



Serving Process for
Massachusetts
Department of Revenue
Child Support Enforcement

Licensed Constable
And
Sheriff Handbook
November 2019

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**MASSACHUSETTS DEPARTMENT OF REVENUE
STANDARDS OF CONFIDENTIALITY FOR LICENSED CONSTABLES AND SHERIFFS
CALENDAR YEARS 2020-2022**

A. A licensed Constable or Sheriff must comply with all applicable laws and regulations relating to confidentiality and privacy, specifically the provisions of M.G.L. c. 66A, M.G.L. c. 119A, § 5A, M.G.L. c. 271, § 43, M.G.L. c. 93H, any federal law or regulation which limits the use or disclosure of information concerning applicants or recipients of child support enforcement services, and any rules or regulations of the Massachusetts Department of Revenue’s Child Support Enforcement Division (DOR) of which DOR has made the licensed Constable or Sheriff aware. A licensed Constable or Sheriff must at all times recognize the exclusive right and jurisdiction of DOR and the Commonwealth and “data subjects” (as defined in Chapter 66A) to control the use of personal data.

A licensed Constable or Sheriff is prohibited from disclosing personal or otherwise confidential data to third parties. A licensed Constable or Sheriff must use such data and material derived from such data only as necessary for the performance of his or her work as a server of process for DOR. A Licensed Constable or Sheriff must immediately notify DOR’s Administrative Affairs Division (AAD) at (617) 626-2130 or RMABInformation@dor.state.ma.us if the information in the licensed Constable or Sheriff’s possession is improperly used, accessed, or disclosed in violation of any applicable law or the terms of the Compliance Agreement. A licensed Constable or Sheriff must cooperate with DOR in taking all steps DOR deems advisable to enjoin misuse, regain possession, and/or otherwise protect such data. All such data held by the Licensed Constable or Sheriff must be delivered to DOR within 30 calendar days after termination or expiration of the Compliance Agreement. The licensed Constable or Sheriff must direct any questions regarding the authority or identity of a DOR representative or the confidential nature of any information to the DOR Contract Manager.

B. A licensed Constable or Sheriff must take reasonable steps to ensure the physical security of such data, including, but not limited to: fire protection; protection against smoke and water damage; alarm systems, locked files, guards or other devices reasonably expected to prevent loss or unauthorized removal of manually held data; passwords, access logs, badges or other methods reasonably expected to prevent loss or unauthorized access to electronically or mechanically held data; and limited terminal access, access to input documents, and design provisions to limit use of personal data. DOR records used for the purpose of the Compliance Agreement must be segregated from other records of a licensed Constable or Sheriff.

C. A licensed Constable or Sheriff must sign a Confidentiality Agreement for licensed Constables and Sheriffs. The licensed Constable or Sheriff may not work under the Compliance Agreement until he or she has read and signed the Confidentiality Agreement.

MASSACHUSETTS DEPARTMENT OF REVENUE
STANDARDS OF CONDUCT FOR LICENSED CONSTABLES AND SHERIFFS
CALENDAR YEARS 2020-2022

Commencing January 1, 2014, the following Standards of Conduct shall apply to all licensed Constables and Sheriffs, and if applicable, their employees, agents, or associates who may serve civil process in any case filed by the Child Support Enforcement Division of the Massachusetts Department of Revenue (DOR). In these Standards of Conduct, the terms “Constable” and “Sheriff” shall mean not only the Constable or Sheriff but also his or her employees, agents or associates who are engaged in any aspect of service of process relating to a DOR case. These provisions apply to Constables and Sheriffs who are seeking inclusion on DOR’s list of authorized process servers.

1. Each licensed Constable or Sheriff shall abide by all applicable laws relevant to service of process, including but not limited to Massachusetts General Laws Chapter 136, Section 8, which prohibits service of process on Sunday and assigns civil liability to any Constable or Sheriff who serves process on Sunday.
2. No licensed Constable or Sheriff shall represent himself or herself, either directly, indirectly or covertly, as an employee of DOR and nothing in these Standards of Conduct shall be deemed to create any employer/employee relationship. Approval of a Constable or Sheriff for vendor services is not a guarantee that DOR will engage the services of that Constable or Sheriff.
3. No licensed Constable or Sheriff shall represent himself or herself as a law enforcement officer while serving process for DOR unless he or she has received such law enforcement designation from an entity legally entitled to issue such designation. DOR has no authority to issue such designation.
4. No licensed Constable or Sheriff shall effect, or attempt to effect, service of process through the use of threats, physical force or intimidation, whether directed at the individual on whom process is sought or any other individual.
5. No licensed Constable or Sheriff shall attempt to service an original summons, trustee process or subpoena on an individual after 9:00 p.m. Eastern Time, unless explicitly preauthorized to do so by court order.
6. No licensed Constable or Sheriff engaged to serve process for DOR shall leave an original summons, trustee process or subpoena with a minor child. Constables and Sheriffs are further prohibited from interacting with a minor child by telephone or in person while attempting to serve process. If there is any doubt as to the age of the child, the Constable or Sheriff must terminate the interaction.

