# C11

# SERVICE

## OF COURT PAPERS
## FAMILY CASES ONLY

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### HOW TO SERVE NOTICE
### AS REQUIRED OR PERMITTED BY LAW

**"Service" means giving legally required notice to other parties that you have filed documents with the court to request a court order that may affect them, and proving that notice was given in a manner permitted by law.**

**NOTICE**

You do **NOT** need this packet if serving notice by Sheriff or process server in Graham County. The sheriff and process servers in Graham County provide their own forms.

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# SERVICE OF COURT PAPERS

## CHECKLIST

"**Service" means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can ONLY be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.**

***You may use the forms and instructions in this packet if . . .***

- ✓ You have filed a Petition, Complaint, or other document in the Superior Court in a Family Court case and you are required to *serve notice* on other parties of what you have filed with the court, AND

- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law.

- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign an "***Acceptance of Service***" form in front of a Notary or Clerk of the Superior Court, and return the form for **you** to file with the Court.

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**NOTE: If you know you are going to have the papers served by the Sheriff's Department or by a private process server in Graham County and you do not need information about other methods of service, both the Sheriff and private process servers will have their own forms and you will not need this packet**.

**NOTE: If you are required to serve notice on a person outside the United States**, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

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# HELPFUL INFORMATION ON SERVING THE OTHER PARTY

## SERVING THE OTHER PARTY:

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the court that the other party has received a copy of the court papers. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement to your request. The Response or Answer tells you, and the court, what the other party wants.

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## METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct service packet. Each packet contains instructions and the forms you may need. Select the method of service that works best for you.

### 1. You Know Where the Other Party Lives in the State of Arizona:

**A. Service by Acceptance.** This method requires you to give, or mail, the court papers to the other party and include an ***"Acceptance of Service"*** form. The other party must sign the ***"Acceptance of Service"*** form in front of a Notary Public and return it to you. The other party cannot sign the ***"Acceptance of Service"*** until after you have filed the court papers with the court. The other party's signature on the ***"Acceptance of Service"*** does **not** mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Do **not** give the original ***"Summons"*** to the other party. You must return the original ***"Summons"*** to the Clerk at the filing counter. Service is complete at the time the other party signs the ***"Acceptance of Service."*** If you choose this method of service, use the ***"Acceptance of Service"*** forms.

**WARNING:** Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

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**B.** **Service by Registered Process Server**. This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under **"PROCESS SERVER"** in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the ***"Service by Process Server"*** form.

**C.** **Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Self-Service Center and is only for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation requires you to use this method of service.

Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the ***"Service by Sheriff"*** form.

**D.** **Service of Family Court Papers.** For information specific to serving Family Court papers, see "How to Serve Family Court Papers by Mail or Other Delivery Service with Signature Confirmation" contained in this packet.

**E.** **Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

## 2. You Know Where the Other Party Lives in the United States but he/she does not live in the State of Arizona. (If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.)

**A.** **Service by Acceptance.** This method requires you to give or mail the court papers to the other party and include an ***"Acceptance of Service"*** form. The other party must sign the ***"Acceptance of Service"*** form in front of a Notary Public and return it to you. The other party cannot sign the ***"Acceptance of Service"*** until after you have filed the court papers with the court. The other party's signature on the ***"Acceptance of Service"*** does **not** mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

**Do not give the original *"Summons"* to the other party.** You must return the original ***"Summons"*** to the Clerk at the filing counter. Service is complete at the time the other party signs the ***"Acceptance of Service."*** If you choose this method of service, use the

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***"Acceptance of Service"*** forms. **WARNING: Do not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children.
If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

**B.** **Service by Certified Mail.** Use this method of service **only** if the other party lives outside the State of Arizona and you know the address, ***or*** you are serving papers for a *Family Court* case (If so, see "How to Serve Family Court Papers by Mail or Other Delivery Service with Signature Confirmation" contained in this packet). This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called Certified Mail, Restricted Delivery by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the person being served is known to be located outside the State of Arizona, (2) that the court papers were sent to the other party, (3) that the papers were received by the other party, as evidenced by the green card, a copy of which you attach to the affidavit; and (4) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

**C.** **Service by Registered Process Server**. This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under **"PROCESS SERVER"** in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the "***Service by Process Server"*** form.

**D.** **Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses, is available at the Self-Service Center and is only for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation requires you to use this method of service.

