

SERVICE OF COURT PAPERS

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2

**YOU KNOW WHERE THE OTHER PARTY LIVES
IN THE UNITED STATES BUT HE/SHE DOES
NOT LIVE IN THE STATE OF ARIZONA**

SELF-SERVICE CENTER

SERVICE OF COURT PAPERS

You Know Where the Other Party Lives In the United States But He/She Does Not Live In the State Of Arizona

This packet contains general information and/or court forms and instructions about service of court papers on the other party when you know where the other party lives in the United States but he/she does not live in the state of Arizona. Be sure the documents are in the following order:

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SELF-SERVICE CENTER

SERVICE OF COURT PAPERS YOU KNOW WHERE THE OTHER PARTY LIVES IN THE UNITED STATES BUT THEY DO NOT LIVE IN THE STATE OF ARIZONA

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You have filed a Petition, Complaint or other court papers that are required to be served for some action in court, and now you want to have the other party served with the papers, **AND**
- ✓ One of the following applies:
 - The other party **WILL** accept service of the court papers, **OR**
 - The other party will **NOT** accept the court papers. He/she lives in the United States, but not in the State of Arizona **AND** you know where they person lives **OR** you can find out so he/she can be served with papers.

(NOTE: If the person does **NOT** live in the United States, you will need to see a lawyer to find out which method of service will work for your case.)

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at:

www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/

SELF-SERVICE CENTER

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

SERVING THE OTHER PARTY:

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the court that the other party has received a copy of the court papers. 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 to 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 packet contains instructions and the forms you may need. Select the method of service that works best for you.

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

- A. Service by Acceptance.** This method requires you to give, or mail, the court papers to the other party and include an **"Acceptance of Service"** form. The other party must sign the **"Acceptance of Service"** form in front of a Notary Public and return it to you. The other party cannot sign the **"Acceptance of Service"** until after you have filed the court papers with the court. The other party's signature on the **"Acceptance of Service"** does **not** mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Do **not** give the original **"Summons"** to the other party. You must return the original **"Summons"** to the Clerk at the filing counter. Service is complete at the time the other party signs the **"Acceptance of Service."** If you choose this method of service, use the **"Acceptance of Service"** forms.

WARNING: Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

B. Service by Registered Process Server. This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages 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 Self-Service 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 of Family Court Papers. For information specific to serving Family Court papers, see "How to Serve Family Court Papers by Mail or Other Delivery Service with Signature Confirmation" contained in this packet.

E. Other Methods of Service. There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

2. You Know Where the Other Party Lives in the United States but he/she does not live in the State of Arizona. (If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.)

A. Service by Acceptance. This method requires you to give or mail the court papers to the other party and include an "**Acceptance of Service**" form. The other party must sign the "**Acceptance of Service**" form in front of a Notary Public and return it to you. The other party cannot sign the "**Acceptance of Service**" until after you have filed the court papers with the court. The other party's signature on the "**Acceptance of Service**" does **not** mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Do not give the original "Summons" to the other party. You must return the original "**Summons**" to the Clerk at the filing counter. Service is complete at the time the other party signs the "**Acceptance of Service.**" If you choose this method of service, use the "**Acceptance of Service**" forms. **WARNING: Do not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or

uncooperative when you ask him/her to accept service, use one of the methods of service described below.

- B. Service by Registered Mail.** Use this method of service **only** if the other party lives outside the State of Arizona and you know the address, **or** you are serving papers for a *Family Court* case (If so, see “How to Serve Family Court Papers by Mail or Other Delivery Service with Signature Confirmation” contained in this packet). This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called Certified Mail, Restricted Delivery by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the person being served is known to be located outside the State of Arizona, (2) that the court papers were sent to the other party, (3) that the papers were received by the other party, as evidenced by the green card, a copy of which you attach to the affidavit; and (4) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

- C. Service by Registered Process Server.** This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the "**Service by Process Server**" form.

- D. Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses, is available at the Self-Service Center 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.

- E. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. You Cannot Find the Other Party.

- A. Service by Publication.** You may use this method **only if you do not know where the other party lives, or cannot find the other party.** Service by publication is your "last

resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Service by Publication can be expensive and may delay your court case.

WARNING: YOU GENERALLY WILL NOT BE ABLE TO ESTABLISH OR CHANGE CHILD SUPPORT OR SPOUSAL MAINTENANCE (alimony) WITH SERVICE BY PUBLICATION!

This method requires that information from the "**Summons**" be published in a newspaper in Maricopa County once a week for four weeks in a row if the other party's last known address was in Maricopa County or the other party's last known address was **not** in Arizona. If the other party's last known address was in Arizona, but **not** in Maricopa County, a copy of the summons must be published in a newspaper in Maricopa County, and the county in which the other party's last known address is. To use this method, you must fill out several forms including the "**Affidavit Supporting Publication**" explaining to the court what you have done to try to find the other party. Service is complete thirty **(30)** days after the date of the first publication.

