

FIFTH JUDICIAL CIRCUIT LAKE COUNTY



SERVICE OF PROCESS

The information provided below is to be used as a guide only regarding Family Laws cases. **This is not intended as a substitute for legal advice from an attorney. Each case has its own particular set of circumstances, and an attorney may advise you of what is best in your individual situation.**

What is Service of Process?

Service of Process is the process used to notify the responding party of a legal action being filed with the Clerk of Court. Service of process can be in the form of personal service, or constructive service. Personal service occurs when either an authorized private process server or a law enforcement office, such as the Sheriff's Department, personally delivers a copy of the documents to the responding party. Hand delivering, emailing, mailing, faxing, texting, etc. is not considered to be proper service.

How Do I Complete Personal Service on the Responding Party?

When filing a new case, you must make a copy of the signed and notarized petition along with copies of all supporting documents. A Summons: Personal Service on an Individual - Form 12.910(a) must be complete and filed with the Clerk of Court. The clerk will sign and seal the summons. If the location of service is not in Lake County, Florida, the clerk will return the sign and sealed summons. You have the responsibility to forward the summons along with copies of the documents to the out of county/state sheriff's office or private process server with the appropriate funds for service. It is recommended to contact the sheriff's office in the county which the other party resides or a private process server in order to find out what is required for out of county/state service.

If the Summons is returned as "Not Served" and there is an alternate address to serve, you may return to the Clerk of Court with the Return of Non-Service to request an Alias Summons (2nd attempt at service) or Pluries Summons (3rd or more attempt at service).

Once the Summons has been returned "Served" and the Return of Service has been filed with the Clerk refer to [Next Steps Following Service of Process](#).

If you are still unable to effect personal service on the responding party, constructive service (service by publication) may be used in most, but not all family law cases. Refer to General Information for Self-Represented Litigants located on <https://www.flcourts.gov> for information regarding constructive service. If constructive service is used, the Court may only grant limited relief. In all cases it is best to have your petition personally served. This is a complicated area of the law and you should consider consulting with an attorney before using constructive service.

If proper service is not obtained, the Court cannot hear your case.