



FAMILY COURT OF THE STATE OF DELAWARE

DESIGNATED SPECIAL PROCESS SERVERS

What is a Special Process Server?

A Special Process Server is a person designated by the Court to serve (deliver) legal documents. A Special Process Server is not an officer of the Court and does not have an official function within Family Court. However, Family Court does maintain a list of Individuals that have been designated by the Court to act as Special Process Servers. The list is available at the following link:

<https://courts.delaware.gov/forms/download.aspx?id=223268>

What is service of process and why is it important?

Service of process involves providing the respondent in a case with notice of the action pending against them and a copy of the petition. The United States and Delaware Constitutions require that when a court case is filed against someone that they receive this information, which will allow the other party to respond to the allegations contained in the petition. A petition cannot be acted upon by the Court until service on the respondent has been accomplished.

Why might I want to use a Special Process Server?

The Court will attempt to serve the respondent using contractors paid by the Court. However, this can take time and is not always successful. If time is of the essence, you may wish to contract with a Special Process Server. You may also consider using a Special Process Server if you believe that the respondent will be difficult to serve or may attempt to evade service (avoid a process server). By using a Special Process Server, you will be able to provide detailed information on how or when service might best be accomplished.

How do I let the Court know I would like to use a Special Process Server?

To let the Court know that you will be contracting with a Special Process Server, please file with the Court Form 593. You may file this form when filing your petition or anytime thereafter. Upon the Court's receipt of Form 593, the Court will prepare a service packet. The Service Packet will include all the documents that must be served upon the respondent. The Service Packet may not be immediately available. The Court will notify you when the Service Packet is ready to be picked up by you.

How would I hire a Special Process Server?

Once you have filed Form 593 with the Court, you may contact any of the Court designated Special Process Servers listed here: <https://courts.delaware.gov/forms/download.aspx?id=223268>. Special Process Servers will have their own fees, which you would be directly responsible for paying. It may be helpful to contact multiple Special Process Servers to compare prices and other terms. Please remember that Special Process Servers are not officers of the Court and they do not have an official function within Family Court. Any agreement you enter into will be between you and the Special Process Server and will not involve the Court.

How will the Court know that the Special Process Server served the respondent?

The Special Process Server must return the Affidavit of Service to the Family Court via email. Affidavits of Service must be returned to the appropriate email for the county in which the petition was filed:

New Castle County: FC_NCC_SPS@delaware.gov

Kent County: FC_KC_SPS@delaware.gov

Sussex County: FC_SC_SPS@delaware.gov

Are there requirements for when the Special Process Server must return the Affidavit of Service to the Court?

Yes, Special Process Servers are required to return the Affidavit of Service to the Court within the following time frames:

- Special process servers must return personally "served" documents to the Family Court location noted on the documents no later than three (3) days following such service except forthwith summonses and subpoenas, which must be returned immediately via email to the Court.
- Special process servers must return documents **bearing no scheduled hearing or trial date** information to the Family Court location noted on the document no later than **thirty (30) days** from pick-up, whether served or non-est.
- Special process servers must return documents **bearing a hearing date** to the Family Court location noted on the document at least **four (4) business days** prior to the hearing date, whether served or non-est.

Related Forms:

Form 588B – Approved Special Process Servers

Form 593 – Notice of Special Process Server

All forms can be found on the Family Court Website.

Family Court Contact Information

New Castle County

500 NORTH KING
STREET

WILMINGTON, DE 19801

(302) 255-0300

Kent County

445 SOUTH GOVERNORS
AVENUE

DOVER, DE 19904

(302) 672-1000

Sussex County

100 EAST MARKET
STREET

GEORGETOWN, DE 19947

(302) 855-7400

For more information, visit the [Family Court webpage](#) or scan the QR code.