TIPS FOR FINDING THE OTHER PARTY:

- A. **Before the Court will accept Service by Publication, you must have made every reasonable effort to find the other party (or parties) and to give 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 have taken to try to locate the other parties 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: verify the Respondent is not at any last known address(es), 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. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. 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 GO BY DEFAULT.**

DEFAULT TIMETABLE

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

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HOW TO SERVE THE OTHER PARTY USING “ACCEPTANCE OF SERVICE” METHOD AFTER YOU HAVE 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: You and the other party can go to the filing counter at the courthouse where you filed the court papers. Bring the original “*Acceptance of Service*,” plus two copies (one for you and one for the other party). The other party must now sign the original “*Acceptance of Service*” in front of the Clerk at the filing counter. The Clerk will notarize the other person’s signature for FREE. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the “*Acceptance of Service*.”

OR

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

OR

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

AND

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

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

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

- **GO** to the Clerk at the court where you filed the court papers and file the original **“Acceptance of Service”** signed by the other party and notarized.
- **GIVE** the Clerk the ORIGINALS:
 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 not sign the **"Acceptance,"** you may be charged for any extra costs required to serve the papers by other means (Arizona Rules of Civil Procedure 4.1(c)). Signing the **"Acceptance"** will save you the cost of hiring a process server or the sheriff to serve the papers.

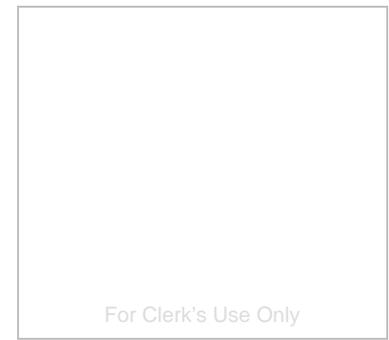
If you choose to sign the **"Acceptance of Service,"** you still have the right to disagree with the request I have filed. If you sign the **"Acceptance of Service,"** and you want to file a written Response or Answer with the court, you must file your Response or Answer within **20** days of signing the **"Acceptance of Service"** if you sign in the State of Arizona, or within **30** days of signing 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

Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime / Evening Phone: _____
Representing: Self or Attorney for Petitioner Respondent
(If Attorney) State Bar No.: _____



SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case No: _____

(Name of Petitioner/Plaintiff)

ACCEPTANCE OF SERVICE A.R.C.P. Rule 4 (f)

(Name of Respondent/Defendant)

Read Carefully. By signing your name on the next page in the presence of a Notary Public or a Clerk of the Superior Court, you are stating under oath or affirmation that you have read this document and understand its contents and that you have received and accepted the documents listed. Accepting these papers does not affect your right to disagree with them.

- 1. ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process (service by a process server or sheriff), and understand by accepting these papers, it is the same as if I were personally served under Arizona Law Rule 4 (f), Arizona Rules of Civil Procedure].
- 2. RESPONSE DEADLINE.** I understand that accepting service of these court papers does not affect my right to file a written Response or Answer to this action if I disagree. I understand that if I do not agree with any relief asked for in the Petition, I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or within **30** days if I received the papers somewhere other than Arizona.
- 3. 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.

On the following page, describe the type of case the documents you have received relate to and list *each* individual document received.

Case No. _____

4. Type of Case: (Title from case caption or describe) _____

I have received and voluntarily accept service of the legal documents listed below:

(List name/title of document. Example: "Petition", "Summons".)

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

I swear or affirm that I have read and understand the contents of this document and that the information I have provided is true and correct to the best of my knowledge and belief.

Date

Signature

Affirmed before me this: _____ by _____
(Date)

Printed Name of Person Who Signed

My Commission Expires _____
or Seal (below):

Deputy Clerk or Notary Public

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime / Evening Phone: _____
 Representing: Self or Attorney for Petitioner Respondent
 (If Attorney) State Bar No.: _____



For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Name of Petitioner/Plaintiff

Case No: _____

FAMILY COURT ACCEPTANCE OF SERVICE A.R.F.L.P. Rule 40

 Name of Respondent/Defendant

Check the box to indicate 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

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

LEGAL SEPARATION WITH CHILDREN

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

DIVORCE (OR ANNULMENT) WITHOUT CHILDREN

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

LEGAL SEPARATION WITHOUT CHILDREN

- Petition
- Summons
- Preliminary Injunction
- Notice to Creditors

PATERNITY (to establish)