7. In cases where DOR requests service of process by delivery in hand to a named individual or such in-hand service is required by law, DOR shall provide instructions to the licensed Constable or Sheriff as to how he or she shall effectuate such in-hand service. No licensed Constable or Sheriff shall be entitled to payment of a fee or any otherwise allowable expenses if service is not done in accordance with DOR's instructions.
8. Each licensed Constable or Sheriff shall serve all documents accompanying the summons in a sealed envelope with the name of the individual to be served written on the outside of the envelope.
9. Each licensed Constable or Sheriff shall have a valid Massachusetts Driver's License and shall notify DOR's Service of Process Coordinator within 7 days if his or her Driver's License is suspended or revoked for any reason.
10. Each licensed Constable or Sheriff shall have the capability to receive and/or submit summonses and invoices electronically if requested to do so by DOR. Electronic transmissions shall meet DOR's Standards of Confidentiality.
11. Each licensed Constable or Sheriff shall notify DOR of any change in his or her status as a constable or sheriff, including but not limited to, the renewal or expiration of existing appointments to serve process or new appointments to serve process in additional cities or towns. Said notice shall be provided to DOR Staff at cseserviceprocess@dor.state.ma.us within 7 days of any change in status.
12. Each licensed Constable or Sheriff shall notify DOR's Service of Process Coordinator within 7 days if he or she is the subject of any criminal charges.
13. Each licensed Constable or Sheriff shall attend a meeting hosted by DOR in alternating calendar years to review the requirements for serving process in DOR cases and such attendance is a condition for inclusion on DOR's authorized process server list. DOR shall notify licensed Constables and Sheriffs in writing of the date, time and location of these regional meetings.
14. All licensed Constables or Sheriffs and each employee agent or associate shall execute a Confidentiality Agreement approved by DOR before they may serve civil process for DOR. No licensed Constable or Sheriff shall disclose confidential information about the individual on whom service of process is sought, or about any other individual involved in the legal action. No licensed Constable or Sheriff shall disclose confidential information to any person that is not directly involved with the service of the summons or apprehension of individual on who process is sought. Each licensed Constable or Sheriff

shall take all available steps to ensure that all data in his or her possession is secured against unauthorized disclosure.

15. Each licensed Constable or Sheriff shall submit to DOR a completed application for each employee, agent or associate who may be involved in service of process for DOR before using the services of such employee, agent or associate. Applications should be sent to DOR staff at cseserviceprocess@dor.state.ma.us. DOR will review each employee, agent or associate individually to determine if he or she is appropriate for inclusion on DOR's list of authorized process servers. DOR will not compensate for services provided by any employee, agent or associate who has not signed a Confidentiality Agreement or passed all DOR-required tax, child support and criminal history background checks.
16. DOR shall perform periodic reviews to ensure that each Constable or Sheriff remains in compliance with these Standards of Conduct. DOR shall also perform periodic tax, child support, and criminal history background checks on Constables and Sheriffs who have been previously authorized to serve process for DOR. DOR may remove a Constable or Sheriff from the list of authorized process servers at any time, at DOR's discretion. Re-inclusion of any licensed Constable or Sheriff for DOR's list of process servers shall be at the discretion of the Deputy Commissioner of the Child Support Division of the Department of Revenue.

DIRECTIVES TO DOR CIVIL PROCESS SERVERS

1. A summons should be served in-hand only if DOR specifically requests it.
2. Do not reassign the service of the summons or writ of capias to any other DOR vendor or any other individual. You must contact DOR and receive permission before collaborating with any other DOR vendor to serve the summons or writ of capias.
3. Do not give the summons or writ of capias to any third party for delivery to the subject. Do not disclose any information about the summons or writ of capias, or any personal information of the parties involved in the court action, to any other individual, unless DOR specifically authorizes such disclosure.
4. Do not present yourself as an employee of DOR. Do not present yourself as a law enforcement official unless you hold a designation from a Sheriff's department and are acting in your capacity as an employee of the Sheriff's department when you serve the summons or writ of capias. You must present a business card upon any inquiry about your role or affiliation.
5. Do not enter any residence, even with permission, to attempt to serve or search for the subject of the summons or writ of capias.
6. Do not interact with minor children by telephone or in person while attempting to serve process. If children are present with a subject, leave your contact information with the subject and request a call back when the children are not present.
7. Do not serve or attempt to serve the summons or writ of capias through misrepresentations, threats, intimidation, or physical force.
8. DOR does not require a licensed Constable or Sheriff to carry a firearm. If a licensed Constable or Sheriff chooses to carry a firearm then he or she must be in compliance with all State and Federal laws, including any applicable licensing and training requirements.
9. Each licensed Constable or Sheriff must maintain a professional demeanor while serving process for DOR. Each licensed Constable or Sheriff must interact with DOR staff, court staff, and the public in a professional and courteous manner. Unprofessional or discourteous interactions with DOR staff, court staff, or the public will result in removal from the DOR's list of authorized process servers.
10. DOR is the sole arbiter of whether or not a licensed Constable or Sheriff violated any of the Standards of Conduct, Directives to DOR Civil Process Servers, Directives for Service of Writs of Capias, the Compliance Agreement, the Confidentiality Agreement

for Licensed Constables and Sheriffs, the Standards of Confidentiality for Licensed Constables and Sheriffs, and Service of Process Fee Schedule for Licensed Constables and Sheriffs. A single violation may result in removal from the DOR's list of authorized process servers.