Service is complete at the time the sheriff or deputy hands the other party the court papers. If you choose this method of service, use the ***"Service by Sheriff"*** form.

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**E. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

## 3. You Cannot Find the Other Party.

**A. Service by Publication. You may use this method only if you do not know where the other party lives, or cannot find the other party**. Service by publication is your "last resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Service by Publication can be expensive and may delay your court case.

**WARNING: YOU GENERALLY WILL NOT BE ABLE TO ESTABLISH OR CHANGE CHILD SUPPORT OR SPOUSAL MAINTENANCE (alimony) WITH SERVICE BY PUBLICATION!**

This method requires that information from the ***"Summons"*** be published in a newspaper in Graham County once a week for four weeks in a row if the other party's last known address was in Graham County or the other party's last known address was **not** in Arizona. If the other party's last known address was in Arizona, but **not** in Graham County, a copy of the summons must be published in a newspaper in Graham County, and the county in which the other party's last known address is. To use this method, you must fill out several forms including the ***"Declaration Supporting Publication"*** explaining to the court what you have done to try to find the other party. Service is complete thirty **(30)** days after the date of the first publication.

## TIPS FOR FINDING THE OTHER PARTY:

**A. Before the Court will accept Service by Publication, you must have made *every reasonable effort* to find the other party** (or parties) **and to give *actual* notice of this case by personal service of the required documents.** You will be required to state, under penalty of perjury, the steps you have taken to try to locate the other parties and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken. Examples of steps you MUST take: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, employer, co-workers former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

**B.** The Court requires you to file an ***"Affidavit Supporting Publication"*** a statement affirming or swearing under oath that you have done everything possible to try to find the other party.

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## WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.

- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written response with the court, you CANNOT GO BY DEFAULT.

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### DEFAULT TIMETABLE

| SERVICE BY | COUNT | EVENT |
|---|---|---|
| ***"Acceptance of Service"*** (in Arizona) | 20 days | after other party signs ***"Acceptance of Service***" |
| Process Server (in Arizona) | 20 days | after other party receives papers from process server |
| Sheriff (in Arizona) | 20 days | after other party receives papers from sheriff |
| ***"Acceptance of Service"*** (out of State) | 30 days | after other party signs ***"Acceptance of Service"*** |
| Registered mail (out of State) | 30 days | after other party signs green card |
| Process Server (out of State) | 30 days | after other party receives papers from process server |
| Sheriff (out of State) | 30 days | after other party receives papers from sheriff |
| Publication | 60 days | after the 1st day of publication |

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# HOW TO SERVE THE OTHER PARTY USING *"ACCEPTANCE OF SERVICE"* METHOD AFTER YOU HAVE FILED YOUR COURT PAPERS

## STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE OF THE COURT PAPERS AFTER YOU HAVE FILED THE COURT PAPERS.

- You can ask the other party to accept service by talking to him/her, calling him/her, or sending him/her the letter which is in this packet.
- **WARNING:** Do **not** do this if you are the victim of domestic violence or believe the other party will hurt you, take your money, or take your children. If you have questions about whether you should use this method, you should see a lawyer for help.
- The other party **cannot** sign the ***"Acceptance of Service"*** until **after** you have filed the court papers.

## STEP 2: IF THE OTHER PARTY AGREES TO ACCEPT SERVICE, YOU HAVE 3 OPTIONS:

**A. GO**: You and the other party can go to the filing counter at the courthouse where you filed the court papers. Bring the original ***"Acceptance of Service,"*** plus two copies (one for you and one for the other party). The other party must now sign the original ***"Acceptance of Service"*** in front of the Clerk at the filing counter. The Clerk will notarize the other person's signature for FREE. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the ***"Acceptance of Service."***

**OR**

**B. MEET:** Arrange with the other party, a place and time to meet before a Notary Public. Bring the original ***"Acceptance of Service"*** plus two copies (one for you and one for the other party). You should also bring the court papers with you in case the other party or the Notary Public want to see the court papers. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the ***"Acceptance of Service."*** There is usually a small cost to use a Notary Public.

