

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

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(c) *Service by Mail.*

(1) Except in Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, original process in all domestic relations matters may be served by mailing the original process, a notice or order to appear, if required, and other orders or documents, as necessary, to the defendant's last known address by both regular and certified mail.

([a]i) Delivery of the certified mail shall be restricted to the addressee only and a return receipt shall be requested.

([b]ii) If the certified mail is refused by the defendant, but the regular mail is not returned within 15 days, service may be deemed complete.

([c]iii) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

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(h) *Proof of Service.* **[Proof of service shall be made as follows:**

(1) The person serving the original process shall complete a return of service without delay. If service has not been completed within the time allowed in subdivision (e) or (f), a return of no service shall be completed.

(2) Proof of service shall set forth the date, time, place, manner of service, the identity of the person served, and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff completes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery and an affidavit that the regular mail was not returned within 15 days after mailing.

(5) Proof of service or of no service shall be filed with the prothonotary.

(6) An executed Acceptance of Service shall be filed in lieu of a Proof of Service if the defendant or defendant's agent accepts service of the original process.]

(1) Proof of service shall state:

(i) the date and time of service;

(ii) the place of service;

(iii) the manner in which service was made;

(iv) the identity of the person served; and

(v) other facts necessary for the court to determine whether proper service has been made.

(2) Original Process Served.

(i) Personal Service Pursuant to Subdivision (a).

(A) The person serving the original process shall complete a proof of service.

(B) If a person other than a sheriff serves the original process, the proof of service shall be by an affidavit.

(C) The proof of service shall be filed in the appropriate filing office within ten days of the date of service.

(ii) Service by Mail Pursuant to Subdivision (c).

(A) Proof of service by mail shall be by an affidavit that includes the certified mail return receipt signed by the defendant except as set forth in (B).

(B) If the defendant has refused to accept the certified mail, the proof of service shall include the returned

envelope with the notation that the defendant refused to accept delivery and an affidavit stating that the regular mail was not returned within 15 days after mailing.

(C) The proof of service shall be filed in the appropriate filing office within ten days of the date the defendant signed the certified mail return receipt or after the passage of time set forth in subdivision (c)(1)(ii).

(iii) Acceptance of Service Pursuant to Subdivision (d).

(A) If the defendant or the defendant's authorized agent accepts service of the original process as set forth in subdivision (d), the defendant or the defendant's authorized agent shall sign an Acceptance of Service.

(B) The Acceptance of Service shall be filed in the appropriate filing office within ten days of accepting service.

Note: See Pa.R.C.P. No. 402(b) for the prescribed form document.

(3) Original Process Not Served.

(i) If the defendant cannot be served within the time allowed in subdivision (e) or (f), the person attempting service shall complete a proof of no service promptly.

(ii) If a person other than a sheriff attempts service of the original process, the proof of no service shall be by an affidavit stating with particularity the efforts made to effect service.

(iii) The proof of no service shall be filed in the appropriate filing office within ten days of the expiration of time allowed for service in subdivision (e) or (f).

Note: See Pa.R.C.P. No. 1910.4(a). The Domestic Relations Section is the filing office for child support, spousal support, and alimony *pendente lite* cases.

See Pennsylvania Rule of Professional Conduct 7.3(b)(4). The timing of an attorney's solicitation of a prospective client in actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the

Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§ 62A03 - 62A20, is restricted until proof of service appears on the docket.

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