

## **RULE 103. PROCESS**

All actions commenced by filing a complaint, petition or a motion for post-judgment relief with accompanying documents as required by this chapter shall be personally served upon the other party or parties in accordance with Rule 4, except as may be provided in these rules or by statute. In all actions under this chapter, including motions for post-judgment relief, service may be made by registered or certified mail, with restricted delivery and return receipt requested as permitted under Rule 4(f)(2). This form of service may be made in or outside of the state, provided that the party being served is subject to the court's jurisdiction.

### **Advisory Notes June 2008**

Rule 103 states that all actions to be commenced by filing a complaint, petition or motion for post-judgment relief must be personally served on the other party or parties except as may be provided in these rules or by statute. In addition, the rule permits the service of a complaint or petition and summons by registered or certified mail with restricted delivery and return receipt as currently provided in Rule 4(f)(2). The process outlined in this rule continues current practice in Family Division actions that requires that a complaint, a petition and a motion for post-judgment relief be personally served to commence an action. This is one important difference between Family Division actions and other civil actions. In other civil actions, motions for post-judgment relief generally need not be personally served but are served in the same manner as other civil motions. Because a motion for post-judgment relief in a Family Division action is a motion to essentially reopen a judgment, and may be filed many years after entry of the original judgment, personal service is required to assure proper notification and attention of the other party. Service is governed by Rule 4.