

FAIRFAX CIRCUIT COURT

SERVICE INSTRUCTIONS

FILING AND SERVICE INFORMATION

For Service Fees – See Current Fee Schedule at:

<http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>

Methods of Payment:

NO PERSONAL CHECKS ARE ACCEPTED

- Filing and Service fees may be paid by cash, credit card (Visa & MasterCard only, Court will assess a 4% convenience fee) certified check or money order for each case filed payable to:

Clerk of the Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030
Attention: Civil Intake

- The Court accepts check payment by members of the Virginia Bar Association.
 - The check must provide counsel's Virginia Bar Association number.
- Separate payment must be made for each new case filing.
- Visa & MasterCard Credit Card payments are accepted; however a 4% convenience fee will be assessed.
- Some entities require separate checks payable to them specifically.

These include:

- Secretary of the Commonwealth
- Division of Motor Vehicles
- State Corporation Commission

Types of Service:

INDICATE HOW SERVICE IS TO BE MADE:

- Sheriff
- Special Process Server
- Attorney Prepared Summons
- Secretary of the Commonwealth
- Division of Motor Vehicles
- State Corporation Commission
- Order of Publication
- Other

Service by Sheriff:

It is the responsibility of the party requesting service or subpoena to advise the Clerk's Office to which Sheriff the service or subpoena should be directed, to wit: Alexandria, Arlington, Fairfax, Prince William, etc.

Service by Private Process Server:

When service or subpoena is by Private Process Server or other form which requires counsel or individual to pick-up service from Clerks Office, you are required to provide the Clerk at the counter with the case number of the subpoena and or service.

- Law offices that utilize a Courier Service to pick-up any types of service please provide them with the appropriate case number

Twenty-one (21) Day Summons:

Rule 3:5

- Twenty-one (21) day Summons requires an original Complaint and one (1) additional copy for each service requested
- If requesting Alias Service you must file a praecipe directing the Clerk to issue service, along with one (1) copy of the original filing for each service requested

Attorney Prepared 21 Day Summons:

The Attorney Prepared 21 Days Summons is filed at the same time the initial case is filed. There are three (3) different fillable forms for 21 days summons. Forms are located on the Fairfax Bar Association intranet.

- Sheriff Service (Sheriff's fees will continue to be collected by the Clerk's Office as part of the initial filing fees.)
- Special Process Service
- Notary Acceptance

The original 21 day Summons must be printed on blue paper and two (2) copies of the original are required at the time of filing.

Pleading to be Served:

Pleadings to be served require an original plus one (1) copy for each defendant requiring service

Secretary of the Commonwealth:

Service through the Secretary of the Commonwealth requires the following for each defendant to be served:

- Original plus one (1) additional copy of the pleading to be served.
- Original plus three (3) copies of the 'Affidavit of Last Known Address' for each defendant served.
- Certified mail card completed with the address of where the card is to be returned.
- Envelope(s) addressed to each defendant.
- A self-addressed stamped envelope for return of service to party requesting service.

Applicable code sections §8.01-301, 8.01-310, 8.01-329, 55-218.1, 57-51

Division of Motor Vehicles:

Service through DMV requires the following for each defendant to be served:

- Original plus two (2) copies of the pleading(s) to be served.
- Original plus three (3) copies of each 'Affidavit of Last Known Address' for each defendant to be served.

Applicable code section §8.01-308

State Corporation Commission:

Service through the State Corporation Commission requires the following for each defendant to be served:

- Original plus two (2) copies of the pleading(s) to be served.
- Original plus three (3) copies of the statement or 'Affidavit of Last Known Address' for each defendant to be served.

Statement or Affidavit must comply with the Code of Virginia.

Applicable code sections §12.1-19.1 and §13.2-637

Order of Publication:

A publication can be published in any Newspaper that has been authorized by this Court to print legal notices and publications in accordance with §8.01-324 of the Code of Virginia.

An order of publication must be published in a newspaper prescribed by the court pursuant to §8.01-317 of the Code of Virginia. The amount of times that the publication is to run in the newspaper is prescribed by statute.

The following newspaper has been authorized by the Fairfax Circuit Court to print orders of publication. *This newspaper has a regular schedule when they come to the courthouse to pick up publications.*

- Washington Times \$25.00 (Rates are subject to change)
 - Note: Juvenile Appeal Cases - \$50.00
 - Make checks payable to: Washington Times
 - Contact information:
 - Jill Carr
703-425-0903
- Forms for affidavits & orders of publication can be obtained in the Clerk's Office.
- *If additional fees are required, the newspaper will bill the petitioner or counsel.*

Required Documentation:

- Original order of publication.
- Affidavit notarized by complainant or attorney.
- An envelope addressed to the individual being served by publication at their last known address (if known).
- A completed certified mail receipt or registered mail receipt and appropriate fees for such mailing (See Fee Schedule).
- One (1) copy of the pleading to be served by publication.

Affidavit must state the following:

- The individual is a non-resident of Virginia, or
- The individual cannot be found, that due diligence has been used without effect to ascertain the location of the party to be served, or
- The individual cannot be served with court process, and that a return has been filed by the Sheriff which shows that the process has been in his/her hands for twenty-one (21) days and the Sheriff has been unable to make service.

For Publication in other newspapers

- Complainant or attorney must make specific arrangements with that newspaper.
- The court will process the order of publication documentation.
- The complainant or attorney must make arrangements to have the documentation delivered to the newspaper for publication.

Subpoena Issuance

The following is required for the Court to issue a subpoena for a witness and/or for production of documents:

Subpoena – Witness:

- Original subpoena request.
- Name & address of witness to appear at trial or deposition.
- Date & time of trial or deposition.
- Place of trial or deposition.

Subpoena Duces Tecum: (Request must comply with Rule 4:9C)

- Original and one (1) copy of the subpoena duces tecum request for each service.
- Name & address of the person to be deposed.
- Date & time of deposition or hearing.
- Address where deposition or production will take place in Virginia.
- Medical records subpoena
 - Notice to Provider must be included pursuant to §32.1-127 1:03 of the Code of Virginia.
- Items to be produced as a result of the subpoena.
- A certificate of service or statement showing that the opposing party was mailed a copy of the request for subpoena duces tecum.
- Payment of filing fees and service fees (See Fee Schedule)
<http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>

Subpoena – Attorney Issued:

The summons and any transmittal sheet shall be deemed a pleading to which the provisions of §8.01-271.1 of the Code of Virginia apply. The original attorney issued subpoena and one (1) copy for each person being served is mailed by counsel directly to the sheriff or private process server. If service by the sheriff, a transmittal letter is required and is deemed to be part of the pleading.

The following is required to file an attorney issued subpoena with the court:

- Copy of attorney issued subpoena - witness and/or duces tecum *with transmittal letter*.
- For medical records subpoena, a 'Notice to Provider' must be included
 - §32.1-127 1:03 of the Code of Virginia.
- Cover letter stating how subpoena is being served (Sheriff or Private Process).
- Fees for Service by Sheriff (See Fee Schedule)

Applicable Code of Virginia sections:

§ 8.01-407, § 8.01-413, §16.1-89, §16.1-265, §32.1-127:03, and Rule 1:4, 4:5, 4:9.