

How to Serve Your Small Claims Papers

The Defendant **must** be served (given) a copy of all the papers you file in Small Claims Court. If there is more than one Defendant in your case, each one must be served separately – even if they are married or living together.

After you serve the Defendant you must file an *Affidavit of Service* with the Court. In most cases the deadline to serve and file this *Affidavit* is **30 days**. **Some courts allow** up to **90 days** after you file your *Claim*. Ask the clerk about your deadline.

To serve the Defendant follow these steps:

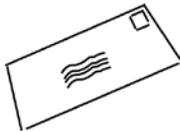
① Fill out the header in the *Affidavit of Service* form.

You can get the form from the Court Clerk or online at: courtsselfhelp.idaho.gov/forms/claims.

② Have someone 18 or older – not you – serve the Defendant.

Each Defendant must be served (given) a copy of these forms: *Summons*, *Small Claim*, *Answer (Blank)*, *Instructions for Defendant*. The Defendant can be served by **mail** or **personal** delivery.

➤ For U.S. Certified mail service



If you pay a fee, the Clerk can have the Defendant served by certified mail, return receipt.

Warning! If the Defendant refuses to sign the return receipt or if someone who is not the Defendant signs, you will have to serve the Defendant again, using personal service. If this happens, the Clerk will notify you.

➤ For personal service, choose 1 of these options:

- Pay the **Sheriff's office** (or the Marshal's office for some counties) to serve the papers. You must tell them exactly where to find the Defendant. The Sheriff or Marshal will give you the *Affidavit of Service*.

In some counties, you pay the Court Clerk and the Sheriff or Marshal gives the *Affidavit of Service* to the Clerk. Ask the Clerk how it works in your county.

- Pay a professional **process server**. You must:
 - Give the server a copy of your court forms.
 - Explain exactly where to find the Defendant.



If you do not know where the Defendant can be found, some process servers will investigate for you, for a fee.

- Ask someone 18 or older** – not **you** or anyone else involved in this case – to personally give each Defendant a copy of your court papers.

③ File the *Affidavit of Service*

After serving, ask the server to fill out the *Affidavit of Service* form and return it to you. Then you must file the *Affidavit of Service* with the Clerk, or you can file it at your trial.

If you miss your deadline to file the *Affidavit of Service*, or if you serve incorrectly, you can file your claim again if you are within the statute of limitations for your claim. If you file again within 6 months of filing your first claim, you may not have to pay another filing fee.

