

## **Rule 11. Service of Process**

(a) Generally. The summons together with a copy of the petition shall be served on every parent, guardian or custodian named in the petition. The judicial officer may proceed with an initial appearance or shelter care hearing upon a showing that diligent efforts have been made to notify the child's parent, guardian or custodian pursuant to Rule 6. A fact-finding hearing shall be commenced only after the child's parent, guardian or custodian who is alleged to have neglected or abused the child has been served pursuant to this Rule.

(b) Issuance. When a petition is filed, the Clerk shall issue summonses as directed by the judicial officer pursuant to D.C. Code § 16-2306. A summons may not be served more than one year after the date of issuance.

(c) Form. The summons shall be signed by the Clerk, be under the seal of the Court, be directed to the summonsed person, state the name of each child alleged or adjudicated neglected, and specify a return date. It shall direct the party summonsed to appear before the judicial officer at a stated date, time and place. It shall also state that the summonsed party is entitled to be represented by counsel at all hearings, and that if the summonsed individual is financially unable to retain counsel, such counsel may be appointed by the judicial officer pursuant to D.C. Code § 16-2304 and Rule 42. If an attorney has been appointed, the summons shall contain the name and telephone number of the attorney. The Permanency Planning Notice described in Rule 12(f) shall be imprinted on the reverse side of the summons. In addition, the summons shall include a notice that in cases in which a child is found to be an abandoned child, the District of Columbia may seek termination of parental rights at the time of disposition of the case.

(d) Endorsement. Upon request of the Corporation Counsel, the judicial officer may endorse upon the summons an order directing a parent, guardian or custodian to appear personally at the hearing and directing the person having physical custody or control of the child to bring the child to the hearing. If it should appear to the satisfaction of the judicial officer, by testimony or written request of the Corporation Counsel or other means, that there are grounds to take the child into custody pursuant to D.C. Code § 16-2306(c), the judicial officer may endorse upon the summons an order that the officer serving the summons shall at once take the child into custody.

(e) By whom. A summons shall be served by a United States Marshal or by any person empowered to serve a summons in a civil action, but an order for custody shall be executed only by a law enforcement officer.

(f) Return. A return of service shall be made on or before the date of hearing.

(g) Service on a person within the District of Columbia.

(1) Personal service. Service shall be effected by delivering a copy of the summons and the petition to the parent, guardian or other custodian of the child named in the petition personally, or by such substitute or constructive service as is provided by statute or these Rules.

(2) Substitute service. If the person to whom a summons and petition are delivered for service is unable to deliver a copy of the summons and petition personally to the party named therein, the person attempting service may make substitute service by delivering the summons and petition to a person of suitable age and discretion then residing at the dwelling house or usual place of abode of the summoned party.

(3) Constructive service. If the person to whom a summons and petition are delivered for service is unable to effect personal or substitute service in accordance with either

subparagraphs (g)(1) or (g)(2) of this Rule, the person shall return the summons and petition to the Clerk of the Family Court noting in the summons the reasons why he or she was unable to serve them. Upon a finding that the requirements of paragraph (i) have been met, the judicial officer may authorize service to be effected upon the party by registered or certified mail, return receipt requested, to the party's last known address or by such other notice as the judicial officer deems appropriate. Proof of service under this paragraph shall be filed prior to the fact-finding hearing.

(h) Service on a person outside of the District of Columbia. Service on a person outside the District of Columbia shall be effected in accordance with D.C. Code § 16-4601.07.

(i) Missing parent. If a parent, guardian or custodian cannot be served because his or her current dwelling or usual place of abode are unknown to the petitioner or moving party, and he or she cannot be located, the Corporation Counsel, or, in an action for termination of the parent and child relationship, the guardian ad litem for the child, may move the Court for an order for constructive service upon the party. Such motion must be accompanied by a statement or affidavit setting forth the efforts that have been made to locate the missing party. Such efforts shall include, but not be limited to:

(1) Contacting known relatives, friends or employers;

(2) Checking telephone directories for the District of Columbia, and the Maryland and Virginia suburbs;

(3) Attempting to locate the parent, guardian or custodian at his or her last known address or addresses;

(4) Examining other sources of information as indicated by the facts or allegations in the case, e.g., hospitals, jails, public assistance records, and Court records where available.

(j) Notification in lieu of service. Oral notification given by a judicial officer during a hearing to any person present or written notification given in person by an authorized representative of the Court shall constitute legal notice in lieu of service. A copy of any written notification given pursuant to this paragraph shall be placed promptly in the appropriate court file.