

SERVICE

Of PETITION to ENFORCE

FAMILY CASES ONLY

2

HOW TO SERVE NOTICE AS REQUIRED OR PERMITTED BY LAW

“Service” means giving legally required notice to other parties that you have filed documents with the court to request a court order that may affect them, and proving that notice was given in a manner permitted by law.

NOTICE

You do **NOT** need this packet if serving notice by Sheriff or process server in Maricopa County. The sheriff and process servers in Maricopa County provide their own forms.



SERVICE OF A PETITION to ENFORCE

CHECKLIST

“Service” means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can **ONLY** be delivered in a manner permitted by law, and proof of proper delivery must be filed with the Court.

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a Petition to Enforce in the Superior Court in a Family Department case and you are required to *serve notice* on other parties of what you have filed with the Court, AND
- ✓ You understand that your case cannot proceed until you have provided proof to the Court that notice has been given in a manner permitted by law.
- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign an “**Acceptance of Service**” form in front of a Notary or Clerk of the Superior Court, and return the form for **you** to file with the Court.

NOTE: If you know you are going to have the papers served by the Sheriff’s Department or by a private process server in Maricopa County and you do not need information about other methods of service, both the Sheriff and private process servers will have their own forms and you will not need this packet.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

HOW TO SERVE the PETITION to ENFORCE ON THE OTHER PARTY

Forms and Instructions

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This packet contains court forms and instructions to serve the Petition to Enforce on the other party. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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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.

HOW to SERVE the OTHER PARTY USING “ACCEPTANCE OF SERVICE” METHOD AFTER YOU FILED YOUR PETITION to ENFORCE

STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE OF THE PETITION to ENFORCE AFTER YOU FILE THE PETITION TO ENFORCE.

- You can ask the other party to accept service by talking to him/her, calling him/her, or sending him/her the letter which is in this packet.
- **WARNING:** Do **not** do this 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 have questions about whether you should use this method, you should see a lawyer for help.
- The other party **cannot** sign the “*Acceptance of Service*” until **after** you have filed the court papers.

STEP 2: IF THE OTHER PARTY AGREES TO ACCEPT SERVICE, YOU HAVE 3 OPTIONS:

A. GO: You and the other party can go to the filing counter at the courthouse where you filed the court papers. Bring the original “*Acceptance of Service*,” plus two copies (one for you and one for the other party). The other party must now sign the original “*Acceptance of Service*” in front of the Clerk at the filing counter. The Clerk will notarize the other person's signature for FREE. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the “*Acceptance of Service*.”

OR

B. MEET: Arrange with the other party, a place and time to meet before a Notary Public. Bring the original “*Acceptance of Service*” plus two copies (one for you and one for the other party). You should also bring the court papers with you in case the other party or the Notary Public want to see the court papers. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the “*Acceptance of Service*.” There is usually a small cost to use a Notary Public.

OR

C. MAIL: Mail a copy of the court papers to the other party with the original “*Acceptance of Service*.” Ask the other party to sign the “*Acceptance of Service*” and tell the other party **why** you have asked him or her to sign the “*Acceptance of Service*.” You may use the form letter in this packet to tell the other party why you have asked him or her to sign the “*Acceptance of Service*.”

AND

The other party must sign the Original **“Acceptance of Service”** and write in the date he/ she signed the **“Acceptance of Service.”** The other party must sign the Original **“Acceptance of Service”** in front of a Notary Public. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the **“Acceptance of Service.”** There is usually a small cost to use a Notary Public. The other party should then send you the signed and notarized Original **“Acceptance of Service.”** You should write the date the other party signed the **“Acceptance of Service”** on your copy.

NOTE: If the other party does not send back the **“Acceptance of Service,”** ask him/her again to send it back. If other party still does not send it back, then you have to serve the other party by one of the other service methods.

STEP 3: FILE THE SIGNED AND NOTARIZED “ACCEPTANCE OF SERVICE” AT THE COURT:

- **GO** to the Clerk at the court where you filed the court papers and file the original **“Acceptance of Service”** signed by the other party and notarized.
- **GIVE** the Clerk the ORIGINALS:
“ACCEPTANCE OF SERVICE” signed by the other party in front of a notary public

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(OTHER PARTY'S NAME)

(ADDRESS)

(CITY/STATE/ZIP)

Re: Acceptance of Court Papers

Dear _____
(Other Party's Name)

I have filed court papers for (state title of petition or complaint here) _____.

Enclosed is a copy of the following court papers for you: (list the names of all of the court papers here)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

I have also enclosed an "**Acceptance of Service**" form. Sign this form in front of a Notary Public and return it to me in the self-addressed stamped envelope. This does *not* affect your right to object to or to disagree with the request that has been filed. If you choose to sign the "**Acceptance of Service**," you still have the right to disagree with the request I have filed.
Sincerely,

(YOUR SIGNATURE)

Enclosures:

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Party A

Case No: _____

FAMILY DEPARTMENT ACCEPTANCE OF SERVICE

Name of Respondent/Party B

A.R.F.L.P. Rule 40

Check the box to indicate each document you received. Do **not** check the box unless you received the document listed beside it.