**OR**

**C. MAIL:** Mail a copy of the court papers to the other party with the original ***"Acceptance of Service."*** Ask the other party to sign the ***"Acceptance of Service"*** and tell the other party **why** you have asked him or her to sign the "***Acceptance of Service."*** You may use the form letter in this packet to tell the other party why you have asked him or her to sign the "***Acceptance of Service."***

**AND**

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**D: SIGN**: The other party must sign the Original ***"Acceptance of Service"*** and write in the date he/ she signed the ***"Acceptance of Service."*** The other party must sign the Original ***"Acceptance of Service"*** in front of a Notary Public. The other party must have a valid picture I.D. with him/her for the Notary Public to sign the ***"Acceptance of Service."*** There is usually a small cost to use a Notary Public. The other party should then send you the signed and notarized Original ***"Acceptance of Service."*** You should write the date the other party signed the ***"Acceptance of Service"*** on your copy.

**NOTE:** If the other party does not send back the ***"Acceptance of Service,"*** ask him/her again to send it back. If other party still does not send it back, then you have to serve the other party by one of the other service methods.

## STEP 3: FILE THE SIGNED AND NOTARIZED *"ACCEPTANCE OF SERVICE"* AT THE COURT:

- **GO** to the Clerk at the court where you filed the court papers and file the original ***"Acceptance of Service"*** signed by the other party and notarized.
- **GIVE** the Clerk the ORIGINALS:
  1. ***"SUMMONS,"*** if you had one
  2. ***"ACCEPTANCE OF SERVICE"*** signed by the other party in front of a notary public

## STEP 4: COUNT: Count the days from the date the other party signed the ***"Acceptance of Service."*** If the other party received the ***"Acceptance of Service"*** in the State of Arizona and does not file a Response or Answer within **20** days from the date he or she signed the ***"Acceptance of Service,"*** or if the other party received the ***"Acceptance of Service"*** *outside* the State of Arizona and does not file a Response or Answer within 30 days from the date he or she signed the ***"Acceptance of Service,"*** see Packet #3 regarding Default.

**DO NOT BRING CHILDREN TO COURT.**

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_____
(YOUR NAME)

_____
(ADDRESS)

_____
(CITY/STATE/ZIP)

_____
(TELEPHONE NUMBER)

_____
(DATE)

_____
(OTHER PARTY'S NAME)

_____
(ADDRESS)

_____
(CITY/STATE/ZIP)

**Re: Acceptance of Court Papers**

Dear _____
(Other Party's Name)

I have filed court papers for (state title of petition or complaint here)_____.

Enclosed is a copy of the following court papers for you: (list the names of all of the court papers here)

1._____
2._____
3._____
4._____
5._____
6._____
7._____
8._____

I have also enclosed an ***"Acceptance of Service"*** form. Sign this form in front of a Notary Public and return it to me in the self-addressed stamped envelope. This does *not* affect your right to object to or to disagree with the request that has been filed. If you choose to not sign the ***"Acceptance,"*** **you may be charged for any extra costs required to serve the papers by other means** (Arizona Rules of Civil Procedure 4.1(c)). Signing the ***"Acceptance"*** will save *you* the cost of hiring a process server or the sheriff to serve the papers.

If you choose to sign the ***"Acceptance of Service,"*** you still have the right to disagree with the request I have filed. If you sign the **"Acceptance of Service,"** and you want to file a written Response or Answer with the court, you must file your Response or Answer within **20** days of signing the ***"Acceptance of Service"*** if you sign in the State of Arizona, or within **30** days of signing if you sign outside the State of Arizona, (If you received a Paternity Complaint, you can give a verbal response in front of the judge.)

Sincerely,

_____
(YOUR SIGNATURE)
Enclosures

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**Person Filing:** _____
**Address (if not protected):**_____
**City, State, Zip Code:**_____
**Telephone:**_____
**Email Address:**_____
**Lawyer's Bar Number:**_____
**Representing** ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

For Clerk's Use Only

# SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____
Name of Petitioner/Plaintiff

**Case No**: _____

_____
Name of Respondent/Defendant

## FAMILY COURT
## ACCEPTANCE OF SERVICE
A.R.F.L.P. Rule 40

Check the box to indicate each document you received. Do **not** check the box unless you received the document listed beside it. If your case is not one of the types listed, list the type of case and the documents you received from the other party under "Other Type Case" on the next page.

