

SERVICE OF COURT PAPERS 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 Yuma County. The sheriff and process servers in Yuma County provide their own forms.

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SERVICE OF COURT PAPERS

CHECKLIST

“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. You must provide the other parties with an exact copy of the documents filed and prove that notice was given in a manner permitted by law.

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

- ✓ You have filed a Petition, Complaint, or other document 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 give proof to the court that you served the other party.
- ✓ 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 Superior Court, and return the form for **you** to file at 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 Yuma 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 Superior Court’s website.

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HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

This packet contains court forms and instructions to serve court papers on the other parties. 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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* #11 **ONLY** required if service made out of state by *other than* mail before applying for a DEFAULT court order.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

SERVING THE OTHER PARTY:

- After you have filed your court papers with the Clerk of Superior Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party that you have filed court papers. You must give a copy of those papers to the other party and show proof to the Court that you have done so.
- This packet explains the steps you must take to serve the other party and what forms you must use.
- By completing the steps for service and providing proof, you tell the court that the other party has received a copy of the court papers you filed. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement about your request. The Response or Answer tells you, and the court, what the other party wants.

METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct service packet. Each service 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 simply 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 signed **"Acceptance of Service"** is filed with the Clerk of Superior Court. 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 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. Service by Mail or National Courier Service. This method requires you to serve the opposing party by depositing, with delivery charges prepaid, the summons and a copy of the pleading and other documents, with the United States Postal Service or any other national courier service that provides delivery and signature confirmation or certified mail, signed return receipt. Service and the return, or confirmation of service is performed by the party obtaining service or by that party's attorney.

Service by this method is only effective if the return receipt or signature confirmation is signed by the party receiving the service. Upon receiving from the U.S. Postal Service or other national courier service, 1) the signed return receipt, or 2) a copy of the signature confirmation and cash register receipt or package label of the person being served, the serving party must then file an affidavit with the court. A copy of the affidavit you will need is provided in this packet.

E. Service of Summons to Incarcerated Person. (Requires 2 exact copies of filed documents) This method describes service to a person who is incarcerated in an Arizona jail, prison, or a correctional facility. It requires you to send a copy of your filed documents 2 different ways:

1) By "**Signature Confirmation**": You may use the United States Postal Service or any other national courier service that provides delivery and signature confirmation or certified mail, with signed return receipt, to serve the incarcerated person in an Arizona jail, prison, or a correctional facility.

- Address a large envelope to the other party with the correct address for the party and the jail, prison, or other facility.
- Take the envelope to the U.S. Post Office, U.P.S., Fed Ex Office or any other national courier service.
- Ask for delivery with signature confirmation. Service in this manner is effective if the return receipt or signature confirmation is signed and returned by an official of the jail, prison, or correctional facility.
- Keep your receipt after you pay for the signature confirmation.

- Wait. The signed return receipt or signature confirmation should be returned to you within a few weeks.
 - Fill out the “Affidavit of Service with Signature Confirmation” form (DR24f). Attach to the form: 1) Payment receipt for the cost of the Return receipt or Signature Confirmation 2) The paper with the returned signature.
 - Photocopy the completed “Affidavit of Service with Signature Confirmation” form (DR24f) with attached proof of signatures.
 - Take or Mail your completed original “Affidavit of Service with Signature Confirmation” form (DR24f) to the Clerk of Superior Court.
 - File the “Affidavit of Service with Signature Confirmation” form (DR24f) with attached proof of signatures. This filing represents sufficient evidence of service.
 - A copy of the affidavit you will need is provided in the packet.
- 2) By **“First Class” U.S. Mail**: Address a large envelope containing the 2nd copy of your filed Summons and documents to the inmate in jail or prison (or other facility).
- Be sure to stick the proper “First Class” postage onto the envelope.
 - Mail the stamped “Fist Class” envelope at the U.S. Post Office or a U.S. Mail box.

F. 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 simply 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 signed **“Acceptance of Service”** is filed with the Clerk of Superior Court. 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 Mail or National Courier Service. Use this method of service if the other party lives outside the State of Arizona and you know the address. This method requires you to serve the opposing party by depositing, with delivery charges prepaid, the summons and a copy of the pleading and other documents, with the United States Postal Service or any other national courier service that provides delivery and signature confirmation or certified mail, signed return receipt.

Service and the return, or confirmation of service is performed by the party obtaining service or by that party's attorney. Service by this method is only effective if the return receipt or signature confirmation is signed by the party to be served. Upon receiving from the U.S. Postal Service or other national courier service, 1) the signed return receipt, or 2) a copy of the signature confirmation and cash register receipt or package label of the person being served, the serving party must then file an affidavit with the court. A copy of the affidavit you will need is provided in this packet.

C. Service of Summons to Incarcerated Person. (Requires 2 copies of filed documents) This method describes service to a person who is incarcerated in a jail, prison, or a correctional facility. It requires you to send a copy of your filed documents 2 different ways:

1) By **"Signature Confirmation"**: You may use the United States Postal Service or any other national courier service that provides delivery and signature confirmation or certified mail, with signed return receipt, to serve the incarcerated person in an Arizona jail, prison, or a correctional facility.

- Address a large envelope to the other party with the correct address for the party and the jail, prison, or other facility.
- Take the envelope to the U.S. Post Office, U.P.S., Fed Ex Office or any other national courier service.
- Ask for delivery with signature confirmation. Service in this manner is effective if the return receipt or signature confirmation is signed and returned by an official of the jail, prison, or correctional facility.
- Keep your receipt after you pay for the signature confirmation.
- Wait. The signed return receipt or signature confirmation should be returned to you within a few weeks.
- Fill out the "Affidavit of Service with Signature Confirmation" form (DR24f). Attach to the form: 1) Payment receipt for the cost of the Return receipt or Signature Confirmation 2) The paper with the returned signature.
- Photocopy the completed "Affidavit of Service with Signature Confirmation" form (DR24f) with attached proof of signatures.
- Take or Mail your completed original "Affidavit of Service with Signature Confirmation" form (DR24f) to the Clerk of Superior Court.
- File the "Affidavit of Service with Signature Confirmation" form (DR24f) with attached proof of signatures. This filing represents sufficient evidence of service.
- A copy of the affidavit you will need is provided in the packet.

2. By **"First Class" U.S. Mail**: Address a large envelope containing the 2nd copy of your filed Summons and documents to the inmate in jail or prison (or other facility).

- Be sure to stick the proper "First Class" postage onto the envelope.
- Mail the stamped "First Class" envelope at the U.S. Post Office or a U.S. Mail box.

