

Serve papers on the state

Author

Northwest Justice Project

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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), learn how you must give the county Prosecuting Attorney's Office copies of any court papers you file in your case.

Form attached:

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

When do I have to serve the State?

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

You must give a copy of your court papers to the State (serve the State) if you, the other parent, or your children get 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>) now or have in the past, and either of these is true:

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

To serve the State, you serve the prosecuting attorney's office.

Even if you don't think anyone involved in the case is getting or has gotten public assistance, you still must serve the State if the prosecuting attorney files a Notice of Appearance in your case.

You **don't** have to serve the State if the only assistance you get is food stamps (<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>)

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 (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 serve a copy of each of these on the State **at least 8 days** (by mail) or **5 days** (if hand-delivered) before any temporary 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?

You must have a friend or relative who's at least 18 years old do one of these for you:

- **Hand-deliver a copy of the papers** 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. Call to confirm their mailing address.

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

If you decided to have your server hand deliver the papers, have them bring your own copy of the papers too so they can 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 Proof of Mailing or Hand Delivery 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 make 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 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 Mailing or Hand Delivery
(for documents after Summons and
Petition)
(AFSR)

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)

Warning! Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare:

1. I am (*check 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
(*name of party or lawyer served*): _____ by:

☐ mail (*check all that apply*): ☐ first class ☐ certified ☐ other _____

Mailing Address *City* *State* *Zip*

☐ email to (*address*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

☐ fax to (*number*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

☐ Hand delivery at (*time*): _____ ☐ a.m. ☐ p.m. to this address:

Street Address *City* *State* *Zip*

I left the documents (*check one*):

- ☐ with the party or lawyer named above.
- ☐ at the attorney's office with the clerk or other person in charge.
- ☐ at the attorney's office in a conspicuous place because no one was in charge.
- ☐ with (*name*): _____,
at the address listed in court documents where the party agreed to receive legal papers for this case.
- ☐ (*For a party or lawyer who has no office or whose office is closed*) at their home with (*name*): _____,
a person of suitable age and discretion who lives in the same home.

3. 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 (<i>hearing date</i>): _____	☐ Notice Re: Military Dependent
☐ Motion for Temporary Family Law Order ☐ and Restraining Order	☐ Sealed Financial Documents
☐ Proposed Temporary Family Law Order	☐ Financial Declaration
☐ Proposed Parenting Plan	☐ Declaration of: _____
☐ Proposed Child Support Order	☐ Declaration of: _____
☐ Proposed Child Support Worksheets	☐ Declaration of: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____

4. Other: _____

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