

Serve papers in a protection order case

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Washington made major changes to the protection order law in 2022 to simplify the process and make service easier. The law now prefers electronic service over personal service in many situations, although not all courts and law enforcement agencies are comfortable with that change. The law is at [RCW 7.105.150 \(https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.150\)](https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.150).

Form attached:

Proof of Service (protection order) (PO 004)

When must papers be served?

If you're filing for a protection order, you're the "Petitioner." You can ask for a temporary order right away – before the other party is served. Then the other party must be properly served at least **5 court days** before the full hearing. Try to have any witness declarations or other supporting documents filed and served with your petition and temporary order. If the other party isn't served in time, you can ask the judge to extend the temporary protection order and

reschedule the hearing.

If you're responding to a protection order, you're the "Respondent." Try to file and serve your response as soon as possible. If you serve your response at the last minute, the Petitioner may ask the judge to extend the temporary protection order and reschedule the hearing.

When is personal service required?

Personal service by law enforcement is required if the Respondent is in jail or prison. It's also required for orders that make the Respondent do any of these:

- Surrender weapons
- Vacate a residence they share with Petitioner
- Transfer custody of a child to Petitioner

Technically, personal service is only required if the Respondent has the child now and the order requires **custody transfer** to the Petitioner. But many courts require personal service if child custody is an issue at all.

Personal service is also required when serving a **vulnerable adult**, though this doesn't have to be done by law enforcement.

In all other cases, personal service is **not** required and you can serve electronically (by email, text, or social media).

Personal service is always allowed, even if it isn't required.

Will law enforcement serve protection order papers?

Yes. If you are the Petitioner, law enforcement must serve the other party for free. Respondents may have to pay law enforcement to serve papers. Fill out the Law Enforcement and Confidential Information form as completely as possible to help law enforcement serve the other party quickly and safely.

If you don't have Respondent's address or if they're hiding to avoid service, law enforcement must look in their databases to try to find Respondent. This is required by law at RCW 7.105.155(4) (<https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.155>).

Law enforcement must make 2 timely attempts at service and should continue trying to personally serve up to the hearing date. They'll file a proof of service with the court clerk. If they've been unsuccessful, they must file something describing their attempts at service.

Petitioner: Register with Washington VINE (<https://vinelink.vineapps.com/state/WA>) to get notified when your order is served.

Tip! Ask the clerk for a copy of the service packet to keep on hand. If law enforcement is called in an emergency, you can give the service packet to the officer on the scene to serve Respondent at that time. This is sometimes called a "911 service packet."

What if law enforcement can't serve them personally?

If personal service is required and law enforcement made 2 unsuccessful attempts, at your next court hearing you can ask the court to sign an Order to Allow Electronic Service. Law enforcement should do the electronic service unless you prefer to have someone else do it. The law is at RCW 7.105.150(1)(b)(ii) (<https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.150>).

Not all law enforcement agencies are set up to serve electronically even though the law says they must do it. Some agencies will do it if you can give them extra information, such as the mobile phone or SMS provider for the restrained person's number (Verizon, AT&T, etc.).

What is personal service?

Personal service is having someone (other than you) age 18 or older **hand deliver** the papers to the other party. This can be a friend, a family member, a professional process server, or law enforcement. Some orders must be personally served by law enforcement.

The person who delivers the papers is your **"server."** Have your server fill out and sign the Proof of Service form.

Your server may hand deliver the papers to the other party at home, work, or anywhere else they can be found.

If the other party is not home, your server may do **"abode service."** This counts as personal service. The server may give the papers to any adult (who

doesn't have a mental disability) who also lives at the home with the other party. Your server should ask this person for their name and age and if they live with the other party at this home. If the person is under 18 or doesn't live at the home, then the server can't leave the papers with them.

Keep track of everything you do to try to get the other party personally served. You may be unsuccessful. At that point, you need court permission to serve electronically or by mail.

Can I have someone served by email, text, or social media?

Sometimes, yes. **Electronic service** (by email, text, or social media) is the **preferred way** to serve in some protection order cases. It is automatically allowed, with some exceptions. You can electronically serve all documents in a protection order case (petitions, orders, responses, motions, supporting evidence) **except for** orders that make a Respondent to do any of these:

- Surrender weapons
- Vacate a residence they share with Petitioner
- Transfer custody of a child to Petitioner

Law enforcement must try to personally serve those orders on the Respondent. If law enforcement makes 2 unsuccessful attempts at personal service, the judge must allow electronic service. After proof of unsuccessful service is filed, you can ask the judge, in court, for an Order to Allow Electronic Service. You don't need to file a written motion.

You can electronically serve everyone involved a protection order case **except for**:

- A restrained person who is in jail or prison

- A vulnerable adult

Those people must be personally served.

How do I serve by email, text, or social media?