ADDITIONAL DIRECTIVES FOR SERVICE OF WRITS OF CAPIAS

1. Do not characterize the writ of capias as an "arrest warrant."
2. Do not serve the writ of capias if the subject is in the presence of the subject's minor children.
3. You must follow the rules of the police department of the municipality in which you are serving a writ of capias, including any requirements to notify the police department before serving the writ of capias or to serve the writ of capias with police accompaniment.
4. If you are acting in the capacity of a licensed constable, you must serve the writ of capias between the hours of 8 a.m. and 2 p.m. (The 2 p.m. limit is due to the fact that you will be required to bring the subject directly to the issuing court in time for a hearing during court hours.)
5. If you are acting in the capacity of deputy sheriff, you must serve the writ of capias between the hours of 8 a.m. and dusk, or other hours specifically authorized by the court. (There is no 2 p.m. limit here because those who are acting as authorized designees of a Sheriff's department will have access to the Sheriff's holding facility and transportation resources.)
6. You must notify the identified point of contact at DOR immediately upon serving the writ of capias or arranging for a voluntary surrender.

RETURNING DOR DOCUMENTS

1. You must return the original version of any writ of capias to DOR that is not served within 90 days of receipt.
2. You must immediately return to DOR the original version of the writ of capias upon determining that the subject is incarcerated.
3. You must fill out a return of service immediately upon serving a summons and return it to DOR within 15 days.

**MASSACHUSETTS DEPARTMENT OF REVENUE
SERVICE OF PROCESS FEE SCHEDULE FOR LICENSED CONSTABLES AND
SHERIFFS
CALENDAR YEARS 2020-22**

This Fee Schedule is based on M. G. L. Chapter 262, Section 8

DOR will not pay any miscellaneous charges other than those outlined in the fee schedule below (i.e. cell phone charges, handling charges).

Type of service	Base Fee	Maximum itemized expenses	Total Cap
In Hand	\$30	\$25 for 1 summons \$30 for 2 summonses \$35 for 3 summonses	\$55 for 1 summons \$90 for 2 summons \$125 for 3 summonses
Last and Usual	\$20	\$20 for 1 summons \$30 for 2 summonses \$50 for 3 summonses	\$40 for 1 summons \$70 for 2 summonses \$110 for 3 summonses
Capias	\$50	\$200 for fees for surveillance, arrest, detention, extra manpower and time spent in court. \$100 for all other itemized expenses (including travel and conveyance)	\$350 for 1 capias \$400 for 2 capias \$450 for 3 capias
Capias Surrender	\$25	\$150	\$175
Diligent Search Capias	N/A	N/A	\$25 per defendant
Diligent Search Summons	N/A	N/A	\$10 per defendant
Subpoena	\$20	\$20	\$40 per defendant/witness
Last and usual service of an attachment of property (real or personal)	\$20	\$20	\$40

ITEMIZED INVOICES

You must itemize all invoices, separately identifying the type of service made, the base fee for the service, and specific amounts being billed for travel, use of a conveyance, copies, attestation and postage, if applicable. DOR will not pay invoices that are not itemized. See Attached Sample Invoice (page 13).

- All invoices must be submitted on CONCUR.
- You must enter a unique invoice number in the “Invoice Details.” Do not use the docket number as the invoice number.
- CONCUR will not let you submit charges that exceed the maximum fees outlined in the fee schedule below.
- Before submitting, you must upload an image of the summons, proof of service, and affidavit of service.
- One invoice must be used in cases with multiple children of the same parties. Separate base fees and copy expenses may be charged for each summons served but travel and conveyance can only be charged once.

COMPENSATION FOR TRAVEL

The amount billed for travel must be computed using the actual miles traveled to complete the service or apprehension.

Pursuant to G.L. c. 262, § 8, you may charge \$0.32 per mile each way for travel. You must use the actual miles traveled to complete service. You will not be compensated for multiple trips to complete the requested service unless DOR requested in-hand service.

DOR understands that there may be two segments of travel required to complete service:

1. Travel from your place of business to the place that service is made; and
2. Travel from place of service to court or place of return.

DOR interprets the place of return to be your business office because the return is made via mail unless DOR specifically asks for a return to be delivered to a DOR office or court.

