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2025 Edition

Service of Process

A Guide to Resources in the Law Library

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This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.
The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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<http://www.jud.ct.gov/policies.htm>

Introduction

A Guide to Resources in the Law Library

"Although the Superior Court has general subject matter jurisdiction; see *In re Tyvonne M.*, 211 Conn. 151, 157, 558 A.2d 661 (1989); see also General Statutes § 51-164s; it may exercise jurisdiction over a person only if that person has been properly served with process, has consented to the jurisdiction of the court or has waived any objection to the court's exercise of personal jurisdiction....If a court lacks jurisdiction over a person, the court has no authority to award a judgment against that person." [Commissioner of Environmental Protection v. CT Building Wrecking Co. Inc.](#), 227 Conn. 175, 195-196, 629 A.2d 1116 (1993).

"There is no indication that compliance with § 52-46a is a prerequisite in order for an action to be considered 'brought.' Rather, once an action has been brought by service of process on the defendant, a trial court may thereafter dismiss the action for failure to return the service of process within the mandated time period." [Rana v Ritacco](#), 236 Conn. 330, 339, 672 A.2d 946 (1996).

"Of course, manual service on a defendant within the state is always the best and highest type of service and should always be used, if possible, in preference to abode service. *Cikora v. Cikora*, supra, 133 Conn. 458, 52 A.2d 310." [Smith v. Smith](#), 150 Conn. 15, 22-23, 183 A.2d 848 (1962)

"When a particular method of serving process is set forth by statute, that method must be followed, and unless service of process is made as the statute prescribes, the court to which it is returnable does not acquire jurisdiction." [Narayan v Narayan](#), 305 Conn. 394, 46 A. 3d 90 (2012).

"A writ must contain a direction to a proper officer for service and a command to summon the defendant to appear in court." [Village Creek Homeowners Assn. v Public Utilities Commission](#), 148 Conn. 336, 340, 170 A.2d 732 (1961).

Section 1: Process

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to general information on process in civil lawsuits.

SEE ALSO:

- [Pseudonyms and Fictitious Business Names in Connecticut Courts](#) (Research Guide)

DEFINITIONS:

- **Writ of Summons:** "Civil actions shall be commenced by legal process consisting of a writ of summons or attachment, describing the parties, the court to which it is returnable, the return day, the date and place for the filing of an appearance and information required by the Office of the Chief Court Administrator. The writ shall be accompanied by the plaintiff's complaint. The writ may run into any judicial district and shall be signed by a commissioner of the Superior Court or a judge or clerk of the court to which it is returnable." Conn. Gen. Stat. [52-45a](#)
- **Complaint:** "The first pleading on the part of the plaintiff shall be known as the complaint. It shall contain a concise statement of the facts constituting the cause of action and, on a separate page of the complaint, a demand for relief which shall be a statement of the remedy or remedies sought. When money damages are sought in the demand for relief, the demand for relief shall include the information required by General Statutes § 52-91." Connecticut Practice Book § [10-20](#) (2025)
- **Civil Process:** "'Civil process' is defined as '[a] process that issues in a civil lawsuit.' Black's Law Dictionary (8th Ed. 2004). This interpretation is also consistent with the previous definition of civil process in Black's Law Dictionary, which referred to it as a 'summons, or summons and complaint, and, less commonly, to a writ.' Black's Law Dictionary (5th Ed. 1979);" [Morgan v. Hartford Hosp.](#), 301 Conn. 388, 402, 21 A.3d 451, overruled in part, [Carpenter v. Daar](#), 346 Conn. 80, 287 A.3d 1027 (2023).

STATUTES:

Conn. Gen. Stat. (2025)

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Chapter 896- Civil Process, Service and Time for Return
- § [52-45a](#). Commencement of civil actions. Contents and signature of process.
 - § [52-45b](#). Forms for commencement of civil action
 - § [52-46](#). Time for service
 - § [52-48](#). Return day of process
 - § [52-50](#). Person to whom process shall be directed
 - § [52-54](#). Service of Summons

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

Connecticut Practice Book (2025)

Ch. 3- Appearances

§ 3-1- Appearance for Plaintiff on Writ or Complaint in Civil and Family Cases

Ch. 8- Commencement of Action

§ 8-1- Process

§ 8-2- Waiver of Court Fees and Costs

Ch. 10- Pleadings

§ 10-12- Service of the Pleading and Other Papers; Responsibility of Counsel or Self-Represented Party: Documents and Persons to be Served

§ 10-17- Service by Indifferent Person

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

Filing a Civil Lawsuit

- [JD-CV-1](#)- Summons- Civil
- [JD-CV-120](#)- Application for Fee Waiver- Civil

FORMS:

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2023-2024 ed., Thomson West (also available on Westlaw).
 - Chapter 1- Pleadings, Complaints, Costs and Fees
 - § 1:18 Waiver of fees and payment of costs
 - (a) Application for waiver of fees and payment of costs- Civil, housing, small claims and appellate (Form CV-120)
 - (b) Application for waiver of fees and costs- Alternate form
 - Chapter 3- Summons and Subpoena
 - § 3:2 Summons- Civil (Form CV-1)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- Colon v Cotto, Superior Court, Judicial District of Tolland at Rockville, CV24-6029296-S (December 24, 2024) (2024 WL 5252261). "In the present case, the plaintiffs uploaded to the court's docket on March 14, 2024, a copy of an unsigned summons rather than the actual summons, and a copy of the signed summons rather than the complaint. An amended writ and summons were filed with the court on May 2, 2024, and the complaint was also filed with the court on May 2, 2024. The complaint was dated February 29, 2024, and noted a return date of April 9, 2024. The plaintiffs clarified that the documents were filed pursuant to Practice Book § 10-59, and not General Statutes § 52-72. Practice Book § 10-59 governs amendments as of right to the complaint. However, the plaintiffs could not be filing an amended complaint when no complaint was filed in the first place.

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In accordance with § 52-46a, the plaintiffs should have returned process to the court at least six (6) days prior to the return date, which in this case would have been six days prior to April 9, 2024. As the complaint and the amended writ and summons were not filed with the court until May 2, 2024, which is after the return date, the plaintiffs did not comply with § 52-46a. Furthermore, even if the plaintiffs sought to amend the return date, the latest return date possible, which would comply with § 52-48 (b), would have been April 23, 2024, and that date would not comply with § 52-46a.

Accordingly, the plaintiffs failed to comply with the mandatory service and return of process requirements prescribed by §§ 52-45a, 52-46a, and 52-48 (b), depriving the court of personal jurisdiction over the defendants.”

- [Chestnut Point Realty, LLC v. Town of East Windsor](#), 324 Conn. 540-541, 153 A.3d 636 (2017). “In light of this well developed body of law holding that an action is ‘brought’ or ‘commenced’ upon the service of the writ, we are compelled to conclude that, when the legislature required an application for relief from a board’s decision regarding the assessment of property to ‘be brought within two months’ of the challenged action, and that it be accompanied by a citation to be served upon the defendant town in the usual fashion, its intent was that *the service of the citation* be accomplished within the statutory time period. Because the substance of this provision has not changed since its inception, we conclude that the same rule must apply today.” (Emphasis added.)
- [Tocco v. Wesleyan University](#), 112 Conn. App. 28, 32, 961 A.2d 1009 (2009). “We begin our analysis with the language of the rules of practice. Practice Book § 10–12(c) provides: ‘Any pleading asserting new or additional claims for relief against parties *who have not appeared* or who have been defaulted *shall be served* on such parties.’ (Emphasis added.) Practice Book § 10–13 provides in relevant part: ‘Service pursuant to Section 10–12(c) shall be made in the same manner as an original writ and complaint is served....’ The meaning of Practice Book §§ 10–12(c) and 10–13 is plain and unambiguous that a non-appearing party must be served in the same manner as required for service of an original complaint.”
- [Raynor v. Hickock Realty Corp.](#) 61 Conn. App. 234, 239-240, 763 A.2d 54, (2000). “The plaintiff is mistaken as to her first contention that service of the prejudgment remedy documents tolls the running of the statute of limitations in § 52–584 because they contain the words ‘the institution of this action,’ and include the proposed writ of summons and complaint. She clothes her argument in the ill-suited

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raiment of notice, whereas the issue in this appeal is whether the service of an unsigned writ of summons and complaint has the effect of commencing a civil action. A summons is not synonymous with notice. See *Village Creek Homeowners Assn. v. Public Utilities Commission*, 148 Conn. 336, 339, 170 A.2d 732 (1961). The plaintiff's failure to sign the writ of summons and complaint is fatal to her claim."

- *Brock v. A-1 Auto Service, Inc.*, Superior Court Judicial District of New Haven, CV98-0414991S (December 11, 1998) (45 Conn. Supp. 525). "The real questions raised by this case involve the use of a pseudonym to describe—and serve—a defendant whose actual name cannot be determined. (p. 527-528).

The cases just cited, however, all involve identifiable persons whose names have been cloaked in anonymity at some point after the onset of the litigation, almost always to spare them from the embarrassment of publicity. In the numerous *State v. Anonymous* cases, for example, there can be no doubt that a real person has been arrested and that he knows that he has been arrested. The cloak of anonymity is conferred after the commencement of the action.

Existing Connecticut law offers some guidance on this subject. General Statutes § 52-45a provides that: 'Civil actions shall be commenced by legal process consisting of a writ of summons or attachment, *describing the parties....*' (Emphasis added.) Accord Practice Book § 8-1(a). Our Supreme Court has stated that this requirement 'presumably' refers to a description of the parties 'by their real names, so that they may be identified.' *Buxton v. Ullman*, 147 Conn. 48, 59, 156 A.2d 508 (1959), appeal dismissed, 367 U.S. 497, 81 S. Ct. 1752, 6 L.Ed.2d 989 (1961). Practice Book § 6-2 provides that: 'In the captions of pleas, answers, etc., the parties may be described as John Doe v. Richard Roe et al., but this will not be sufficient in a judgment file, which must give all the data necessary for use in drawing any execution that may be necessary.'

These provisions draw a commonsense distinction between the writ (and, much later, the judgment file), which must describe the parties with particularity, and the pleadings, which may cloak the names of the parties with anonymity, at least under certain circumstances. The writ *must* identify the parties—particularly the parties being sued—for the litigation to even exist. 'By its very terms, an action at law implies the existence of legal parties....' *Thompson v. Peck*, 320 Pa. 27, 30, 181 A. 597 (1935). '[O]nly persons in

being have the capacity to be sued....' *Noble v. Corkin*, 45 Conn. Supp. 330, 331, 717 A.2d 301 (1998). Once the suit is commenced, a party can secure the court's permission to proceed anonymously. *Buxton v. Ullman*, supra, 147 Conn. at 60, 156 A.2d 508. A plaintiff can seek such permission even before the commencement of the action. *Id.* But a plaintiff, even an anonymous one, will obviously be a person aware of the action and capable of prosecuting it. There is no particular problem in bringing an anonymous plaintiff before the court as long as a pseudonym is used to describe the real person appearing in court. An anonymous defendant, in contrast, presents formidable problems in this endeavor. If the defendant is not described with particularity in the process, that defendant simply cannot be brought before the court. How process could be served on any person whatsoever with the result that the true defendant could be brought before the court under these circumstances is unknowable. *United States v. Doe*, 44 F.2d 850, 851 (E.D.N.Y.1930). The course of the litigation would be beset with uncertainty from its vague inception to its chaotic conclusion." (p. 528-530).