- Petition
- Summons
- Parent Info. Program Notice

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 custody/parenting time)*

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

- Petition Summons Parent Info. Program Notice

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
- Blank Request for Hearing

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

- Petition to Modify Support Order
- Order to Appear
- Affidavit of Financial Information

MODIFY CHILD SUPPORT ("Standard Mod")

- Petition to Modify Child Support – Std. Process
- Affidavit of Financial Information
- Order to Appear

MODIFY CUSTODY &/OR PARENTING TIME (Visitation) AND SUPPORT

- Petition to Modify
- Parents' Worksheet for Child Support
- Notice of Filing for Modification of Custody
- Affidavit Regarding Minor Children (*if children not lived in Maricopa Co. whole time since last custody order*)

STOP ORDER OF ASSIGNMENT

- Petition to Stop Order of Assignment
- Blank Request for Hearing

MODIFY (Change) ORDER OF ASSIGNMENT

- Petition to Modify Order of Assignment
- Blank Request for Hearing

LIST OTHER TYPE CASE HERE: (Example: "Annulment") _____
(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

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

- 3. RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition. I understand I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service 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)

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

Affirmed before me this: _____
(Date)

by _____
Printed Name of Person Who Signed

My Commission Expires _____
or Seal (below)

Deputy Clerk or Notary Public

SELF SERVICE CENTER

HOW TO SERVE COURT PAPERS BY REGISTERED PROCESS SERVER

STEP 1: FIND. You must hire a Registered Process Server. To find a Registered Process Service look in the Yellow Pages under "Process Servers."

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.

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.

SELF-SERVICE CENTER

PROCEDURES: HOW TO SERVE COURT PAPERS – BY CERTIFIED MAIL

USE THIS PROCEDURE ONLY after you have filed your papers with the court.

STEP 1: GO TO THE POST OFFICE and tell the clerk you would like to mail the other party a letter as follows:

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage

STEP 2: WAIT for green receipt to be returned with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

STEP 3: PAPERS FOR THE COURT

- **COMPLETE:** Original of "***Affidavit of Service by Certified Mail.***" 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 you fail to list a date, the court may not process your papers and your case may be delayed.
- **ATTACH:** You must attach a copy of the green receipt to the Affidavit to prove how you served the other party. Make sure you copy both sides of the green receipt. **Do not throw the original green receipt away. Keep the original in your files.**
- **COPY:** Make yourself a copy of the "***Affidavit of Service by Certified Mail***" and attach the green receipt to it.

STEP 4: FILE PAPERS WITH THE COURT. File the Original "***Affidavit of Service by Certified Mail***" and attach a copy of the green receipt with the Clerk of the Court.

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 green receipt.)

DO NOT BRING CHILDREN TO COURT.

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zipcode: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing Self (Without a Lawyer) OR Attorney for Petitioner OR Respondent

FOR CLERK'S USE ONLY

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

Name of Petitioner/Plaintiff

Case Number: _____

**AFFIDAVIT OF SERVICE
BY CERTIFIED MAIL**

Name of Respondent/Defendant

STATE OF ARIZONA)
County of Maricopa)ss.

1. I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served the court papers on the other party by certified mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c).

Person served (name of other party): _____

Address where other party was served: _____

Date of receipt by the other party: _____

Date of return of receipt to sender: _____

2. I know that the other party is located outside the State of Arizona. The following documents were sent to the other party by certified mail: (List all of the documents sent to the other party):

These court papers were received by the other party as shown by the receipt, a copy of which is attached to this Affidavit as required by Arizona Rules of Civil Procedure, Rule 4.2(c)

Signature of Sender

SUBSCRIBED AND SWORN to before me this date: _____, by _____
(Month, Day, Year)

My Commission Expires: _____
Notary Public

SELF-SERVICE CENTER

PROCEDURES: HOW TO SERVE FAMILY COURT PAPERS BY MAIL OR OTHER DELIVERY SERVICE WITH SIGNATURE CONFIRMATION

USE THIS PROCEDURE ONLY after filing your *family court* papers.

As of January 1, 2006, you may now serve family court papers in-state or out of state (within the U. S.) by certain forms of U.S. Mail or by a nationwide delivery service such as FedEx or UPS, that provides confirmation of delivery by either a signed paper receipt or by electronic means such as by a printout from the internet, by fax, or by email *so long as it includes a copy of the signature itself.*

Note:

- ◆ You must obtain a *signature* confirming delivery;
- ◆ It can ONLY be the SIGNATURE OF THE OTHER PARTY (and no one else);
- ◆ You must submit a copy of the signature to the Court attached to the “*Affidavit of Service with Signature Confirmation*”;
- ◆ 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.

