

Appendix Y:

States with Rules Identical to FRCP 4¹

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Question: Which states have rules of civil procedure that use near the exact language of FRCP 4 (e)(2)(B)?

FRCP 4 – “leaving a copy of each at the individual’s dwelling or usual place of abode with someone of suitable age and discretion who resides there;” “or delivering a copy of each to an agent authorized by appointment or by law to receive service of process”

All states use near the exact language of FRCP 4(e)(2)(B) except the following: Kentucky, Mississippi, Montana, New Hampshire, and New York. Of these five states, all except one permit some kind of service by mail similar to that permitted in FRCP 4(E)(2)(B). Only New Hampshire lacks a similar provision.

Alabama – Alabama Rules of Civil Procedure with District Court Modification, Rule 4 Process

Yes – Rule 4(c)(1) permits service upon an individual by serving the individual or by leaving a copy of the summons and the complaint at the individual’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and the complaint to an authorized agent. . .”

Alaska – Alaska Court Rules, Rules of Civil Procedure, Rule 4 Process

Yes – Rule 4(d)(1) permits service by delivering a copy of the summons and of the complaint to the individual personally, or by **leaving copies** thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

Arizona – Arizona Revised Statutes Annotated

Yes – Rule 4.1(d)(2) permits service by **leaving a copy** of each at that individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (3) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

Arkansas – Arkansas Rules of Civil Procedure; Rule 4 Summons

Arkansas Code Annotated § 16-19-506 permits service by **Leaving a copy** of such summons at the usual place of abode of the defendant with some person who is a member of his family over the age of fifteen (15) years; or (3) Reading it to and in the presence of the defendant.

(8)(A)(i) Service of a summons and complaint upon a defendant of any class referred to in paragraphs (1) through (5), and (7) of this subdivision (d) may be made by the plaintiff or an attorney of record for the

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plaintiff by any form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or the agent of the addressee. The addressee must be a natural person specified by name, and the agent of the addressee must be authorized in accordance with U.S. Postal Service regulations. However, service on the registered agent of a corporation or other organization may be made by certified mail with a return receipt requested.

California Code of Civil Procedure § 4510.20.

Yes – § 4510.20 permits service by **leaving a copy** of the summons and complaint at a mailing address, it shall be left with a person at least 18 years of age, who shall be informed of the contents thereof.

(a) In lieu of personal delivery of a copy of the summons and complaint to the person to be served as specified in Section 416.10, 416.20, 416.30, 416.40, or 416.50, a summons may be served by leaving a copy of the summons and complaint during usual office hours in his or her office or, if no physical address is known, at his or her usual mailing address, other than a United States Postal Service post office box, with the person who is apparently in charge thereof, and by thereafter mailing a copy of the summons and complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of the summons and complaint were left. When service is effected by leaving a copy of the summons and complaint at a mailing address, it shall be left with a person at least 18 years of age, who shall be informed of the contents thereof. Service of a summons in this manner is deemed complete on the 10th day after the mailing.

§ 415.30

(a) A summons may be served by mail as provided in this section. A copy of the summons and of the complaint shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return envelope, postage prepaid, addressed to the sender.

Colorado – Colo. R. Civ. Proc. Rule 4 Process

Yes – Rule 4(e) permits service by **leaving a copy** thereof at the person's usual place of abode, with any person whose age is eighteen years or older and who is a member of the person's family, or at the person's usual workplace, with the person's supervisor, secretary, administrative assistant, bookkeeper, human resources representative or managing agent; or by delivering a copy to a person authorized by appointment or by law to receive service of process.

Connecticut – Civil Process, Service and Time for Return

Yes - § 52-54 permits service by **leaving** an attested **copy** thereof with him or at his usual place of abode. When service is made by **leaving** an attested **copy** at the defendant's usual place of abode, the officer making service shall note in his return the address at which such attested copy was left.

Washington D.C. – District of Columbia State Rules Superior Court Rules of Civil Procedure

Yes – Rule 4 permits service by **leaving a copy** of each 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 each to an agent authorized by appointment or by law to receive service of process.

Delaware – West's Delaware Code Annotated Delaware Rules of Court, Rule 4 Process

Yes – Rule 4(f)(1)(I) permits service by **leaving copies** thereof at that individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering copies thereof to an agent authorized by appointment or by law to receive service of process.