When serving a summons package from another county court within your county, you must use the mileage from your place of business to the place of service. If you are transporting a defendant to another county’s court, you should use the actual mileage traveled to the courthouse.

COMPENSATION FOR USE OF A CONVEYANCE

Pursuant to G.L. c. 262, § 10, you may charge \$0.15 per mile for the use of a conveyance (vehicle) between 2 and 30 miles (total charge cannot exceed \$4.50). You may charge this fee whether you use your own vehicle or someone else’s. Your mileage should match the travel mileage.

COMPENSATION FOR COPIES

Pursuant to G.L. c. 262, § 15, you may charge a fee of \$0.50 per page for copies of a summons and complaint or notice of attachment of property. DOR will provide all other copies that need to be mailed and you cannot charge DOR for these copies. You cannot charge DOR for copies you keep for your own records.

ATTESTATION OF COPIES

Pursuant to G.L. c. 262, § 8A (3), you may charge \$5 DOR for attestation of each copy of a writ, precept or process.

COMPENSATION FOR POSTAGE

You may charge DOR for postage you need to mail a summons and complaint for last and usual service.

You may charge the first class United States Postal Service rate: \$0.55 as of January 27, 2019. If you are mailing two packages, then you may charge \$0.70. If you are charging for three packages, you may charge \$0.85. You must upload an original receipt to CONCUR if the postage charge exceeds \$0.85.

PROCESS FOR REQUESTING ADDITIONAL FUNDS

You may request additional funds for service of a capias across county lines. **Prior approval by the DOR Deputy Commissioner or her designee is required.** If the projected cost of service of a capias is likely to exceed \$350, you must contact the regional service of process coordinator and provide a written itemization of the anticipated cost. Your request will be reviewed by regional counsel. **You may only attempt to apprehend the defendant after you receive written notice that the additional cost has been approved.** You will not receive additional funds if you do not obtain approval before apprehending the defendant and you will receive the normal capias fee of up to \$350.

You may only request additional funds from DOR. **You may not request additional funds from the court or the party served.**

BILLING EXAMPLES

In-hand service of an original summons and a copy of the complaint: No more than \$55

This includes a base fee of \$30. All itemized expenses cannot exceed \$25 (this includes travel, conveyance and copies).

You can return the original summons and complaint package to DOR if you do not believe that you can complete service for \$55.

Example: One summons (may not exceed \$55)

\$30 base fee for summons

\$5 attestation fee for writ

\$2 copies- 4 pages for writ @ \$0.50 per page—DOR will not pay for copies it provides

\$3.20 travel- 10 miles @ \$0.32 per mile

\$1.50 conveyance- 10 miles @ \$0.15 per mile

\$41.70 Total

NOTE: When serving multiple summonses on same defendant, you can bill multiple base fee and copying costs but not multiple travel costs.

Example: Two summonses (may not exceed \$90)

\$30 base fee for 1st summons

\$30 base fee for 2nd summons

\$5 attestation fee for 1st writ

\$5 attestation fee for 2nd writ

\$2 copies- 4 pages for 1st writ @ \$0.50 per page—DOR will not pay for copies it provides

\$2 copies- 4 pages for 2nd writ @ \$0.50 per page—DOR will not pay for copies it provides

\$3.20 travel- 10 miles @ \$0.32 per mile

\$1.50 conveyance- 10 miles @ \$0.15 per mile

\$78.70 Total

NOTE: Three summonses may not exceed \$125.

**Last and usual service of an original summons and a copy of the complaint:
No more than \$40**

This includes a base fee of \$20. All itemized expenses cannot exceed \$20 (this includes travel, conveyance, postage, attestation fees and copies).

Last and usual service is not complete until you complete the affidavit of service. This must be done at least 7 days after the mailing. Do not submit an invoice to CONCUR before service is complete.

You can return the original summons and complaint package to DOR if you do not believe that you can complete service for \$40.

Example: One summons (may not exceed \$40)

\$20 base fee for summons

\$5 attestation fee for writ- left

\$5 attestation fee for writ- mailed

\$2 copies- 4 pages for writ @ \$0.50 per page—DOR will not pay for copies it provides

\$3.20 travel- 10 miles @ \$0.32 per mile

\$1.50 conveyance- 10 miles @ \$0.15 per mile

\$36.70 Total

NOTE: When serving multiple summonses on same defendant, you can bill multiple base fee and copying costs but not multiple travel costs.

Example: Two summonses (may not exceed \$70)

\$20 base fee for 1st summons

\$20 base fee for 2nd summons

\$5 attestation fee for 1st writ- left

\$5 attestation fee for 1st writ- mailed

\$5 attestation fee for 2nd writ- left

\$5 attestation fee for 2nd writ- mailed

\$2 copies- 4 pages for 1st writ @ \$0.50 per page—DOR will not pay for copies it provides

\$2 copies- 4 pages for 2nd writ @ \$0.50 per page—DOR will not pay for copies it provides

\$3.20 travel- 10 miles @ \$0.32 per mile

\$1.50 conveyance- 10 miles @ \$0.15 per mile

\$68.70 Total

NOTE: Three summonses may not exceed \$110.