D. 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**.

E. 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.

F. 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. Service of Summons when You Cannot Find the Other Party.

Service by Publication. You must ask the judge in writing to serve a party using the "publication" method. Service by publication is your "last resort." It might be ordered by the judge **only** if you prove you cannot find where the other person lives, or if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party, or if the other party is evading service. Service by Publication can be expensive and may delay your court case.

- 1. YOU MUST FILE A MOTION with the JUDGE requesting PERMISSION to serve by publication,**
- 2. In the MOTION, YOU MUST SHOW that you have made REASONABLY DILIGENT EFFORTS to identify the person's current address, or that the person has INTENTIONALLY AVOIDED service of process.**
- 3. Examples of REASONABLY DILIGENT EFFORTS may include, but are not limited to:**
 - **Address:** Verifying the Respondent is not at any last known address(es).
 - **Mailing:** MAIL a copy of the documents to be served to the last known address, even if it's your OWN address. (He or she may have put in a mail forwarding order with the Post Office. If it comes back marked "undeliverable," you may present that envelope as proof of your efforts.
 - **Talk:** Talk to the party's friends, family members, current or former employers, coworkers, or anyone else you think may have a current address.
 - **Search:** Search telephone directories and obituaries online or in print (phone book and newspaper).
 - **Corrections:** Check the county jail and the state prisons. (Department of Corrections)
 - **Online:** Search online networking sites such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as the internet "people search" sites such as Spokeo.com and ZabaSearch.com.
 - **Email:** If the party has a working email account, you may also consider mailing scanned copies of all the documents to his or her email address.
 - **Hire:** You may also consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party.

A. General facts about Service by Publication.

1. Service by Publication requires that information from the **“Summons”** be published in a newspaper in Yuma County once a week for four weeks in a row if the other party’s last known address was in Yuma County or the other party’s last known address was **not** in Arizona.
2. If the other party’s last known address was in Arizona, but **not** in Yuma County, a copy of the summons must be published in a newspaper in Yuma County, **and** the county in which the other party’s last known address is.
3. If the other party’s last known address was outside Arizona, a copy of the summons must be published in a newspaper published in the county where the action is pending. Service is complete thirty **(30)** days after the date of the first publication.
4. The newspaper will send you an “Affidavit of Publication” with a copy of the published notice, after the last publish date.
5. You must attach the newspaper “Affidavit of Publication” to the **“Declaration Supporting Publication”** in this packet explaining to the court what you have done to try to find the other party.
6. You then must file both the “Affidavit of Publication” and the **“Declaration Supporting Publication”** at the Clerk of Superior Court.
7. AzRFLP 41 (m) (4) (C) states that a properly filed “Affidavit of Publication” (attached to the Declaration form) is rebuttable evidence of compliance with the requirements of service by publication.

B. TIPS to FIND THE OTHER PARTY:

- A. Before the Court will allow you to Serve by Publication, you must prove to the Court that you made every reasonable effort to find the other party (or parties) and gave actual notice of this case by personal service of the required documents.** You will be required to state, under penalty of perjury, the steps you took to try to locate the other party and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken. Examples of steps you **MUST** take:
1. Verify the Respondent is not at any last known address(es),
 2. Talk to Respondent’s friends, family members, employer, co-workers former co-workers or employer(s), or anyone else you think may have a current address.
 2. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue.
 3. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party’s date of birth and/or Social Security Number, this method may work for you.
- B. The Court requires you to file an “Affidavit Supporting Publication” a statement affirming or swearing under oath that you have done everything possible to try to find the other party.**

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written response with the court, you CANNOT proceed BY DEFAULT.

WHEN RESPONSE is DUE - DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
"Acceptance of Service" (in Arizona)	20 days	after the "Acceptance of Service" is filed
Process Server (in Arizona) server	20 days	after other party receives papers from process server
Sheriff (in Arizona)	20 days	after other party receives papers from sheriff
"Acceptance of Service" (out of State)	30 days	after the "Acceptance of Service" is filed
Registered mail (out of State)	30 days	after other party signs green card
Process Server (out of State) server	30 days	after other party receives papers from process server
Sheriff (out of State)	30 days	after other party receives papers from sheriff
Publication (in Arizona)	50 days	after the 1 st day of publication
Publication (out of State)	60 days	after the 1 st day of publication

HOW TO SERVE THE OTHER PARTY USING “ACCEPTANCE OF SERVICE” METHOD AFTER YOU FILED YOUR COURT PAPERS

STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE OF THE COURT PAPERS AFTER YOU HAVE FILED THE COURT PAPERS.

- 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: **To CLERK OF SUPERIOR COURT:** 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**,” form 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 of Superior Court at the filing counter. The Clerk of Superior Court 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: **At a Public Notary:** 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: OTHER PARTY gets form NOTARIZED: 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

D: SIGN: In front of a Notary: 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 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” form AT THE COURT:

- **GO** to the Clerk of Superior Court where you filed the court papers and file the original **“Acceptance of Service”** signed by the other party and notarized.
- **GIVE** the Clerk of Superior Court the ORIGINALS:
 1. **“SUMMONS,”** if you had one
 2. **“ACCEPTANCE OF SERVICE”** signed by the other party in front of a notary public

STEP 4: COUNT: Count the days from the date the other party signed the **“Acceptance of Service.”** If the other party received the **“Acceptance of Service”** in the State of Arizona and does not file a Response or Answer within **20** days from the date he or she signed the **“Acceptance of Service,”** or if the other party received the **“Acceptance of Service”** *outside* the State of Arizona and does not file a Response or Answer within 30 days from the date he or she signed the **“Acceptance of Service,”** see Packet #3 regarding Default.

DO NOT BRING CHILDREN TO COURT.

(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. If you sign the **"Acceptance of Service,"** and you want to file a written Response or Answer with the court, you must file your Response or Answer within **20** days of the day the **"Acceptance of Service"** is filed if you sign in the State of Arizona, or within **30** days of the day the **"Acceptance of Service"** is filed if you sign outside the State of Arizona, (If you received a Paternity Complaint, you can give a verbal response in front of the judge.)

Sincerely,

(YOUR SIGNATURE)
Enclosures

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

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Name of Petitioner / Party A

Case No: _____

Name of Respondent / Party B

FAMILY DEPARTMENT
ACCEPTANCE OF SERVICE
 A.R.F.L.P. Rule 40(F)

Check the box to show each document you received. Do not check the box unless you received the document listed beside it. If your case is not one of the types listed, list the type of case and the documents you received from the other party under "Other Type Case" on the next page.