- [Hartley v. Vitiello](#), 113 Conn. 74, 79, 154, 154 A. 255 (1931)
"Under our law, with very limited exceptions, process in civil actions can only be served by certain designated officers to whom it must be addressed."

**WEST KEY
NUMBERS:**

- Process
 - I. Nature, Issuance, Requisites, and Validity
 - 1. Nature of process in general
 - 3. Necessity and use in judicial proceedings
 - 4. ---In general
 - 5. ---Institution of action or proceeding
 - 7. Forms of process for institution or notice of action or other proceeding

DIGESTS:

- Dowling's Digest: *Process*
 - § 1. In General; Issuance
 - 2. Service
 - 3. – In general; Necessity; Requisites
 - 4. –Authority of Officer; Indifferent Person

**TEXTS &
TREATISES:**

- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, 5th ed., by Wesley W. Horton et al., 2024-2025 ed., Thomson West (also available on Westlaw).
 - Chapter 3- Appearances
 - § 3-1 Appearance for Plaintiff on Write or Complaint in Civil and Family Cases
 - Author's Comments
 - Chapter 8- Commencement of Action
 - § 8-1- Process
 - Author's Comments- Sections 1, 3

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

Chapter 10- Pleadings

§ 10-12-10-17- Author's Comments

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024-2025 ed., Thomson West (also available on Westlaw).

Chapter 1- Pleading, Complaints, Costs and Fees

§ 1:1 Form of pleadings- Commentary

(j) Service

§ 1:4 Complaint and writ of summons-

Commentary

(a) Process, generally

(b) Altering form CV-1

(c) Summons in summary process action see § 3:2

(d) Complaint to be attached to summons form

(e) Process: Commencement of a civil action by process- formally called "mesne" process

(f) Summons as a jurisdictional requirement

(i) Parts of writ of summons and complaint

§ 1:5 Description of parties in complaint- Commentary

(e) Service on a new party

(p) Jurisdiction over properly served party

Chapter 3- Summons and Subpoena

§ 3:1 Summons in civil actions- Commentary

Chapter 4- Service of Process, Return of Process and Filing of Pleadings and Documents

§ 4:1 Service and return of process- Commentary

(a) Process commencing civil action

(b) Date action deemed commenced

(c) Persons to whom process directed

(d) Time for service

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, LexisNexis, 2024 ed.

Chapter 6 Serving Summons and Complaint

§ 6.02 Topical Overview of Serving Summons and Complaint

[1] Definition of "Service of Process"

[2] Importance of Proper Service of Process

[a] Proper Service Commences Action

[b] Proper Service Establishes Jurisdiction

§ 6.03 Required Contents of Summons

[1] Description of Parties

[2] Signature of Commission of the Superior Court

- [3] Return Date
- [4] Date and Place for Filing Appearance and Required Information
- [5] Copy of Complaint
- [6] Directions to Proper Officer for Service and Command to Summon Defendant to Appear in Court

§ 6.05 Form of Summons

- [1] Original Summons
- [2] Additional Parties

- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
Chapter 8 Commencement of Action
A. Service of Process.
§ 8-1. Process
§ 8-1.1. Service of Process Generally
§ 8-1.2. Jurisdictional Requisite
§ 8-1.3. Service of a Copy Required
§ 8-1.5. Return to Court Required
§ 8-1.6. Official Forms
§ 8-1.7. Commencement of Civil Actions, Content and Service of Process
§ 8-1.9 Forms for Commencement of Civil Action
§ 8-1.10. Return Day of Process
§ 8-1.11. Time for Service
§ 8-1.12. Return of Process
§ 8-1.13. Return by Indifferent Person
- *Civil Litigation in Connecticut: Anatomy of a Lawsuit*, by Kimberly A. Peterson, 1998, Prentice Hall.
Chapter 4 The Plaintiff's Complaint
Chapter 5 Preparing to Serve the Complaint
- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.
Chapter 2- Jurisdiction Over the Person
Sec. 11. Initiating a Civil Action: Mesne Process
Sec. 12. Issuance of Writ or Process
a. Who May Issue Writ
b. Plaintiff's Right to Writ
c. Issuing Officer as Plaintiff
Sec. 13. The Parts of Mesne Process
a. The Writ of Summons: Form
b. The Complaint
c. Summons
Sec. 15. Service of Process, by Whom Preferred
a. Sheriffs and Constables
b. Indifferent Person; Special Deputies
c. Multiple Acts of Service
Sec. 16. Time for Service
a. Importance and Meaning of "Return Day"

- b. Determination of Return Day
 - c. Time for Service
 - d. Service on Sundays and Holidays
- Chapter 4- The Machinery of Pleading
- Sec. 35. Form of Pleadings; Writ; Summons and Complaint
- a. General
 - b. The Writ of Summons
 - f. The Complaint
 - i. The Summons

- *Pleading and Pretrial Practice*, Jeanine M. Dumont, Connecticut Law Tribune, 1998.

IV. Service of Process

- 1. Commencement of a Civil Action
- 2. Serving the Process

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Corey M. Dennis, *Roadmap to Connecticut Procedure*, 83 Connecticut Bar Journal 271 (2009).

Figure 1: Conn. Gen. Stat. [52-45b](#). – Forms for Commencement of Civil Action

(1) Summons for appearance before the Superior Court.

To any proper officer:

By authority of the state of Connecticut, you are hereby commanded to summon A.B. of (list address or last known address) to appear before the superior court for the judicial district of on the Tuesday of, 20.., the appearance not to be in person but to be made by A.B. or his attorney by filing a written statement of appearance with the clerk of the court whose address is, (include street number and town) on or before the second day following the return date then and there to answer to C.D. of in a civil action, in which the plaintiff complains and says: I, J.W., the subscribing authority, hereby certify that I have personal knowledge as to the financial responsibility of the plaintiff, and deem it sufficient; or, E.F. of is recognized in \$.... to prosecute, etc.

Of this writ with your actions thereon make due return.

Dated at the day of, 20..

J.W., Commissioner of the Superior Court.

(2) Writ of attachment before the Superior Court.

To any proper officer:

By authority of the state of Connecticut, you are hereby commanded to attach to the value of dollars the real or personal property of A.B. of (list address or last known address) and him summon to appear before the superior court for the judicial district of on the Tuesday of, 20.., the appearance not to be in person but to be made by A.B. or his attorney by filing a written statement of appearance with the clerk of the court whose address is, (including street number and town) on or before the second day following the return date then and there to answer to C.D. of in a civil action, in which the plaintiff complains and says:

I, J.W., the subscribing authority, hereby certify that I have personal knowledge as to the financial responsibility of the plaintiff, and deem it sufficient; or, E.F. of is recognized in \$.... to prosecute, etc.

Of this writ with your actions thereon make due return.

Dated at this day of, 20..

See also: [Civil Forms - Filing a Civil Lawsuit](#), Official Court Webforms, Connecticut Judicial Branch.

Section 2: Service of Process

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to general information on service of process in civil lawsuits.

SEE ALSO: **DEFINITIONS:**

- [Motion to Dismiss](#) (Research Guide)
- **Service of process:** "In ordinary usage of the term, [a summons is the] original process upon a proper service of which an action is commenced and the defendant therein named brought within the jurisdiction of the court" Ballentine's Law Dictionary (3d Ed.). A summons is part of a citation. 'The citation . . . is a command to a duly authorized officer to summon the [defendant] . . . to appear in court on a specific day to answer the [complaint].' *Village Creek Homeowners Assn. v. Public Utilities Commission*, 148 Conn. 336, 338-39, 170 A.2d 732 (1961)." *State v. One 1981 BMW Automobile*, 5 Conn. App. 540, 543-44, 500 A.2d 961 (1985).
[Hillman v. Greenwich](#), 217 Conn. 520, 524-525, 587 A.2d 99 (1991).
- **Abode service:** "A proper officer serving process must comply with the provisions of [General Statutes] § 52-57(a), which require that process be served by leaving it with the defendant, or at his usual place of abode.... Abode service is not effective if it is left at an address that is not the usual address of the party to be served, and an action commenced by such improper service must be dismissed.' (Citation omitted; internal quotation marks omitted.) *Hibner v. Bruening*, 78 Conn. App. 456, 463, 828 A.2d 150 (2003); see also Practice Book § 10-30" [Jimenez v. DeRosa](#), 109 Conn. App. 332, 338, 951 A.2d 632 (2008).
- **Insufficiency of process:** "In general, a motion to dismiss is the proper procedural vehicle to raise a claim that the court lacks subject matter jurisdiction over the action. Practice Book § 10-31(a) provides in relevant part: "The motion to dismiss shall be used to assert (1) lack of jurisdiction over the subject matter This motion shall always be filed with a supporting memorandum of law, and where appropriate, with supporting affidavits as to facts not apparent on the record." [Bellman v Town of West Hartford](#), 96 Conn. App. 387, 392, 900 A.2d 82 (2006).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

Conn. Gen. Stat. (2025)

Ch. 54. Uniform Administrative Procedures Act
§ [4-183](#). Appeal to Superior Court (See [Table 3](#))

Ch. 78. Judicial and State Marshals

- § [6-38a](#). State Marshal. Authority to provide legal execution and service of process.
- Ch. 801b. Probate Court Procedures
 - § [45a-186](#). Appeals from probate. Venue. Service of process. Referral to special assignment probate judge. (see [Table 4](#))
- Ch. 896. Civil Process, Service and Time for Return
 - § [52-50](#). Persons to whom process shall be directed
 - § [52-52](#). Orders of notice of legal or judicial proceedings
 - § [52-54](#). Service of summons
 - § [52-55](#). When completion of service by another officer allowable
 - § [52-56](#). Service of process outside of officer's precinct.
 - § [52-57](#). Manner of service upon individuals, municipalities, corporations, partnerships and voluntary associations.
 - § [52-57a](#). Service of process without state upon person domiciled or subject to jurisdiction of courts in state.
 - § [52-59b](#). Jurisdiction of courts over non resident individuals, foreign partnerships and foreign voluntary associations. Service of process.
 - § [52-63](#). Service upon motor vehicle operator or owner not found at his recorded address
 - § [52-64](#). Service in action against state
 - § [52-593a](#). Action not lost where process served after expiration of limitation period. (See [Table 2](#))

For a listing of other service of process related statutes please see [Table 1](#).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

Connecticut Practice Book (2025)

- [Ch 8](#) Commencement of an Action
 - § 8-1- Process
- [Ch 10](#) Pleadings
 - §10-13 -Method of Service
- [Ch 11](#) Motions, Requests, Orders of Notice and Short Calendar
 - §11-7 Attestation; Publication; Proof of Compliance
- [Ch 14](#) Dockets, Trial Lists, Pretrials and Assignment Lists
 - § 14-6 Administrative Appeals are Civil Actions
 - § 14-7A Administrative Appeals- Administrative Appeals Brought Pursuant to General Statutes § 4-183 et seq.