Capias within the Commonwealth for each defendant apprehended and brought to Court: No more than \$350

This includes a base fee of \$50. Any fees for surveillance, arrest and detention, extra manpower and time spent at court cannot exceed \$200. All other itemized expenses cannot exceed \$100 (this includes travel and conveyance).

If you cannot effectuate the capias for under \$350, you can either return the original capias to DOR or request pre-approval for additional funds via the process outlined on page 8.

Example: One capias (may not exceed \$350)

\$50 base fee capias

\$125- 5 hours court time @ \$25 per hour

\$75- 3 hours surveillance @ \$25 per hour

\$4.50 conveyance- 30 miles @ \$0.15 per mile

\$13.44- 42 miles @ \$0.32 per mile

\$267.94 Total

Example: Two capias (may not exceed \$400)

\$50 base fee 1st capias

\$50 base fee 2nd capias

\$125- 5 hours court time @ \$25 per hour

\$75- 3 hours surveillance @ \$25 per hour

\$4.50 conveyance- 30 miles @ \$0.15 per mile

\$13.44- 42 miles @ \$0.32 per mile

\$317.94 Total

NOTE: Three capias may not exceed \$450.

Capias Surrender Fee: No more than \$175

This includes a base fee of \$25. All itemized expenses cannot exceed \$150 (this includes surveillance, manpower, conveyance and travel).

You must provide documentation detailing your attempts to apprehend the defendant. You must provide specific times, dates, and locations of your actions that lead to the defendant's surrender. If none of your actions occurred within 3 weeks of defendant's surrender, you can only charge for a diligent search.

You must return the original capias to DOR.

Diligent Search Capias: No more than \$25

If you are unable to apprehend the defendant within 90 days of receiving the capias from DOR, you may charge \$25. You must provide documentation detailing your attempts to apprehend the defendant. You must provide specific times, dates, and locations of your actions.

You must return the original capias to DOR.

If you determine the defendant is incarcerated, **do not serve the capias by lodging the writ with the correctional institution.** Return the capias to DOR and contact the service of process coordinator to update the defendant's address. You may charge \$25.00 for the capias.

In situations involving multiple writs of capias for the same defendant, you may only charge one diligent search fee.

Diligent Search Summons: No more than \$10

If you are unable to locate the defendant at the address provided or if the last and usual mailing is returned by the Post Office as undeliverable, you may charge \$10 for a diligent search.

You must return the summons package to DOR. Please provide any information you know about the defendant's location.

In situations involving multiple summonses for the same defendant, you may only charge one diligent search fee.

Subpoena for each defendant or each witness: No more than \$40

This includes a base fee of \$20. All itemized expenses cannot exceed \$20 (this includes travel, conveyance and copies).

You can return the original summons and complaint package to DOR if you do not believe that you can complete service for \$40.

Last and usual service of an attachment of property (real or personal): No more than \$40

This includes a base fee of \$20. All itemized expenses cannot exceed \$20 (this includes travel, conveyance, postage and copies).

You can return the original summons and complaint package to DOR if you do not believe that you can complete service for \$40.

SAMPLE INVOICE

ALL INVOICES MUST NOW BE SUBMITTED ON CONCUR

Sample of Some of the Details Provided by CSE on the Paperless Invoice

Payment Request [Purchase Order Number]

Actions • Details •

Payment Request Purchase Order Matching Summary

Vendor Information
[Constable Name]
AD001
[Constable Address]
Vendor Code: [Constable Vendor Code]
Address Code: AD001
Currency: USD-US, Dollar

Invoice Details
Payment Request Type: *MA DOR PRI/PO Policy
Request Name: []
Invoice Number: []
Invoice Date: 06/02/2016
Payment Due Date: 06/30/2016
Remittance Description: L&U attached to mail boxes
Request ID: DC7E72D26F2C487B88E9
Request Total: 38.01
Request Key: []
Request Description: []
Currency: USD-US, Dollar
Total Invoice Amount: 38.01
Comments: []
Origin Source: MAN
Date Service Assigned: 06/02/2016
Request ID: DC7E72D26F2C487B88E9
Service Target (Defendant) PIN: []
Defendant: []
Plaintiff: []
Complaint type: Complaint for Contempt
Probate Court Name: Suffolk Probate and Family Co
Docket Number(s): SU14W0153
Date of Court Hearing: 7/7/16
Service of Process Coordinator: Hermelinda Zegarra
Assigned CSE Attorney: Jodi Meade
Person Served: []
Address of Person Served: []
Date Service Provided: 06/06/2016
Payment Status: Not Paid
Payment Status Date: []
Payment Amount: []

Itemization Summary
Add Item Delete Item Edit | Amount Remaining to be Itemized: \$0.00

No.	Expense Type	Line Description	Quantity	Unit Price	Total
1	Last and Usual	CONTEMPT	1	20	\$20.00
2	Attestation	2 docs	2	5	\$10.00
3	Postage	first class pre-paid	1	0.49	\$0.49

- The PIN number is located in the Invoice Detail section in the Service Target box
- Do not use the docket number as the invoice number. Invoice numbers may be used only once. Use unique numbers.
- When billing for multiple services for one defendant submit only **ONE** invoice.
- All invoices must include a scanned copy of the summons.