1. BY SIGNING THIS DOCUMENT, I STATE UNDER OATH OR AFFIRMATION THAT I HAVE RECEIVED AND ACCEPTED THE LEGAL PAPERS INDICATED (CHECKED) BELOW:

DIVORCE (OR ANNULMENT) WITH CHILDREN	LEGAL SEPARATION WITH CHILDREN	TEMPORARY ORDERS
<input type="checkbox"/> Petition <input type="checkbox"/> Summons <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Parenting Plan <input type="checkbox"/> Child Support Worksheet <input type="checkbox"/> Health Insurance Notice <input type="checkbox"/> Notice to Creditors <input type="checkbox"/> Parent Info. Program Notice <input type="checkbox"/> Affidavit Regarding Minor Children <i>(not if petition is created by ezCourtForms)</i>	<input type="checkbox"/> Petition <input type="checkbox"/> Summons <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Parenting Plan <input type="checkbox"/> Child Support Worksheet <input type="checkbox"/> Notice to Creditors <input type="checkbox"/> Parenting Info. Program Notice <input type="checkbox"/> Affidavit Regarding Minor Children <i>(not if petition is created by ezCourtForms)</i>	<input type="checkbox"/> Motion for Temporary Orders <input type="checkbox"/> Order to Appear <input type="checkbox"/> Family Dept Notices <input type="checkbox"/> Affidavit of Financial Info <i>(if for spousal maintenance or support)</i> <input type="checkbox"/> Child Support Worksheet <i>(if for child support)</i> <input type="checkbox"/> Parenting Plan <i>(if for legal decision-making/parenting time)</i>

<p align="center">DIVORCE (OR ANNULMENT) WITHOUT CHILDREN</p> <p><input type="checkbox"/> Petition <input type="checkbox"/> Summons <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Health Insurance Notice <input type="checkbox"/> Notice to Creditors</p>	<p align="center">LEGAL SEPARATION WITHOUT CHILDREN</p> <p><input type="checkbox"/> Petition <input type="checkbox"/> Summons <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Notice to Creditors</p>	<p align="center">LEGAL DECISION-MAKING, PARENTING TIME, SUPPORT</p> <p><input type="checkbox"/> Petition <input type="checkbox"/> Summons <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Child Support Worksheet <input type="checkbox"/> Parenting Plan <input type="checkbox"/> Parent Info. Program Notice</p>
<p align="center">ESTABLISH CHILD SUPPORT</p> <p><input type="checkbox"/> Petition <input type="checkbox"/> Child Support Worksheet <input type="checkbox"/> Order to Appear</p>	<p align="center">PATERNITY OF AN ADULT CHILD</p> <p><input type="checkbox"/> Petition <input type="checkbox"/> Summons</p>	<p align="center">PATERNITY (to establish)</p> <p><input type="checkbox"/> Petition <input type="checkbox"/> Summons <input type="checkbox"/> Child Support Worksheet <input type="checkbox"/> Parenting Plan <input type="checkbox"/> Parent Info. Program Notice</p>
<p align="center">MODIFY SPOUSAL MAINTENANCE OR SPOUSAL MAINTENANCE <u>AND</u> CHILD SUPPORT</p> <p><input type="checkbox"/> Petition to Modify Support <input type="checkbox"/> 2 Affidavit of Financial Information <i>(blank one and copy from other party)</i> <input type="checkbox"/> Order to Appear</p>	<p align="center">MODIFY CHILD SUPPORT ("Simplified Mod")</p> <p><input type="checkbox"/> Petition to Modify <input type="checkbox"/> Child Support Worksheet</p>	<p align="center">MODIFY CHILD SUPPORT ("Standard Mod")</p> <p><input type="checkbox"/> Petition to Modify <input type="checkbox"/> 2 Affidavit of Financial Information <i>(blank one and copy from other party)</i> <input type="checkbox"/> Order to Appear</p>
<p align="center">MODIFY PARENTING TIME</p> <p><input type="checkbox"/> Petition to Modify <input type="checkbox"/> Order to Appear</p>	<p align="center">MODIFY LEGAL DECISION- MAKING, PARENTING TIME AND SUPPORT</p> <p><input type="checkbox"/> Petition to Modify <input type="checkbox"/> Notice of Filing for Modification <input type="checkbox"/> Parenting Plan <input type="checkbox"/> Child Support Worksheet <i>(if for child support)</i> <input type="checkbox"/> Affidavit Regarding Minor Children <i>(only if children not lived in Arizona entire time since last legal decision- making order)</i> <input type="checkbox"/> Order to Appear</p>	<p align="center">MODIFY INCOME WITHHOLDING ORDER</p> <p><input type="checkbox"/> Petition to Modify</p>

STOP INCOME WITHHOLDING ORDER	PRE-DECREE MEDIATION	POST-DECREE MEDIATION
<input type="checkbox"/> Petition to Modify	<input type="checkbox"/> Request for Pre-Decree Mediation	<input type="checkbox"/> Request for Post-Decree Mediation <input type="checkbox"/> Order to Appear

LIST OTHER TYPE CASE HERE: (Example: "Annulment") _____

(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. **ACCEPT SERVICE.** I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.C.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. I understand I must Respond or Answer within **20** days from the day that this Acceptance of Service **is filed with the Clerk of Superior Court** if I accepted service in Arizona, or **30** days if I received the papers somewhere other than in Arizona.

4. **DEFAULT JUDGMENT, ORDER OR DECREE.** 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 a Default Judgment, Order or Decree.

5. **RESTORE NAME (ONLY in Divorce Cases).**
My complete married name is: (Optional. Complete ONLY if you want to change your name)

I want my legal name restored to: (List complete maiden name or legal name before this marriage)

Not applicable

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

PROCEDURES: How to serve Family Court papers By Certified Mail or Nationwide delivery service With signature confirmation

I. Background

As of January 1, 2006, you may now serve family court papers inside Arizona or within the United States by specific types of U.S. Mail or nationwide delivery services such as FedEx or UPS. These services provide delivery confirmation either by a *signed paper receipt* or by *electronic means such as by a printout* from the internet, fax, or email, *and must include a copy of the other party's signature.*

II. Requirements

A. You must obtain the party's actual signature confirming delivery.

B. It can **ONLY** be the **SIGNATURE of the OTHER PARTY** (and no one else).

C. To the Affidavit of Signature Confirmation you must attach:

- 1) a copy of the other party's signature confirmation and,
- 2) a cash register receipt –or- package label.
- 3) You can generally obtain a copy of the signature within a few hours of delivery from the delivering company's web site, or
 - ▶ by a toll-free phone call to have a copy of the signature sent to your fax machine, or
 - ▶ if using U.S. Mail with "Signature Confirmation", you may also use the same toll-free number to request a printed copy of the signature be mailed to you, which should reach any U. S. destination within three to five business days.