**1. BY SIGNING THIS DOCUMENT, I STATE UNDER OATH OR AFFIRMATION THAT I HAVE RECEIVED AND ACCEPTED THE LEGAL PAPERS INDICATED** (CHECKED) **BELOW:**

**DIVORCE** (OR ANNULMENT) **WITH CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Notice to Creditors
- ☐ Affidavit Regarding Minor Children

**LEGAL SEPARATION WITH CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Notice to Creditors
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Affidavit Regarding Minor Children

**DIVORCE** (OR ANNULMENT) **WITHOUT CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Notice to Creditors

**LEGAL SEPARATION WITHOUT CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Notice to Creditors

**PATERNITY** (to establish)
- ☐ Petition
- ☐ Summons
- ☐ Parent Info. Program Notice

**Temporary Orders**
- ☐ Motion for Temporary Order
- ☐ Order to Appear
- ☐ Family Court Dept. Notices about:
- ☐ Returns/Conferences
- ☐ Temporary Orders
- ☐ Affidavit of Financial Info. *(if for spousal maintenance)*
- ☐ Parents Worksheet for Child Support *(if for child support)*
- ☐ Parenting Plan *(if for legal decision making (custody)/parenting time)*

**LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, SUPPORT** (to establish when paternity already *legally* established)
☐ Petition ☐ Summons ☐ Parent Info. Program Notice

**CHILD SUPPORT** (to establish when paternity already *legally* established)
☐ Petition ☐ Order to Appear ☐ Parents Worksheet for Child Support

**ENFORCEMENT**
☐ Petition ☐ Order to Appear

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**ACS**

Case No. _____

**MODIFY CHILD SUPPORT 15% OR MORE**
("Simplified Mod")
☐ Petition to Modify
☐ Parents Worksheet for Child Support

**MODIFY SPOUSAL MAINTENANCE *OR* SPOUSAL *AND* CHILD SUPPORT** ("Standard Mod")
☐ Petition to Modify Support Order
☐ Order to Appear
☐ Affidavit of Financial Information

**MODIFY CHILD SUPPORT** ("Standard Mod")
☐ Petition to Modify Child Support – Std. Process
☐ Affidavit of Financial Information
☐ Order to Appear

**MODIFY LEGAL DECISION MAKING AUTHORITY (CUSTODY) &/OR PARENTING TIME** (Visitation) **AND SUPPORT**
☐ Petition to Modify
☐ Parents' Worksheet for Child Support
☐ Notice of Filing for Modification of Legal Decision Making Authority (Custody)
☐ Affidavit Regarding Minor Children *(only if children not lived in Maricopa Co. whole time since last legal decision making authority (custody) order)*

**STOP INCOME WITHHOLDING ORDER**
☐ Petition to Stop Income Withholding Order

**MODIFY**(Change) **INCOME WITHHOLDING ORDER**
☐ Petition to Modify Income Withholding Order

**LIST OTHER TYPE CASE HERE:** (Example: "Annulment") _____
(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

_____ _____ _____
_____ _____ _____
_____ _____ _____
_____ _____ _____

**2. ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process by a process server or sheriff. I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.F.L.P. Rule 40 (F)]

**3. RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition. I understand I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or **30** days if I received the papers somewhere other than in Arizona.

**4. DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Answer could result in the court giving the other party any and all things requested in his or her legal papers, through a Default Judgment, Order or Decree.

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**ACS**

Case No. _____

## 5. RESTORE NAME (ONLY in Divorce Cases).

**My complete married name is:** (Optional. Complete ONLY if you want to change your name)

_____

**I want my legal name restored to:** (List complete maiden name or legal name before this marriage)

_____

**BY SIGNING BELOW, I swear or affirm that I have read and understand the contents of this document and that I have received and accepted the legal documents indicated above.**

_____ Date

_____ Signature

Affirmed before me this: _____ (Date) by _____ Printed Name of Person Who Signed

My Commission Expires or Seal (below) _____

_____ Deputy Clerk or Notary Public

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# PROCEDURES: HOW TO SERVE FAMILY COURT PAPERS BY MAIL *OR OTHER* DELIVERY SERVICE WITH SIGNATURE CONFIRMATION

**USE THIS PROCEDURE ONLY after filing your *family court* papers.**

**As of January 1, 2006, you may now serve family court papers in-state or out of state (within the U. S.) by certain forms of U.S. Mail *or* by a nationwide delivery service such as FedEx, that provides confirmation of delivery by either a signed paper receipt or by electronic means such as by a printout from the internet, by fax, or by email *so long as it includes a copy of the signature itself*.**

