



STATE OF KANSAS

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November 1, 1978

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ATTORNEY GENERAL OPINION NO. 78- 354

Mr. Michael J. Malone
Douglas County Attorney
Judicial and Law Enforcement Center
Lawrence, Kansas 66044

Re: Juvenile Code--Service of Subpoenas--Restricted Mail

Synopsis: Subpoenas issued in juvenile proceedings may be served by restricted mail.

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Dear Mr. Malone:

You inquire whether subpoenas for witnesses in proceedings pursuant to the Kansas Juvenile Code may be served by restricted mail. The 1978 Kansas Session Laws, Chapter 158, Section 5, provides that "summons, notices and other process of the court for proceedings pursuant to the juvenile code" may be served by restricted mail service.

It is my opinion that "other process" refers to process other than summonses. It appears that the Legislature intended to allow process upon the juvenile to be served by restricted mail. There seems to be no reason why process upon the witnesses should not also be served by restricted mail. Apparently the legislature desired to make service by restricted mail available where it was not available under the code of civil procedure.

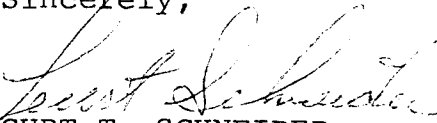
You also inquire what constitutes restricted mail service. K.S.A. 60-103 defines restricted mail as "mail which carries on its face the endorsements 'return receipt requested showing address where delivered' and 'deliver to addressee only.'" Service by mail is proven "by certificate of the clerk that he has mailed a copy of the summons and of the petition as required by law and by the return restricted mail receipt which shall be filed in the particular action." K.S.A. 60-312

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Service by restricted mail would include the following: 1) Request Restricted Delivery showing to whom, date and address of delivery. This requires the post office to notify you of any new address for the party; 2) File the certificate of service and the return mail receipt with the court.

Completion of these two steps constitutes restricted mail service.

Sincerely,


CURT T. SCHNEIDER
Attorney General

CTS:LCD:jj