I.J.R. 5. Service of Summons (J.C.A.)

Idaho Juvenile Rule 5. Service of Summons (J.C.A.)

(a) Service of a summons shall be made personally by delivery of an attested copy of the summons, with a copy of the petition attached, to the juvenile. Personal service shall be made upon the parent(s), guardian, or custodian of the juvenile if reasonably practicable. If a juvenile is in the legal custody or guardianship of an agency or person other than the parent(s), service shall also be made by delivering to the legal custodian a copy of the summons with a copy of the petition attached.

(b) If the court determines that personal service is impracticable, the court may order service by certified mail. Service by certified mail shall require a signed receipt by the addressee. Service is complete upon return to the court of the signed receipt.

(c) Service of process shall be completed at least 48 hours before the time fixed in the summons for the hearing. If not, a continuance shall be granted upon request of any party not so served.

(d) Except as otherwise provided by these rules or statutes, service of process and proof of service shall be made by the methods provided in Rule 4 of the Idaho Rules of Civil Procedure. Service of process shall be made by the sheriff of the county where the service is to be made, or by a deputy, or any other peace officer or other suitable person appointed by the court.

(e) A return must be made on any summons served by a sheriff, peace officer, or court marshal by certificate of the officer, pursuant to Idaho Rule of Civil Procedure 4(g)(1), that such service has been made. Service of a summons by any other person shall be returned by affidavit of service in accordance with Rule 4(g)(2) of the Idaho Rules of Civil Procedure.

(f) No service of summons or process shall be required concerning any person who appears voluntarily or files a written waiver of service with the clerk prior to, or upon, appearance at the hearing.

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