

Serve papers to start a new case

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When filing a new court case, you must have a copy of your summons, petition (or complaint), and other papers you're filing delivered to the other party in a legally correct way. Use the **Proof of Personal Service** form to show that service has been done. Also use this form to prove service of an order to go to court (show cause), subpoena, or any kind of restraining or protection order.

Choose the form below for your type of case: family law, general civil, or guardianship. We have separate forms and instructions to <u>serve papers in a</u> protection order case.

Form attached:

Proof of Personal Service (family law) (FL All Family 101)

Form attached:

Proof of Personal Service (general civil) (NJP General 001)

Form attached:

Proof of Personal Service (Guardianship/Conservatorship) (GDN ALL 007)

Do I have to serve the other party?



Yes! When you first start a new case in court, you must have a copy of your summons, petition (or complaint), and other papers you're filing delivered to the person you're filing the case against ("the other party"). We call this having the other party "served" or "service of process."

The other party has a legal right to receive a copy of the papers you file. The judge won't make any decisions in your case until you can show proof that the other party got copies of your court papers.

Is this the only time during the case that I must serve the other party?

No, but you can have the papers delivered to the other party in a different way as the case goes on.

How do I have the other party served at the start of the case?

You must always try to have the other party **personally served** at the start of the case. If you absolutely cannot have them served this way, you can ask court permission to serve them by mail or by publication of a legal ad in a newspaper.

What is personal service?

Someone age 18 or older must **hand deliver** the papers to the other party. You can get a friend to do this, or you can pay a professional process server or the county sheriff's office to do it.

The person who delivers the papers is your **"server."** You can't be your own server for personal service.



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 isn't home, your server may do "abode service." This counts as personal service. The server may give the papers to any adult (who isn't mentally disabled) at the other party's home who lives there with them. Your server should ask the person they leave the papers with for their name and age, and if they live with the other party at this home. The server can't leave the papers with someone who's just visiting the other party's home.

You don't need court permission for personal service. Personal service is usually the cheapest way to get the other party served.

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

How can I find the other party for personal service?

You must make an honest, reasonable search. **Follow up on any information** you get that may help you find them.

- Try calling possible phone numbers for them.
- Ask the Postal Service for a forwarding address from the last known address you have.
- Call every friend, roommate, and relative of the opposing party you know. Ask about an address.
- Check resources online that help find people's addresses.
- Talk to the other party's present or former employers, unions, or coworkers to try to get a home address or a place of work.



 If the other party pays child support through DCS, and you're trying to change child support or your parenting plan, send an <u>address disclosure</u> request to <u>DCS</u>

(http://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/18-176A.pdf) (in English or Spanish

(https://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/18-176ASP.pdf)). It may take 30 days or more to get the other party's address this way.

I tried everything. I can't find the other party for personal service. Now what?

You can ask <u>court permission</u> to serve the other party or parties by mail or publication.

Mail: Much like finding someone to do personal service for you, you must have someone mail the paperwork for you. That person must mail **2 copies** of the papers to the other party: One by regular mail, and one by certified mail, return receipt requested.

Publication: This method of serving costs the most. And it may be the least likely to reach the other party. Ask permission to serve by publication **only as a last resort** if you can't get a court order to serve by mail.

Step-by-step

If a case has already started and you're **not** serving a summons, petition (complaint), order to go to court (show cause), subpoena, or any kind of



restraining or protection order, then you don't have to follow the rules for personal service. <u>Serve papers after a case starts</u> has the right form for that situation.

Otherwise, follow these steps.

- 1. Have your server personally serve a copy of the papers on the other party.
- 2. Have your server fill out and sign the <u>Proof of Personal Service</u> form.

Choose the form for your type of case (family law, general civil, or guardianship). 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.

- 3. **Make one copy** of the completed Proof of Personal Service. Don't give copies of this form to the other parties.
- 4. **File** your completed form with the court clerk. Keep the copy for your records.

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

	Superior Court of Washington	, County of				
In re: Petitioner/s (person/s who started this case): And Respondent/s (other party/parties):		No Proof of Personal Service (AFSR)				
						Proof of Per
Ser	ver declares:					
1.	My name is: I am 18 or older.		. I am not a party to t	this case.		
2.	Personal Service					
	I served court documents for this case to by (check one):	(name of party): _				
	☐ giving the documents directly to him/l	ner.	r.			
☐ giving the documents to (name): a person of suitable age and discretion who lives at the same address a				party.		
3. Date, time, and address of service						
	Date:	Time:	□ a.m.	□p.m.		
	Address:					
	Number and street	city	state	zip		

List all documents you served (check all that apply): 4.

