SERVICE OF COURT PAPERS
JUVENILE CASES ONLY

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YOU CANNOT FIND THE PARENT, GUARDIAN, OR CUSTODIAN

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JV2cc - 5504

SELF-SERVICE CENTER

SERVICE OF COURT PAPERS--JUVENILE CASES ONLY

You Cannot Find the Parent, Guardian or Custodian

How to assemble these documents

This packet contains general information and/or court forms about serving court papers when you cannot find the parent, guardian, or custodian. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	JV2ct	Table of forms/instructions in this packet	1
2	JV2ck	Checklist - Serving Court Papers When You Cannot Find the Parent, Guardian, or Custodian.	1
3	JV21h	Helpful Information on Serving the Other Party	3
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SERVICE OF COURT PAPERS
YOU DO NOT KNOW WHERE THE PARENT, GUARDIAN OR CUSTODIAN IS AND YOU CANNOT FIND OUT

CHECKLIST

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

- ✓ You have filed a Petition or Complaint, or other court papers in the Juvenile Court that are required to be served for a matter in court, and now you want to have the other party served with the court papers, AND
- ✓ You do not know where the other party is, AND
- ✓ You have tried very hard to find out, AND
- ✓ You are prepared to say under oath what you did to try to find out where the other party is.

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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/

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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 (the parents, the guardian, the custodian, and any other person whose presence in the action is required).
- **Service** means giving legal notice to the other party that you have filed court papers. You must provide proof of service to the Court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the Court that the other party has received a copy of the court papers.

METHODS OF SERVICE: Read the choices below to make sure that you are using the correct service packet. Each packet contains instructions and the forms you may need. Select the method of service that works best for you.

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1. You Know Where the Other Party Lives in the State of Arizona. (Service must take place at least five (5) days before the date of the hearing.)

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

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

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

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C. Service by Sheriff. This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the Service by Sheriff form.

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

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

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or write on this page

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

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

B. Service by Registered Mail. Use this method of service only if the other party lives outside the State of Arizona and you know the address. This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope postage prepaid to be sent to the other party by any form of mail requiring a signed and returned receipt. This is 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 copies of the petition and notice of hearing were sent to the person being served: 2) that the copies were received by the person to be served as evidenced by the attached green receipt; 3) that the original green receipt is attached; and 4) the 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

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service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under **"PROCESS SERVER"** in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the Service by Process Server form.

D. Service by Sheriff. This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the Service by Sheriff form.

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

3. You Cannot Find the Other Party. (Service is completed on the date of publication. This means that the Notice must be published at least five (5) days prior to the hearing.)

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

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

The Notice must identify the child(ren) involved and the person to be served, and must contain a statement of the issues to be determined by the court and the consequence for failure to appear. If the address of the person to be served is known, you must also mail a copy of the Petition and Notice of Hearing, postage prepaid, to the person at that address on or before the date of publication. To use this method, you must fill out several forms explaining to the Court what you have done to try to find the other party. If you choose this method of service, use the Service by Publication form.

TIPS FOR FINDING THE OTHER PARTY: Before using the Service by Publication method, you must try to find the other party. If possible, you should talk to the other party's friends, co-workers, family, or anyone you think may have a current address. The Court requires you to file an Affidavit or Statement Under Oath telling the Court that you have done everything you possibly could to find the other party. Other companies charge 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.

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PROCEDURE: HOW TO SERVE THE COURT PAPERS BY PUBLICATION

STEP 1: PUBLISH THE COURT PAPERS.

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending (Maricopa County) and/or the other party's last known address was not in Arizona.

1. IF YOU ARE PAYING THE COSTS TO PUBLISH, USE ANY PAPER OF GENERAL CIRCULATION not limited to those listed below, but they ***must*** use a format acceptable to the Court. Publications that regularly publish legal notices that are familiar with the requirements include the following:

a. THE RECORD REPORTER. Call (602) 417-9900 to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, American Express, and checks or money orders made payable to the Record Reporter, are accepted. The cost, for example, of publishing a Summons in a divorce case is $65.33 (as of 2/6/2006).

