

Outsourcing of Central Authority's activities:

On 3 December 2009, the United States provided the following updated information to the Depository:

“[...] Since 2003, the Department of Justice of the United States of America has delegated the service of process function performed by the Central Authority to a private contractor to handle foreign requests for service of process in civil and commercial matters in the United States pursuant to the Hague Service Convention and the Inter-American Convention on Letters Rogatory and Additional Protocol (Inter-American Convention), as well as from countries not party to either multilateral convention on service of process.

The Department of Justice of the United States of America has informed the Department of State that, on January 30, 2009, it awarded a new contract for the service of process function to Process Forwarding International located in Seattle, Washington. The new contract will run for six years and will expire on January 29, 2015. The use of a private contractor to perform the service of process function does not imply the formal designation of a new Central Authority for either the Hague Service Convention or the Inter-American Convention, but rather reflects the delegation of certain activities conducted by the Central Authority, which remains the U.S. Department of Justice.

Process Forwarding International is the only private process server company authorized to act on behalf of the United States to receive requests for service, proceed to serve the documents, and complete the certificate of service. Process Forwarding International is responsible for executing requests for service of process in the following areas: the United States (the fifty states and the District of Columbia), Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands.

Personal service will be the preferred method used in executing all requests. In the event personal service is impossible to effect, Process Forwarding International will serve process by such other method or methods as may be permitted under the law of the jurisdiction. In addition, Process Forwarding International has undertaken to complete service of documents for return to the foreign requesting authority within 30 business days of receipt.

All requests for service of process should be transmitted to:

Process Forwarding International
633 Yesler Way
Seattle, Washington 98104
USA
Telephone: 001-206-521-2979
Fax: 001-206-224-3410

E-mail: info@hagueservice.net
Website: <http://www.hagueservice.net>

Requests for service must be transmitted in duplicate with an appropriate translation as provided in the relevant convention (one set will be served and the other will be returned by Process Forwarding International with a certificate of service). The full name and street address for the person or entity to be served must be included. For requests made under the Hague Service Convention, the Model Form for that Convention must be used.

There will continue to be a fee for service of process requests from countries party to the Hague Service Convention and from countries not party to either multilateral convention on service of process. No fee will be charged at this time for requests under the Inter-American Convention because the United States agreed to no-fee services under it upon ratification. The service fees for requests under the Hague Service Convention and requests from countries not party to either multilateral convention on service of process will remain \$95 through the expiration of the contract on January 29, 2015. Payment of fees may be made, in U.S. dollars only, by Visa, MasterCard, most international credit cards, bank transfers, international money orders and government-issued checks payable to Process Forwarding International. Personal checks are not accepted.

All service requests must comply with the payment schedule and method of payment described. All service requests unaccompanied by proper payment in the manner indicated will be returned without processing. The website for Process Forwarding International provides specific guidance on methods of payment.

It will also be possible to check on the status of a service request on the website. Countries not party to either the Hague Service Convention or the Inter-American Convention may continue to send requests for service through the diplomatic channel, but such requests must be accompanied by the fee noted above. These requests will be referred to Process Forwarding International for further handling.

The United States notes that there is no requirement under U.S. federal law that requests for judicial assistance be sent to the Department of State or the Department of Justice's contractor for execution. The United States has no objection to the informal delivery of such documents by members of diplomatic or consular missions in the United States, through the mails or by private persons if that would be effective under applicable law, provided no compulsion is used [...]"