

Serve papers on the state

Author

Northwest Justice Project

Last Review Date

April 7, 2025

If your case may involve child support and you, the other parent, or your children have ever received public assistance, such as TANF or Medicaid (Apple Health), you must give copies of your court papers to the county Prosecuting Attorney's Office.

Form attached:

Proof of Mailing or Hand Delivery (family law) (FL All Family 112)

When do I have to serve the State?

The State has a right to know when someone files a court case that may involve child support if someone in the case (called a party to the case) gets public assistance now or got it in the past.

Public assistance here means Temporary Assistance for Needy Families
(TANF) (https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families), Tribal TANF
(https://www.dshs.wa.gov/esa/division-child-support/tribal-iv-d-and-tanf-programs), or Medicaid (Apple Health) (https://www.hca.wa.gov/about-hca/programs-and-initiatives/apple-health-medicaid). You don't have to serve



the state if the only assistance you get is <u>food stamps</u> (https://www.dshs.wa.gov/esa/community-services-offices/basic-food) or Working Connections Child Care (https://dcyf.wa.gov/services/earlylearning-childcare/getting-help/wccc).

In family law cases, the <u>county prosecuting attorney's office</u> (https://waprosecutors.org/prosecutordirectory/) represents the State. In larger counties, the prosecuting attorney has a Child Support Division to handle these cases. To serve the State, you serve the prosecuting attorney's office.

You must serve the State if you, the other parent, or your children get public assistance (or got it in the past), and either of these is true:

- You've started (filed) a court case that involves child support. Examples:
 A <u>divorce</u> with children; a petition to <u>decide parentage</u>; <u>contempt for</u>
 <u>failure to pay child support</u>.
- You've received papers starting a court case (a petition and summons).
 The petition includes a request to get <u>or change</u> child support. <u>You're</u> <u>responding</u> to the petition.

You must also serve the State if the prosecuting attorney <u>files a Notice of Appearance</u> in your case, even if you don't think anyone has gotten public assistance.

What's my deadline to serve the State?

Generally, you should serve the State at the same time you must serve the other parties to your case. You must also follow these special rules:



At least 20 days before any hearing to finalize a Child Support Order, you must serve a copy of each of these on the State:

- Notice of Hearing
- Your Child Support Worksheets
- Your proposed Child Support Order ("proposed" means the judge hasn't signed it yet; you're going to ask the judge to sign it)
- Any other of your proposed final orders, such as a proposed Parenting
 Plan or Final Divorce Order

If you want temporary family law orders, you must also serve a copy of each of the following on the State office **at least 8 days** (if by mail) or **5 days** (if hand-delivered) before any temporary family law orders hearing about child support. When counting days, don't include weekends or Federal holidays.

Answer a few questions on **Get Family and Safety Forms** to get the right forms for your situation.

How do I serve the State?

There are two ways to do it:

- Have a copy of the papers hand-delivered to the Prosecuting
 Attorney's office for your county
 (https://waprosecutors.org/prosecutordirectory/). The Prosecuting
 Attorney's Child Support Division may have a different address from the main office. You can call them to confirm their address and hours; or
- Mail that office the papers by certified mail, return receipt requested.
 You can call them to confirm their mailing address.



You **don't** need a special court order to serve the State by certified mail.

Don't serve or mail the papers yourself. Have a friend or relative who's at least 18 years old do it. If your server hand delivers the State's copy, have them bring your copy of the papers with them and ask the Prosecuting Attorney's front desk staff to put a "received" date-stamp on your copy.

How do I prove service?

After your server serves the papers on the State, have them fill out and sign the <u>Proof of Mailing or Hand Delivery</u> 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.

File your Proof of Mailing or Hand Delivery with the court clerk. Bring a copy to your hearing to show the judge.

What happens after I've had the State served?

A lawyer from the State will probably contact you to let you know if they agree with your proposed orders.

- If the State agrees with your proposed orders, one of their lawyers can sign the Child Support Order and final order. You can bring these signed papers to your final hearing or trial.
- If the State doesn't agree with your proposed orders, they won't sign them. Their lawyer will come to the hearing or trial to argue for the



amount of child support they think is right. The State's lawyer may propose their own orders.

If you don't get the State's signature, you must prove at the final hearing or trial that you served a Notice of Hearing or Notice of Trial on the right office by the deadline.

What happens if I don't serve the State?

The judge may refuse to sign your orders if you didn't give the State advance notice when it was required. You may have to reschedule your hearing to give you time to serve the State.

If the judge does sign your orders without proper notice to the State, the State may come back later and ask a judge to vacate (cancel) the orders.

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 Washingtor	, County of		_		
In re	:		1				
Petit	ione	r/s (person/s who started this case)	No				
And	Res	pondent/s <i>(other party/parties</i>):	Proof of Mailing or Hand Delivery (for documents after Summons and Petition) (AFSR)				
		Proof of Mailing (for documents after	g or Hand Deliver Summons and P				
kind of	Rest	o not use this form to prove you mailed or or raining Order. For those documents, use Pl ssion to serve by mail, use Proof of Service	roof of Personal Service (FL				
I decla	are:						
1.	l a	m (check one): \square the Petitioner \square :	eck one): the Petitioner the Respondent (name):				
	and I am competent to be a witness in this case.						
2.	On (date):, I served copies of the documents listed in 3 below to						
	(na	ame of party or lawyer served):			by:		
	☐ mail (check all that apply): ☐ first class ☐ certified ☐ other						
		Mailing Address	City	State	Zip		
		email to (address):			(5.1)		
	☐ email to (address):(only if allowed by agreement, order, or your county's Local						
	☐ fax to (number):(only if allowed by agreement, order, or your county's Local Court Rule,						
	☐ Hand delivery at <i>(time)</i> : ☐ a.m. ☐ p.m. to this address:						
		Street Address	City	State	Zip		

	I left the documents (check one):							
		with the party or lawyer named abo	ove.					
		at the attorney's office with the cler	rk or other person in charge.					
		at the attorney's office in a conspic	cuous place because no one was in charge.					
		with (name):at the address listed in court documpapers for this case.	ments where the party agreed to receive legal					
		(For a party or lawyer who has no own with (name): a person of suitable age and discrete	office or whose office is closed) at their home etion who lives in the same home.					
3.	(The mo	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" boxes to write in the title of each document you served that is not already listed.)						
	Notice of	Hearing (hearing date):	☐ Notice Re: Military Dependent					
		r Temporary Family Law Order Restraining Order	☐ Sealed Financial Documents					
	Proposed	l Temporary Family Law Order	☐ Financial Declaration					
	Proposed	d Parenting Plan	□ Declaration of:					
	Proposed	d Child Support Order	☐ Declaration of:					
	Proposed	d Child Support Worksheets	☐ Declaration of:					
	Other:		□ Other:					
	Other:		□ Other:					
	Other:	_	□ Other:					
4.	Other:							
	clare unde		of the state of Washington that the statements					
Sigr	ned at <i>(Cit</i>	y and State):	Date:					
<u> </u>								
Sigr	Signature of server Print or type name of server							