COURT FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for

- [JD-CL-160](#) Cover Sheet for Online Publication of Legal Notice After Court Order

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

State Agencies (2025)

Title 6- Counties and County Officers. Judicial and State Marshals

§ [6-38b-1](#). Qualifications

§ [6-38b-6](#). Standards of conduct

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the

- Michelle Kirby, [Service of Legal Papers by an Indifferent Person](#), OLR Research Report No. 2017-R-0092 (May 2, 2017).

CASES:

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- [Connecticut College London v Activias, Inc., Et Al.](#) Superior Court, Judicial District of Hartford, No. CV24-6070084-S (March 3, 2025) (2025 WL 762245). "In the present case, the parties disagree about whether the plaintiff executed the writ of summons and complaint properly. The defendant argues the plaintiff's attorney is not an 'indifferent person,' pursuant to § 52-50. The defendant further contends that an examination of the plaintiff's return of service demonstrates, on its face, that process was insufficient. The plaintiff counterargues that the defendant waived formal process when defense counsel indicated, via e-mail, that she would accept service on behalf of her client. Our Supreme Court has previously considered the meaning of 'indifferent,' in a different statutory context, and stated: '[Webster's Dictionary] defines "indifferent" as [h]aving a neutral or unbiased disposition; ... [n]ot inclined or affected to one side, party, or cause more than to another; unprejudiced.... The meaning of the term "indifferent" cannot be mistaken. Its popular and legal signification are precisely the same. The person of whom "indifference" is predicated, must be impartial, and free from bias.'

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

(Citations omitted; internal quotation marks altered.) *Lampson Lumber Co. v. Rosadino*, 141 Conn. 193, 196-97, 104 A.2d 362 (1954)" (p. 2).

The plaintiff does not dispute that the party to whom service was directed in the present case was its attorney, not a state marshal, constable or other proper officer. In determining whether plaintiff's counsel qualifies as an 'indifferent person,' the court must examine the relationship between the plaintiff and its attorney. An attorney bound by a fiduciary duty to zealously represent the plaintiff cannot be simultaneously considered impartial and free from bias toward the defendant. Accordingly, counsel for the plaintiff cannot be an indifferent person or other proper officer to whom process may be directed, pursuant to § 52-50. See *CFM of Connecticut v. Chowdhury*, Superior Court, judicial district of Hartford-New Britain, Housing Session at Hartford, Docket No. SPH-8908-51658 (Nov. 15, 1989, *Susco, J.*) (1 Conn. L. Rptr. 24) ('it cannot be said that an attorney who acts for the [plaintiff] in representing its interests can also be an indifferent person ...'); see also *Certain Underwriters Subscribing to Policy No. 834/FB9700166 v. Wayne*, Superior Court, judicial district of Waterbury, Complex Litigation Docket, Docket No. X02-CV-02-0173606-S (June 17, 2003, *Schuman, J.*) (holding that '[t]o construe "indifferent person" to include the attorney for one of the parties is to rob the phrase of any meaning')." (p. 3).

- Elemental Dental Partners Hold Co, LLC v. Aspen American Insurance Company, Superior Court, Judicial District of Hartford, No. CV22-6153529-S (November 15, 2023) (2023 WL 11980333). "Section 52-54 provides, 'The service of a writ of summons shall be made by the officer reading it and the complaint accompanying it in the hearing of the defendant or by leaving an attested copy thereof with him or at his usual place of abode. When service is made by leaving an attested copy at the defendant's usual place of abode, the officer making service shall note in his return the address at which such attested copy was left.' Service of an 'attested' copy of the complaint requires service of a true and genuine copy, and §§ 52-45a and 52-54 require that such a copy be served with the writ of summons. Further, § 52-46a requires that the same process served on the defendant be returned to court, not different process. Because the plaintiff failed to serve the insurance commissioner with the same complaint it returned to court, service was improper."

"The plaintiff argues that the differences between the complaint that was served and the complaint that was

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returned are so minor they should be considered technical, not substantive. Minor as they may be, they are substantive, not technical. The complaint returned to court contains different allegations than the complaint that was served and attaches an exhibit, the insurance policy, that was not an exhibit to the complaint that was served. A signature by counsel in the wrong place on a writ of summons is technical. *Henderson v. Roller Magic Roller Rinks, Inc.*, Superior Court, judicial district of Waterbury, Docket No. 122891 (Jan. 13, 1995) (13 Conn. L. Rptr. 359). Disparate allegations in the complaint as served and as returned is substantive. *Garthwaite v. Morley*, supra, 2024 WL 2720010. Section 52-123 'is used to provide relief from defects in the text of the writ itself but is not available to cure irregularities in the service or return of process.' *Rogozinski v. American Food Service Equipment Corp.*, 211 Conn. 431, 434, 559 A.2d 1110 (1989). Failure to serve and return the same complaint is an irregularity in the service of process, not a defect in the text. (p. 11).

- *Toussaint v Shushtari*, Superior Court, Judicial District of Tolland at Rockville, No. CV22-5015913-S, (October 6, 2022) (2022 WL 6694537). "In the present case, the plaintiff did not serve the defendant at his usual place of abode or personally. Instead, the return of service states that the marshal served the defendant on May 13, 2022, by leaving 'a verified true and attested copy of the original Writ of Summons, Complaint ... at the office of WILLIAM TONG, Attorney General, State of Connecticut, and duly authorized to accept service for the defendant....' Return of Service, p. 1. The plaintiff therefore served the defendant pursuant to § 52-64 (a), and accordingly, 'has properly served the defendant only in his ... official capacity and has failed to properly serve the defendant in his ... individual capacity.' (Internal quotation marks omitted.) *Harnage v. Lightner*, supra, 328 Conn. 254. Further, '[t]he plaintiff's status as an inmate does not excuse him from failing to satisfy the requirements of the applicable service of process statute. See *Connelly v. Cosgrove*, Superior Court, judicial district of Hartford, Docket No. CV-98-0578000-S (April 27, 1999, *Mulcahy, J.*) ([T]he plaintiff does not dispute that he did not comply with § 52-54 and § 52-57 (a), the statutes dealing with service of process on individuals.... *The plaintiff refers to certain difficulties with which he has been confronted as a result of his status as an inmate in a correctional facility; such difficulties, while unfortunate and problematical, do not have the effect of dispensing with the statutory requirements of service in the bringing of lawsuits.* Similarly, the plaintiff's pro se status does not obviate the necessity of proceeding in full conformity with statutory and procedural requirements).' (Emphasis added; internal quotation marks omitted.) *Sosa v. CT Dept. of*

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Corrections, Superior Court, judicial district of New Britain, Docket No. CV-14-5016124-S (October 8, 2015, *Gleeson, J.*), aff'd sub nom. *Sosa v. Commissioner of Correction*, 175 Conn. App. 831, 169 A.3d 341 (2017)

Consequently, the court lacks personal jurisdiction over the defendant in his individual capacity. See *Jan G. v. Semple*, supra, 202 Conn. App. 219–20;” (p. 3).

- [Simms v. Zucco](#), 214 Conn. App. 525, 532–533, 280 A.3d 1226 (2022). “The defendant first claims that the court incorrectly determined that the plaintiff’s service of the notice of her motion to modify alimony was legally sufficient. The defendant specifically argues that the plaintiff’s service was improper because neither § 52-50 nor § 52-52 expressly permits a state marshal to serve notice of a postjudgment motion to modify alimony on a nonresident party by certified mail. The defendant further argues that, even if service by certified mail was legally sufficient, there was no evidence that the defendant was served. Accordingly, the defendant contends that, because the plaintiff’s service of her notice was improper, she was not entitled to retroactive alimony, pursuant to § 46b-86, spanning back to the service of the notice of her motion to modify alimony in December, 2015. We disagree.” (p. 532–533)

“The defendant contends that certified mail service was legally insufficient because neither § 52-50 nor § 52-52 contains a provision expressly permitting a state marshal to serve notice only by certified mail. The defendant’s argument, however, has no basis in the plain language of §§ 52-50 and 52-52 because neither statute expressly prescribes the method by which such service must be accomplished. If the legislature intended to limit, or specifically delineate, the proper method of service within §§ 52-50 and 52-52, it could have done so. We decline the defendant’s invitation to graft an exception into both §§ 52-50 and 52-52 that service on a nonresident party cannot be accomplished by certified mail. See *Rainbow Housing Corp. v. Cromwell*, 340 Conn. 501, 520, 264 A.3d 532 (2021) (‘[W]e are not in the business of writing statutes; that is the province of the legislature. Our role is to interpret statutes as they are written. ... [We] cannot, by [judicial] construction, read into statutes provisions [that] are not clearly stated. ... [W]e are not permitted to supply statutory language that the legislature may have chosen to omit’ (Citations omitted; internal quotation marks omitted.)). The defendant fails to cite a single case in support of this argument and, thus, we decline to hold for the first time that certified mail service by a state marshal is legally insufficient to comply with §§ 52-50 and 52-52.” (p. 538–539)

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- [TD Bank, N.A. v. Salce](#), 175 Conn. App. 757, 763-764, 169 A.3d. 317 (2017). "Section 52-59b(c) provides in relevant part that, '[t]he process shall be served ... upon the Secretary of the State ... at least twelve days before the return day of such process, a true and attested copy thereof, and by sending to the defendant at the defendant's last-known address, by registered or certified mail, postage prepaid, return receipt requested, a like true and attested copy with an endorsement thereon' In the present case, the statute does not require what the defendant claims, i.e., that he must receive the documents constituting process in order for service to be effective. The marshal's affidavit states that service was made upon the defendant pursuant to § 52-59b(c) on September 18, 2014, by leaving two true and attested copies of the process with the Secretary of the State and sending, via certified mail, return receipt requested, a true and attested copy of the process to the defendant's Florida address. This is all that § 52-59b(c) requires."
- [Webster v. Roche](#), Superior Court, Judicial District of New Britain, No. CV05-4003528-S (May 10, 2005) (2005 WL 1392877) "In *Hibner v. Bruening*, 78 Conn. App. 456, 463 n. 3, 828 A.2d 150 (2003), a case dealing with the ability to use the substitute service process of § 52-63, the court noted that '[u]nder General Statutes § 52-584, the plaintiffs' claims against the defendants had a two-year statute of limitations, which would have expired on September 30, 2001. Nardini's return indicates that he received the writ of summons and complaint from the plaintiffs' attorney on September 29, 2001, one day before the statute of limitations was to expire.... Due to the fact that the process was delivered to the marshal before the statute of limitations expired, the plaintiffs' complaint fell within General Statutes § 52-593a. That statute allows a right of action to continue after the statute of limitations has expired if the marshal (1) receives the writ of summons and complaint before the statute of limitations has expired and (2) service of process occurs within fifteen days of the marshal receiving the papers. Accordingly, Nardini had until October 14, 2001, to achieve service of process or the statute of limitations would have expired. Service was made on the commissioner on October 12, 2001.' Indeed, in *Stellato v. Cuccaro*, Superior Court, judicial district of Ansonia-Milford at Milford, Docket No. CV 98 063811 (March 8, 2000, Nadeau, J.) (26 Conn. L. Rptr. 664), the court allowed an amendment in a somewhat different but analogous situation only because the new service on the defendants still met the requirements of § 52-593a. Notwithstanding the remedial purpose of § 52-72, the substitute service on April 13, 2005 does not comply with the additional requirements of § 52-593a and

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accordingly the motion to amend is denied. As noted previously, the plaintiff does not contest the abode service challenge and thus, the motion to dismiss for lack of personal jurisdiction is granted.”