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**Note:**

- **You must obtain a *signature* confirming delivery*;***
- **It can ONLY be the SIGNATURE OF THE OTHER PARTY (and no one else);**
- **You must submit a copy of the signature to the Court attached to the *"Affidavit of Service with Signature Confirmation"*,**
- **You can generally obtain a copy of the signature within a few *hours* of delivery from the delivering company's web site, or**
  - **by a toll-fee phone call to have a copy of the signature sent to your fax machine, or**
  - **if using U.S. Mail with "Signature Confirmation", you may also use the same toll-free number to request a printed copy of the signature be *mailed* to you, which should reach any U. S. destination within three to five business days.**

## STEP 1:

**STEP 1: GO TO THE POST OFFICE** or any other business that sends mail. Tell the clerk that you need signed confirmation of delivery and that you will need a copy of the signature on the confirmation receipt. Because only the signature of the other party can satisfy the requirements of the Court, you should also request "Restricted Delivery" which means no one except the named addressee (the other party) is allowed to sign for receipt of the documents. Not all businesses that send mail can provide "Restricted Delivery." Please discuss the process fully with whichever business you select to ensure you understand what to expect and whether "Restricted Delivery" is possible.

## STEP 2:

**GET COPY OF OTHER PARTY'S SIGNATURE.** If using Certified Mail, wait for the green receipt card to be returned with the other party's signature. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the third page of the affidavit. If using some other form of delivery with signature confirmation from the Postal Service or FedEx, etc., you may go to the company's web site to confirm delivery and get a copy of the signature of the party as described in the "Note" above Step 1. Tape that copy of the signature to the third page, as well as the cash register receipt or other proof of mailing.

## STEP 3:

**PAPERS FOR THE COURT**

- **COMPLETE:** The ***"Affidavit of Service with Signature Confirmation."*** Fill in *ALL* information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.

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- **ATTACH:** You must attach a copy of the other party's signature confirming receipt of the court documents to the 3rd page of the Affidavit. If using Certified Mail, copy both sides of the green return receipt card and attach either the original or the photocopy to prove how and when you served the other party.

- **COPY:** Make yourself a copy of the entire ***"Affidavit of Service by Signature Confirmation"*** including the third page with the return receipt card *or copy of other document* showing the signature of the other party acknowledging receipt of the documents *for your records*.

**STEP 4:** **FILE PAPERS WITH THE COURT.** File the Original ***"Affidavit of Service by Signature Confirmation"*** with the green return receipt or other form of confirmation bearing the signature of the other party with the Clerk of the Court at any of these Superior Court locations:

**Graham County Clerk of the Court**
**800 W. Main Street**
**Safford, Az 85546**

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**STEP 5:** **COUNT.** Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. When counting the days, start counting with the day **after** the other party signed the receipt.

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**Person Filing:**_____
**Address (if not protected):**_____
**City, State, Zip Code:**_____
**Telephone:**_____
**Email Address:**_____
**Lawyer's Bar Number:**_____
**Representing** ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

# SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____
Petitioner

_____
Respondent

Case Number _____

## AFFIDAVIT OF SERVICE WITH SIGNATURE CONFIRMATION

**For Family Court Cases**

Arizona Rules of Family Law Procedure 41 & 42

**YOU MUST ATTACH A COPY OF A SIGNED RETURN RECEIPT FOR DELIVERED MAIL *and* A COPY OF THE RECEIPT THAT SHOWS TO WHOM AND WHERE THE DOCUMENTS WERE SENT.**

**I sent the family court legal documents checked or listed below to the other party in the manner indicated. The documents were signed for BY THE OTHER PARTY *ONLY* AND NO ONE ELSE. A copy of the OTHER PARTY'S SIGNATURE acknowledging receipt of delivery is attached to page 3.**

**Mailed to (Name):** _____
**Address:** _____
**City, State, Zip:** _____

**Date documents sent:** (Month/Day/Year) _____

**Date documents delivered:** (Month/Day/Year) _____

Mark the box beside each document you sent to the other party. You must send each and every document listed under your type of court case unless indicated otherwise.