Mail or deliver payment and the letter that is attached to this form along with a copy of the documents you filed with the Clerk, to: Record Reporter, Legal Advertising, 1505 N. Central, Suite 200, Phoenix 85004.

b. THE ARIZONA BUSINESS GAZETTE. Call (602) 444-7315 to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, checks and money orders, are accepted.

Mail payment and the letter that is attached to this form along with a copy of the documents you filed with the Clerk, to:
Arizona Business Gazette, Legal Advertising, P. O. Box 194, Phoenix, AZ 85001, OR if you have already arranged payment, you may fax the documents to (602) 444-7364. **OR,**

You may deposit the above in the DROP BOX near the Clerk of Superior Court's filing counter at 201 W. Jefferson in Phoenix.
OR,

2. If you have a Court Order *DEFERRING SERVICE COSTS*, you MUST use THE ARIZONA BUSINESS GAZETTE. (602-444-7315). Follow the instructions in "**b**", above and include the ***Certified Order Deferring Publication Fees*** with the other papers delivered to The Gazette.

Notice: There is a filing fee for all Petitions 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) or publication fees at the time you file your papers with the Clerk of the Court.

STEP 2: **WAIT.** Wait for the newspaper to send you the original of the document called **AFFIDAVIT OF SERVICE**.

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STEP 3: **COMPLETE YOUR PAPERWORK:**

A. **Fill out** the **AFFIDAVIT SHOWING CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION** document which is attached.

B. **ATTACH** a copy of the published notice from the newspaper(s).

C. **KEEP A COPY** for yourself of the **AFFIDAVIT SHOWING CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION.**

STEP 4: **FILE THE COURT PAPERS:**

A. File the original of the **AFFIDAVIT OF CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION**, and a copy of the publication, and;

B. File the original **AFFIDAVIT OF SERVICE** you received from the newspaper(s).

STEP 5: **GO:** **GO TO YOUR COURT HEARING.** Bring a copy of the Petition, Notice of Hearing, Affidavit Showing Why Publication was Used, and Affidavit of Service with you to the hearing.

DO NOT BRING CHILDREN TO COURT.

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May 16, 2006
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_____
Print Name

_____
Print 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 Petition for Dependency and Notice of Hearing stamped by the Clerk of Court.

Please publish a Notice in your newspaper about this court case once a week for four (4) weeks. I understand service in this matter is complete 30 days after the first publication and my hearing can be scheduled no earlier than ten (10) days after service is complete (no sooner than 41 days after the first publication).

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 this area code and phone number (____) _____ to tell me when publication will occur. When publication has been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

_____
Sign your name

Enclosures:
☐ Court documents AND
☐ Check or Money Order OR
☐ Certified copy of Court Order of Deferral of Publication Fees

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Name of Person Filing Document:_____
Your Address:_____
Your City, State, Zip Code:_____
Your Telephone Number:_____
Attorney Bar Number (if applicable):_____
Representing ☐ Self or ☐ Attorney for _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

IN THE MATTER OF:

_____
_____
_____
(Name(s) of Child(ren))

Case Number:_____

AFFIDAVIT SHOWING CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION (AFFIDAVIT OF PUBLICATION ATTACHED)

1. I make this Affidavit to tell the Court why service by publication was used, and to show how service by publication was done. I have read this document and know of my own knowledge that the facts stated are true and correct.

2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), 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. I have mailed, postage prepaid, a copy of the following legal documents:_____
   _____

   ☐ to the last known address of the other party on or before the first date of Publication, OR

   ☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party's is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. A search was made of the following records: (Be specific.)

   ☐ Telephone Directory/Directory Assistance. State the cities you called and the numbers you called.

   _____

   ☐ Last Known Employer: State who you talked with and when:

   _____

   ☐ Relative or Friend of Other Party (State who you contacted, his or her relationship to the other party, how you contacted him or her (in person, by telephone, by letter):_____
   _____
   _____

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Case No. _____

☐ Other things you did:

_____

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

5. The following document(s)_____ was/were published in a newspaper in the county, where my case is pending on the following date: _____/_____/_____

6. A copy of the notice as published and the Affidavit of Publication is attached.

Your Signature

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

My Commission Expires

Notary Public

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.

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