- [Hibner v. Bruening](#), 78 Conn. App. 456, 463, 464-465, 828 A.2d 150 (2003). “A proper officer serving process must comply with the provisions of § 52-57(a), which require that process be served by leaving it ‘with the defendant, or at his usual place of abode....’ If Nardini simply left the papers at a place where the defendants did not live, service would not have been effective and jurisdiction would not have vested in the court. See *Bove v. Bove*, 77 Conn. App. 355, 363, 823 A.2d 383 (2003). Abode service is not effective if it is left at an address that is not the usual address of the party to be served, and an action commenced by such improper service must be dismissed. *Collins v. Scholz*, 34 Conn. Supp. 501, 506, 373 A.2d 200 (1976)” (p. 436).

“Nardini could have remained at the defendants' home to verify if the address was in fact the defendants' dwelling. The service of process entrusted to him never would have occurred if the defendants were not there to accept service personally or if verification of their abode was not accomplished. His remaining at the defendants' home under such a scenario could have no practical effect. He also could have continued other attempts to verify whether it was the defendants' usual place of abode. Such an exhaustive procedure might well have proved that the service authorized was physically or absolutely impossible, but Nardini still would be left in the position where the process had not been served. While impossibility would have been established in such a scenario, the writ of summons and complaint never would have been served properly. Nardini's use of § 52-63(b) allowed the defendants to obtain service in a timely manner consistent with our statutes, thereby attaining the goal of effective service that the statute intended.

When effecting abode service, a marshal or constable cannot guess that a particular dwelling is a defendant's usual place of abode because there must be an attestation of that fact in his return. The fact that the Rustic Lane address was the last address on file with the commissioner, in and of itself, could not establish that it was the defendants' usual place of abode. Despite attempts to confirm that address as the defendants' usual place of abode, Nardini was unsuccessful.

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We conclude that Nardini's return and affidavit established that there was little likelihood that he would have been able to accomplish either personal service or abode service within the time he had to accomplish service, having made several fruitless prior attempts. We therefore conclude that this was the kind of situation that the legislature envisioned when it enacted provisions allowing for service on the commissioner when service by usual methods is impossible. We therefore conclude that 'impossibility,' as used in § 52-63(b), does not require that absolute physical impossibility exists but includes factual situations akin to the one presented by the present case where several unsuccessful attempts to serve or to verify the defendants' usual abode revealed that there was little likelihood of successful in hand or abode service.

The judgment is reversed and the case is remanded for further proceedings." (p. 465).

- [Hillman v. Town of Greenwich](#), 217 Conn. 520, 526, 587 A.2d 102 (1991). "We find the trial court's distinction unpersuasive. Contrary to the trial court's finding, a writ of summons is a statutory prerequisite to the commencement of a civil action. General Statutes § 52-45a. A writ of summons is analogous to a citation in an administrative appeal; *Sheehan v. Zoning Commission*, 173 Conn. 408, 412, 378 A.2d 519 (1977); *State v. One 1981 BMW Automobile*, supra, 5 Conn. App. at 544, 500 A.2d 961; it is an essential element to the validity of the jurisdiction of the court. *Village Creek Homeowners Assn. v. Public Utilities Commission*, supra; *State v. One 1981 BMW Automobile*, supra. Although the writ of summons need not be technically perfect, and need not conform exactly to the form set out in the Practice Book; see *McQuillan v. Department of Liquor Control*, 216 Conn. 667, 671-73, 583 A.2d 633 (1990); the plaintiff's complaint must contain the basic information and direction normally included in a writ of summons. Because the plaintiff in this case failed to comply in any fashion with these basic requirements, we conclude that the trial court should have granted the defendant's motion to dismiss the complaint filed September 15, 1986, for lack of personal jurisdiction over the defendant."
- [White-Bowman Plumbing and Heating, Inc. v. Biafore](#), 182 Conn. 14, 16-17, 437 A.2d 833 (1980). "There is no substitute for 'in hand' or abode service in accordance with statute where jurisdiction over person of a resident individual is sought, except with respect to suits for damages caused by motor vehicles."
- [Rodney v. Rodney](#), 29 Conn. Supp. 92-93, 272 A.2d 315 (1970). "Under the provisions of General Statutes s 52-54,

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'(w)hen service is made by leaving an attested copy at the defendant's usual place of abode, the officer making service shall note in his return the address at which such attested copy was left.' The address recited in the return, i.e. 11 Lenox Street, Hartford, is not the address of the defendant's usual place of abode, because 11 Lenox Street, Hartford, is the address of an apartment house. 'In a sense it is of course true that... (the defendant) had ... (her) 'usual place of abode' in ... (Hartford) and in the apartment house in question, but it is manifest that leaving a copy of process anywhere in ... (Hartford) or anywhere in the apartment house, would be insufficient. To accomplish the purpose of the statute, service should have been made at the apartment occupied by ... (the defendant). ... In legal view, the apartments in a house of this character are as separate and distinct as though under separate roofs. (The defendant's) ... place of abode was as much a separate and distinct habitation as though in a building by itself.' *Clover v. Urban*, 108 Conn. 13, 16, 142 A. 389, 390."

- [Capitol Light and Supply Company v. Gunning Electrical Company et al.](#), 24 Conn. Supp. 324, 326-328, 190 A.2d 495 (1963). "In deciding the usual place of abode, many circumstances have been considered, such as the existence of personal possessions at a parent's home where a defendant had lived before he left for naval service, that there was a continuance of ties of blood and affection and that he wrote frequently to persons at home. That he has left the usual place of abode temporarily does not necessarily show that he no longer has a usual place of abode at his home unless there was a marked interruption of the continuity of his living habits at home so that it would be a former place of abode. *Booth v. Crockett*, 110 Utah 366, 173 P.2d 647. A person may be absent a considerable period of time from a house where his wife and children are living, but such place has been held to be a usual place of abode. *Husband v. Crockett*, 195 Ark. 1031, 115 S.W.2d 882. Here, the defendant had lived with his parents for many years at the West Hartford address and continued his ties of blood and affection by visiting them during two holidays within approximately four months of the time he is claimed to have left the state. He continues to maintain his voting address in Connecticut at West Hartford and did for the November election in 1962, and a receipt for mail sent to that address was accepted for him. He has continued to hold a Connecticut motor vehicle operator's license, with his residence remaining at 58 Ridgewood Road. There is no showing that he intends to abandon his former home, and he remains unmarried. The only evidence in support of the plea is the vague testimony that he 'works out of Syracuse for a company.' It is not unreasonable to believe that a young man twenty-eight years of age, unmarried, may, in view of the above

circumstances, have a usual place of abode at the present home of his parents."

**WEST KEY
NUMBERS:**

- Process
- II. Service
 - A. Personal Service in General #48-68
 - B. Substituted Service #69-83
 - C. Publication or Other Notice #84-111

DIGESTS:

- *Digest of Decisions Connecticut*, by Donald H. Dowling, State of Connecticut, 1982, with 1990 supplement.
 - § 1. In General; Issuance
 - 2. Service
 - 3. – In general; Necessity; Requisites
 - 4. – Authority of Officer; Indifferent Person

ENCYCLOPEDIAS

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 62B *Am. Jur. 2d* Process, Thomson West, 2015 (Also available on Westlaw).
 - VI. Methods of Service
 - D. Service on Individuals
 - § 178. Construction and application of terms "abode," "dwelling," and the like, generally;
 - § 179. Factors considered in determining abode for process
 - § 180. Effect of family relationships on process
 - § 181. –Relative's home as defendant's abode
 - § 182. Established or temporary home or residence for purposes of process
 - § 183. –Where defendant has two homes
 - § 184. –Migratory or moving defendant
 - § 185. Area encompassed by terms "abode," "dwelling," and the like for purposes of process
 - § 186. Particular type of structure as "abode," "dwelling," and the like for purposes of process
 - § 187. Place of employment or business for purposes of abode process
 - § 188. Attachment of process to structure in lieu of delivery
 - § 189. Abode of prisoner or hospital patient for purposes of abode process
 - § 190. Abode of person in military service for purposes of abode process

**TEXTS &
TREATISES:**

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- 1 Connecticut Practice Series, *Superior Court Civil Rules*, 5th ed., By Wesley W. Horton et al., 2024-2025 ed., Thomson West (Also available on Westlaw).
 - Chapter 8- Commencement of Action
 - § 8-1 Process- Author's Comments Section 3
 - Chapter 10- Pleadings
 - § 10-13 Service of Pleadings and Other Papers; -

Author Comments

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Chapter 14- Dockets, Trial Lists, Pretrials, and Assignment Lists

§ 14-6 Administrative Appeals are Civil Actions- Authors' Comments

§ 14-7A- Administrative Appeals- Administrative Appeals Brought Pursuant to General Statutes § 4-183 et seq. – Authors' Comments

- 2 Connecticut Practice Series, *Civil Practice Forms*, 5th ed., by Daniel A. Morris, 2024-2025 ed., Thomson West (Also available on Westlaw).