STEP 1: GO TO THE POST OFFICE or / FedEx / UPS, etc., and tell the clerk you need *signed confirmation of delivery* and that you will need a copy of the signature. Remembering that only the signature of the other party can satisfy the requirements of the Court, you may also choose to request “**Restricted Delivery**”, that is that no one except the named addressee (the other party) be allowed to sign for receipt of the documents.

STEP 2: GET COPY OF OTHER PARTY’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 using some other form of delivery with signature confirmation from the Postal Service, FedEx or UPS,, 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 “Note” above Step 1. Tape that copy of the signature to the third page, as well as the cash register receipt or other proof of mailing.

STEP 3: PAPERS FOR THE COURT

- **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 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.

- **ATTACH:** You must attach a copy of the other party'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 other 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 4: FILE PAPERS WITH 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 other party with the Clerk of the Court at any of these Superior Court locations:

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

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

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

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

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.

(1) Person Filing: _____
 Mailing Address: _____
 City, State, Zip: _____
 Telephone: _____ / _____
 Person Filing is: SELF (No Attorney) OR Attorney
 If Attorney, Bar No. _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(2) _____
 Petitioner

(2) Case Number _____

**AFFIDAVIT OF SERVICE WITH
 SIGNATURE CONFIRMATION
 For Family Court Cases**

(3) _____
 Respondent

Arizona Rules of Family Law Procedure 41 & 42

**YOU MUST ATTACH A COPY OF A SIGNED RETURN RECEIPT FOR DELIVERED MAIL *and*
 A COPY OF THE RECEIPT THAT SHOWS TO WHOM AND WHERE THE DOCUMENTS WERE SENT.**

I sent the family court legal documents checked or listed below to the other party in the manner indicated. The documents were signed for BY THE OTHER PARTY ONLY AND NO ONE ELSE. A copy of the OTHER PARTY'S SIGNATURE acknowledging receipt of delivery is attached to page 3.

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

Mark the box beside each document you sent to the other party. You must send each and every document listed under your type of court case unless indicated otherwise.

- DIVORCE (OR ANNULMENT)
 WITH CHILDREN**
- Petition
 - Summons
 - Preliminary Injunction
 - Health Insurance Notice
 - Parent Info. Program Notice
 - Notice to Creditors
 - Affidavit Regarding Minor Children

- DIVORCE (OR ANNULMENT)
 WITHOUT CHILDREN**
- Petition
 - Summons
 - Preliminary Injunction
 - Health Insurance Notice
 - Notice to Creditors

- PATERNITY (to establish)**
- Petition
 - Summons
 - Parent Info. Program Notice

- LEGAL SEPARATION
 WITH CHILDREN**
- Petition
 - Summons
 - Preliminary Injunction
 - Notice to Creditors
 - Health Insurance Notice
 - Parent Info. Program Notice
 - Affidavit Regarding Minor Children

- 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 custody/parenting time)*

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

- Petition
- Summons
- Parent Info. Program Notice

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
- Blank Request for Hearing

MODIFY SPOUSAL MAINTENANCE OR SPOUSAL AND

CHILD SUPPORT ("Standard Mod")

- Petition to Modify Support Order
- Affidavit of Financial Information
- Order to Appear

MODIFY CHILD SUPPORT ("Standard Mod")

- Petition to Modify Child Support – Std. Process
- Affidavit of Financial Information
- Order to Appear

MODIFY CUSTODY &/OR PARENTING TIME AND SUPPORT

- Petition to Modify
- Notice of Filing for Modification of Custody
- Parents Worksheet for Child Support
- Affidavit Regarding Minor Children (*only if children have not lived in Maricopa Co. whole time since last custody order*)

STOP ORDER OF ASSIGNMENT

- Petition to Stop Order of Assignment
- Blank Request for Hearing

MODIFY (Change) ORDER OF ASSIGNMENT

- Petition to Modify Order of Assignment
- Blank Request for Hearing

OTHER TYPE CASE (List Type): (Example: "Annulment") _____ (Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

How I sent the documents:

- U.S. Mail (Express or Priority Mail with Signature Confirmation, Certified or Registered Mail. **Copy of OTHER PARTY'S SIGNATURE of Receipt is attached.**)
- Commercial Delivery Service (FEDEX, UPS, etc.) **Copy of OTHER PARTY'S SIGNATURE of Receipt is attached.**

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.

Signature of Person Sending Documents

Date

Signed and Sworn to or Affirmed before me this date:

(Seal/My Commission Expires)

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.

SELF SERVICE 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. The Sheriff's Office in Maricopa County is located at:

Maricopa County Sheriff's Office, Civil Unit
201 West Jefferson Street, 1st Floor
Central Court Building
Phoenix, Arizona 85003
602-876-1840

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

STEP 2: WRITE. Fill out the attached sheet for identifying the other party and bring:

- 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