IN-HAND OR LAST AND USUAL SERVICE

Pursuant to Mass. R. Dom. Rel. P. 4(d) (2), service of a summons and complaint may be either In-Hand or Last and Usual. In-hand service is preferred. If in-hand service has not been requested exclusively and cannot be accomplished on the first attempt, you must make service by last and usual.

In-hand service means personal service to the defendant named in the complaint and summons. Handing the complaint and summons to any other person, including the wife, mother, father, sibling or roommate of the defendant **is prohibited by DOR's Confidentiality policy and does not qualify as in-hand service. You will not be paid for service made to a third party.**

If DOR requests that a defendant be served at their place of employment, you will not be paid unless the individual is served in-hand with a summons, complaint and notice of hearing date.

If DOR requests in-hand service and multiple attempts to serve process are unsuccessful, you must get prior-approval from the DOR attorney assigned to the case if you believe your travel expenses will exceed the limits in the fee schedule.

When service is made in-hand, a return of service must be sent to DOR within 10 calendar days after you received the package.

Last and usual service means leaving copies of the complaint and summons at the defendant's last and usual address and mailing a copy to the same address. **The complaint and summons packet must be placed in a sealed envelope with the defendant's name written across the front. Documents must never be left without an envelope.**

In cases where last and usual service has been obtained, the licensed Constable or Sheriff must mail a copy of the complaint and summons to the defendant at the same address. You must include your return address on the envelope used to mail the documents to the defendant. **You must wait 7 days after mailing the documents to complete an affidavit** verifying that the mailing was not returned by the United States Postal Service. **You cannot submit an invoice on CONCUR until waiting the 7 days.** The return and affidavit of service must include the date of mailing and the address where you sent the complaint and summons as required under General Laws chapter 223, §§ 31 and 35.

When service is made as last and usual, a return of service must be sent to DOR within 15 calendar days after you received the package. If DOR does not receive the return of service within 15 calendar days, DOR will send a new package to another process server and you will not be able to receive payment for that package.

SERVICE OF A CONTEMPT SUMMONS

When serving a complaint and summons on a Contempt hearing, you must serve the defendant in-hand at least **seven (7) days prior to the hearing date** or **fourteen (14) days prior to the hearing date** if last and usual. DOR must receive the return of service at least **five (5) days prior to the hearing date**. You will not be paid if you do not send the return of service within these timeframes.

SERVICE OF A CAPIAS- INCARCERATED DEFENDANT

If you receive a capias on a defendant who is incarcerated, **please do not lodge the writ with the correctional institution**. Lodging the writ may limit the defendant's opportunities for parole and work release, which limits the defendant's ability to comply with a child support order. **Return the capias to DOR and contact the service of process coordinator to update the defendant's address**. You can only charge \$25 for a diligent search.

CAPIAS SURRENDER

You must provide documentation detailing your attempts to apprehend the defendant. You must provide specific times, dates, and locations of your actions that lead to the defendant's surrender. This documentation should be canned into Concur with your invoice. If none of your actions occurred within 3 weeks of defendant's surrender, you can only charge for a diligent search.

You must return the original capias to DOR.

DILIGENT SEARCH CAPIAS

You must provide documentation detailing your attempts to apprehend the defendant. You must provide specific times, dates, and locations of your actions. This documentation should be canned into Concur with your invoice. You must return the original capias to DOR. In situations involving multiple writs of capias for the same defendant, you may only charge one diligent search fee.

SAMPLE SUMMONS

Commonwealth of Massachusetts
The Trial Court
Suffolk Division

Probate and Family Court Department

Docket No. 09W12345

Domestic Relations Summons
Jane Johnson, Plaintiff

v.

Don Johnson, Defendant

To the above named Defendant:

You are hereby summoned and required to serve upon ATTORNEY JONES plaintiff's attorney whose address is 239 Causeway St. Boston, MA 02114 a copy of your answer to the complaint to establish paternity which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file your answer to the complaint in the office of the Register of this Court at Suffolk Probate Court either before service upon plaintiff's attorney or within a reasonable time thereafter.

Witness _____, Esquire, First Justice of said Court at Suffolk Probate, this _____ day of _____, 20_____.

Register of Probate

ACCEPTANCE OF SERVICE

I, _____, the above named Defendant hereby accept service of this summons and understand that judgment may be rendered against me in accordance with the complaint a copy of which I have received this day.