Chapter 1- Pleadings, Complaints, Costs and Fees

§1:4. Complaint and writ of summons

Chapter 3- Summons and Subpoena

§ 3:1 Summons in civil actions- Commentary

§ 3:2 Summons- Civil (Form CV-1)

Chapter 4- Service of Process, Return of Process and Filing of Pleadings and Documents

§ 4:1 Service and return of process- Commentary

(e) Return of process

(f) Return day of process

(g) Location in judicial district where process returnable

(h) Where writs may be filed

(i) when completion of service by another officer is allowable

(k) Defective writ- Amendment of process

(l) Service on corporation

(m) Service on voluntary association

(n) Service on minor

(o) Service on Connecticut domiciliary in foreign state

(p) Non-residents- Service of process on foreign corporation

(q) Requirement of Hearing Longarm Service Dispute

(r) Service on Secretary of State or Commissioner of Motor Vehicles

(s) Unidentified Defendant

(t) Late return of writ to court

(u) Attorney as Plaintiff and Lawyer

§ 4:2 Service of Process- Who to serve

§ 4:3 Electronic Filing and deliver of court documents- Commentary

§ 4:4 Filing or service of documents

§ 4:5 Consent to electronic (e-mail) delivery

§ 4:6 Certificate of service

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Chapter 5- Publication of Notice- Order of Notice

§ 5:1 Heading of Order of Notice

§ 5:2 Cover sheet for online publication of legal notice after court order (JD-CL-160)

§ 5:7 Order of Notice in family actions

Chapter 10- Responsive Pleadings, Defenses & Motions

§ 10:6 Excluding, avoiding, reviving or tolling limitations periods- Commentary

(b) Service by state marshal after statutory period

Chapter 27- Administrative Appeals, Generally

§ 27:3 (b) Procedure in administrative appeals- Practice Book Rule 14-7(a)

§ 27:4 Notice of filing administrative appeal- Service made by mail (Form CV-137)

§ 27:5 Notice of filing- Service made by a proper officer or indifferent person (Form CV-138)

- 3 Connecticut Practice Series, *Civil Practice Forms*, 5th ed., by Daniel A. Morris, 2024 ed., Thomson West (Also available on Westlaw).

Chapter 73- Probate Appeals

§ 73:1 Probate appeals, generally- Commentary
d. Commencement of appeal by complaint:
Who to serve and where to file

- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).

Chapter 18 Process

§ 18:3 Officers authorized to serve process

§ 18:4 Time limits

§ 18:5 Manner of service

§ 18:6 Abode service

§ 18:7 Substituted service

§ 18:8 Subsequent orders of notice

§ 18:9 Forms and procedures for orders of notice

§ 18:10 Service on parties who are incompetent or incarcerated; service on third parties

- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.

Chapter 8- Commencement of Action

§ 8-1. Process

§ 8-1.1. Service of Process Generally

§ 8-1.2. Jurisdictional Prerequisite

§ 8-1.3. Service of a Copy Required

§ 8-1.4. Mistakes; Defects, Effect of

§ 8-1.5. Return to Court Required

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- § 8-1.6. Official forms
- § 8-1.7. Civil Actions; Commencing.
- § 8-1.8. Commencement of Civil Actions, Contents and Service of Process
- § 8-1.9. Forms for Commencement of Civil Action
- § 8-1.15. Person to Whom Process Shall be Directed
- § 8-1.19 Ensuring that Time Limits for Service and Return are Met
- § 8-1.23 Service of Summons [How Accomplished]
- § 8-1.24 Actual Service; Burden of Proof; Evidentiary Hearing

- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.

Chapter 2 Jurisdiction Over the Person

Sec. 13. The Part of Mesne Process

- a. The Writ of Summons: Form
- b. The Complaint
- c. Summons

Sec. 14. Personal, Substitute & Constructive Service Distinguished

Sec. 15. Service of Process, by Whom Performed

- a. Sheriffs and Constables
- b. Indifferent Persons; Special Deputies
- c. Multiple Acts of Service

Sec. 16. Time for Service

- a. Importance and Meaning of "Return Day"
- b. Determination of Return Date
- c. Time for Service
- d. Service on Sundays and Holidays

Sec. 19. Substitute (Abode) Service

- a. Constitutional Basis
- b. What Constitutes an "Abode"
- c. Mechanics of Abode Service

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, LexisNexis, 2024 ed.

Chapter 6- Serving Summons and Complaint

§ 6.06- Serving the Sommons and Complaint on a Person within Connecticut

- [1] Personal Service
- [2] Usual Place of Abode Defined
- [3] Incarcerated Defendant's Abode
- [4] Government Official Sued in Individual Capacity
- [5] Service on a Minor

§ 6.07 Service on a Connecticut Corporation

- § 6.08 Service on a Connecticut Partnership
- § 6.09 Service on a Limited Liability Company
- § 6.10 Service in Action Against the State
- § 6.11 Service on a Governmental Entity Other than the State
- § 6.12 Service on a Voluntary Association
- § 6.13 Service in Actions on Joint Contracts
- § 6.14 Service on a Connecticut Resident Outside Connecticut
- § 6.15 Service on a Foreign Corporation
- § 6.16 Service on a Nonresident Attaching Creditor
- § 6.17 Service on a Person in a Foreign Country
- § 6.18 Service on an Out-of-State Person Under Long Arm Statute
- § 6.19 Service on Owners or Operators of Motor Vehicles
- § 6.20 Service on a Nonresident Fiduciary
- § 6.21 Service on a Nonresident in a Quo Warranto Case
- § 6.22 Service on a Foreign LLC
- Chapter 8- Commencement of Action
 - § 8-1.23 Service of Summons [How Accomplished]
 - § 8-1.24 Actual Service; Burden of Proof; Evidentiary Hearing

- *Civil Litigation in Connecticut: Anatomy of a Lawsuit*, by Kimberly A. Peterson, 1998, Prentice Hall.
 - Chapter 6- Serving the Complaint and Filing the Lawsuit in Court
 - I. Service of Process: Generally
 - II. Steps Involved in Service of Process
 - III. Filing a Lawsuit in Court
- *Pleading and Pretrial Practice*, Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - III. Basic Pleading and Practice Rules
 - 6. Summons
 - 7. Return Dates/Commencement of Suit
 - 9. Signatures
 - IV. Service of Process
 - 2. Serving the process
 - 3. Service under Conn. Gen. Stat. § 52-593a

Table 1: Connecticut General Statutes Related to Service of Process

Connecticut General Statutes Related to Service of Process	
§ 1-101oo	Jurisdiction over nonresidents. Secretary of the State as process agent. Service of process.
§ 4a-17	Service of process on persons with psychiatric disabilities
§ 15-87	Service of process against nonresident owners and operators (Aircraft)
§ 33-663	Service of Process on Corporation
§ 33-929	Service of process on foreign corporation
§ 34-243r	Service of process, notice or demand
§ 34-508	Service of process
§ 34-533	Service of process on statutory agent
§ 38a-26	Service of Process (Insurance commissioner)
§ 45a-186	Appeals from probate. Venue. Service of Process. Referral to special assignment probate judge
§ 46a-103	Civil action for discriminatory practice: Service of process on the commission; right of commission to intervene
§ 47-244b	Service of process on statutory agent
§ 52-56	Service of process outside of officer's precinct
§ 52-57	Manner of service upon individuals, municipalities, corporations, partnerships and voluntary associations.
§ 52-57a	Service of process without state upon persons domiciled or subject to jurisdiction of courts in state
§ 52-59b	Jurisdiction of courts over nonresident individuals, foreign partnerships and foreign voluntary associations. Service of process
§ 52-59c	Service upon nonresident attaching creditor
§ 52-59d	Service of process outside country to be in accordance with treaty or convention or court order.
§ 52-60	Judge of probate for nonresident fiduciary. Service of process
§ 52-61	Service upon nonresident fiduciaries
§ 52-62	Service upon nonresident in action for negligent operation of motor vehicle
§ 52-63	Service of civil process upon Commissioner of Motor Vehicles in lieu of owner or operator of motor vehicle, authorized when
§ 52-64	Service in action against state
§ 52-350e	Service of process
§ 52-593a	Action not lost where process served after expiration of limitation period

Table 2: Conn. Gen. Stat. [52-593a](#) – Action Not Lost If Delivered to Marshall Before Expiration of Limitation Period

Action not lost where process served after expiration of limitation period	
Conn. Gen. Stat. 52-593a (2025).	<p>“(a) Except in the case of an appeal from an administrative agency governed by section 4-183, a cause or right of action shall not be lost because of the passage of the time limited by law within which the action may be brought, if the process to be served is personally delivered to a state marshal, constable or other proper officer within such time and the process is served, as provided by law, within thirty days of the delivery.</p> <p>(b) In any such case, the officer making service shall endorse under oath on such officer's return the date of delivery of the process to such officer for service in accordance with this section.”</p>
Johnson v Preleski 335 Conn. 138, 146, 229 A.3d 97, (2020).	<p>“We begin with the language of § 52-593a (a), which provides in relevant part that an action will be saved from an expiring statute of limitations ‘if the process to be served is <i>personally delivered</i> to a state marshal, constable or other proper officer within such time and the process is served, as provided by law, within thirty days of the delivery.’ (Emphasis added.) (p. 146)”</p> <p>“Accordingly, we agree with the petitioner that he has satisfied the requirement of timely personal delivery under § 52-593a (a) by providing sufficient, circumstantial evidence of receipt of the process by the marshal. Specifically, Peat testified that she sent the process to the marshal on the last day prior to the lapse of the statute of limitations. She sent the fax at 4:59 p.m., and it was received two minutes later by the marshal's fax machine. The petitioner introduced into evidence both the fax cover sheet from his attorney's office and the transmission report demonstrating successful delivery to Lilley's office on August 5, 2014. See footnote 5 of this opinion. Because the fax transmission was in the marshal's office, it was, in essence, delivered into his constructive possession. See Black's Law Dictionary (11th Ed. 2019) p. 1408 (defining ‘constructive possession’ as ‘[c]ontrol or dominion over a property without actual possession or custody of it’). The petitioner elicited further circumstantial evidence of timely delivery in that Lilley served the respondent the following day, as directed by the petitioner's attorney, thereby giving the respondent notice of the action well within the time period allowed by § 52-593a. As the Appellate Court concluded in <i>Gianetti v. Connecticut Newspapers Publishing Co.</i>, supra, 136 Conn. App. at 73, 44 A.3d 191, possession of process by the marshal is all that is necessary to establish compliance with the statute. The manner in which the process is delivered to the marshal is not relevant, as long as the petitioner has shown that he has delivered the process within the prescribed limitation period. The petitioner, therefore, has sufficiently demonstrated that the marshal received personal delivery of the process in compliance with the savings statute.” (p. 155-156).</p>

