (ii) a non-refundable \$50.00 fee made payable to the Clerk of Courts.

THE APPLICATION AND AFFIDAVIT ISSUED BY THE CLERK IS DOUBLE SIDED AND SHALL BE USED BY ALL APPLICANTS. NO COPIES SHALL BE ACCEPTED BY THE CLERK.

3. After review by the Judge in the case or the Administrative Judge, a decision shall be made whether to appoint the applicant, and if appointed, an Order of Appointment shall be filed by the Court.
4. After filing of the Order of Appointment, and upon request of the Attorney, the Clerk of Courts will issue a certified copy of the Order of Appointment to be carried at all times by the process server.

A F F I D A V I T

By signing this Affidavit I either swear or affirm that I have personally completed and signed this application with my own hand, that I have completed this Application truthfully and accurately, and shall follow and perform all that is required of a process server by the Ohio Rules of Civil Procedure, the Rules of Practice in the Portage County Court of Common Pleas, General Division, and all applicable Ohio statutes, as I shall answer under the penalties of perjury and contempt of court.

Signature of Applicant
(Print Name) _____

STATE OF OHIO)
) SS:
COUNTY OF _____)

The forgoing Application was acknowledged and signed before me, a Notary Public, this ____ day of _____, 20__, by _____, who is personally known to me or produced a government issued identification containing their photograph.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at _____, _____ County, Ohio, this ____ day of _____, 20__.

Name:
Notary Public

My commission expires_____