**DIVORCE** (OR ANNULMENT) **WITH CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Notice to Creditors
- ☐ Affidavit Regarding Minor Children

**DIVORCE** (OR ANNULMENT) **WITHOUT CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Health Insurance Notice
- ☐ Notice to Creditors

**PATERNITY** (to establish)
- ☐ Petition
- ☐ Summons
- ☐ Parent Info. Program Notice

**TEMPORARY ORDERS**
- ☐ Motion for Temporary Order
- ☐ Order to Appear

Family Court Dept. Notices about:
- ☐ Returns/Conferences
- ☐ Temporary Orders

- ☐ Affidavit of Financial Info. *(if for spousal maintenance)*
- ☐ Parents Worksheet for Child Support *(if for child support)*
- ☐ Parenting Plan *(if for legal decision making (custody)/parenting time)*

**LEGAL SEPARATION WITH CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Notice to Creditors
- ☐ Health Insurance Notice
- ☐ Parent Info. Program Notice
- ☐ Affidavit Regarding Minor Children

**LEGAL SEPARATION WITHOUT CHILDREN**
- ☐ Petition
- ☐ Summons
- ☐ Preliminary Injunction
- ☐ Notice to Creditors

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Case No. _____

**CHILD LEGAL DECISION MAKING (CUSTODY), PARENTING TIME, SUPPORT** (to establish when paternity already *legally* established)

☐ Petition ☐ Summons ☐ Parent Info. Program Notice

**CHILD SUPPORT** (to establish when paternity already *legally* established)

☐ Petition ☐ Order to Appear ☐ Parents Worksheet for Child Support

**MODIFY CHILD SUPPORT 15% OR MORE** ("Simplified Mod")

☐ Petition to Modify
☐ Parents Worksheet for Child Support

**MODIFY CHILD SUPPORT** ("Standard Mod")

☐ Petition to Modify Child Support – Std. Process
☐ Affidavit of Financial Information
☐ Order to Appear

**STOP INCOME WITHHOLDING ORDER**

☐ Petition to Stop Income Withholding Order

**MODIFY SPOUSAL MAINTENANCE *OR* SPOUSAL *AND* CHILD SUPPORT** ("Standard Mod")

☐ Petition to Modify Support Order
☐ Affidavit of Financial Information
☐ Order to Appear

**MODIFY LEGAL DECISION-MAKING AUTHORITY &/OR PARENTING TIME AND SUPPORT**

☐ Petition to Modify
☐ Notice of Filing for Modification of Legal Decision-Making Authority (Custody)
☐ Parents Worksheet for Child Support
☐ Affidavit Regarding Minor Children *(only if children have not lived in Maricopa Co. whole time since last legal decision-making authority (custody) order)*

**MODIFY** (Change) **INCOME WITHHOLDING ORDER**

☐ Petition to Modify Income Withholding Order

**OTHER TYPE CASE** (List Type)**:** (Example: "Annulment") _____ (Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

_____ _____ _____
_____ _____ _____
_____ _____ _____
_____ _____ _____

**How I sent the documents:**

☐ U.S. Mail (Express or Priority Mail with Signature Confirmation, or Certified Mail. **Copy of OTHER PARTY'S SIGNATURE of Receipt is attached.**

☐ Commercial Delivery Service (FEDEX, etc.) **Copy of OTHER PARTY'S SIGNATURE of Receipt is attached.**

**OATH OR AFFIRMATION:** By signing below, I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

_____ _____
Signature of Person Sending Documents Date

Signed and Sworn to or Affirmed before me this date: _____

(Seal/My Commission Expires) _____ _____
Deputy Clerk or Notary Public

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Case No. _____

**Attach a copy/printout of the other party's signature acknowledging receipt of the court papers here. If using Certified Mail, tape the green signed return receipt card to this page with the signature side visible.**

- **Note that the *only* acceptable signature is that of the OTHER PARTY.**
- **You may specify "restricted delivery" so that no other person is permitted to sign,**
- **Some delivery services *do not offer* restricted delivery.**

**Attach a copy of the cash register receipt/mailing invoice from the Postal Service or company paid to make delivery *or* a copy of the package label that shows to whom and where the documents were sent.**

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**SELF-SERVICE CENTER**

# HOW TO SERVE COURT PAPERS BY REGISTERED PROCESS SERVER

**STEP 1: FIND.** You must hire and pay a Registered Process Server yourself. You may locate process servers in the commercial section of the phone book under **"PROCESS SERVER",** or online by using the search term "Arizona process servers" or similar, or at the web site of the Arizona Process Server's Association.

