SELF-SERVICE CENTER

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other parties (the parents, the guardian, the custodian, and any other person whose presence in the action is required).
- **Service** means giving legal notice to the other party 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 forms. Select the method of service that works best for you.

1. You Know Where the Other Party Lives in the State of Arizona.

(Service must take place at least five (5) days before the date of the hearing.)

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 or 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 or 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 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.

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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 Self-Service Center 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 calls for 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. You Know Where the Other Party Lives in the United States but not in the State of Arizona. (If the other party lives outside the United States, you should see a lawyer to find out which method of service will work best for you. Service must take place at least five (5) days before the date of the hearing.)

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 or 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 or her to accept service, use one of the methods of service described below.

B. **Service by Certified Mail.** Use this method of service only if the other party lives outside the State of Arizona and you know the address. This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope postage prepaid to be sent to the other party by any form of mail requiring a signed and returned receipt. This is called Certified Mail, Restricted Delivery by the Post Office. This means that the other party must sign for the papers.

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that copies of the petition and notice of hearing were sent to the person being served: 2) that the copies were received by the person to be served as evidenced by the attached green receipt; 3) that the original green receipt is attached; and 4) the

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date the party received the documents. A copy of the affidavit you will need is provided in the packet.

C. **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 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.

D. **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 Self-Service Center 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 calls for 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.

E. **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.

3. You Cannot Find the Other Party.

Service by Publication. You may use this method only if you do not know, and cannot find the other party. Service by publication is your "last resort." It is used only if you do not have a current address for the other party and have tried to find the other party or after you have tried to serve the other party by personal service or certified mail and there are reasonable grounds to believe that the person is concealing him/herself to avoid service.

Service by Publication can be expensive and may delay your court case. This method requires that a notice be published once a week for four (4) weeks in a newspaper in the county where the action is pending. Service is complete 30 days after the first publication, and the initial hearing cannot be held until 10 days after service is complete. In other words, the hearing can be no earlier than the 41st day after the first publication.

To use this method, you must fill out several forms explaining to the Court what you have done to try to find the other party. If you choose this method of service, use the Service by Publication form.

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TIPS FOR FINDING THE OTHER PARTY: Before using the Service by Publication method, you must take every reasonable step to try to find the other party. The Court requires you to file an "Affidavit Supporting Publication" telling the Court, under penalty of perjury, exactly *what you did* to find the other party. If the court is not satisfied that you have taken every reasonable step to locate and serve notice on everyone legally entitled to notice, your case may be delayed and you may be required to repeat publication.

Examples of steps you may be expected to take include:

- Verify the "missing" party is not at any former addresses.
- Talk to friends, family members, co-workers, employers, and/or neighbors.
- Search phone directories, the internet, county property and voter registration records, and even the obituaries.
- You may also consider hiring a company to do computer searches for you or to otherwise help you track down the missing party.

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