

**YAVAPAI COUNTY  
Self-Service Center**

**INSTRUCTIONS: SERVING DOMESTIC RELATIONS COURT PAPERS**

**OPTIONS FOR SERVING DOMESTIC RELATIONS COURT PAPERS:**

Depending on your situation, there are generally six (6) ways to serve Arizona Domestic Relations court papers.

- Option 1: Service by Acceptance
- Option 2: Service by Process Server or Sheriff
- Option 3: Service by Restricted/Certified Mail or National Courier Service
- Option 4: Service by Alternative Service or Publication (obtain permission from the Court)
- Option 5: Service to a Protected Address

Option 6: **ONLY** after the summons, petition, or order to appear have been served by one of the options listed above, other papers that are filed can generally be served by hand-delivery, leaving it at the person's office with a person in charge, leaving it at the person's home with someone of suitable age who resides there, mailing it, or delivering it by any other means – if the recipient consents in writing to that method of service or if the court orders service in that manner. See Arizona Rules of Family Law Procedure (ARFLP) Rule 43(b)(2).

See Rules 40(f), 41, and 43 of the (ARFLP) for additional information and service requirements.

**OPTION 1: SERVICE BY ACCEPTANCE**

- **The party to be served agrees to sign and return to you an Acceptance of Service form that acknowledges they have received the court papers.**
- **The Acceptance of Service form must be signed in front of a notary public, or a Deputy Clerk of the Court, and returned to you for filing. This can be done in person or through the mail.**
- **NOTE:** The Acceptance of Service form must list each document that you give to the other party.

**STEP 1: FILL IN THE ACCEPTANCE OF SERVICE FORM.** With black Ink, fill in the information requested in the upper left corner of the document. Fill in your name as Petitioner and the other party as Respondent and the case number. Mark each of the court papers being delivered and make two copies. **NOTE:** if this is a post-judgment action, the case caption should match the original pleadings; the Petitioner is still the Petitioner and the Respondent still the Respondent, regardless of who started the current action.

## STEP 2: SERVE THE PAPERS.

- **MEET THE OTHER PARTY:** Arrange a meeting place and time with the other party. Bring the original Acceptance of Service, plus two copies (one for you and one for the other party). Also bring the other party's conformed (exact copy) copies of the court papers with you. **HAND THE OTHER PARTY THEIR COPY OF THE COURT PAPERS AND HAVE THEM SIGN THE ORIGINAL ACCEPTANCE OF SERVICE (AND BOTH COPIES).**

OR

- **MAIL:** Mail a set of copies of the court papers to the other party with the original Acceptance of Service. **Include a self-addressed stamped envelope** to make it easier for the other party to mail back the signed Acceptance.

**NOTE:** If the other party does not send back the Acceptance of Service, you will have to try another method of service that does not require the other party's signature or contact a lawyer to learn about other possible ways of serving.

**STEP 3: FILE THE SIGNED ACCEPTANCE OF SERVICE.** Go to the Clerk of the Court where you filed the court papers and file the **ORIGINAL** signed Acceptance of Service. This proves to the Court that the other party received copies of the documents you filed. **NOTE:** Service is not complete UNTIL you file the signed Acceptance of Service (See ARFLP Rule 24.1(d)).

## OPTION 2: SERVICE BY REGISTERED PROCESS SERVER OR SHERIFF

- **You know, or can find out, where the other party lives or works.**

**STEP 1: FIND A REGISTERED PROCESS SERVER OR SHERIFF.** To find a Registered Process Server look in the phone book under "PROCESS SERVERS," or look online (National Association of Professional Process Servers: [www.napps.org](http://www.napps.org) or Arizona Process Servers Association: [www.arizonaprocessservers.org](http://www.arizonaprocessservers.org)). You can also ask someone you know and trust to recommend one; the Court cannot make recommendations.

If the other party lives outside of Yavapai County, you may be able to get help from a local process server to serve documents outside Yavapai County. You can also contact the Sheriff in the county where the other party lives if you decide on this method of service.