**Notice:** There is a filing fee for all Petitions or Complaints, and Responses or Answers, and there are Service Fees. You may request a Waiver or Deferral of the filing fees (and the Sheriff's Service Fees, if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.

- **May offer greater flexibility in serving papers "after-hours" or on short notice.**
- **Are paid directly by you, not through the court.**
- **Fees may not be deferred or waived by the court.**

**STEP 2: GO.** Go to the Registered Process Server's office. **TAKE** with you the following things**:**

- Copy of ***"Summons"*** (if your case has a summons)
- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

**STEP 3: WAIT.** The Process Server will mail you a copy of the ***"Affidavit of Service"*** after he/she serves the other party with the papers. **IMPORTANT: If the Process Server does not file an *"Affidavit of Service"* with the Clerk of the Court, you must get the *"Affidavit of Service"* from the Process Server and file it.**

**STEP 4: COUNT.** Look at the ***"Affidavit of Service"*** to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

**DO NOT BRING CHILDREN TO COURT.**

Do not copy or file this page

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**Person Filing:** _____
**Address (if not protected):**_____
**City, State, Zip Code:**_____
**Telephone:**_____
**Email Address:**_____
**Lawyer's Bar Number:**_____
**Representing** ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

# SUPERIOR COURT OF ARIZONA
# IN GRAHAM COUNTY

_____
Name of Petitioner/Plaintiff

_____
Name of Respondent/Defendant

**Case Number:**_____

## DECLARATION SUPPORTING OUT-OF-STATE SERVICE

**A.R.C.P. 4.2(b); A.R.F.L.P. 42 (B)**
(Required to be filed prior to any default)

**As required by Arizona Rules of Civil Procedure, Rule 4.2(b), or Arizona Rules of Family Law Procedures, Rule 42(B), I am filing this *Declaration* to inform the Court why service was made by a person authorized to serve process under the law of the state where such service was made.**

1. Reason for service by process outside the State of Arizona:

   ☐ The other party resides or works outside the State of Arizona.

   ☐ Other Reason**:**_____

2. I have attached the Affidavit of the person who served the papers upon the other party, including a statement of the date, time, and circumstances of delivery.

3. The Affidavit indicates the person who served the papers is:

   ☐ A licensed or registered process server in the state where the papers were served.

   ☐ Sheriff, Deputy Sheriff, or other law enforcement

   ☐ Other Person authorized to serve process under the laws of the State where service is made, namely: _____

4. By signing this document, I state to the Court under penalty of perjury that its contents are true and correct to the best of my knowledge and belief.

_____
Date

_____
Signature

_____
Printed Name

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**Person Filing:**_____
**Address (if not protected):**_____
**City, State, Zip Code:**_____
**Telephone:**_____
**Email Address:**_____
**Lawyer's Bar Number:**_____
**Representing** ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

# SUPERIOR COURT OF ARIZONA
# IN GRAHAM COUNTY

**In the Matter of:**

**Case Number:** _____

_____
Name of Petitioner/Plaintiff

## DECLARATION SUPPORTING PUBLICATION
**A.R.C.P. 4.1, 4.2, A.R.F.L.P. 41, 42**

_____
Name of Respondent/Defendant

**UNDER PENALTY OF PERJURY I make this declaration to inform the Court why service by publication was necessary, and to show how service by publication was done.**

**1. SERVICE BY PUBLICATION is the best way to notify the other party of this court case because the other party is:**

☐ **Avoiding service of process, or**

☐ **The residence and location of the persons to whom notice was given by publication is unknown to me. I have made <u>every</u> <u>reasonable</u> <u>effort</u> to find those persons but despite a diligent search have been unable to find an address or location and to have the court papers personally served.**

**Note: If the Court is *not satisfied* that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.**)

**2. I TOOK THE FOLLOWING ACTIONS *BEFORE* RESORTING TO PUBLICATION:**

☐ **I mailed, postage prepaid, a copy of the following legal documents to the *last known* address of the person(s) entitled to notice on or before the first date of publication:***
(List title of each document *and the address mailed to* below.)

