

# Instructions for Serving the Summons

**Please read these instructions carefully. If you do not follow these instructions, you may have to serve the summons again or your case may not be heard in court.**

If you have any questions or need legal help, please contact the ACLU of Mississippi LGBTQ Justice Project.

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## General Serving Information

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### The Summons and Return

Your Summons form and Return (also called Proof of Service) have already been generated with your documents and are filled out with the name and address of the defendant of your lawsuit, the Mississippi Department of Health. The Return is page 2 of the Summons and is filled out by whoever completed service to the Attorney General.

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### The Deadline

You must complete service of process within 30 days of issuance of the Summons to proceed with your lawsuit. If you do not, call the Clerk's office to reissue your Summons and reschedule your hearing.

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### If You Have Lost the Summons

Please call the Clerk's office to reissue your Summons. You may get a later court date than your original Summons.

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### Who to Serve and Where to Go

The Mississippi Attorney General accepts service on behalf of the Mississippi Department of Health, located at the Walter Sillers Building located at 550 High Street, Jackson, MS 39201. This is the only appropriate place and entity to serve. If the court administrator says you have served the wrong location or party, reach out to us at [lgbtq@aclu-ms.org](mailto:lgbtq@aclu-ms.org).

**Note:** In unusual cases, it is possible that a judge will identify a person, organization, business, or other entity with an interest in your name change and require you to serve them. Follow the same directions as we have here but with that entity as the recipient of the Summons.

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## Steps for Serving the Mississippi Attorney General

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### Step 1: Filing

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You must file your lawsuit with the Chancery Court Clerk.

- Keep your Order and letter to Vital Records and set them aside for now.
- Take your valid photo ID to the Chancery Clerk in your county of residence along with your completed Civil Cover Sheet, Petition, Exhibit A (copy of your birth certificate), Exhibit B (letter from medical provider), any other Exhibits, Summons, and Return. Give one copy of the documents to the Chancery Clerk and ask them to file your Petition to begin your lawsuit. Pay your fee.

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### Step 2: Issue the Summons

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You must get a Summons issued by the Chancery Court Clerk.

- Ask the Clerk to issue the Summons for you, which will include stamping the Summons, writing the case number in, and filling it out with the presiding judge and a date at least 60 days in the future for your hearing. (If the Clerk has substituted the Summons we drafted for another one without the date of a hearing, please notify us at [lgbtq@aclu-ms.org](mailto:lgbtq@aclu-ms.org) and follow the same instructions below.)
- Either ask the Clerk to make two identical copies of the file-stamped Petition, exhibits, and Summons, or ask them to photocopy it for you. Take a photo or scan the Summons in case you lose the paper copy. If you have lost your Summons, please call the Clerk's office to reissue your Summons.

### Step 3: Put the Documents Together

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Once the Clerk has issued the Summons, you will attach stamped and filed copies of your Petition and exhibits to the back of the Summonses. The defendants must receive a Summons and a copy of the lawsuit documents you filed to begin the case.

### Step 4: Serving

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You will now need to serve the defendants in the case. You may choose one of the following three options to serve the Mississippi Attorney General.

#### Option A) The Hinds County Sheriff's Department

*Mail to the Sheriff's office at PO Box 1452, Jackson, MS 39215:*

- One copy of your stamped and filed legal documents: your Petition, any exhibits, and the Summons;
- Two copies of the Return;
- A check or money order made out to the Hinds County Sheriff's Office for \$45 per lawsuit (set by statute Miss. Code. Ann. § 25-7-19 (West), \$45 is as of 2022), and you may call them at (601) 974-2924 if you have further questions.
- Include an address of where to send the completed service return (written legibly on a piece of paper or a self-addressed envelope).
- The Sheriff's Department will mail you the completed notarized Returns.

#### Option B) Process Server

- You can use a company that serves legal documents to serve the Summons. Search online for process servers to contact a business to do this for you. Prices vary. Ask if they will file the Return with the Clerk or send it to you. You may send or email your documents to the process server.

#### Option C) Personal Service

- Any person who is over 18 years old and is not a party to the lawsuit may serve the Summons and legal documents for you. You CANNOT serve it yourself since you are a petitioner and party to the lawsuit.
- Whoever serves it for you will need to personally hand the Summons with the copies attached to the security guard for the Walter Sillers Building located at 550 High Street, Jackson, MS 39201.
- They will get a "Summons Receipt" from the security guard. The person who serves the Summons and documents will need to complete two copies of the Return.
- The person serving will need a notary to notarize the two copies of the Return, or the Clerk can notarize their signature for them if they take it to the Clerk's office to file.

### Step 5: Filing the Return

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If a business or individual process server doesn't file the Return with the Clerk for you, take the Summons and completed Return to the Clerk in your county of residence for filing. The Summons lets the Clerk know the casefile number for the lawsuit. The Return lets the Court know the defendants have been properly served so your case can move forward.

**Keep copies of the filed Returns for your records.**

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Questions? Contact us!

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