Table 3: Conn. Gen. Stat. [4-183](#)(c) – Administrative Appeals

Appeal to the Superior Court	
Conn. Gen. Stat. 4-183 (c) (2025). (Emphasis added)	<p>"...a person appealing as provided in this section shall serve a copy of the appeal on the agency that rendered the final decision at its office or at the office of the Attorney General in Hartford and file the appeal with the clerk of the superior court for the judicial district of New Britain or for the judicial district wherein the person appealing resides or, if that person is not a resident of this state, with the clerk of the court for the judicial district of New Britain. Within that time, the person appealing shall also serve a copy of the appeal on each party listed in the final decision at the address shown in the decision, provided failure to make such service within forty five days on parties other than the agency that rendered the final decision shall not deprive the court of jurisdiction over the appeal. Service of the appeal shall be made by United States mail, certified or registered, postage prepaid, return receipt requested, without the use of a state marshal or other officer, or by personal service by a proper officer or indifferent person making service in the same manner as complaints are served in ordinary civil actions. If service of the appeal is made by mail, service shall be effective upon deposit of the appeal in the mail.</p> <p>(d) The person appealing, not later than fifteen days after filing the appeal, shall file or cause to be filed with the clerk of the court an affidavit, or the state marshal's return, stating the date and manner in which a copy of the appeal was served on each party and on the agency that rendered the final decision, and, if service was not made on a party, the reason for failure to make service. If the failure to make service causes prejudice to any party to the appeal or to the agency, the court, after hearing, may dismiss the appeal." (Emphasis added).</p>
<u>Fairfield Bd. Of Educ. v. A.B.</u> , Superior Court, Judicial District of Fairfield, No. CV15-5030623-S (October 15, 2015) (61 Conn. L. Rptr. 109) (2015 WL 7054197).	<p>"Section 4-183(c) specifies the approved methods of service, including certified or registered mail, service by a state marshal, or service upon the state agency by an indifferent person. The statute makes no provision for service of process upon a state agency, or its authorized agent, through the use of an email communication. Receipt of a copy of a complaint via email, is not an approved method of service under the applicable statute, and cannot rescue an action from dismissal for lack of subject matter jurisdiction. <i>Grace v. Regional School District No. 414, Board of Education</i>, Docket # CV-11-6005236 S, Judicial District of Litchfield (November 17, 2011 A. Danaher, J.) [52 Conn. L. Rptr. 905]. Nor can the failure to effect service of process be regarded as a 'defect, mistake or informality' in a complaint, within the meaning of General Statutes S. 52-128. (Emphasis added)." (p. 4)</p>

<p>Glastonbury Volunteer Ambulance Ass'n v. Freedom of Info. Comm'n, 227 Conn. 848, 852-853 274-275, 633 A.2d 305 (1993).</p>	<p>"The plain language of § 4-183(c), read in the light of ordinary rules of English grammar and sentence structure, compels the conclusion that both the filing and the service of the appeal must be accomplished within the forty-five day period. The first sentence of the section begins with the adverbial phrase, '[w]ithin forty-five days after mailing of the final decision.' The subject of the sentence is 'person.' Two verbs then follow: 'serve' and 'file.' 'Serve' is preceded by 'shall,' but 'file' is not. The plainly evident intent, however, is that 'shall' is to be read together with both 'serve' and 'file,' and that the adverbial phrase, 'within forty-five days,' modifies both verbs. This conclusion becomes even clearer upon reading the second sentence, which begins with the adverbial phrase, '[w]ithin that time.' Thus, throughout the first two sentences there is an emphasis on completion of required acts within forty-five days. The conclusion that § 4-183(c) requires both the filing and the service of the appeal within the forty-five day period is buttressed by its legislative history. Section 4-183(c) is the outgrowth of the fact that '[i]n 1988, the legislature enacted a comprehensive revision of the UAPA, based upon recommendations made after nearly three years of study and review by the Connecticut law revision commission.' <i>Tolly v. Department of Human Resources</i>, supra, 225 Conn. at 26, 621 A.2d 719. With only slight alteration, § 24 of the bill proposed by the law revision commission ultimately became General Statutes § 4-183(c). Compare 1987 Thirteenth Annual Report of the Connecticut Law Revision Commission to the General Assembly, March, 1988, p. 63 (law revision commission report). The commentary to § 24 of the proposal makes clear not only that service must be made within forty-five days, but that '[t]he appeal must also be filed in the court within forty-five days.' Law revision commission report, p. 39. There is nothing in the committee hearings or floor debate on Public Acts 1988, No. 88-317 to suggest that the legislature intended to depart from this earlier and clearly expressed intent. Indeed, the plaintiff's argument that the legislature intended to incorporate into § 4-183(c) the return of process provisions of §§ 52-48 and 52-46a finds no support in either the language or the legislative history of § 4-183(c). Moreover, the plaintiff's argument is contrary to the general intent of Public Acts 1988, No. 88-317, namely, 'to simplify and make more fair the process of appealing an agency decision under the UAPA.' <i>Tolly v. Department of Human Resources</i>, supra, 225 Conn. at 29-30, 621 A.2d 719."</p>
	<ul style="list-style-type: none"> • <i>LexisNexis Practice Guide: Connecticut Administrative Law and Practice</i>, Vincent M. Marino, Esq. et al., LexisNexis, 2024. Chapter 7 The Post Hearing Process 7.15 Appeal of Final Decision in Contested Cases to the Superior Court

	<ul style="list-style-type: none"> • 2 Connecticut Practice Series, <i>Civil Practice Forms</i>, 5th ed., by Daniel A. Morris, 2024-2025 ed., Thomson West (Also available on Westlaw). <ul style="list-style-type: none"> Chapter 27 Administrative Appeals, Generally <ul style="list-style-type: none"> § 27:1 Definition of Administrative Appeals § 27:2 Administrative appeals are civil actions § 27:3 Procedure in Administrative Appeal § 27:4 Notice of filing administrative appeal- Service made by mail (Form CV- 137) § 27:5 Notice of filing administrative appeal- Service made by a proper officer or indifferent person (Form CV- 138) • <i>Encyclopedia of Connecticut Causes of Action</i>, by Daniel J. Krish and Michael S. Taylor, Connecticut Law Tribune, 2024. <ul style="list-style-type: none"> Part 4 Administrative Appeals <ul style="list-style-type: none"> 4AA-1 Statute of Limitations 4AA-2 Basic Principles Governing Administrative Appeals 4AA-3 List of Statutory Grounds for Appeal
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Table 4: Conn. Gen. Stat. 45a-186 – Probate Appeals

Conn. Gen. Stat. 45a-186 (2025).	<p>“(b) Any person aggrieved by an order, denial or decree of a Probate Court may appeal therefrom to the Superior Court. An appeal from a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, sections 45a-690 to 45a-703, inclusive, or section 45a-705a, shall be filed not later than forty-five days after the date on which the Probate Court sent the order, denial or decree. Except as provided in sections 45a-187 and 45a-188, an appeal from an order, denial or decree in any other matter shall be filed on or before the thirtieth day after the date on which the Probate Court sent the order, denial or decree. The appeal period shall be calculated from the date on which the court sent the order, denial or decree by mail or the date on which the court transmitted the order, denial or decree by electronic service, whichever is later.”</p> <p>“(c) An appeal shall be commenced by filing a complaint in the Superior Court in the judicial district in which such Probate Court is located, or, if the Probate Court is located in a probate district that is in more than one judicial district, by filing a complaint in a superior court that is located in a judicial district in which any portion of the probate district is located.....”</p> <p>“(e) Each person who files an appeal pursuant to this section shall serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy at the place of residence of the interested party being served or at the address for the interested party on file with the Probate Court, except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent person.”</p> <p>“(g) Not later than fifteen days after a person files an appeal under this section, the person who filed the appeal shall file or cause to be filed with the clerk of the Superior Court a document containing (1) the name, address and signature of the person making service, and (2) a statement of the date and manner in which a copy of the complaint was served on each interested party and mailed to the Probate Court that rendered the order, denial or decree appealed from.” (Emphasis added.)</p>

<p>Connery v. Gieske 323 Conn. 377, 391-392, 147 A.3d 94 (2016).</p>	<p>"Section 45a-186 is abundantly clear. It provides that the general limitations period for filing a probate appeal, with certain exceptions inapplicable to this appeal, is either thirty or forty-five days, depending on the appeal, and begins to run when the order, denial or decree appealed from—which must be attached to the appellant's complaint—is mailed to the parties. Under the plain and unambiguous terms of the statute, therefore, the limitations period for the plaintiff's appeal commenced when the Probate Court mailed copies of the March 6, 2013 orders to the parties. Because that event did not occur until September 27, 2015, the trial court incorrectly determined that the plaintiff's appeal was filed beyond the applicable limitations period set forth in § 45a-186 (a). See, e.g., <i>Gates v. Gates</i>, 51 Conn. Supp. 148, 155, 975 A.2d 147 (2008) (plain and unambiguous language of § 45a-186 provides that limitations period for filing probate appeal commences with mailing of order or decree), <i>aff'd</i>, 115 Conn. App. 293, 971 A.2d 852, cert. denied, 293 Conn. 924, 980 A.2d 910 (2009). In fact, the appeal was filed too soon."</p>
	<ul style="list-style-type: none"> • 3 Connecticut Practice Series, <i>Civil Practice Forms</i>, 5th ed., by Daniel A. Morris, 2024-2025 ed., Thomson West (Also available on Westlaw). Chapter 73 Probate appeals § 73:1 Probate appeals, generally- Commentary • <i>Encyclopedia of Connecticut Causes of Action</i>, by Daniel J. Kirsch and Michael S. Taylor, Connecticut Law Tribune, 2024. Part 4 Administrative Appeals 4AA-1- Statute of Limitations 4AA-2- Basic Principles Governing Administrative Appeals • <i>Library of Connecticut Civil Complaints for Business Litigation</i>, Vol. 1, Connecticut Law Tribune, 2010. Probate & Estate Litigation 5-036- Discussion of Appeal from Probate Court Order or Decree 5-037- Complaint- Probate Appeal

Section 3: Return of Service

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to general information on return of service in civil lawsuits.

DEFINITIONS:

- **Return of process:** "Process in civil actions returnable to the Supreme Court shall be returned to its clerk at least twenty days before the return day and, if returnable to the Superior Court, except process in summary process actions and petitions for parentage and support, **to the clerk of such court at least six days before the return day.**" Conn. Gen. Stat. § [52-46a](#) (2025). (Emphasis added.)
- **Return day:** "(a) Process in civil actions, including transfers and applications for relief or removal, but not including summary process actions, brought to the Superior Court may be made **returnable on any Tuesday in any month.** The return day in any summary process action may be any week day, Monday through Saturday, except a holiday. (b) All process shall be made **returnable not later than two months after the date of the process** and shall designate the place where court is to be held." § [52-48](#) (2025). (Emphasis added.)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2025)

Chapter 896

§ [52-46a](#). Return of process

§ [52-48](#). Return day of process

§ [52-72](#). Amendment of process

CASES:

- [Prenderville v. Sinclair](#), 164 Conn. App. 439, 448-449, 138 A.3d 336 (2022). "In the present case, the court correctly interpreted 'the date of the process' to refer to the date of the writ of summons, April 1, 2013. *Haylett v. Commission on Human Rights & Opportunities*, supra, 207 Conn. at 554-55, 541 A.2d 494. Consequently, to be in compliance with § 52-48(b), process had to be returnable to court no later than June 1, 2013. The only amended return date proposed by the plaintiffs was October 29, 2013. This date was not in compliance with the requisite two month time restriction imposed by § 52-48(b).

Therefore, the court properly concluded that amendment of the return date to a date that was well beyond two months from the date of process would not be proper

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because such an amendment would violate § 52-48(b). Accordingly, the court properly concluded that the return date could not be amended pursuant to § 52-72. See *Ribeiro v. Fasano, Ippolito & Lee, P.C.*, 157 Conn. App. 617, 631, 117 A.3d 965 (2015) (affirming dismissal of plaintiff's action where 'there is no date to which [the trial court] could permit the plaintiff to amend the return date and remain in compliance with the mandatory requirements of both § 52-48(b) and § 52-46a')."

