

#### **Rule 4. Service of Process**

(a) **IN GENERAL.** The plaintiff is responsible for having a copy of the statement of claim, verification, notice, any attachments, and any order directed by the court to the parties at the time of the filing served on the defendant.

(b) **BY WHOM.** Service of process must be made by one or more of the following persons:

(1) any competent person who is at least 18 years of age and not a party to or otherwise interested in the claim;

(2) a clerk, for service by registered or certified mail as provided in Rule 4(c), as to any defendant described in Rule 4(e), (g), or (h); or

(3) a United States marshal or deputy marshal if authorized by the court.

(c) **BY REGISTERED OR CERTIFIED MAIL.**

(1) *In General.* The clerk may serve any defendant described in Rule 4(e), (g), or (h) by:

(A) mailing a copy of the materials required by Rule 4(a) to the person to be served by registered or certified mail, return receipt requested, with or without restricted delivery, with funds obtained from the plaintiff on the day of filing; and

(B) noting on the record for that case the day and time of mailing, and the certification or registry number.

(2) *Delivery of Required Materials.* Service by registered or certified mail is valid if it is delivered by the mail carrier to the addressee or to any other responsible person qualified to receive the addressee's registered or certified mail. Even if the registered or certified mail is delivered to a person not so qualified, service is valid if the materials required by Rule 4(a) in fact come to the attention of the addressee within a reasonable time after delivery by the mail carrier and within a reasonable time before the date specified in the notice.

(3) *Service Valid Although Refused.* Service is valid even if the defendant refuses delivery of the registered or certified mail, if:

(A) on receipt of notice of the refusal, the clerk promptly mails to the defendant by ordinary mail a copy of the materials required by Rule 4(a), together with a notice that:

(i) states that despite the refusal, the case will proceed on the date specified in the original notice;

(ii) includes the date and time specified in the original notice; and

(iii) warns that a judgment by default may be rendered against the defendant unless the defendant appears to defend the suit; and

(B) the materials required by Rule 4(a) in fact come to the attention of the addressee within a reasonable time as provided in Rule 4(c)(2), except that the refusal of the certified mailing and the mailing by the clerk, alone, are not adequate to prove that the materials required by Rule 4(a), in fact, came to the attention of the addressee.

(d) **MANNER OF CONDUCTING SERVICE.** Service of process under Rule 4(b) and (c) may, at the plaintiff's or the court's election, be attempted either concurrently or successively.

(e) **SERVING AN INDIVIDUAL WITHIN THE UNITED STATES.** Unless applicable law provides otherwise, an individual—other than a minor or an incompetent person—may be served anywhere in the United States by:

(1) following District of Columbia law, or the state law for serving process in an action brought in courts of general jurisdiction in the state where service is made; or

(2) doing any of the following:

(A) delivering a copy of the materials required by Rule 4(a) to the individual personally;

(B) leaving a copy of the materials required by Rule 4(a) at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of the materials required by Rule 4(a) to an agent authorized by appointment or by law to receive service of process.

(f) **SERVING A MINOR OR AN INCOMPETENT PERSON WITHIN THE UNITED STATES.** A minor or an incompetent person in the United States must be served by following District of Columbia law (D.C. Code §§ 13-332 and -333 (2012 Repl.)) or the state law for serving process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made.

(g) **SERVING A CORPORATION, PARTNERSHIP, OR ASSOCIATION WITHIN THE UNITED STATES.** Unless applicable law provides otherwise, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served within the United States:

(1) in the manner prescribed by District of Columbia law, or the state law for serving process in an action brought in courts of general jurisdiction in the state where service is made; or

(2) by delivering a copy of the materials required by Rule 4(a) to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant.

(h) **SERVING THE DISTRICT OF COLUMBIA, AN AGENCY OR OFFICER OF THE DISTRICT OF COLUMBIA, OR OTHER GOVERNMENT ENTITIES SUBJECT TO SUIT.**

(1) *State or Local Government.* A state, municipal corporation, or other state-created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the materials required by Rule 4(a) to its chief executive officer; or

(B) serving the materials required by Rule 4(a) in the manner prescribed by that state's law for serving process on such a defendant.

(2) *District of Columbia.*

(A) *In General.* The District of Columbia must be served by delivering or mailing copies of the materials required by Rule 4(a) to the Mayor of the District of Columbia (or designee) and the Attorney General of the District of Columbia (or designee).

(B) *Designees.* The Mayor and the Attorney General may each designate an employee for receipt of service of process by filing a written notice with the court clerk.

(C) *Service on a Nonparty.* In any action attacking the validity of an order of an agency or officer of the District of Columbia not made a party, a copy of the materials required by Rule 4(a) must also be delivered or mailed to the officer or agency.

(D) *Agency; Officer or Employee Sued in an Official Capacity.* To serve a District of Columbia agency or a District of Columbia officer or employee sued only in an official

capacity, a party must serve by delivering or mailing a copy of the materials required by Rule 4(a) to the Mayor (or designee), the Attorney General (or designee), as well as the agency, officer, or employee.