D. After you complete the Affidavit of Signature Confirmation with attachments, you must file it at the Clerk of the Court with your case number in clear view.

III. Steps for Serving by Mail or Delivery Service

STEP 1: GO to the **post office** or **mail delivery service**. Tell the clerk that you need signed confirmation of delivery and that you will need a copy of the signature on the confirmation receipt. Because only the signature of the other party can satisfy the requirements of the Court, you should also request "Restricted Delivery" which means no one except the named addressee (the other party) is allowed to sign for receipt of the documents. Not all businesses that send mail can provide "Restricted Delivery." Please discuss the process fully with whichever business you select to ensure you understand what to expect and whether "Restricted Delivery" is possible.

STEP 2: WAIT for the copy of other party's signature to return to you. If using Certified Mail, wait for the green receipt card with the other party's signature to return. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the Affidavit. If using another form of delivery with signature confirmation from the Postal Service or FedEx, etc., you may go to the company's web site to confirm delivery and get a copy of the signature of the party as described in part "**II. Requirements**" above.

STEP 3: COMPLETE THE AFFIDAVIT of SIGNATURE CONFIRMATION

ATTACH: You must attach a copy of the other party's signature confirming receipt of the court documents to the last page of the Affidavit.

- If using Certified Mail, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the Affidavit. Also attach to the Affidavit the required cash register receipt or package label.
- If using another form of delivery service (with signature confirmation from the Postal Service or FedEx, etc.), get a copy of the delivery confirmation signature from the company's web site (as described in part "**II. Requirements**" above). Tape that copy of the other party's signature to the third page, as well as the cash register receipt or package label as proof of mailing.
- Fill in ALL information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.
- **COPY:** Make yourself a copy of the entire "Affidavit of Service by Signature Confirmation" including the third page with the return receipt card or copy of other document showing the signature of the other party acknowledging receipt of the documents for your records.

STEP 4: FILE PAPERS WITH THE COURT. File the complete Original "***Affidavit of Service by Signature Confirmation***" with attached signatures, return receipt, or other form of confirmation bearing the signature of the other party with the Clerk of the Court at any of these Superior Court locations:

**Yuma County Justice Center
Clerk of the Superior Court
250 West 2nd St.
Yuma, AZ 85364**

STEP 5: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. When counting the days, start counting with the day **after** the other party signed the receipt.

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 YUMA COUNTY

Petitioner / Party A

Case Number _____

AFFIDAVIT of Service with Signature confirmation For Family Cases

Respondent / Party B

Arizona Rule of Family Law Procedure 41

ATTACH A COPY OF 1) A SIGNED RETURN RECEIPT FOR DELIVERED MAIL and 2) A COPY OF THE RECEIPT THAT SHOWS TO WHOM AND WHERE THE DOCUMENTS WERE SENT.

1. SEND & DELIVER: I sent the family case legal documents checked and listed below to the following name and address:

Mailed to (Name): _____
Address: _____
City, State, Zip: _____
Date documents sent: (Month/Day/Year) _____
Date documents delivered: (Month/Day/Year) _____

2. METHOD of DELIVERY: I sent the family case legal documents to the other party in the manner indicated:

- U.S. Mail** (Express or Priority Mail with Signature Confirmation, or Certified Mail).
- Nationwide** commercial delivery service (FEDEX, UPS, etc.).
- Duplicate Service to Inmate by First Class Mail** (In addition to one of the above methods, I mailed a second set of documents to the Incarcerated Party by First Class U.S. Mail).

3. SIGNATURE: The documents I sent were accepted and signed by:

- The other party or their attorney and no one else.
- The jail, prison, or correctional facility Official.

4. DOCUMENTS ENCLOSED: I enclosed the following set of documents in the envelope I sent:

DIVORCE (OR ANNULMENT) WITH CHILDREN

- Petition
- Summons
- Preliminary Injunction
- Health Insurance Notice
- Parent Info. Program Notice
- Notice to Creditors
- Affidavit Regarding Minor Children
- Parenting Plan

DIVORCE (OR ANNULMENT) WITHOUT CHILDREN

- Petition
- Summons
- Preliminary Injunction
- Health Insurance Notice
- Notice to Creditors

PATERNITY (to establish)

- Petition
- Summons
- Parent Info. Program Notice
- Preliminary Injunction

LEGAL SEPARATION WITH CHILDREN

- Petition
- Summons
- Preliminary Injunction
- Notice to Creditors
- Health Insurance Notice
- Parent Info. Program Notice
- Affidavit Regarding Minor Children
- Parenting Plan

LEGAL SEPARATION WITHOUT CHILDREN

- Petition
- Summons
- Preliminary Injunction
- Notice to Creditors

TEMPORARY ORDERS

- Motion for Temporary Order
- Order to Appear

FAMILY COURT DEPT. NOTICES ABOUT:

- Returns/Conferences
- Temporary Orders
- Affidavit of Financial Info. *(if for spousal maintenance)*
- Parents Worksheet for Child Support *(if for child support)*
- Parenting Plan *(if for legal decision-making (legal custody)/parenting time)*

CHILD LEGAL DECISION-MAKING (LEGAL CUSTODY), PARENTING TIME, SUPPORT (to establish when paternity already *legally* established)

- Petition
- Summons
- Parent Info. Program Notice
- Parenting Plan
- Preliminary Injunction

CHILD SUPPORT (to establish when paternity already *legally* established)

- Petition
- Order to Appear
- Parents Worksheet for Child Support

MODIFY CHILD SUPPORT 15% OR MORE ("Simplified Mod")

- Petition to Modify
- Parents Worksheet for Child Support
- Child Support Order
- Current Employer Information Sheet

MODIFY SPOUSAL MAINTENANCE OR SPOUSAL AND CHILD SUPPORT ("Standard Mod")

- Petition to Modify Support Order
- Affidavit of Financial Information (filing party's)
- Affidavit of Financial Information (blank)
- Current Employer Information Sheet
- Order to Appear

MODIFY CHILD SUPPORT ("Standard Mod")

- Petition to Modify Child Support – Std. Process
- Affidavit of Financial Information (filing party's)
- Affidavit of Financial Information (blank)
- Order to Appear
- Current Employer Information Sheet

MODIFY LEGAL DECISION-MAKING AUTHORITY &/OR PARENTING TIME AND SUPPORT

- Petition to Modify
- Notice of Filing for Modification of Legal Decision-Making Authority (Legal Custody)
- Request for Order Granting or Denying Hearing
- Parents Worksheet for Child Support
- Current Employer Information Sheet
- Affidavit Regarding Minor Children *(only if children have not lived in Yuma Co. whole time since last legal decision-making authority (Legal custody) order)*
- Order Modifying Income Withholding Order *(if applicable)*

STOP INCOME WITHHOLDING ORDER

- Petition to Stop Income Withholding Order
- Current Employer Information Sheet
- Stopping an Income Withholding Order

MODIFY (Change) INCOME WITHHOLDING ORDER

- Petition to Modify Income Withholding Order
- Current Employer Information Sheet
- Order Modifying an Income Withholding Order

OTHER TYPE CASE (List Type): (Example: "Annulment")

(Below, list name of each document you sent: Example: "Petition for Annulment", "Summons", etc.)

