

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 serve papers in a 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 court permission to serve by 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 co-workers 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 address disclosure request to DCS (<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 court permission 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. Serve papers *after* a case starts 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 Proof of Personal Service 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 [Get legal help](#) 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 Personal Service

Server declares:

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

2. Personal Service

I served court documents for this case to (*name of party*): _____
by (*check one*):

- ☐ giving the documents directly to him/her.
☐ giving the documents to (*name*): _____,
a person of suitable age and discretion who lives at the same address as the party.

3. Date, time, and address of service

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

Address:

Number and street *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" boxes to write in the title of each document you served that is not already listed.)

☐ Petition to/for _____	☐ Notice of Hearing _____
☐ Summons (Attach a copy.)	☐ Motion for Temporary Family Law Order ☐ and Restraining Order
☐ Order Setting Case Schedule	☐ Proposed Temporary Family Law Order
☐ Notice Re: Military Dependent	☐ Motion for Immediate Restraining Order (Ex Parte)
☐ Proposed Parenting Plan	☐ Immediate Restraining Order (Ex Parte) and Hearing Notice
☐ Proposed Child Support Order	☐ Restraining Order
☐ Proposed Child Support Worksheets	☐ Motion for Contempt Hearing
☐ Sealed Financial Documents	☐ Order to Go to Court for Contempt Hearing
☐ Financial Declaration	☐ Motion for Adequate Cause Decision
☐ Information for Temporary Parenting Plan	☐ Notice of Intent to Move with Children (Relocation)
☐ Declaration of: _____	☐ Objection about Moving with Children and Petition about Changing a Parenting/ Custody Order (Relocation)
☐ Declaration of: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____

5. Fees charged for service

☐ Does not apply.

☐ 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: _____

Signature of server

Print or type name of server

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 *outside* 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): _____.

Signature of notary or court clerk

Print 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): _____

(state): _____

(Print seal above.)

_____ Court of Washington, County of _____

In re:

Petitioner/s or Plaintiff/s:

And Respondent/s or Defendant/s:

No. _____

Proof of Personal Service

(No mandatory form)

Proof of Personal Service

Server declares:

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

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

Superior Court of Washington, County of _____

In re: Guardianship/Conservatorship of:

Case No. _____

_____,
Respondent/Minor/s

**Proof of Personal Service
(AFSR)**

Proof of Personal Service

I declare:

1. Who is Serving

This is original Service of Process I am 18 years of age or older, I am not a party to this action, and I am competent to be a witness. *(Use for Personal Service)*

2. Service

I served court documents for this case to *(name of party)*: _____

on *(date)*: _____ at *(time)*: _____ a.m. ☐ p.m.

Address:

Number and Street *City* *State* *Zip*

by giving the documents directly to them.

3. I served true and correct copies of the *(list titles of documents below)*:

☐ Petition for Guardianship, Conservatorship, and/or a Protective Arrangement

☐ Notice of Petition for Guardianship, Conservatorship, and/or a Protective Arrangement

☐ Notice of Hearing *(date)* _____

☐ Order Appointing Court Visitor

☐ Minor Guardianship Petition

☐ Notice of Hearing – Minor Guardianship Petition

☐ Emergency Minor Guardianship Petition

☐ Notice of Hearing – Emergency Minor Guardianship Petition

☐ Petition to Terminate or Change a Minor Guardianship or Non-Parent Custody Order

☐ Notice about Terminating or Changing a Minor Guardianship or Non-Parent Custody Order

☐ 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 the State of Washington that the statements above are true and correct.

Signed at (*city and state*) _____ on (*date*) _____

Signature

Printed name