Someone (other than you) age 18 or older must send the papers to the other party. You can get a friend or family member to do this, pay a professional process server, or have law enforcement do it. The person who sends the papers is your “server.”

Your server must send copies of the papers to the other party by email, text, or through social media. They must get some proof that the other party got the papers. This could be a read-receipt or reply from the other party. Your server must describe or attach a copy of any read-receipt or reply to the Proof of Service form.

I tried personal or electronic service and it didn't work. Can I serve by mail?

If you can show the judge that law enforcement or your server made **2 unsuccessful attempts** at personal or electronic service, you can ask the judge to sign an Order to Allow Service by Mail. You don't have to file a motion, but you'll have to show that at least 2 service attempts were made.

Law enforcement must file proof of their attempts at service. If you made your own arrangements, have your server fill out the Proof of Service form and list their attempts in section **3: Not Able to Serve**. In section **7: Other**, have them describe the efforts they made to find and serve the other party.

How do I serve by mail?

Only serve by mail if a judge signs an Order to Allow Service by Mail. Follow the instructions in the order. You must provide the other party's last known address and any other address that might reach them. This could be at work, in care of a friend or family member, or an electronic address (email, text, social media).

You must have someone age 18 or older mail the paperwork for you. You **can't** be your own server. Your server must mail **2 copies** of the papers to the other party: one by regular first-class mail, and one by a type of mail with tracking that shows when and where it was delivered. This could be certified mail with return receipt requested.

The envelopes must have a return address where you can receive mail. You can keep your home address private by using a different mailing address.

Have your server fill out and sign the Proof of Service form. Service is complete **10 calendar days** after the papers are mailed.

I don't have an address for the other party and can't find them anywhere. What can I do?

As a last resort, you can ask the judge for permission to serve the other party by publishing a legal ad in a newspaper. This method of serving costs the most. And it may be the least likely to reach the other party. You must show the court that you can't have them served in any other way.

If the judge signs an Order for Service of Summons by Publication

([https://www.courts.wa.gov/forms/documents/PO%20026%20Order%20for%20Service%20by%](https://www.courts.wa.gov/forms/documents/PO%20026%20Order%20for%20Service%20by%20)

. Follow the instructions in the order.

What if Respondent is under 18?

If the Respondent is under 18, you must serve the Respondent **and** their parent or legal guardian. You'll need an extra set of copies to serve the parent or legal guardian. The parent or legal guardian can be served where the Respondent lives. You can't serve the Respondent at school unless you have no other address for them.

Step-by-step

If the order says **law enforcement** will serve the papers, the court clerk will send a service packet to law enforcement with copies of all the documents to be served. Law enforcement will use the information you put in the Law Enforcement and Confidential Information form to find and serve the Respondent. Law Enforcement will send proof of service to the court clerk.

Otherwise, follow these steps:

1. **Get or make copies.** If you are filing for or renewing a protection order, the clerk's office will give you a service packet with copies of all the documents to be served. Otherwise, make your own copies for personal service or scan the documents for electronic service. Remember to keep a copy for yourself.
2. **Find a process server** or another adult to serve the copies on the other party. Have them do personal service, if required. Otherwise, they can do electronic or personal service.

3. **Have your server fill out and sign the Proof of Service () form.** Check to be sure your server filled out the date of service, who the papers were delivered to, and how they were delivered. Also be sure the form **lists all documents** that were served. If your server leaves out a form, you won't have proof it was served.

If your server was unsuccessful, still have them fill out the Proof of Service form and list their attempts in section **3: Not Able to Serve**. In section **7: Other**, have them describe the efforts they made to find and serve the other party. At your next hearing, you can ask for permission to serve by mail.

4. **Make one copy** of the completed Proof of Service. Don't give copies of this form to the other parties.
5. **File** your completed form with the court clerk. Keep the copy for your records and bring it to your next hearing.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

_____ Court of Washington, County of _____

Petitioner Date of Birth

vs.

Respondent Date of Birth

No. _____

Proof of Service

(RTS)

Clerk's Action Required: 2C

Proof of Service

Important! Promptly file this completed form with the court clerk.

Server declares:

1. My name is _____. I am 18 or older.
I am a peace officer **not** a party to this case.

2. **Able to Serve:**

A. **Personal Service:** I served the court documents checked in section 4 for this case to (name of party) _____
on (date) _____ at (time) _____
by giving the documents directly to them at this address:

B. **Electronic Service:**

Important! Do **not** use electronic service if your case involves the surrender of firearms, transfer of child custody, removing Respondent from the parties' shared residence, an incarcerated Respondent, or a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult. In these cases, after 2 unsuccessful attempts at personal service, you can ask the court to authorize electronic service.

