

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

SERVING THE OTHER PARTY:

- After you have filed your Petition to Enforce with the Clerk of the Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the Court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the Court that the other party has received a copy of the court papers.

METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct service packet. Each packet contains instructions and the forms you may need. Select the method of service that works best for you.

1. **Service of Process WITHIN ARIZONA** (You Know Where the Other Party Lives in Arizona):

- A. Service by Acceptance.** This method requires you to give, or mail, the court papers to the other party and include an **“Acceptance of Service”** form. The other party must sign the **“Acceptance of Service”** form in front of a Notary Public and return it to you. The other party cannot sign the **“Acceptance of Service”** until after you have filed the court papers with the Court. The other party’s signature on the **“Acceptance of Service”** does **not** mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Service is complete at the time the other party signs the **“Acceptance of Service.”** If you choose this method of service, use the **“Acceptance of Service”** forms.

WARNING: Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

B. Service by Registered Process Server. This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages or online to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the "**Service by Process Server**" form.

C. Service by Sheriff. This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Law Library Resource Center and is only for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation requires you to use this method of service.

Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the "**Service by Sheriff**" form.

D. Other Methods of Service. There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

2. Service of Process OUTSIDE ARIZONA (You Know Where the Other Party Lives in the United States but he/she does not live in the State of Arizona.) **NOTE:** If the other party lives outside of the United States, see a lawyer to find out which method of service will work best for you.

A. Service by Acceptance. This method requires you to give or mail the court papers to the other party and include an "**Acceptance of Service**" form. The other party must sign the "**Acceptance of Service**" form in front of a Notary Public and return it to you. The other party cannot sign the "**Acceptance of Service**" until after you have filed the court papers with the Court. The other party's signature on the "**Acceptance of Service**" does **not** mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Service is complete at the time the other party signs the "**Acceptance of Service.**" If you choose this method of service, use the "**Acceptance of Service**" forms.

WARNING: Do not use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

B. Service by Registered Process Server. This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method to serve someone out-of-state, look under "**PROCESS SERVER**" on-line or in the Yellow Pages for the state where the other person is located. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the "Affidavit Supporting Out-of-State Service by Process Server" *form*.

C. Service by Sheriff. This method requires you to contact the Sheriff's Office in the county of the state where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the out-of-state Sheriff's Office, [unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses, is available at the Law Library Resource Center and is only for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation requires you to use this method of service.]

Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of out-of-state service, use the "**Affidavit Supporting Out-of-State Service by Process Server**" form.

D. Other Methods of Service. There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.