5. AFFIANT'S STATEMENT:

OATH OR AFFIRMATION: By signing below, I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Signature of Person Sending Documents

STATE OF _____

COUNTY OF _____

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

_____.

(Notary seal)

Deputy Clerk or Notary Public

Attach a copy/printout of the other party's signature acknowledging receipt of the court papers here. If using Certified Mail, tape the green signed return receipt card to this page with the signature side visible.

- Note that the only acceptable signature is that of the OTHER PARTY.
- You may specify "restricted delivery" so that no other person is permitted to sign,
- Some delivery services do not offer restricted delivery.

Attach a copy of the cash register receipt/mailling invoice from the Postal Service or company paid to make delivery *or* a copy of the package label that shows to whom and where the documents were sent.

LAW LIBRARY RESOURCE CENTER

PROCEDURES: How to serve Family Case Notice To an Incarcerated Person

I. Background

This kind of service describes steps to provide an exact copy of the documents you filed to the party in your case who is incarcerated in a jail, prison, or a correctional facility, in Arizona or any other state in the U.S. To properly serve the incarcerated person, you must serve the party **twice**: 1) By mail or national courier service **with** return or confirmation of service **signed** by a jail or prison official, **and** 2) **Also** send copies of your filed papers to the inmate by first class mail.

Service to the inmate is made by the party (or their attorney) who starts the case and files the documents with the Clerk of Superior Court.

Service to an incarcerated person is effective if the return receipt or signature confirmation is signed and returned by an official of the jail, prison, or the correctional facility. When the party originating the service of process files the return receipt or signature confirmation with the affidavit of service, the service of process on the incarcerated person is deemed sufficient evidence of service. A copy of the affidavit you will need is provided in the packet.

II. Requirements – To **prove** to the court you properly served the incarcerated person, you must:

- A. **Make 4 copies** of your original petition, summons, and other required papers for Step 1 of the packet.
- B. File all sets of documents:
 - 1. **Original** (For the Clerk of Superior Court), and
 - 2. Copy (For the judicial officer), and
 - 3. Copy (For you), and
 - 4. Copy (For incarcerated party with Signature returned/receipt), and
 - 5. Copy (For incarcerated party, sent by first class mail), andA copy to any other party entitled to be served (such as the Arizona Attorney General in a Title IV-D or TANF case.)
- C. After paying for the postage, you must keep your cash register receipt – or package label, and attach it to the affidavit.
- D. You must obtain the signature of the official at the jail or prison to whom the papers are delivered.
 - 1. You can generally obtain a copy of the signature within a few hours of delivery from the delivering company's web site, or
 - 2. By a toll-free phone call to have a copy of the signature sent to your fax machine, or
 - 3. 3. If using U.S. Mail with "Signature Confirmation", you may also use the same

toll-free number to request a printed copy of the signature be mailed to you, which should reach any U. S. destination within three to five business days.

E. You must attach both the cash register receipt (or package label) AND the signature confirmation to the Affidavit.

F. You must sign the Affidavit.

III. **STEP to Serve an Incarcerated Person AFTER Filing:**

STEP 1: ADDRESS 2 LARGE MANILA ENVELOPES with the inmate name, inmate number, jail or prison or correctional facility name & address. Also, write "LEGAL MAIL" on the envelope.

- PUT ONE SET OF COURT PAPERS IN ONE ENVELOPE, and the other set of documents in the other envelope.

STEP 2: GO TO THE POST OFFICE or any other business that delivers mail. Tell the clerk that you need to send the papers with signed confirmation of delivery and that you will need the signature on the confirmation receipt. Be sure to keep the cash register receipt or package label for the Affidavit, to prove to the court the date you sent the papers.

STEP 3: WAIT FOR the returned COPY OF the Jail or Prison OFFICIAL'S SIGNATURE. If using Certified Mail, wait for the green receipt card to be returned with the other party's signature. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the third page of the affidavit.

If you are using some other form of delivery with signature confirmation from the Postal Service or FedEx, etc., you may go to the company's web site to confirm delivery and get a copy of the signature of the party as described in the "Requirements" section above. Tape that copy of the signature to the Affidavit. Also, tape the cash register receipt or other proof of mailing to the Affidavit.

STEP 4: COMPLETE the Affidavit PAPERS. Complete the "Affidavit of Service with Signature Confirmation." Fill in ALL information requested on the form before proceeding. Be sure you fill in the date the jail or prison official received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.

- **ATTACH:** You must attach a copy of the jail or prison official's signature confirming receipt of the court documents to the 3rd page of the Affidavit. If using Certified Mail, copy both sides of the green return receipt card and attach either the original or the photocopy to prove how and when you served the incarcerated party.
- **COPY:** Make yourself a copy of the entire "*Affidavit of Service by*

Signature Confirmation” including the third page with the return receipt card or copy of other document showing the signature of the other party acknowledging receipt of the documents *for your records*.

STEP 5: FILE AFFIDAVIT AT THE COURT. File the Original “**Affidavit of Service by Signature Confirmation**” with the green return receipt or other form of confirmation bearing the signature of the jail or prison official at the office of the Clerk of Superior Court at any of these Superior Court locations:

**Yuma County Justice Center
Clerk of the Superior Court
250 West 2nd St.
Yuma, AZ 85364**

STEP 6: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. When counting the days, start counting with the day **after** the other party signed the receipt.

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 or Complaints, and Responses or Answers, 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:

- Copy of "**Summons**" (if your case has a summons)
- 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.**

STEP 4: COUNT. Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

DO NOT BRING CHILDREN TO COURT.

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 Yuma County the Sheriffs Office Civil Process Unit is located at:

**Yuma County Sheriff's Office
141 South 3rd Avenue
Yuma, AZ 85364
(928) 783-4427**

Notice: There is a filing fee for all Petitions, Complaints, Answers 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* Yuma 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.