I served the court documents checked in section 4 for this case to
(name of party) _____
on (date) _____ at (time) _____ via
 email text social media applications other technology

At the following email address/s, phone number/s, social media application and user name, or other address: _____

I received a read receipt or communication from the receiving party (*describe or attach*): _____

- C. **Service by Mail:** I served the court documents checked in section 4 for this case to (*name of party*) _____ on (*date*) _____ at (*time*) _____.

I sent 2 copies of the documents, postage prepaid: one by ordinary, first-class mail and one by other mail with certified or tracking information (*attach receipts*).

I sent the mail to this/these address/es: _____

Clerk's Action: The court clerk shall forward a copy of this *Proof of Service* immediately to the following law enforcement agency (*county or city*) _____ (*check only one*): Sheriff's Office or Police Department (*List the same agency that entered the temporary order, if any*)

This agency shall enter this Proof of Service into WACIC and National Crime Info. Center (NCIC).

3. Not Able to Serve:

- I was unable to make personal service on (*name of party*) _____. I notified the serving party that service was not successful. Personal service was attempted on the following date/s _____.
- Electronic service was attempted at the following address/es but it bounced back, was undeliverable, or there was no follow-up communication _____
- I did not mail court documents to (*name of party*) _____ because I do not know the party's last known address.

4. List of Documents:

Important! You must check or write in the title of **every** document that you served. Use the "Other Documents" box to write in the title of any document not already listed.

I served the following documents (*check all that apply*):

New Petition	After a Full Hearing
<input type="checkbox"/> Petition for Protection Order	<input type="checkbox"/> Protection Order
<input type="checkbox"/> Temporary Protection Order and Hearing Notice	<input type="checkbox"/> Order to Surrender and Prohibit Weapons
<input type="checkbox"/> Order to Surrender and Prohibit Weapons	<input type="checkbox"/> Order Realigning Parties
<input type="checkbox"/> A blank Law Enforcement and Confidential Information Form	<input type="checkbox"/> Order Extending Order to Surrender and Prohibit Weapons
<input type="checkbox"/> Order Transferring Case and Setting Hearing	
<input type="checkbox"/> Reissuance of Temporary Protection Order and Notice of Hearing	
<input type="checkbox"/> Declaration/s of: _____	

<p>_____</p> <p>_____</p> <p><input type="checkbox"/> Denial Order</p> <p><input type="checkbox"/> Notice to Vulnerable Adult</p>	
<p>Renewals</p> <p><input type="checkbox"/> Motion for Renewal of Protection Order</p> <p><input type="checkbox"/> Order Setting Hearing on Renewal and Extending Order until Hearing</p> <p><input type="checkbox"/> Order for Renewal of Order for Protection</p>	<p>Motions</p> <p><input type="checkbox"/> Motion to Modify or Terminate Protection Order</p> <p><input type="checkbox"/> Motion for Surrender and Prohibition of Weapons</p> <p><input type="checkbox"/> Notice of Hearing</p> <p><input type="checkbox"/> Motion to Realign Parties</p> <p><input type="checkbox"/> Motion to Set Show Cause Hearing - Contempt</p> <p><input type="checkbox"/> Order on Hearing - Contempt</p> <p><input type="checkbox"/> Order re Adequate Cause</p>
<p>Weapons Compliance</p> <p><input type="checkbox"/> Findings and Order on Review: Weapons Surrender Compliance</p> <p><input type="checkbox"/> Order on Hearing - Contempt</p> <p><input type="checkbox"/> A blank Proof of Surrender</p> <p><input type="checkbox"/> A blank Declaration of Non-Surrender</p> <p><input type="checkbox"/> Receipt for Surrender Weapons and Concealed Pistol License</p> <p><input type="checkbox"/> Order to Release Weapons</p>	<p>After a Motion Hearing</p> <p><input type="checkbox"/> Order Modifying or Terminating Protection Order</p> <p><input type="checkbox"/> Order to Surrender and Prohibit Weapons</p>
<p>Other Documents</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p>	

5. Fees Charged for Service:

- Does not apply.
- Fees: \$ _____ + Mileage \$ _____ = Total: \$ _____

6. Firearms/Deadly Weapons:

If an *Order to Surrender and Prohibit Weapons* has been issued in this case. Restrained Person:

- surrendered** the firearms deadly weapons CPL.
(file *Law Enforcement Receipt* separately).
- did not surrender** the firearms/deadly weapons specified in the order (*provide details related to what happened, including any denials of ownership/possession*):

asserted they have no firearms, deadly weapons, or a CPL.

7. **Other** (include details such as conduct at time of service, threats, avoidance of service, and statements regarding firearms possession): _____

I declare, under penalty of perjury under the laws of the State of Washington, that the statements on this form are true.

Signed at (city and state): _____ Date: _____



Signature of server

Print or type name of server

Law Enforcement Agency (if any)