Florida – West’s Florida Statutes Annotated, Civil Practice and Procedure § 48.031

Yes - § 48.031 permits service by **leaving** the **copies** at his or her usual place of abode with any person residing therein who is 15 years of age or older and informing the person of their contents. Minors who are or have been married shall be served as provided in this section.

Georgia – Civil Practice – Title 9, § 9-11-4 Process

Yes - § 9-11-4 permits service by **leaving copies** thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

Hawaii – Civil Remedies and Defenses and Special Proceedings

Yes – Rule 4(d)(1) permits service by **leaving copies** thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or (B) by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

Idaho – Proceedings in Civil Actions in Courts of Record

Yes – Rule 4(d)(1)(B) permits service by **leaving a copy** of each at the individual's dwelling or usual place of abode with someone at least 18 years old who resides there; or (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

Illinois – Civil Procedure, West’s Smith-Hurd Illinois Compiled Statutes Annotated, 5/2=203 Service on Individuals

Yes - §2-203 permits service by **leaving a copy** at the defendant's usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards, and informing that person of the contents of the summons, provided the officer or other person making service shall also send a copy of the summons in a sealed envelope with postage fully prepaid, addressed to the defendant at his or her usual place of abode

Indiana – West’s Annotated Indiana code, Court Rules (Civil), Rules of Trial Procedure

Yes – Rule 4.1 permits service by **leaving a copy** of the summons and complaint at his **dwelling** house or **usual place of abode**; or (4) serving his agent as provided by rule, statute or valid agreement.

Iowa – Civil Procedure – Subtitle 3 Commencement of Actions

Yes – Rule 1.305 permits service by serving, at the **individual’s dwelling** house or **usual place of abode**, any person residing therein who is at least 18 years old

Kansas – West’s Kansas Statutes Annotated, Ch 60 Procedure, Civil, Art 3 Process

Yes - § 60-303 permits service by **leaving a copy** of the process and petition or other document at the **individual's dwelling** or **usual place of abode** with someone of suitable age and discretion who resides there.

Kentucky – Baldwin’s Kentucky Revised Statutes Annotated, Rules of Civil Procedure

No – CR 4.01 permits service by [p]lac[ing] a copy of the summons and complaint (or other initiating document) to be served in an envelope, address the envelope to the person to be served at the address set forth in the caption or at the address set forth in written instructions furnished by the initiating party, affix adequate postage, and place the sealed envelope in the United States mail as registered mail or certified

mail return receipt requested with instructions to the delivering postal employee to deliver to the addressee only and show the address where delivered and the date of delivery. . . . Service by registered mail or certified mail is complete only upon delivery of the envelope. The return receipt shall be proof of the time, place and manner of service.

Louisiana – West’s Louisiana Statutes Annotated, Louisiana Code of Civil Procedure, Citation and Service of Process, Service on Persons

Yes – Art. 1234 permits domiciliary service when a proper officer leaves the citation or other process at the **dwelling** house or **usual place of abode** of the person to be served with a person of **suitable age** and **discretion** residing in the domiciliary establishment.

Maine – Main Revised Statutes Annotated, Maine Rules of Court, Rules of Civil Procedure

Yes – Rule 4 permits process by by **leaving copiesthereof** at the **individual's dwelling** house or **usual place of abode** with some person of **suitable age** and **discretion** then residing therein or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given.

Maryland – West’s Annotated Code of Maryland, Courts and Judicial Proceedings, Process

Yes - § 6-312 permits service by **leaving copies** of the summons and complaint at the defendant's **dwelling** house or **usual place of abode** with a person of **suitable age** and **discretion** residing at the **dwelling** house or **place of abode** or by delivering a copy of the summons and the complaint to an agent authorized by appointment or law to receive service of process.(2) Any service under this subsection is as effective as actual personal service. (3) The method of service provided in this subsection is in addition to and not exclusive of any other means of service that may be provided by statute or rule for obtaining jurisdiction of a defendant.

Massachusetts – Massachusetts Rules of Civil Procedure, Rule 4

Yes – Rule 4 permits service by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by statute to receive service of process, provided that any further notice required by such statute be given.