### **STEP 2: TAKE OR MAIL THE FOLLOWING PAPERS TO THE PROCESS SERVER OR SHERIFF:**

- ✓ Other party's set of copies of the court papers. **NOTE:** the Yavapai County Sheriff's Department requires **two** sets of the paperwork.
- ✓ **THE ORIGINAL SUMMONS** (this document will have the Court seal on it.).
- ✓ A picture or a written physical description of the other party.
- ✓ A written description of the automobile that the other party drives.
- ✓ One or more addresses where the other party can be found (home, work, etc.).
- ✓ Payment for the service, if required in advance.

### STEP 3: FILE PROOF OF SERVICE WITH THE COURT

- The Registered Process Server or Deputy Sheriff will sign a sworn statement (Affidavit) listing the documents served, the name of the person served, and when and where service took place. The original of this Affidavit may be sent to you or to the Court.
- If the **original Affidavit is mailed to you**, go to the Clerk of the Court where you filed the court papers and file the ORIGINAL Affidavit of Service. This proves to the Court that the other party received copies of the documents you filed.
- If the **original Affidavit is mailed to the court**, the Clerk's office will file it. The Registered Process Server or Deputy Sheriff will probably send you a copy for your records. You may want to contact the Clerk's office to make sure the original Affidavit was received. Allow a few days after you receive the copy before you contact the Clerk's office. If the original was not received in the Clerk's office, contact the process server or Sheriff's Office for information.
- If papers are served by a process server or Deputy Sheriff outside the state of Arizona you must complete, and file, the "**Affidavit Supporting Out of State Service**," also contained in this packet, *before you can apply for a default court order* (See ARFLP 41(a)(4) & (5)).

### **OPTION 3: SERVICE BY MAIL OR NATIONAL COURIER SERVICE – RESTRICTED DELIVERY, SIGNATURE BY ADDRESSEE**

#### STEP 1: MAIL COPIES

- Put the other party's copies in an envelope addressed to them.
- Go to the post office and tell the postal clerk you would like to mail a letter as follows:
  - Restricted Delivery, **and**
  - Return Receipt Requested (**physical green card – not electronic signature**), **and**
  - Fill out the receipt request
  - Pay the postage
  - Mail the envelope

**OR**

- If a national courier service is used, you will need to send it in a way that ensures you receive proof that the person being served actually received the papers:
  - Return Receipt signed by the person to be served (**physical signature – not electronic**)

**NOTE:** If the other party is incarcerated, two copies of the paperwork must be mailed. The paperwork must be mailed certified/restricted **AND** by regular first-class mail (See ARFLP 41(d)(3) & (g)).

## STEP 2: WAIT FOR RECEIPT OR SIGNATURE CONFIRMATION

- The green card receipt will be mailed to you by the post office where the other party lives after the envelope is delivered or picked up. Each national courier service will have its own procedures for getting you a copy of the receipt. This receipt shows the date the other party received the papers.
- **BE SURE THE SIGNATURE ON THE RECEIPT IS THAT OF THE OTHER PARTY. IF SOMEONE ELSE SIGNS THE RECEIPT, THE COURT MAY NOT ACCEPT THAT AS PROOF THE OTHER PARTY RECEIVED COPIES OF THE PAPERS YOU FILED.**
- If the other party refuses to accept the envelope or does not pick it up at the post office, the entire envelope will be returned to you. If this happens, keep the unopened envelope as proof of your attempt to mail the copies. In this case, you must try another method of service that does not require the other party's signature or contact a lawyer about other ways to serve.

## STEP 3: COMPLETE THE AFFIDAVIT OF SERVICE BY MAIL OR NATIONAL COURIER SERVICE

**NOTE:** The Affidavit of Service form must list each document that you sent to the other party. Mark each of the court papers that was mailed to the other party.

- **Attach the original signature confirmation** to the Affidavit of Service to prove to the Court that the other party received their conformed copies (exact copies) of the paperwork you filed.
- Make a copy of the completed Affidavit of Service for your records.

