

HOW TO SERVE YOUR SPOUSE



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You may contact the Rural Law Center of New York, Inc. as follows:

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DIRECTIONS FOR PERSONAL SERVICE OF SPOUSE IN DIVORCE ACTION

When you file your initial papers with your County Clerk, you will need to request 2 copies of what you file so that you have one for your records and one to serve on your spouse. These copies will be stamped with the “notice of entry” which is a stamp or sticker that the clerk places on the document showing the filing time and date. This **MUST** be on the document that you serve on your spouse or it will not be valid service. 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 by the County Sheriff's Office. Ask for the Process Service Department.)*
- 2) Give that person a file-stamped copy of the SUMMONS WITH NOTICE, the notice of maintenance guidelines, the notice of entry of automatic orders, and the notice regarding health insurance coverage continuation in a divorce. **ALL** of these documents must be served on your spouse in order for it to be valid service. You will also provide your server a blank AFFIDAVIT OF SERVICE.
- 3) That person (the server) must hand the SUMMONS WITH NOTICE, the notice of maintenance guidelines, the notice of entry of automatic orders, and the notice regarding health insurance coverage to your spouse.
IMPORTANT: When that person is about to serve the paper, he or she must ask:
 - 1) Are you (name of your spouse)?
 - 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, file the original with the County Clerk, and have the Clerk provide you with a copy of what you filed.

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

You can get additional information about service and divorce at:
<https://www.nycourts.gov/courthelp/diy/divorce.shtml>