Michigan – Michigan Compiled Laws Annotated, Civil Procedure, Rule 2.105 Process; Manner of Service

Yes – but without using quite the same language. *See* Rule 2.105 stating (2) sending a summons and a copy of the complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee. Service is made when the defendant acknowledges receipt of the mail. A copy of the return receipt signed by the defendant must be attached to proof showing service under subrule (A)(2).

Minnesota Rules of Civil Procedure 4.05 Service by Mail

Yes – Rule 4.03 permits service by **leaving a copy** at the individual's **usual place of abode** with some person of **suitable age** and **discretion** then residing therein.

Mississippi – Mississippi Rules of Civil Procedure

Yes – but without using quite the same language. *See* Rule 4 stating (A) A summons and complaint may be served upon a defendant of any class referred to in paragraph (1) or (4) of subdivision (d) of this rule by mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the

person to be served, together with two copies of a notice and acknowledgment conforming substantially to Form 1-B and a return envelope, postage prepaid, addressed to the sender.

Missouri – Civil Procedure and Limitations

Yes – §506.150 permits service by **leaving a copy** of the summons and of the petition at his **dwelling** house or **usual place of abode** with some person of his family over the **age** of fifteen years, or by delivering a copy of the summons and of the petition to an agent authorized by appointment or required by law to receive service of process;

Montana – Civil Procedure

Yes – but without using quite the same language. *See* Rule 4(d)(3)(A) A summons and complaint may also be served by mailing via first class mail, postage prepaid, the following to the person to be served: (i) a copy of the summons and complaint; (ii) two copies of a notice and acknowledgment conforming **substantially** to [form 18-A](#); and (iii) a return envelope, postage prepaid, addressed to the sender.

Nebraska - Courts; Civil Procedure

Yes - § 25-505-01 permits service by **leaving the summons** at the **usual place of residence** of the individual to be served, with some person of suitable age and discretion residing therein;

Nevada – Justice Courts and Civil Procedure

Yes – Rule 4(d)(6) permits service by **leaving copies** thereof at the defendant's **dwelling** house or **usual place of abode** with some person of suitable **age** and **discretion** then residing therein, or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

New Hampshire – Proceedings in Court

No. *See* N.H. Rev. Stat. § 514.5 Personal Service, stating If it appears to the municipal court that personal service can be made upon the defendant in this state the justice may continue such action for at least twenty-eight days, and order personal service of such notice on the defendant fourteen days at least before the date to which such action is continued.

New Jersey – Administration of Civil and Criminal Justice

Yes – Rule 4:4-4 permits service by **leaving a copy** thereof at the individual's **dwelling place** or **usual place of abode** with a competent member of the household of the age of 14 or over then residing therein, or by delivering a copy thereof to a person authorized by appointment or by law to receive **service of process** on the individual's behalf;

New Mexico – West’s New Mexico Statutes Annotated, State Court Rules, Rules of Civil Procedure for the Dist. Cts.

Yes – Rule 1.004(F)(2) permits service by delivering a copy of the process to some person residing at the usual place of abode of the defendant who is over the age of fifteen (15) years and mailing by first class mail to the defendant at the defendant's last known mailing address a copy of the process;

New York – Civil Practice Law and Rules § 308 Personal Service Upon a National Person

Yes – but without quite the same language. *See* § 308, permitting service by delivering the summons within the state to a person of **suitable age** and discretion at the actual place of business, **dwelling** place or **usual place of abode** of the person to be served and by either mailing the summons to the person to be served at his or her last known residence or by mailing the summons by first class mail to the person to be

National Immigrant Women’s Advocacy Project (NIWAP, pronounced *new-app*)

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served at his or her actual place of business in an envelope bearing the legend “personal and confidential” and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, such delivery and mailing to be effected within twenty days of each other

North Carolina – Civil Procedure, Rules of Civil Procedure

Yes – Rule 4(J)(1)(a) permits service by leaving copies thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

North Dakota – North Dakota Rules of Civil Procedure

Yes – Rule 4(d)(2)(ii) permits service by **leaving a copy** of the summons at the individual's **dwelling** or **usual place** of residence in the presence of a person of **suitable age** and discretion who resides there;

Ohio – Baldwin’s Ohio Revised Code Annotated, Rules of Civil Procedure

Yes – Civ. R. 4.1(c) permits service by **leaving a copy** of the **process** and the complaint, or other document to be served, at the usual place of residence of the person to be served with some person of **suitable age** and discretion then residing therein.