**STEP 4: FILE THE AFFIDAVIT OF SERVICE BY MAIL OR NATIONAL COURIER SERVICE and SIGNATURE CONFIRMATION.** Go to the Clerk of the Court where you filed the court papers and file the **ORIGINAL** Affidavit of Service by Mail or National Courier Service with signature confirmation. This proves to the Court that the other party received copies of the documents you filed.

## OPTION 4: SERVICE BY ALTERNATIVE SERVICE or PUBLICATION

**NOTE:** You **must** obtain permission from the Court **prior** to completing service by alternative service or by publication. To get approval to complete service by alternative service or by publication, **complete the *Motion to Serve by Alternative Service and/or Publication*** included in this packet **before** completing service by an alternative means or publishing in the newspaper.

**Service by Publication requires you to show the court that you have searched diligently for the other party and cannot determine their current address OR that the other party has intentionally avoided service.**

**Searching diligently may include conducting Internet searches, contacting family members and friends, using a private investigator, and/or contacting utility companies.**

## ALTERNATIVE SERVICE

**STEP 1: COMPLETE THE MOTION TO SERVE BY ALTERNATIVE SERVICE AND/OR PUBLICATION** in this packet. Explain to the court why you need to complete service by an alternative method AND describe how you would like to serve the other party. If the Court allows you to complete service by an alternative method of service, you will get a signed Order from the Court directing you to complete service by some alternative means of service.

**STEP 2: COMPLETE SERVICE AS DIRECTED IN THE ORDER – NOTE:** You must ALSO mail a copy of the paperwork AND the Order allowing Alternative Service to the other party at their last-known business or residential address (See ARFLP Rule 41(l)(2)).

### STEP 3: COMPLETE THE AFFIDAVIT ABOUT ALTERNATIVE SERVICE

- Make a copy of the completed Affidavit of Service for your records.

**STEP 4: FILE THE AFFIDAVIT ABOUT ALTERNATIVE SERVICE.** Go to the Clerk of the Court where you filed the court papers and file the **ORIGINAL Affidavit About Alternative Service**. This shows the Court that the other party received copies of the documents you filed.

## SERVICE BY PUBLICATION

**STEP 1: PUBLISH THE SUMMONS – NOTE:** If you know the last known address of the other party, you must ALSO mail a copy of the paperwork to the other party BEFORE the first date of publication (See ARFLP Rule 41(m)(3)).

### A. When the last known address was **IN YAVAPAI COUNTY:**

1. **If you are paying** the cost of publication, take a **COPY** of the **SUMMONS**, which was issued by the Clerk's office at the time you filed your papers, **AND** a statement describing how a copy of the pleading being served may be obtained to any newspaper of general circulation in **Yavapai County**. You may be expected to pay for the publication at that time, or the newspaper may agree to bill you after publication. The **SUMMONS must be published once a week for four weeks in a row and must include a statement describing how a copy of the pleading being served may be obtained.**

**OR**

2. **If you received a deferral or waiver of publication costs**, notify the Clerk of Superior Court that you want to have your **SUMMONS** published. The Clerk's office will make arrangements to do this. The newspaper will bill the Clerk's office and **the cost will be added to any other fees and/or costs you owe in the case.**

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B. When the last known address was **IN ARIZONA, BUT NOT YAVAPAI COUNTY, or OUT OF STATE** – you are required to publish in Yavapai County **AND** in the other Arizona County OR the other State:

- **If you are paying** the cost of publication, take a **COPY** of the **SUMMONS**, which was issued by the Clerk of Superior Court at the time you filed your papers, **AND** a statement describing how a copy of the pleading being served may be obtained to any newspaper of general circulation in **Yavapai County**. You may be expected to pay for the publication at that time, or the newspaper may agree to bill you after publication. The **SUMMONS must** be published **once a week for four weeks in a row** and **must include a statement describing how a copy of the pleading being served may be obtained.**

**ALSO** contact a newspaper of general circulation **in the other county in Arizona OR in the other state** and send, or take, them a **COPY** of the **SUMMONS** and the **statement describing how a copy of the pleading being served may be obtained** to be published once a week for four consecutive weeks. You may be required to pay that newspaper then, or they may agree to bill you.

