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Rural Law Center of New York, Inc.

DIRECTIONS FOR PERSONAL SERVICE OF SPOUSE IN DIVORCE ACTION

When you file your initial papers with your County Clerk, be sure to bring 2 additional copies and have the clerk stamp them with date of entry. Bring the copies home with you. Now you can arrange to have your spouse served.

THIS IS WHAT YOU MUST DO:

1) Find someone who is over 18, who is willing to serve your spouse in person. *(Sometimes this can be done at no cost by the County Sheriff. Ask for the Process Service Department.)*

2) Give that person a file-stamped copy of the SUMMONS WITH NOTICE and the blank AFFIDAVIT OF SERVICE.

3) That person (the server) must hand the SUMMONS WITH NOTICE to your spouse.

IMPORTANT: When that person is about to serve the paper, he or she must ask:

1) Are you _____?

2) Are you in the U.S. Military Service?

Also, remember, service cannot be done on a Sunday.

4) Then the server must fill out the AFFIDAVIT OF SERVICE. This will be the proof that your spouse was served.

5) The server then takes the AFFIDAVIT OF SERVICE to a notary, signs it in front of the notary (not before), and has it notarized.

6) Last, have the server give you back the completed AFFIDAVIT OF SERVICE. When you have it, make a copy, then file the original with the County Clerk. Have the Clerk stamp your copy and put it with your copies of the papers.

REMEMBER, YOUR SPOUSE MUST BE SERVED IN PERSON, NOT BY MAIL.