

Procedures: How to serve court papers by publication or other alternative service

Requirements:

- You must ask the court for permission to serve by alternative service or publication.
- The court must grant you permission before you may use alternative service or service by publication.
- You must send the form letter at the end of these procedures to the newspaper publication and receive the Affidavit of Publication back from them.

Step 1: Fill out the Motion to Serve by Alternative Service or Publication (Motion) and Order to Serve by Alternative Service or Publication (Order).

- Make 2 copies of the Motion. Make 1 copy of the Order. Address one envelope to you with proper postage.

Step 2: File the original Motion with the Clerk of Superior Court and ask to have the copies of the Motion stamped. These are called conformed copies and are proof that the original was filed.

- Give the following documents to Family Department Administration and tell them it is for the Judge assigned to your case, or put the documents in the Judge's box, or mail the documents to the Judge:
 - The original Order and 1 copy,
 - Two copies of the Motion.
 - One self-addressed stamped envelope.
- Keep one copy of the Motion for your records.

Step 3: Wait to receive a decision from the court.

- Once you have delivered your motion and order, the judge will either sign the original order and send to you a conformed copy or send a Minute Entry telling you whether or not your motion has been granted. If the judge does not grant your motion, you may want to seek additional assistance or contact a lawyer for help.

Step 4: What to do if the court gives you permission to serve the other party using alternative service or publication:

- Alternative Service:
Serve the court papers according to the method the judge has authorized in their order or minute entry.

OR

- Service by Publication:
Complete letter to newspaper describing the documents that need to be referenced by the newspaper and submit copies of those documents along with the letter to the paper. The letter can be found at the end of these procedures. A notice must appear in the publication once a week for four successive weeks, as instructed in the letter.
- If you have a court order waiving/deferring costs of publication, you must publish in the Phoenix Record Reporter or the Arizona Business Gazette. Mail or deliver the letter attached to these procedures, a copy of the documents you filed, and the certified order waiving/ deferring costs of publication to:

The Record Reporter
2025 N. 3rd Street, #155
Phoenix AZ 85004
Phone: (602) 417-9900
Fax: (602) 417-9910
Email: record_reporter@dailyjournal.com

Or The Arizona Business Gazette
Call: (844) 254-5287 or
email: legal.advertising@pni.com

OR

- If you are paying the cost of publication, you may use any newspaper of “general circulation” in Maricopa County.
 - There are numerous eligible publications other than the one mentioned above;
 - The Arizona Corporation Commission maintains a list of eligible publications along with their contact information online at:
<https://azcc.gov/docs/default-source/corps-files/newspaper-list-for-publishing.pdf>.
 - Fees vary. You may call and ask for “Legal Advertising” to compare prices.

Note:

If the other party's last known address is in Arizona and that address is not in Maricopa County where your case is pending:

- You must publish in the county in which your case is pending, and you must publish in a newspaper in the county of the last known residence of the person to be served.
- To publish in Maricopa County, follow the instructions above.

To publish in another county (not Maricopa County) you must contact a newspaper company in that county.

- Wait for the newspaper to mail you the original Affidavit of Publication document, in about five weeks.

Step 5: File the court papers (Service by Publication only).

- Fill out all the requested information in the Declaration Supporting Publication form and attach the original Affidavit of Publication. Be sure to make copies for your own records.
- File both the original and copy of the Declaration Supporting Publication and Affidavit of Publication with the Clerk of Superior Court at any one of the following locations:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

Step 6: Timeline for filing a Response: (see table below)

- Time starts on the day that you file the Declaration Supporting Publication form.
- If the other party was served in Arizona, then they have 20 days to file a Response.
- If the other party was served in another state, then they have 30 days to file a Response.

In counting the days, include weekends and holidays. The last day you count must be a day when the Court is open for business. If the last day for the other party to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day.

Next: See the Law Library Resource Center website for next steps. Different procedures apply depending on whether the other party files a Response.

Do not bring children to court.

Print Name

Your Address

_____, 20_____
Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter: Court Case No. _____

Enclosed is a copy of the following documents stamped by the Clerk of Superior Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (check one box):

- A check or money order in the amount of \$ _____ for the cost of the publication as requested.
- A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at _____ to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Sincerely,

Sign your name

Enclosures:

- Court documents AND
- Check or Money Order OR
- Certified copy of Court Order of Waiver/Deferral of Publication Fees