Date _____

Signature of Defendant

NOTARIZATION

_____ ss Date _____

Then personally appeared the above named _____ who made oath that the foregoing acceptance was his free act and deed.

Signature of Notary Public _____
Print Name _____
My Commission Expires _____

SAMPLE PROOF OF SERVICE

Commonwealth of Massachusetts
The Trial Court
Suffolk Division

Probate and Family Court Department Docket No: 09W12345

Proof Of Service

I hereby certify and return that on August 11, 2015 at 1:00 PM, I served a copy of the within summons, together with a copy of the complaint in this action upon the within named defendant by leaving it taped inside the screen door at his Last and Usual address, 123 Workhouse Road, East Boston, MA 02111. Later that same day I did mail, by 1st class, an attested copy of this summons and complaint to the defendant at the above address. As of this date the mailing has not been returned to me.

Date 8-18-2015

Signed under the penalties of perjury

Date of Service 08-11-2015

John Smith

Signature of officer or other server

Note: Service of process must comply with Massachusetts Rules of Domestic Relations Procedure Rule 4.

SAMPLE AFFIDAVIT OF SERVICE

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT DEPARTMENT
PROBATE AND FAMILY COURT

SUFFOLK DIVISION:

DOCKET NO: 09W12345

MASSACHUSETTS DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION
ON BEHALF OF
Jane Johnson PLAINTIFF,
VS
Don Johnson DEFENDANT,

AFFIDAVIT OF SERVICE

I, CONSTABLE JOHN SMITH, DEPOSE AND STATE AS FOLLOWS:

1. I AM A LICENSED CONSTABLE AUTHORIZED TO SERVE PROCESS IN THE
City OF Boston.
2. ON August 11, 2015, I SERVED THE ABOVE NAMED Defendant Don Johnson BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT IN THE ABOVE CAPTIONED CASE AT: 123 Workhouse Road, East Boston, MA 02111 AT APPROXIMATELY 1:00 AM/PM.
3. I ALSO MAILED A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT TO THE DEFENDANT AT THE ADDRESS LISTED IN PARAGRAPH TWO (2) ON August 11, 2015
4. THE MAILING SENT TO THE DEFENDANT ON August 11, 2015 HAS NOT BEEN RETURNED AS UNDELIVERABLE.
5. A NOTICE OF CHANGE OF ADDRESS WAS INCLUDED IN THE ABOVE:
X YES NO

Signed under the pains and penalties of perjury this 18th day of August 2015.

John Smith

LICENSED CONSTABLE/ DEPUTY SHERIFF

PLEASE NOTE: If you have served at an address other than the one listed on the complaint, please explain the reason, and the name of the DOR/CSE attorney that approved this service, on the bottom of this affidavit. Thank You.

SUMMARY OF MASSACHUSETTS LAWS

General Laws Chapter 223, Section 31. Summons; leaving at last known address, etc.

In an action brought in the district court, if service is made at the last and usual place of abode, the officer making service shall forthwith mail first class a copy of the summons to such last and usual place of abode. The date of mailing and the address to which the summons was sent shall be set forth as required by section thirty-five in the officer's return.

General Laws Chapter 223, Section 35. Process; duty of officer to state place of service in return.

When process is served by an officer by leaving copies of the summons, subpoena, or summons and complaint at the last and usual place of abode of any person, the officer serving the same shall state in his return the place as definitely as is practicable, giving, if possible, the street and number, where service was made.

General Laws Chapter 127, Section 6. Service of process in penal or reformatory institutions.

All process to be served within the precincts of any penal or reformatory institution shall be directed to and served by the superintendent, superintendent or keeper of each jail or house of correction thereof or his deputy.

General Laws Chapter 136, Section 8. Service or execution of process.

Civil process shall not be served or executed on Sunday, and such service if made shall be void, and the person who serves or executes it shall be liable in damages to the person aggrieved in like manner as if he had no such process; provided, that this section shall not apply to service of such process by publication in a newspaper published on Sunday.

General Laws Chapter 223, Section 31A. Summons; service upon persons engaged in voting.

Personal service of a writ or summons upon a defendant while he is exercising his right to vote shall be null and void.

FREQUENTLY ASKED QUESTIONS

How do I update my address with DOR?

Contact DOR Contract Manager, Pete Rencsko at (617) 626-2371 to report a change in address, he will change the address on the DOR computer system. You must also complete another W-9 form, available at <http://www.mass.gov/osc/guidance-for-vendors/forms.html>. Mail the completed form to:

DOR/ Accounts Payable
P.O. Box 9556
Boston, MA 02114-9556

How do I sign up for direct deposit?

You must complete the “Electronic Funds Transfer (EFT) Sign-Up” form, available at <http://www.mass.gov/osc/guidance-for-vendors/forms.html>. Mail the completed form to:

DOR/ Accounts Payable
P.O. Box 9556
Boston, MA 02114-9556

What do I do if I did not receive a payment?