- [Ribeiro v. Fasano, Ippolito and Lee, P.C.](#), 157 Conn. App. 617, 621-622, 117 A.3d. 967 (2015). "Despite the remedial nature of § 52-72 and the fact that the statute is to be liberally construed, our Supreme Court has established boundaries to the statute's reach. '[T]he requirement of § 52-46a to return process in civil actions to the clerk of the Superior Court at least six days before the return date is mandatory and failure to comply with its requirements renders the proceeding voidable, rather than void, and subject to abatement.' (Footnote omitted.) Id., at 661-62, 707 A.2d 281. 'A return date may be amended but it still must comply with the time limitations set forth in § 52-48(b). Section 52-48(b) requires that [a]ll process shall be made returnable not later than two months after the date of the process.... Section 52-48(b), therefore, with its two month time limit, circumscribes the extent to which a return date may be amended.' (Internal quotation marks omitted.) Id., at 666-67, 707 A.2d 281."
- [Merrill v NRT New England, Inc. et al.](#) 126 Conn. App. 314, 320, 12 A.3d. 575 (2011). "As noted, § 52-46a establishes the requirement to return process in civil actions to the clerk of the Superior Court at least six days before the return date. Our Supreme Court has held that the failure to comply with the mandate of § 52-46a 'renders the proceeding voidable, rather than void, and subject to [dismissal].' *Coppola v. Coppola*, 243 Conn. 657, 662, 707 A.2d 281 (1998). General Statutes § 52-72(a) provides in relevant part that '[a]ny court shall allow a proper amendment to civil process which has been made returnable to the wrong return day or is for any other reason defective....'
- [Stingone v Elephant's Trunk Flea Market et al.](#), 53 Conn. App. 725, 729-730, 732 A.2d. 200 (1999). "It has long been the law in this state that an action is deemed to be commenced on the date service is made on the defendant. *Rana v. Ritacco*, 236 Conn. 330, 337, 672 A.2d 946 (1996). An exception to this rule, however, may be found in General Statutes § 52-593a (a), which provides that 'a cause or right of action shall not be lost because of the passage of the time limited by law within which the action may be brought, if the process to be served is

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personally delivered to an officer authorized to serve the process or is personally delivered to the office of any sheriff within the time limited by law, and the process is served, as provided by law, within fifteen days of the delivery.’ We conclude, therefore, that the trial court’s reliance on the date the plaintiff’s cause of action was ‘filed,’ or returned to the Superior Court, was improper. In *Rana v. Ritacco*, supra, 236 Conn. at 337, 672 A.2d 946, our Supreme Court declared ‘that an action is brought once the writ, summons and complaint have been served upon the defendant.’ In so doing, it explicitly reversed this court’s earlier conclusion that an action is not considered brought until the defendant has been served with process, *and* such process has been returned to court. Here, the trial court’s reliance on the February 10, 1997 return date as the controlling date for statute of limitations purposes is in direct contradiction to the established rule announced in *Rana v. Ritacco*, supra, at 337, 672 A.2d 946.”

- [Coppola v. Coppola](#), 243 Conn. 667, 664, 707 A.2d. 281 (1998). “With these principles in mind, we review the plaintiff’s claim. The plaintiff argues that the term ‘defective’ as used in § 52-72 encompasses a failure to return the process at least six days prior to the return date, thus rendering the return date amendable pursuant to the statute. The defendant claims, however, that the return date in this case was proper and that the plaintiff was simply late in returning the process, a flaw which § 52-72 was not intended to amend. We reject, as we did in *Concept Associates, Ltd.*, so narrow a construction of the statute.”

WEST KEY NUMBERS:

- Process
 - E. Return and Proof of Service
 - 127. Nature and necessity in general
 - 128. Statutory provisions
 - 129. Authority to make
 - 130. County or court to be made
 - 131. Time for making
 - 132. Form and requisites of return or certificate
 - 150. Failure to make or file return or proof

DIGESTS:

- *Digest of Decisions Connecticut*, by Donald H. Dowling, State of Connecticut, 1982, with 1990 supplement.
 - § 5 Process
 - 8. Return

TEXTS & TREATISES:

- 1 Connecticut Practice Series, *Superior Court Civil Rules*, 5th ed., By Wesley W. Horton et al., 2024-2025 ed., Thomson West (Also available on Westlaw).
 - Chapter 8 Commencement of Action
 - § 8-1 Process- Author’s Comments Sections 1 & 3

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 2 Connecticut Practice Series, *Civil Practice Forms*, 5th ed., by Daniel A. Morris, 2024 ed., Thomson West (Also available on Westlaw).
 - Chapter 4 Service of Process, Return of Process, and Filing of Pleadings and Documents
 - § 4:1 Service and Return of Process- Commentary
 - § 4:6 Certificate of service
 - Notes to form
- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, LexisNexis, 2024 ed.
 - Chapter 6 Serving Summons and Complaint
 - § 6.29 Return of Process
 - [1] Time to file
 - [2] Where to File Return
- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.
 - Chapter 8 Commencement of Action
 - § 8-1.11 Return of Process
 - § 8-1.12 Returning Process to the Court
 - § 8-1.14 Return by an Indifferent Person
 - Chapter 11 Motions, Requests
 - § 11-7.2 Return of Process
- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.
 - Chapter 2 Jurisdiction Over the Person
 - Sec. 17. Return of the Writ
 - a. Meaning of "Return"
 - b. Time Limits of Return
- *Civil Litigation in Connecticut: Anatomy of a Lawsuit* by Kimberly A. Peterson, Prentice Hall, 1998.
 - Chapter 6 Serving the Complaint
 - II. Steps Involved in Service of Process
 - G. Officer's Return of Service
- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - IV. Service of Process
 - 4. The Return
 - a. Proof of service

Section 4: Amended Service

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to general information on amending service in civil lawsuits.

SEE ALSO: • [Motion to Dismiss](#)

DEFINITIONS: • **Amendments:** "The plaintiff may amend any defect, mistake or informality in the writ, complaint or petition and insert new counts in the complaint, which might have been originally inserted there in, without costs, during the first thirty days after the return day. (See General Statutes § 52-128 and annotations.)" Connecticut Practice Book § [10-59](#) (2025)

STATUTES: Conn. Gen. Stat. (2025)

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Chapter 898

- § [52-46a](#). Return of process
- § [52-72](#). Amendment of process.
- § [52-128](#). Amendment of pleadings by plaintiff; costs.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

Connecticut Practice Book (2025)

[Ch. 9](#)- Parties

- § 9-20 Addition or Substitution of Parties; Additional Parties Summoned in by Court- Substituted Plaintiff

[Ch. 10](#)- Pleadings

- § 10-59. Amendments; Amendment as of Right by Plaintiff
- § 10-60. Amendments; Amendment by Consent, Order of Judicial Authority, or Failure to Object

CASES:

---Amendable Defects---

- [Discover Bank v Giangrande](#), Judicial District of New Haven, No. CV24-6035013-S (January 8, 2025) (2025 WL 88279).
"Courts which have found that a plaintiff had failed to comply with the processes prescribed by Conn. Gen. Stat. §§ 52-46, 52-46a, or 52-48 have denied motions to dismiss on those grounds without prejudice to allow the plaintiff to cure the defect or to comply with an order that the plaintiff do so within a certain period of time. See *Wireless Solutions XVIII, LLC v. Piela*, Superior Court, judicial district of Windham, Docket No. CV-18-6013837-S (January 25, 2019, *Cole-Chu, J.T.R.*) (denying motion to dismiss for insufficiency of service of process without

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prejudice if, within ten days of ruling, plaintiff failed to file motion to amend and pay costs); *Vossbrinck v. Cheverko*, Superior Court, judicial district of Stamford-Norwalk, Docket No. CV-17-5016825-S (January 19, 2018, *Jacobs, J.*) (denying motion to dismiss without prejudice and ordering plaintiff to file request to amend the return date to bring it in compliance with § 52-48); *Adamovich v. East Hartford*, Superior Court, judicial district of Hartford, Docket No. CV-10-6012652-S (February 18, 2011, *Peck, J.*) (ordering plaintiff to amend return day forthwith to bring summons in conformity with §§ 52-48 and 52-72); *Brandriff v. Sellas*, 40 Conn.Sup. 243, 245, 488 A.2d 853 (1985) (granting motion to dismiss unless plaintiff amends return day within two weeks from date of memorandum), as cited in *Waters v. Dean Martel Jr.*, supra. This court will follow suit. (p. 3)

Accordingly, the defendant's motion to dismiss is denied without prejudice. The plaintiff may within fourteen (14) days of the date of this order amend the return date to bring the process into compliance with Conn. Gen. Stat. § 52-46a. If the plaintiff fails to do so within that time frame, the defendant may reclaim its motion to dismiss citing this order." (p. 4)

- [Conn. Ctr. For Advanced Tech., Inc. v Bolton Works, LLC](#), 191 Conn. App. 842-842, 216 A.3d 813 (2019). "The issue in this appeal is whether, pursuant to General Statutes § 52-72, the return date of a summary process complaint can be amended to correct the plaintiff's failure to return the complaint at least three days before the return date as required by General Statutes § 47a-23a. The defendant, Bolton Works, LLC, appeals from the judgment of possession rendered by the trial court in favor of the plaintiff, Connecticut Center for Advanced Technology, Inc. The defendant claims that the trial court improperly concluded that § 52-72 permits the amendment of the return date in the context of summary process actions and that the court therefore erred in denying its motion to dismiss the plaintiff's amended complaint for failure to comply with § 47a-23a. We disagree and, accordingly, affirm the judgment of the trial court."
- [Sargent v. Capital Airlines, Inc.](#), 96 Conn. App. 320, 324-325, 901 A.2d 55 (2006). "We conclude that Jacobs' failure to sign the civil summons form in the proper space constituted a circumstantial defect and consequently did not deprive the court of personal jurisdiction over the defendants. Our Supreme Court has explained that '[a]lthough the writ of summons need not be technically perfect, and need not conform exactly to the form set out in the Practice Book ... the plaintiff's complaint must contain the basic information and direction normally included in a writ of summons.' (Citation omitted.) *Hillman v. Greenwich*, supra, 217 Conn. at 526, 587 A.2d 99. Accordingly, we examine the plaintiff's complaint in the present case. The complaint contained the following direction to the process server immediately preceding Jacobs' signature and the date: 'OF THIS WRIT, with

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your doings thereon, make due service and return.’ That language is similar to the relevant portion of the language given in General Statutes § 52-45b (1) concerning the form of summons: ‘Of this writ with your actions thereon make due return....’ Jacobs’ inclusion of a sufficient direction to the process server in the plaintiff’s complaint immediately preceding his signature and the date gave the process server the necessary authority to serve the defendants. Under those circumstances, the absence of Jacobs’ signature in the proper space on the civil summons form was a defect in the text of the writ, not an irregularity in the service of process.”