(E) *Officer or Employee Sued Individually.* To serve a District of Columbia officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the District of Columbia's behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve:

- (i) the District of Columbia under Rule 4(h)(2)(A); and
- (ii) the officer or employee under Rule 4(e) or (f).

(i) PROVING SERVICE.

(1) *Affidavit or Unsworn Declaration Required.* Proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit or unsworn declaration.

(A) *Service by Delivery.* If service is made by delivery pursuant to Rule 4(b)(1) or (3), then the return of service must be made under oath or by unsworn declaration (unless service was made by the United States marshal or deputy United States marshal) and must specifically state:

- (i) the caption and number of the case;
- (ii) the process server's name, residential or business address, and the fact that he or she is 18 years of age or older;
- (iii) the time and place when service was made;
- (iv) the fact that the materials required by Rule 4(a) were delivered to the person served; and
- (v) if service was effected by delivery to a person other than the party named in the summons, then specific facts from which the court can determine that the person to whom process was delivered meets the appropriate qualifications for receipt of process set out in Rule 4(e)–(h).

(B) *Service by Registered or Certified Mail.* If service is made by registered or certified mail under Rule 4(b)(2), then the clerk must promptly attach the return receipt to the original statement of claim and note the return receipt on the docket, indicating whether the receipt shows delivery to or refusal by the defendant. If the signature on the return receipt is not legible, or if the return receipt does not purport to be signed by a party named in the statement of claim, then service has not been properly effected unless the court determines from specific facts presented that the person who signed the receipt is either the defendant or a person who meets the appropriate qualifications for receipt of process set out in Rule 4(e)–(h).

(2) *Validity of Service; Amending Proof.* Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

(j) DATE OF SERVICE. Service is deemed made:

(1) as of the date on which the materials required by Rule 4(a) are delivered and the return receipt is signed by the defendant or other person meeting the qualifications in Rule 4(e)–(h); or

(2) if the registered or certified mail is refused by the defendant, and the notice provided in Rule 4(c)(3)(A) is promptly sent by ordinary mail, as of the date on which the registered or certified mail would have been delivered, except for the refusal.

(k) RETURN OF SERVICE. Proof of service either by affidavit or unsworn declaration or by return receipt for service by registered or certified mail must be provided to the clerk's office at least 7 days before the initial court date. If proof of service is not provided to the clerk at least 7 days before the initial court date, then the plaintiff may request that the initial court date be reset, unless both parties are present on the initial court date and elect to proceed. If the initial court date is reset, then the clerk must mail notice to both parties.

(l) APPLICABILITY OF CIVIL RULE 4. Except as provided in this rule, the procedures in Civil Rule 4 must be followed for:

- (1) serving a party not within the United States (Civil Rule 4(f), (g), (h)(2), or (j)(1));
- (2) serving the United States, and its agencies, corporations, officers, or employees (Civil Rule 4(i));
- (3) determining the territorial limits on service (Civil Rule 4(k)); and
- (4) asserting jurisdiction over property or assets (Civil Rule 4(n)).

(m) TIME LIMIT FOR PROOF OF SERVICE.

(1) *In General*. Within 60 days of the filing of the statement of the claim, or within 90 days in debt collection and subrogation cases identified in Rule 19(a), proof of service of the materials required by Rule 4(a) must be filed. A separate proof must be filed as to each defendant who has been served with those materials.

(2) *Motion for Extension of Time*. Prior to the expiration of the foregoing time periods, the plaintiff may make a motion to extend the time for service. The motion must set forth in detail the efforts that have been made, and will be made in the future, to obtain service. If the plaintiff shows good cause, the court must extend the time for an appropriate period.

(3) *Service After Granting Extension of Time*. Along with the materials identified in Rule 4(a), a copy of the order granting a motion for extension of time and notice of the new court date must be served on the defendant. Proof of service under Rule 4(i) must include, in addition to the materials identified in that rule, the order granting the motion for extension of time and notice of the new court date.

(4) *Dismissal*. With the exception of cases where service is made outside of the United States under Civil Rule 4(f), (h)(2), or (j)(1), the plaintiff's failure to comply with the requirements of this rule will result in the dismissal without prejudice of the claim. The clerk will enter the dismissal and serve notice on all the parties.

## COMMENT TO 2019 AMENDMENTS

Subsection (m)(1) was updated to include a reference to new Rule 19, which identifies debt collection and subrogation cases subject to the 90-day time limit for proof of service.

## COMMENT TO 2018 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. The rule has also been reorganized to more closely mirror Civil Rule 4, including the addition of specific provisions for serving an individual within the United States; serving

a minor or incompetent person within the United States; serving a corporation, partnership, or association within the United States; serving the District of Columbia, an agency or officer of the District of Columbia, or other government entities subject to suit; and serving required materials after the court grants a motion for extension of time to serve. Finally, the time limit for filing proof of service in collections cases has been reduced from 180 to 90 days.