Oklahoma – Civil Procedure

Yes – §2004(C)(1)(c) permits service by **leaving copies** thereof at the person's **dwelling** house or **usual place** of **abode** with some person then residing therein who is fifteen (15) years of age or older or by delivering a copy of the summons and of the petition to an agent authorized by appointment or by law to receive **service of process**

Oregon – Procedure in Civil Proceedings (Chs. 12-36)

Yes – ORCP 7(D)(1) permits service by **leaving true copies** of the summons and the complaint at a person's **dwelling** house or **usual place** of **abode**; office **service** by **leaving true copies** of the summons and the complaint with a person who is apparently in charge of an office; **service** by mail; or **service** by publication.

Pennsylvania – civil procedure

Yes – but without quite the same language. *See* Rule 402(2)(i) stating that process may be served by handing a copy (i) at the residence of the defendant to an adult member of the family with whom he resides; but if no adult member of the family is found, then to an adult person in charge of such residence;

Rhode Island – civil procedure

Yes – Rule 4(e)(1) permits service by **leaving copies** thereof at the individual's **dwelling** house or **usual place** of **abode** with some person of **suitable age** and discretion then residing therein

South Carolina – Civil Procedure

Yes – Rule 4(d)(1) permits service by **leaving copies** thereof at his **dwelling** house or **usual place** of **abode** with some person of **suitable age** and discretion then residing therein, or by delivering a copy to an agent authorized by appointment or by law to receive **service of process**.

South Dakota – Civil Procedure

Yes – SDCL §15-6-4(e) permits service by **leaving a copy** at the defendant's **dwelling** with someone over the age of fourteen years who resides there.

Tennessee – Civil procedure, civil procedure in general sessions courts

Yes – Rule 4.04(1) permits service by **leaving copies** thereof at the individual's **dwelling** house or **usual place of abode** with some person of **suitable age** and discretion then residing therein, whose name shall appear on the proof of **service**

Texas – civil procedure and remedies code

Yes – Rule 106(b)(1) permits service, Upon motion supported by affidavit stating the location of the defendant's **usual place** of business or **usual place of abode** or other **place** where the defendant can probably be found and stating specifically the facts showing that **service** has been attempted under either (a)(1) or (a)(2) at the location named in such affidavit but has not been successful, the court may authorize **service**, by **leaving** a true **copy** of the citation, with a copy of the petition attached, with anyone over sixteen years of **age** at the location specified in such affidavit,

Utah – civil procedure

Yes – Rule 4(d)(1)(A) permits service by leaving them [copy of the summons and complaint] at the individual's **dwelling** house or **usual place of abode** with a person of **suitable age** and discretion who resides there, or by delivering them to an agent authorized by appointment or by law to receive **process**;

Vermont – court procedure

Yes – Rule 4(d)(1) permits service by **leaving copies** thereof at the individual's **dwelling** house or **usual place of abode** with some person of **suitable age** and discretion then residing therein

Virginia – Civil Remedies and Procedure

Yes - §8.01-296 permits service by delivering a copy of such **process** and giving information of its purport to any person found there, who is a member of his family, other than a temporary sojourner or guest, and who is of the **age** of 16 years or older

Washington – Civil Procedure

Yes - Rule 4.28.080(16) permits service by leaving a copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein.

West Virginia – Actions, Suits and Arbitration, Pleading and Practice, Evidence and Witness

Yes – Rule 4(d)(1)(B) permits service by Delivering a copy of the summons and complaint at the individual's **dwelling** place or **usual place of abode** to a member of the individual's family who is above the **age** of sixteen (16) years and by advising such person of the purport of the summons and complaint

Wisconsin – Civil Procedure (Chs. 801-847)

Yes – Rule 801.11 permits service by by **leaving a copy** of the summons at the defendant's **usual place of abode**: 1. In the presence of some competent member of the family at least 14 years of age, who shall be informed of the contents thereof; 1m. In the presence of a competent adult, currently residing in the **abode** of the defendant, who shall be informed of the contents of the summons

Wyoming – Code of Civil Procedure

Yes – Rule 4(e)(2) permits service by **leaving copies** thereof at the individual's **dwelling** house or **usual place of abode** with some person over the **age** of 14 years then residing therein.