- **If you received a deferral or waiver of publication costs**

**FOR THE ARIZONA PUBLICATION ONLY** - notify the Clerk of Superior Court that you want to have your **SUMMONS** published **and** that it must also be published in another county in **Arizona** and tell the Clerk the name of the county. The Clerk's office will make arrangements to do this. The newspapers will bill the Clerk's office and **the costs will be added to any other fees and/or costs you owe in the case.**

**NOTE:** If no newspaper is published in a county where publication is required, the serving party must publish the summons and statement in an adjoining (touching) county.

**STEP 2: WAIT** for the publication to be completed (once per week for four consecutive weeks)

- A. **If you paid for the publication up front**, the newspaper will send you an original document which has a newsprint copy of the **SUMMONS** after all four publications are completed (Proof of Publication). This takes about five or six weeks. If you had to publish in more than one newspaper in Arizona, each paper will send you proof of the publication. Make a copy for your records.
- B. **If the newspaper agreed to bill you** after the publication was complete, you will receive a bill in about five weeks. After you pay the newspaper, they will send you an original document which has a newsprint copy of the **SUMMONS** (Proof of Publication). If you had to publish in more than one newspaper in Arizona, each paper will send you a proof of the publication after payment. Make a copy for your records.
- C. **If your publication costs were waived or deferred**, the newspaper(s) will send, **directly to the Clerk's office**, an original document which has a newsprint copy of the **SUMMONS** after all four publications are completed (Proof of Publication). This takes about six or seven weeks.

### STEP 3: COMPLETE THE AFFIDAVIT ABOUT SERVICE BY PUBLICATION

- Make a copy of the **Proof of Publication** (the newsprint copy of the Summons) received by the newspaper, or the Clerk's Office.
- **Attach the copy(ies) of the Proof(s) of Publication** to the **AFFIDAVIT ABOUT SERVICE BY PUBLICATION**.
- Make a copy of the completed **Affidavit About Service by Publication** for your records.

**WARNING: THE JUDGE MAY QUESTION YOU ABOUT THE STEPS YOU TOOK TO LOCATE THE OTHER PARTY. IF NOT SATISFIED BY YOUR ANSWERS, THE JUDGE MAY DECIDE TO REQUIRE YOU TO TRY AGAIN.**

### STEP 4: FILE THE AFFIDAVIT AND THE PROOF OF PUBLICATION

File the original **AFFIDAVIT ABOUT SERVICE BY PUBLICATION** with the attached **PROOF(S) OF PUBLICATION** you received from the newspaper(s). Go to the Clerk of the Court where you filed the court papers and file the **ORIGINAL Affidavit About Service by Publication**. This proves to the Court that you published the Summons in the newspaper and gave notice to the other party about how to obtain copies of the paperwork.

#### **OPTION 5: SERVICE TO A PROTECTED ADDRESS**

After filing papers with the Clerk of Court, leave the copy to be served with the Clerk. There will be a fee for the Clerk to mail or serve these papers to the other party.

**OPTION 6: After service of the summons, petition, or order to appear have been served**, other papers that are filed can generally be served by hand-delivery, leaving it at the person's office with a person in charge, leaving it at the person's home with someone of suitable age who resides there, mailing it, or delivering it by any other means – if the recipient consents in writing to that method of service or if the court orders service in that manner (See Rule 43(b)(2)).

***Self-represented persons are required to know and follow proper procedures, just like an attorney. The Arizona Rules of Family Law Procedure, which are found in the Law Library (and are available online), contain the rules you are required to follow. No allowance is made for a person who does not understand or is unaware of things that must be done.***

**WARNING! IF YOU IGNORE A COURT ORDER, FAIL TO ADEQUATELY PREPARE FOR A SCHEDULED CONFERENCE OR HEARING, OR FAIL TO ATTEND A CONFERENCE OR HEARING, THE JUDICIAL OFFICER MAY ORDER SANCTIONS AGAINST YOU, INCLUDING HOLDING YOU IN CONTEMPT OF COURT OR REQUIRING YOU TO PAY THE OTHER PARTY'S ATTORNEY FEES.**

**IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE AMOUNT OF TIME, YOU MAY CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.**