You must sign into VendorWeb, available at <http://www.mass.gov/vendorweb>. Review “Scheduled Payments” and “Payment History” to determine whether the payment is scheduled to be paid or has already been paid. Please note that this information may not be available when accessing the website on a mobile phone.

If an invoice has been approved by the attorney but has not been paid, first check VendorWeb to see if it is scheduled for payment. If VendorWeb does not show that the invoice is scheduled for payment, send an email with your vendor code, invoice number, and screenshot of VendorWeb to Paula Plessas at plessasp@dor.state.ma.us.

What do I do if I will be unable to serve process for a period of time (due to vacation, illness, injury)?

Contact DOR Contract Manager, Pete Rencsko at (617) 626-2371 so that he can inactivate you on the DOR computer system. If DOR is unaware that you are unable to serve process, then summons packets will continue to be sent to your business while you are away, resulting in delays in moving the case forward.

Who can I contact if I have a question about the paperwork I received?

Please contact the service of process supervisor at the regional office that sent out the papers. The names and telephone numbers of all the service of process coordinators are listed in the back of this booklet.

What if I can't serve the package DOR sent me?

If you cannot serve a summons package, please immediately contact the service of process coordinator at the regional office that sent you the package. Notify them that you cannot serve the package and will be returning them immediately. Return the package immediately so that it can be sent to another process server. The names and telephone numbers of all the service of process coordinators are listed in this booklet.

Who can I contact if I have a question about the CONCUR system?

If you're having problems with the system itself, Please contact Paula Plessas at (617) 626-3818 plessasp@dor.state.ma.us . If your question is about a specific payment, **please check your account history on VendorWeb before calling Paula.**

DOR CONTACT INFORMATION

Mailing address is the same for all Regional Offices:

Massachusetts Department of Revenue
Child Support Enforcement
P.O Box 7057
Boston, MA 02204-7057

METRO REGION: SUFFOLK COUNTY

Service of Process Supervisor: Arlene Josiah Phone: (617) 626-2690 Fax: (617) 660-9502 Email: josiah@dor.state.ma.us	Regional Counsel: Tanya Fuller Phone: (617) 626-2685 Fax: (617) 660-9876 Email: fullert@dor.state.ma.us
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NORTHERN REGION: MIDDLESEX AND ESSEX COUNTIES

Service of Process Supervisor: Rich Santo Phone: (781) 376-1000 ext. 61624 Fax: (617) 660-1017 Email: santor@dor.state.ma.us	
Middlesex Regional Counsel: Stephen McNamara Phone: (781) 376-1000 ext. 61067 Fax: (617) 660-0426 Email: mcnamaras@dor.state.ma.us	Essex Regional Counsel: Janet Fennell Phone: (781) 376-1000 ext. 61088 Fax: (617) 660-0867 Email: fennellj@dor.state.ma.us

CENTRAL REGION: WORCESTER COUNTY

Service of Process Supervisor: Reyo Matthews Phone: (508) 792-7300 ext. 22745 Fax: (617) 660-9546 Email: matthewsr@dor.state.ma.us	Regional Counsel: Kevin Sheehan Phone: (508) 792-7300 ext. 22708 Fax: (617) 660-0859 Email: sheehank@dor.state.ma.us
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SOUTHERN REGION: BARNSTABLE, BRISTOL, DUKES, NANTUCKET, NORFOLK AND PLYMOUTH COUNTIES

<p>Service of Process Supervisor: Robin Spinella Phone: (774) 299-6400 ext. 26537 Fax: (617) 660-0494 Email: spinella@dor.state.ma.us</p>	
<p>Barnstable, Dukes, Nantucket, and Bristol Regional Counsel: Cheryl Mazurek Phone: (774) 299-6400 ext. 26518 Fax: (617) 660-0422 Email: mazurek@dor.state.ma.us</p>	<p>Norfolk and Plymouth Regional Counsel: Lestina Rucks Phone: (774) 299-6400 ext. 26548 Fax: (617) 660-9987 Email: rucksl@dor.state.ma.us</p>

WESTERN REGION: BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE COUNTIES

<p>Service of Process Supervisor: Karen Patino Phone: (413) 784-1025 ext. 21403 Fax: (413) 785-4804 Email: patino@dor.state.ma.us</p>	<p>Regional Counsel: Sara McCollum Phone: (413) 784-1025 ext. 21001 Fax: (617) 660-0444 Email: mccollum@dor.state.ma.us</p>
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DOR ACCOUNTS PAYABLE

<p>Paula Plessas P.O. Box 9556 Boston, MA 02114-9556 Phone: (617) 626-3818 Fax: (617)660-0122 Email: plessasp@dor.state.ma.us</p>	
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DOR CONTRACT MANAGER

<p>Pete Rencsko P.O. Box 9561 Boston, MA 02114-9561 Phone: (617) 626-2371 Fax: (617) 660-9772 Email: rencskop@dor.state.ma.us</p>	
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