- [Coppola v Coppola](#), 243 Conn. 657, 664, 666-667, 707 A.2d 281 (1998). “Section 52-72 is a remedial statute that must be liberally construed in favor of those whom the legislature intended to benefit. *Concept Associates, Ltd. v. Board of Tax Review*, supra, 229 Conn. at 623, 42 A.2d 1186. ‘[S]tatutes such as § 52-72 were intended to take the sharp edges off the common law....’ *Id.* ‘Centuries ago the common law courts of England ... insisted upon rigid adherence to the prescribed forms of action, resulting in the defeat of many suits for technical faults rather than upon their merits. Some of that ancient jurisprudence migrated to this country ... and has affected the development of procedural law in this state.... [H]owever, our legislature enacted numerous procedural reforms applicable to ordinary civil actions that are designed to ameliorate the consequences of many deviations from the prescribed norm, which result largely from the fallibility of the legal profession, in order generally to provide errant parties with an opportunity for cases to be resolved on their merits rather than dismissed for some technical flaw.’ *Andrew Ansaldi Co. v. Planning & Zoning Commission*, 207 Conn. 67, 75-76, 540 A.2d 59 (1988) (*Shea, J.*, concurring). The legislature, in enacting § 52-72, expressed an intent to reject the draconian result of dismissal of the plaintiff’s cause of action because of a defect involving the return date. The ‘principles of statutory construction ... require us to construe a statute in a manner that will not thwart its intended purpose or lead to absurd results.’ (Internal quotation marks omitted.) *Concept Associates, Ltd. v. Board of Tax Review*, supra, at 624, 642 A.2d 1186. The construction of the term defective to permit an amendment of the return date to correct the plaintiff’s failure to return process six days prior to the return day effectuates the statute’s remedial purpose and statutory policy of ‘“amend[ing] ... otherwise incurable defects that go to the court’s jurisdiction.”’ *Id.*, at 623, 642 A.2d 1186 (p. 664).

Allowing an amendment of the return date under the circumstances of the present case does not render § 52-46a meaningless. A return date may be amended but it still must comply with the time limitations set forth in § 52-48(b). Section

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52-48(b) requires that '[a]ll process shall be made returnable not later than two months after the date of the process....' Section 52-48(b), therefore, with its two month limit, circumscribes the extent to which a return date may be amended

The judgment of the Appellate Court is reversed and the case is remanded to that court with direction to remand the case to the trial court with direction to grant the plaintiff's motion to amend the complaint and for further proceedings" (p. 666-667).

- [Hartford National Bank & Trust Co. v. Tucker](#), 178 Conn. 472, 478-479, 423 A.2d 144 (1979). "It is not the policy of our courts to interpret rules and statutes in so strict a manner as to deny a litigant the pursuit of its complaint for mere circumstantial defects. *Johnson v. Zoning Board of Appeals*, 166 Conn. 102, 111, 347 A.2d 53 (1974); *Greco v. Keenan*, 115 Conn. 704, 705, 161 A. 100 (1933). Indeed, s 52-123 of the General Statutes protects against just such consequences, by providing that no proceeding shall be abated for circumstantial errors so long as there is sufficient notice to the parties. There is no doubt in this case that the defendant was apprised of the contents of the complaint by successful service. The plaintiff submitted an affidavit by the sheriff reciting that he had made service on the defendant at the proper apartment. The amended return only made the original more specific; it did not deny the defendant his right to notice of the complaint's allegations. Whether or not the plea in abatement of the defendant here should have been sustained; see *Corden v. Zoning Board of Appeals*, 131 Conn. 654, 658, 41 A.2d 912 (1945); it is clear that an amendment could be entertained beyond the sixty-day limit to cure the minor defect in the writ, and without requiring a new service of process under General Statutes s 52-72. Section 52-72 requires the new service of the writ and process when they are amended only to correct process 'which has been made returnable to the wrong return day or is for any other reason defective' (Emphasis added). The purpose of this statute is to provide for amendment of otherwise incurable defects that go to the court's jurisdiction. 1 *Stephenson*, Conn.Civ.Proc. s 106 (2d Ed.). Those defects which are merely voidable may, in the trial court's discretion, be cured by amendment, and do not require new service and return date, so long as the defendant was not prejudiced. 72 C.J.S. Process s 107. Nor does General Statutes s 52-54, which requires abode service, create a lack of jurisdiction in all cases where the apartment number is omitted. As stated in *Clover v. Urban*, 108 Conn. 13, 16, 142 A. 389 (1928), '(t)he chief purpose of this requirement (of abode service) is to ensure actual notice to the defendant that the action is pending. *Grant v. Dalliber*, 11 Conn. 234, 237; *Clegg v. Bishop*, 105 Conn. 564, 569, 136 A. 102.' This purpose was accomplished well before the original return date and thus there was no need to reacquire jurisdiction by new service under s 52-72."

--Defects that May not Be Amended--

- [Ribeiro v Fasano, Ippolito & Lee, P.C.](#), 157 Conn. App. 617, 629, 631, 117 A.3d 965 (2015). “The relevant question, then, is whether the date process is returned is substantive or technical in nature. We conclude that the date process is returned to court is an historical fact and may not be amended by judicial fiat. Once process is returned to court and the date of return is recorded in the Superior Court file, it ought not be subject to change (p. 629).”

“For the foregoing reasons, we agree with the trial court that there is no date to which it could permit the plaintiff to amend the return date and remain in compliance with the mandatory requirements of both § 52-48(b) and § 52-46a. To remedy the defect present here by manipulating an historical fact would be, in our opinion, a step too far. We therefore affirm the judgment of the trial court dismissing the plaintiff's action” (p. 631).

- [New England Road, Inc. v. Planning and Zoning Commission of Clinton](#), 308 Conn. 180, 191-193, 61 A.3d 505 (2013); “We therefore conclude, for the same reasons as this court announced in *Hillman* and *Village Creek Homeowners Assn.*, that the failure to serve a summons or citation is a substantive defect that is not amendable pursuant to § 52-72. As this court stated in *Hillman*, ‘a writ of summons is a statutory prerequisite to the commencement of a civil action.... [I]t is an essential element to the validity of the jurisdiction of the court.’ (Citations omitted.) *Hillman v. Greenwich*, supra, 217 Conn. at 526, 587 A.2d 99. Furthermore, ‘[t]he citation ... is the warrant which bestows upon the officer to whom it is given for service the power and authority to execute its command.... Without it, the officer would be little more than a delivery-man.’ *Village Creek Homeowners Assn. v. Public Utilities Commission*, supra, 148 Conn. at 339, 170 A.2d 732. Additionally, without a summons or citation, the party being served may not know when or where to appear in court. Thus, the failure to include a summons or citation in the service of process may give rise to due process concerns. See, e.g., *Tayco Corp. v. Planning & Zoning Commission*, 294 Conn. 673, 685, 986 A.2d 290 (2010) (‘Proper service of process ... promotes the public policy of ensuring actual notice to defendants.... Moreover, ‘[p]roper service of process gives a court power to render a judgment which will satisfy due process....’ [Citation omitted.]). Accordingly, for the foregoing reasons, we conclude that the failure to include a summons or citation in the service of process is a jurisdictional defect that is not amendable pursuant to § 52-72.”
- [Raynor v. Hickok Realty Corp.](#), 61 Conn. App. 234, 240-42, 763 A.2d 54 (2000). “The plaintiff asks this court to overlook the fact that the summons and complaint accompanying the

prejudgment remedy documents were not signed. We cannot ignore an omission of that nature. Process 'in civil actions shall be a writ of summons or attachment, describing the parties, the court to which it is returnable and the time and place of appearance, and shall be accompanied by the plaintiff's complaint. Such writ may run into any judicial district or geographical area and *shall be signed by a commissioner of the superior court* or a judge or clerk of the court to which it is returnable....' (Emphasis added.) Practice Book § 8-1(a); see also General Statutes § 52-45a; *Stewart-Brownstein v. Casey*, 53 Conn. App. 84, 87, 728 A.2d 1130 (1999)."

WEST KEY NUMBERS:

- Process
 - III. Defects, Objections and Amendment
 - 161. Amendment of defects
 - 162. -In general
 - 163. -Writ or other process or notice
 - 164. -Return of proof of service in general
 - 165. -Proceedings for service by publication and proof of service
 - 166. Waiver of defects and objections
 - 167. Cure of defects and subsequent proceedings

DIGESTS:

- *Digest of Decisions Connecticut*, by Donald H. Dowling, State of Connecticut, 1982, with 1990 supplement.
Process
§ 9 Form; Defects, Objections and Amendments

ENCYCLOPEDIAS

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 154 ALR 1019, *Summons as Amendable to Cure Error or Omission in Naming or Describing Court or Judge or Place of Court's Convening* (1944).

TEXTS & TREATISES:

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, LexisNexis, 2024 ed. Chapter 6- Serving Summons and Complaint
 - § 6.31 Amendment of process
 - [1] Amendments permitted
 - [2] Types of Defects that May Be Amended
 - [3] Types of Defects that May Not Be Amended
- *Pleading and Pretrial Practice*, Jeanine M. Dumont, Connecticut Law Tribune, 1998.

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

VII. Amendments to Pleadings

1. Timing
2. Objections to Amendments
3. Rulings on Objections
4. Defects that Cannot Be Cured by Amendment

- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).

Chapter 10- Pleadings

§10-59 Amendments; Amendment as a Right by Plaintiff- Author's Comments

§10-60 Amendments- Amendment by Consent, Order of Judicial Authority, or Failure to Object- Author's Comments

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2024 ed., Thomson West (also available on Westlaw).

Chapter 1- Pleadings, Complaints, Costs and Fees

§ 1:14 Amended complaint

(a) Request for leave to amend complaint- Commentary

(b) Objection to plaintiff's request for leave to amend complaint- Commentary

Chapter 4- Service of Process, Return of Process and Filing of Pleadings and Documents

§ 4:1(k) Defective writ- Amendment of process

§ 4:1(t) Late return of writ to court: Failure to return writ

- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2024-2025 ed., LexisNexis.

Chapter 10 Pleadings

D. Amendments.

§ 10-59. Amendment as a Right by Plaintiff

§ 10-59.1. Amendment of Pleadings by Plaintiff; Costs

§ 10-59.2. Statutory Right to Amend; Circumstantial Defects

§ 10-60. Amendment by Consent, Order of Judicial Authority, or Failure to Object

§ 10.60.1. Amendment Freely allowed' Abuse of Discretion to Deny

§ 10.60.2. Objection to Amendment

§ 10.60.3. Amendment of Defects, Mistakes or Informalities

§10.60.4. Amendment of Pleadings After Default or Demurrer Overruled; Costs

§ 10.61. Pleading after Amendment

- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.

Chapter 2 Jurisdiction Over the Person
 Sec. 30. Challenging Defective Service
 a. How Raised
 b. Collateral and Direct Attack
 c. Amending Process
Chapter 6 Dilatory Pleas
 Sec. 62 Defective Writ or Service