1. **RECEIPT of DOCUMENTS.** By signing this document, I state under oath or affirmation that I received and accepted the legal papers indicated (checked) below:

- **ENFORCEMENT**

Petition Order to Appear

2. **ACCEPT and WAIVE FORMAL SERVICE.** I waive formal service of process by a process server or sheriff. I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.F.L.P. Rule 40 (F)]

3. **RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition

4. **ORDER, DECREE, or DEFAULT JUDGMENT.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to respond or answer could result in the Court giving the other party any and all things requested in his or her legal papers, through an Order, Decree, or Default Judgment.

BY SIGNING BELOW, I swear or affirm that I have read and understand the contents of this document and that I have received and accepted the legal documents indicated above.

_____ Date

_____ Signature

_____ Printed Name of Person Who Signed

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

(notary seal)

_____ Deputy Clerk or Notary Public

Law Library Resource Center

HOW TO SERVE COURT PAPERS BY REGISTERED PROCESS SERVER

STEP 1: FIND. You must hire and pay a Registered Process Server yourself. You may locate process servers in the commercial section of the phone book under "**PROCESS SERVER**", or online by using the search term "Arizona process servers" or similar, or at the web site of the Arizona Process Server's Association.

Notice: There is a filing fee for all Petitions and Responses, and there are Service Fees. You may request a Waiver or Deferral of the filing fees (and the Sheriff's Service Fees, if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.

- **May offer greater flexibility in serving papers "after-hours" or on short notice.**
- **Are paid directly by you, not through the court.**
- **Fees may not be deferred or waived by the court.**

STEP 2: GO. Go to the Registered Process Server's office. **TAKE** with you the following things:

- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

STEP 3: WAIT. The Process Server will mail you a copy of the "**Affidavit of Service**" after he/she serves the other party with the papers. **IMPORTANT: If the Process Server does not file an "Affidavit of Service" with the Clerk of the Court, you must get the "Affidavit of Service" from the Process Server and file it.**

Law Library Resource Center

PROCEDURES: HOW TO SERVE COURT PAPERS BY SHERIFF

STEP 1: GO.

Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if the other party does **not** live in the same county as you do. In Maricopa County the Sheriffs Office Civil Process Unit is located at:

Maricopa County Sheriff's Office, Civil Unit
111 South Third Avenue, 2nd Floor
West Court Building
Phoenix, Arizona 85003
602-876-1840

(This building does not have a public entrance. Please enter at 201 W. Jefferson and proceed to the West Court Building)

Notice: There is a filing fee for all Petitions and Responses and there are fees for service of court papers. You may request a waiver or deferral of the filing fees (and the Sheriff's service fees if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.

STEP 2: WRITE.

If you are asking that the papers be served by a Sheriff's Department *other than* Maricopa County's, fill out the attached sheet for identifying the other party and provide:

- Other party's set of copies of the court papers.
- A picture or written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- **"Certified Order Waiving/Deferring Fees,"** or a \$200.00 deposit fee - cash/money order.

STEP 3: WAIT.

The Sheriff may mail you a copy of the **"Affidavit of Service"** after the other party is served with the papers, **or** the Sheriff may file these papers instead of sending them back to you.

 (YOUR NAME)

 (ADDRESS)

 (CITY/STATE/ZIP)

 (TELEPHONE NUMBER)

 (DATE)

 (COUNTY NAME) **County Sheriff**

 (ADDRESS) **COURT CASE NO.** _____

 (CITY/STATE/ZIP)

REGARDING: (NAME OF PERSON TO BE SERVED) _____

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

Please serve these papers on the other party. His or her current address and physical description are:

 (OTHER PARTY'S NAME)

 (HOME ADDRESS) (WORK ADDRESS)

 (HOME CITY/STATE/ZIP) (WORK CITY, STATE, ADDRESS)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized **"Affidavit of Service"** to my address at your earliest convenience. The court requires that each document served be named in the **"Affidavit of Service."**

- I also enclose a deposit of \$200. I understand there is a \$16.00 service fee, a travel fee of \$2.40 per mile (one way), for each attempt at service, and an \$8.00 notary fee. I understand that the difference between my deposit and the fees accrued for service will be billed, or returned, to me. **OR,**
- I also enclose a certified copy of the **"Order for Waiver/Deferral of Fees for Service of Process."**

Thank you for your cooperation in this matter.

 (YOUR SIGNATURE)

Enclosures

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____



Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Party A

Case Number: _____

DECLARATION SUPPORTING OUT-OF-STATE SERVICE

Name of Respondent/Party B

A.R.F.L.P. 42 (B)
(Required to be filed before any default)

As required by Arizona Rules of Family Law Procedures, Rule 42(B), I am filing this *Declaration* to inform the Court why service was made by a person authorized to serve process under the law of the state where such service was made.

1. Reason for service by process outside the State of Arizona:
 The other party resides or works outside the State of Arizona.
 Other Reason: _____
2. I have attached the Affidavit of the person who served the papers upon the other party, including a statement of the date, time, and circumstances of delivery.
3. The Affidavit indicates the person who served the papers is:
 A licensed or registered process server in the state where the papers were served.
 Sheriff, Deputy Sheriff, or other law enforcement
 Other Person authorized to serve process under the laws of the State where service is made, namely: _____
4. By signing this document, I state to the Court under penalty of perjury that its contents are true and correct to the best of my knowledge and belief.

Date

Signature

Printed Name