STEP 4: COUNT: Read the **"Affidavit of Service"** to find out the date the other party was served with the court papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party was served with the court papers.)

DO NOT BRING CHILDREN TO COURT.

 (YOUR NAME)

 (ADDRESS)

 (CITY/STATE/ZIP)

 (TELEPHONE NUMBER)

 (DATE)

 (COUNTY NAME) **County Sheriff**

 (ADDRESS)

 (CITY/STATE/ZIP) **COURT CASE NO.** _____

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 a \$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): _____

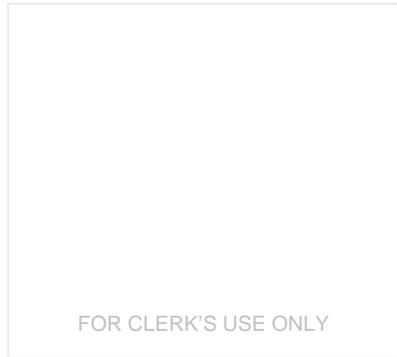
City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

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



SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

DECLARATION SUPPORTING OUT-OF-STATE SERVICE

A.R.C.P. 4.2(b); A.R.F.L.P. 42 (B)
(Required to be filed prior to any default)

Name of Respondent/Defendant

As required by Arizona Rules of Civil Procedure, Rule 4.2(b), or 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

DO NOT COPY
OR FILE
THIS
DOCUMENT

DO NOT COPY
OR FILE
THIS
DOCUMENT

Law Library Resource Center

INSTRUCTIONS: HOW TO FILL OUT THE “MOTION and ORDER TO SERVE BY ALTERNATIVE SERVICE or PUBLICATION”

USE THIS FORM ONLY If you have made numerous attempts to serve the other party, and have been unsuccessful.

- Step 1:** Type or print clearly **using black ink only**.
- Step 2:** In the top left corner of the first page fill out the following: Your name; Address; City; State and Zip Code; Telephone Number; and your ATLAS Number (If applicable).
- Step 3:** Fill in the names of the Petitioner/Party A and Respondent/Party B as they appear on your original paperwork. Also fill in your case number where it says “Case No.” Your case number stays the same any time you file any papers in your case.
- Step 4:** On the right side of the page, show which method of service you request by marking either the “Alternative Service” box or the “Publication” box. Also, mark the box that states whether you are Party A or Party B on the first line in the body of the motion.
- Step 5:** **If** you request “Alternative Service”, mark the box to the left of this method, and write on the line,
If you request “Publication”, mark the box to the left of the word.

DO NOT
COPY OR
FILE
THIS
DOCUMENT

Step 6: **Affidavit #1.** Mark the appropriate box(es) to show the Court all the ways you tried to serve the other Party. If you tried to serve the other side by another way than personal service, mail, or national courier service with signature confirmation, mark the “Other” box, and write on the lines provided, the additional way(s) you tried to serve the other party.

Step 7: **Affidavit #2.** Mark the appropriate box(es) to show the Court all the results you encountered when you tried to serve the other Party. Use the lines provided to further describe what happened when you tried to serve the other party.

Step 8: **Affidavit #3.** Mark the box or boxes that best describe the reasons you think you must ask the Court for a different way to serve the other party. If you mark the “Other” box , use the lines to describe the method of service you propose for the Court to authorize.

Step 9: **Affidavit #4.** Summarize your request to the court:
If you request “Alternative Service”, mark the box to the left of this method, and write on the line,
If you request “Publication”, mark the box to the left of the word

Step 10: **Order:** Repeat steps 1 – 5 above on the ***“Order for Service by Alternative Means or Publication”***.

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Petitioner/Party A,

and

Respondent/Party B

Case No. _____

MOTION TO SERVE by/

ALTERNATIVE SERVICE/

PUBLICATION/

Pursuant to Arizona Rules of Family Law Procedure (ARFLP) 41 (l) and (m),

Party A Party B respectfully requests this Court to authorize service to the opposing Party by means other than service required by ARFLP Rules 41 (c) through (i) because of the reasons set forth below, in the incorporated Affidavit. Pursuant to ARFLP and to the reasons set forth in the Affidavit below, the above Party requests:

Alternative Service in the form of:

_____.

If the court allows this requested form of alternative means of service, the serving party will make a reasonable effort to provide the person being served with actual notice of the action's commencement. The **serving party will also mail the summons, the pleading** being served, **and any court order** authorizing an alternative means of service **to the last-known business or residential address** of the person being served.

- The last known business or residential address of the opposing Party is:

Publication

AFFIDAVIT

of DUE DILIGENCE at ATTEMPTED SERVICE of _____
(Name of other Party)

1. The following is a Summary of the Efforts I made to FIND the other Party's current address:

Yes **No:** I mailed a copy of the documents to be served to the Party's last known address, even if it was my OWN address, to see whether the documents would be returned marked "undeliverable."

Yes **No:** The documents were returned "undeliverable," and I attached the envelope that states "undeliverable" to this affidavit.

Yes **No:** I talked to the party's friends, family members, current or former employers, coworkers, and anyone else I thought may have a current address.

Yes **No:** I searched telephone directories, and obituaries online and in print (phone book and newspaper), and did not find a current address.

Yes **No:** I checked the websites of and telephoned the county jail, state prisons, and other facilities (Department of Corrections, Immigration and Detention Facilities), and did not find the other Party detained.

Yes **No:** I did an online search, checking online networking sites such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as the internet people search" sites such as Spokeo.com and ZabaSearch.com, and found no trace of the other Party.

Yes **No:** The other Party had an email account, and I attempted to email scanned copies of all the documents to his or her email address; but I did not receive a reply.

Yes **No:** I hired a private detective or a company that charged a fee to do computer searches to help me track down the other Party.

Other Effort(s) I made to find the other Party's current address: *(describe)*

2. The following is a Summary of the Attempts I made to **SERVE** the other Party.

Personal Service: I made the following attempts at personal service of the summons and pleading to personally serve the other Party:

- delivering a copy of the summons and the pleading being served to the Party personally at the following **residential** address:

- delivering a copy of the summons and the pleading being served to the Party personally at the following **employer** address:

- leaving a copy of each at the Party's dwelling or usual place of abode with someone of suitable age and discretion who resides there;
- delivering a copy of each to an agent authorized by appointment or by law to receive service for the Party.

Service by Mail or National Courier Service: I attempted to send the summons and copies of the pleading and other documents to the Party's address at _____, using

- U.S. Mail, requesting **restricted delivery and signature** of the other Party.
- National Courier Service (*such as UPS, Fed Ex*), requesting **restricted delivery and signature** of the Party.