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

Sign	ature of server Pro	int or type name of server		
Jigi		Date		
on tl	clare under penalty of perjury under the laws on this form are true. In the description of perjury under the laws or laws are laws.			
6.				
	☐ Fees: \$ + Mileage \$ = Total: \$			
	□ Does not apply.			
5.	Fees charged for service			
	Other:	□ Other:		
	Other:	□ Other:		
	☐ Declaration of:	Parenting/ Custody Order (Relocation) Other:		
	□ Declaration of:	☐ Objection about Moving with Children and Petition about Changing a		
	☐ Information for Temporary Parenting Plan	☐ Notice of Intent to Move with Children (Relocation)		
	☐ Financial Declaration	☐ Motion for Adequate Cause Decision		
	☐ Sealed Financial Documents	☐ Order to Go to Court for Contempt Hearing		
	☐ Proposed Child Support Worksheets	☐ Motion for Contempt Hearing		
	☐ Proposed Child Support Order	☐ Restraining Order		
	□ Proposed Parenting Plan	☐ Immediate Restraining Order (Ex Parte) and Hearing Notice		
	□ Notice Re: Military Dependent	☐ Motion for Immediate Restraining Order (Ex Parte)		
	□ Order Setting Case Schedule	□ Proposed Temporary Family Law Order		
	□ Summons (Attach a copy.)	☐ Motion for Temporary Family Law Order☐ and Restraining Order		
	☐ Petition to/for	□ Notice of Hearing		

To the party having these documents served:

- File the original *Proof of Personal Service* with the court clerk.
- If you served a *Restraining Order* signed by the court, you must also give a copy of this *Proof of Personal Service* and a *Law Enforcement Information Sheet* to law enforcement.
- If the documents were personally served outside of Washington state, you must fill out and file form FL All Family 102 (*Declaration: Personal Service Could Not be Made in Washington*).

To the Server: check here if you personally served the documents <i>outside</i> Washington state. Your signature must be notarized or sworn before a court clerk.		
(For personal service in Washington state, your signature does not need to be notarized or sworn before a court clerk.)		
Signed and sworn to before me on (date):		
	Sig	nature of notary or court clerk
	Prii	nt name of notary or court clerk
		I am a notary public in and for the state of:
		My commission expires:
		I am a court clerk in a court of record in
		(county):
(Print seal above.)		(state):

	Court of Washir	ngton, County of _			
In re: Petitioner/s or Plaintiff/s: And Respondent/s or Defendant/s:		NoProof of Personal Service			
		(No mandatory f	form)		
Serve	Proof of Pe	ersonal Servic	e		
1.	My name is: I am 18 or older.	I	am not a party to this case.		
2.	Personal Service. I served court documents for this case to (name of person served): by (check one):				
	☐ Giving the documents directly to the person being served.				
	☐ Giving the documents to (name):, a person of suitable age and discretion who lives at the same address as the person being served.				
3.	Date, time, and place of service				
	Date:Time:_		(check one) □ a.m. □ p.m.		
	Place:				
	Street address	city	state zip		

4. List all documents you served (check all that apply) (The most common documents are listed below. Check only those documents that were served. Use the "Other" box to write in the title of each document you served that is not already listed.) ☐ Petition to/for _____ ☐ Summons (attach a copy) □ Notice of Hearing (for date) _____ ☐ Motion for _______ ☐ Declaration of □ Subpoena □ Duces Tecum □ Order on/for: _____ □ Other: 5. Fees charged for service □ None □ Fees: \$ _____ + Mileage \$ ____ = Total: \$ ____ 6. Other information (if any) 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: ____ Server signs here Print name

Res	spondent/Minor/s	Proof of Perso (AFSR)		
lare	Proof of Pers	onal Service		
V T	Vho is Serving his is original Service of Process I am 18 ction, and I am competent to be a witnes			rty to this
0	ervice served court documents for this case to n (date): ddress:			□p.m.
_	lumber and Street	City	01.1.	-
b	y giving the documents directly to them. served true and correct copies of the	•	State nts below):	Zip
b)	y giving the documents directly to them.	(list titles of docume	nts below):	•
b)	y giving the documents directly to them. served true and correct copies of the Petition for Guardianship, Conservator	(list titles of docume	nts below): ctive Arrangeme	nt
b;	y giving the documents directly to them. served true and correct copies of the Petition for Guardianship, Conservators Notice of Petition for Guardianship, Co	(list titles of docume	nts below): ctive Arrangeme or a Protective Al	nt rrangeme

	☐ Summons	☐ Proposed Residential Schedule
	□ Declaration of	□ Declaration of
	□ Notice of Intent to Move with Children (Relocation)	☐ Objection about Moving with Children and Petition about Changing a Parenting/ Custody Order (Relocation)
	□ Other:	□ Other:
	□ Other:	□ Other:
I declare under penalty of perjury under the laws of above are true and correct.		of the State of Washington that the statements
Signed at (city and state)		on <i>(date)</i>
Signa	ture	Printed name