



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT

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ALAN G. DAVIS
CHIEF MAGISTRATE

POLICY DIRECTIVE 26-276

**TO: ALL JUSTICES OF THE PEACE
ALL JUSTICE OF THE PEACE EMPLOYEES**

FROM: ALAN G. DAVIS *AGD*
CHIEF MAGISTRATE

DATE: JUNE 22, 2026

**RE: SERVICE TRACKING AND COMPLETION IN CIVIL ACTIONS
REQUIRING CERTIFIED MAIL AND SIGNATURE**

I. PURPOSE

This policy directive provides uniform guidance to clerks and judicial officers on the procedures for tracking and verifying service of process in civil actions in the Justice of the Peace Court that require service by certified mail. This directive is intended to ensure consistency in the handling of service issues while maintaining transparency for public understanding.

II. GOVERNING RULES

The requirement for service of process in civil actions for debt is as follows: "In a civil action for debt, service is made by certified mail, return receipt requested. When service is made in this manner, service is complete when it is signed for by the defendant, or by some person of suitable age and discretion acting as agent for the defendant, or with the word 'unclaimed' or 'refused' noted thereon by postal authorities."¹

Service of process in garagekeeper's lien cases requires the following: "The Court shall send a notice and copy of the application by certified or registered mail, return receipt requested, to the owners, secured parties of record and any known lienholders and any other persons whose names and addresses are listed in the application."²

¹ J.P. Civ. R. 4(f)(1)(V)(i).

² J.P. Civ. R. 4(f)(1)(VI)(5)(I).

In abandoned property cases, "The Court shall send, by certified mail, a copy of the petition, notice and request for information and order to: (1) all owners and other parties with an interest in the property who have been identified by the petitioner; and (2) all other owners and other parties with an interest in the property who have been identified on any answer received by the Court."³

III. SERVICE METHODS AND COMPLETION

A. Certified Mail

- The above actions must be served by certified mail, return receipt requested.
- The mailing must be addressed to the defendant's last known address as provided in the pleadings

B. Completion of Service

Service is considered complete when any one of the following occurs:

1. The certified mail is signed for by the defendant.
2. The certified mail is signed for by a person of suitable age and discretion residing at the defendant's address or acting as their agent.
3. The certified mail is returned with the notation 'refused' by the U.S. Postal Service

IV. STAFF PROCEDURES FOR TRACKING SERVICE

- Upon receipt of the certified mail return, court staff must promptly:
 - Review the green card or USPS documentation.
 - Confirm if it contains a signature, or the word "refused."
 - Log the result in the Court's Case Management System (CMS).
 - Scan and upload the return to the electronic case file.
- If the return is marked "unclaimed," the court will attempt service with a certificate of mailing. If the certificate of mailing is not returned after 20 days, the Court may proceed as though service was completed.
- If the green card is returned unsigned, the Court will hold for 30 days to see if an answer is filed. If there is no answer after 30 days, the Court will reissue service.
- If nothing is returned, the Court will reissue service one time. If nothing is returned after the second attempt, the plaintiff must file an alias.
- If the return is marked "undeliverable," "vacant," "no such address," then service is not complete. The plaintiff must file an alias complaint to attempt service at a corrected address.

V. JUDICIAL OFFICER REVIEW OF SERVICE

Before entering a default judgment, the judge must:

- Confirm that service was complete according to the Court's civil rules as outlined above.
- Review the scanned return to verify that it includes a valid signature or is clearly

³ J.P. Civ. R. 70(b).

marked 'refused.'

- Decline to enter judgment if service was undeliverable or not completed.

cc:

Honorable Collins J. Seitz, Jr.

Honorable Eric M. Davis

Honorable Kathaleen S. McCormick

Honorable Carl C. Danberg

Honorable Michael K. Newell

Kenneth J Kelemen, State Court Administrator

All Justice of the Peace Courts

Elizabeth Petrick, Justice of the Peace Court Administrator

Stephanie Parker, Justice of the Peace Deputy Court Administrator

Rebecca Trifillis, Esquire, Justice of the Peace Court Staff Attorney

Nathan Kingree, Justice of the Peace Staff Attorney

Roger Roof

Lauren Ellis

Law Libraries: New Castle County, Kent County, Sussex County,

Widener University School of Law