Other Attempt(s): (*describe*)

3. The following is a Summary of the results of the above attempts to serve the other Party.

Personal Service: I made _____ number of attempts at personal service of the summons and pleading and have been unable to personally serve the other Party. This is what happened when personal service was attempted:

The person to be served appears to have intentionally avoided service of process.

Despite reasonably diligent efforts, I have been unable to determine **the person's current address and serve the other Party.**

Service by Mail or National Courier Service: I made _____ number of attempts at service of the summons and pleading by U.S. Mail and/or National Courier Service, and have been unable to serve the other Party. This is what happened when service by U.S. Mail and/or National Courier Service was attempted:

4. Based upon the above reasons and alleged results in this Affidavit,

- Personal service** as set forth in ARFLP Rules 41 (c) through (i) is impractical.
- Service by Publication** is the best means practicable in the circumstances for providing the person with notice of the action's commencement. ARFLP Rule 41 (m) (1) (b)
- Other**

AND

5. Party A Party B respectfully requests the Court to authorize:

- Alternative Service** in the form of:
_____.
- Publication**

OATH OR AFFIRMATION: By signing below, I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of knowledge and belief.

Signature of Person Sending Documents

Date

STATE OF _____

COUNTY OF _____

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

(Date)

_____.

(notary seal)

Deputy Clerk or Notary Public

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____



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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Petitioner/Party A,

and

Respondent/Party B

Case No. _____

ORDER TO SERVE by

ALTERNATIVE SERVICE

PUBLICATION

The Court, having reviewed the ***“Motion and Affidavit to serve by Alternative Service or Publication”***, good cause appearing,

IT IS HEREBY ORDERED that Party A Party B may accomplish service by means of

- **ALTERNATIVE SERVICE** _____
- **PUBLICATION**

IT IS FURTHER ORDERED that if **Alternative Service** is authorized, the serving party must also mail the summons, the pleading being served, and any court order authorizing an alternative means of service to the last-known business or residential address of the person being served.

DONE IN OPEN COURT this _____ day of _____, 20_____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

PROCEDURES: WHAT TO DO WITH THE “MOTION and ORDER TO SERVE BY ALTERNATIVE SERVICE or PUBLICATION” NOW THAT YOU HAVE FILLED IT OUT.

If you have completed the *“Motion and Order to Serve by Alternative Service or Publication,”* here are the steps you need to take:

STEP 1: COPIES AND ENVELOPES.

Make **2 copies** of the *“Motion to Serve by Alternative Service or Publication.”* Make **1 copy** of the *“Order to Serve by Alternative Service or Publication.”* Address one envelope to you with proper postage.

STEP 2: FILE THE ORIGINAL “Motion to Serve by Alternative Service or Publication” 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.

STEP 3: PROCESSING YOUR MOTION. 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 to Serve by Alternative Service or Publication”* and 1 copy,
- Two copies of the *“Motion to Serve by Alternative Service or Publication.”*
- ***One self-addressed stamped envelope.***

STEP 4: KEEP ONE COPY of the *“Motion to Serve by Alternative Service or Publication”* for your records.

STEP 5: WAIT TO RECEIVE A NOTICE 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 see a lawyer for help.

**DO NOT COPY OR FILE
THIS DOCUMENT**

PROCEDURES: HOW TO SERVE THE COURT PAPERS BY PUBLICATION



YOU MUST ASK THE JUDGE IN WRITING FOR PERMISSION TO SERVE A PARTY USING THE “PUBLICATION” METHOD. The Court MAY permit service by publication if service by publication is the best means practicable in the circumstances for providing the person with notice of the action’s commencement. ARFLP 41(m)(1)(B)

1. **YOU MUST FILE A MOTION with the JUDGE requesting PERMISSION to serve by publication,**
2. **In the MOTION, YOU MUST SHOW that you have made REASONABLY DILIGENT EFFORTS to identify the person’s current address, or that the person has INTENTIONALLY AVOIDED service of process.**
3. **Examples of REASONABLY DILIGENT EFFORTS may include, but are not limited to:**
 - **Address:** Verifying the Respondent is not at any last known address(es).
 - **Mailing:** MAIL a copy of the documents to be served to the last known address, even if it’s your OWN address. (He or she may have put in a mail forwarding order with the Post Office. If it comes back marked “undeliverable,” you may present that envelope as proof of your efforts.
 - **Talk:** Talk to the party’s friends, family members, current or former employers, coworkers, or anyone else you think may have a current address.
 - **Search:** Search telephone directories and obituaries online or in print (phone book and newspaper).
 - **Corrections:** Check the county jail and the state prisons. (Department of Corrections)
 - **Online:** Search online networking sites such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as the internet “people search” sites such as Spokeo.com and ZabaSearch.com.
 - **Email:** If the party has a working email account, you may also consider mailing scanned copies of all the documents to his or her email address.
 - **Hire:** You may also consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party.

WARNING: If the Court is not satisfied that you have made EVERY REASONABLE EFFORT to locate and actually serve notice on the other party **BEFORE** publishing, the Court will NOT order service by publication; Your case will be delayed, could be **DISMISSED**, and you may be required to take additional steps to serve the Party at your own expense.



DO NOT USE THE STEPS BELOW UNTIL YOU 1) COMPLETE THE STEPS ON PAGE 1 ABOVE AND 2) HAVE A COURT ORDER TO USE PUBLICATION as a method of SERVICE

STEP 1 COMPLETE ATTACHED 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.

A. IF YOUR CASE IS PENDING IN YUMA COUNTY AND YUMA COUNTY IS THE COUNTY OF THE LAST KNOWN RESIDENCE OF THE PERSON TO BE SERVED:

PUBLISH IN *The Yuma Sun*. Provide the Yuma Sun with the letter that is attached to these procedures AND a copy of the documents that you filed with the Clerk of the Superior Court. You may provide The Yuma Sun with the letter and filed documents by mail, hand delivery, fax, or email.

MAIL OR DELIVER the letter attached to this form, a copy of the documents you filed, and the **CERTIFIED ORDER WAIVING/ DEFERRING COSTS of PUBLICATION** (if applicable) to:

MAIL or HAND DELIVER:
Yuma Sun
Attention: Legal Department
2055 Arizona Avenue
Yuma, AZ 85364

FAX: (928)539-6810
EMAIL: legals@yumasun.com
PHONE (for more information): (928)539-6813

C. How to publish service if the other party's last known address is in Arizona and that address is not in Yuma County where your case is pending:

1. 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.
2. To publish in Yuma County follow the instructions in "A" and "B" above: how to publish service of process if the other party lives in the same county in which your case is pending.
3. To publish in another county (not Yuma County) you must contact a newspaper company in that county.

STEP 2: WAIT. Wait for the newspaper to mail you the original of the document called "**AFFIDAVIT OF PUBLICATION**" in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK:

- A. Fill out the “**DECLARATION SUPPORTING PUBLICATION**”, where you will list everything you did to attempt to find the other party before resorting to publication.
- B. **ATTACH** a copy of the published notice from the newspaper(s).
- C. **KEEP A COPY** for yourself of the “**DECLARATION SUPPORTING PUBLICATION**”.

STEP 4: FILE THE COURT PAPERS:

- A. File the original of the “**DECLARATION SUPPORTING PUBLICATION**”, and a copy of the publication(s), and
- B. File the original “**AFFIDAVIT OF PUBLICATION**” you received from the newspaper(s).

WHAT NEXT? COUNT DAYS, and APPLY FOR DEFAULT or APPEAR AT HEARING

- A. **Determine the date of the first newspaper publication.** This is considered to be the date the other party was served with the court papers. Then, count the days for the other party to file a *Response* or Answer (if required). When counting down the days, start counting with the day **after** the first day of publication.
- B. **If a summons was published** and the party to receive notice does not file a response or “answer” within the designated time period, he or she is said to have **defaulted**, and you **may** need to submit an **application for default** for your case to proceed. See the checklist in the Law Library Resource Center’s **Default** packet to see if this applies to your situation. You may also fill out an application for default online by clicking on “**Application for Default**” on the right side of the web page for the Superior Court’s ezCourtForms.
- C. **If an “Order to Appear”** was published instead of a summons, unless the Court specifically orders otherwise, any response to a “**Petition for Order to Appear**” is optional, according to **Arizona Rules of Family Law Procedure, Rule 25.**

Do not copy
or file this page

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

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 YUMA COUNTY

In the Matter of:

Case Number: _____

Name of Petitioner/Party A

DECLARATION SUPPORTING PUBLICATION A.R.F.L.P. 41 (m)

Name of Respondent/Party B

UNDER PENALTY OF PERJURY I make this declaration to inform the Court why service by publication was necessary, and to show how service by publication was done.

1. **SERVICE BY PUBLICATION is the best way to notify the other party of this court case because the other party is:**

Avoiding service of process, or

The residence and location of the persons to whom notice was given by publication is unknown to me. I have made every reasonable effort to find those persons but despite a diligent search have been unable to find an address or location and to have the court papers personally served.

Note: If the Court is *not satisfied* that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.)

2. **I TOOK THE FOLLOWING ACTIONS *BEFORE REQUESTING* PUBLICATION:**

I mailed, postage prepaid, a copy of the following legal documents to the *last known* address of the person(s) entitled to notice on or before the first date of publication:*

(List title of each document *and the address mailed to* below.)

Name & Address

Mailed to:

(continues on next page)

OR

I do not know and have never known of ANY address for the other party. He or she never lived at my address, and I have not mailed copies of the court papers.*

* IF the person entitled to Notice put in a mail forwarding order, mailing to the last known address (even if this is your address and you know the person is no longer there) should result in delivery of the court papers.
IF the person entitled to Notice did NOT put in a mail forwarding order, and the mail is returned to you as "Undeliverable", this may be helpful in demonstrating your good faith, reasonable efforts to have notice delivered.

I also sent scanned copies of the documents to the other party's email address at: (address) _____ on (date): _____ *

I took the following unsuccessful actions to locate the other party: (Check all that apply. Supply details.)

Checked the jail in Yuma County and/or: _____

Checked state prisons (Dept. of Corrections) in Arizona and/or: _____

Checked phone directories Checked court records at: _____

Contacted Post Office for forwarding address information.

Searched for the other party's last known employer

Contacted the other party's last known employer

Checked obituaries at: (List where) _____

Searched the Internet* at: (Check all that apply. List others.) Facebook MySpace
 Windows Live (Live.com) LinkedIn.com Spokeo.com Friendster.com

Other Internet sites (List):* _____

*** I UNDERSTAND:**

- 1. I UNDERSTAND searching online and emailing alone are not enough to justify service by publication;
- 2. I UNDERSTAND If these are the only efforts I made to locate and actually serve notice, the Court may not accept this service by publication, and:
 - a. My case will be delayed,
 - b. Could be dismissed, and
 - c. I may have to take additional steps at my own expense, including having to publish notice again;
- 3. I UNDERSTAND that if my case is dismissed for failure to properly serve notice within the time limits set by law:
 - a. I will not get a refund of any fees paid,
 - b. I may have to start over, fill out all forms, and file the forms again, and
 - c. I may have to pay all fees, including filing fees and cost of publication *again*.

SIGN BELOW to indicate you have read and understand the above.

(Your Signature)

(Your Printed Name)

I contacted the persons listed below to try to get information about the location of the other party:

- Name: _____

Last Known Address: _____

How I contacted this person: _____

Relationship to Other Party: _____

Examples: friend, ex-wife, parent, brother, roommate, co-worker, employer)
- Name: _____

Last Known Address: _____

How I contacted this person: _____

Relationship to Other Party: _____
- Name: _____

Last Known Address: _____

How I contacted this person: _____

Relationship to Other Party: _____

- Name: _____
 Last Known Address: _____
 How I contacted this person: _____
 Relationship to Other Party: _____

- Name: _____
 Last Known Address: _____
 How I contacted this person: _____
 Relationship to Other Party: _____

3. MILITARY STATUS OF OTHER PARTY:

To the best of my knowledge, information, and belief, the other party is not in the military service of the United States.

4. PUBLICATION INFORMATION: The following documents were published in a newspaper in the county where my case is pending. (List title/name of each document. Example: Petition, Summons)

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____
Month/Date/Year Month/Date/Year Month/Date/Year Month/Date/Year

AND/OR

The documents above were published in a newspaper in the Arizona county of the other party's last known address, _____ County, or if no newspaper is published in that county, in adjoining _____ County, and neither is the county in which my case is pending.

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____
Month/Date/Year Month/Date/Year Month/Date/Year Month/Date/Year

- 5. (REQUIRED) A copy of the “*Affidavit of Publication*” and the actual Notice that was published is attached. (The newspaper will send this to you after the last Notice has been published.)

UNDER PENALTY OF PERJURY

By signing below, I declare to the Court that I read, understood, and completed this document, and the information I have provided is true and correct under penalty of perjury.

Date

Signature

Printed Name

(Attach the **AFFIDAVIT OF PUBLICATION** supplied by the newspaper that published Notice.)