_____ _____
_____ _____
_____ _____

| **Name & Address Mailed to:** | |
|---|---|
| | |

(continues)

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Case No._____

**OR**

☐ **I do not know and have <u>never</u> known of ANY address for the other party.**
**He or she never lived at my address, and I have <u>not</u> mailed copies of the court papers.***

> ***** **IF the person entitled to Notice put in a mail forwarding order, mailing to the last known address** (even if this is *your* address and you *know* the person is no longer there) **should result in delivery of the court papers.**
>
> **IF the person entitled to Notice did NOT put in a mail forwarding order,** and the mail is returned to you as "**Undeliverable**", this may be helpful in demonstrating your good faith, reasonable efforts to have notice delivered.

☐ **I also sent scanned copies of the documents to the other party's email address at:**
(address)_____ **on** (date): _____ *

**I took the following actions to try to locate the other party:** (Check all that apply. Supply details.)

☐ **Checked the jail in Graham County and/or:** _____

☐ **Checked state prisons** (Dept. of Corrections) **in Arizona and/or:**_____

☐ **Checked phone directories** ☐ **Checked court records at:**_____

☐ **Contacted Post Office for forwarding address information.**

☐ **Checked obituaries at:** (List where) _____

☐ **Searched the Internet* at:** (Check all that apply. List others.) ☐ **Facebook** ☐ **MySpace**
☐ **Windows Live** (Live.com) ☐ **LinkedIn.com** ☐ **Spokeo.com** ☐ **Friendster.com**
☐ **Other Internet sites** (List)**:*** _____

*** I UNDERSTAND:**

1. **I UNDERSTAND searching online and emailing <u>alone</u> are <u>not</u> enough to justify service by publication;**
2. **I UNDERSTAND If these are the only efforts i made to locate and actually serve notice, the court will <u>not</u> approve service by publication, and:**
   a. **My case <u>will</u> be delayed,**
   b. **Could be dismissed, and**
   c. **I may have to take additional steps at my own expense, including having to publish notice again;**
3. **I UNDERSTAND that if my case is dismissed for failure to properly serve notice within the time limits set by law:**
   a. **I will <u>not</u> get a refund of any fees paid,**
   b. **I may have to start over, fill out all forms, and file the forms again, and**
   c. **I may have to pay all fees, including filing fees and cost of publication *again*.**

***SIGN BELOW to indicate you have read and understand the above.***

_____
(Your Signature)

_____
(Your Printed Name)

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Case No. _____

**I contacted the persons listed below to try to get information about the location of the other party:**

- **Name:** _____

  **Last Known Address:** _____

  **How I contacted this person:** _____

  **Relationship to Other Party:** _____
  Examples: friend, ex-wife, parent, brother, roommate, co-worker, employer)

- **Name:** _____

  **Last Known Address:** _____

  **How I contacted this person:** _____

  **Relationship to Other Party:** _____

- **Name:** _____

  **Last Known Address:** _____

  **How I contacted this person:** _____

  **Relationship to Other Party:** _____

- **Name:** _____

  **Last Known Address:** _____

  **How I contacted this person:** _____

  **Relationship to Other Party:** _____

- **Name:** _____

  **Last Known Address:** _____

  **How I contacted this person:** _____

  **Relationship to Other Party:** _____

**3. MILITARY STATUS OF OTHER PARTY:**

☐ **To the best of my knowledge, information, and belief, the other party is <u>not</u> in the military service of the United States.**

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Case No. _____

**4.** **PUBLICATION INFORMATION: The following documents were published in a newspaper in the county where my case is pending.** (List title/name of each document. Example: Petition, Summons)

| | | |
|---|---|---|
| | | |
| | | |

**The documents above were published on the following dates:**

**A.** _____ Month/Date/Year **B.** _____ Month/Date/Year **C.** _____ Month/Date/Year **D.** _____ Month/Date/Year

**AND/OR**

**The documents above were published in a newspaper in the Arizona county of the other party's last known address, _____ County, or if no newspaper is published in that county, in adjoining _____ County, and neither is the county in which my case is pending.**

**The documents above were published on the following dates:**

**A.** _____ Month/Date/Year **B.** _____ Month/Date/Year **C.** _____ Month/Date/Year **D.** _____ Month/Date/Year

**5.** (REQUIRED) **A copy of the "*Affidavit of Publication*" and the actual Notice that was published <u>is attached</u>.** (The newspaper will send this to you after the last Notice has been published.)

## UNDER PENALTY OF PERJURY

**By signing below, I declare to the Court that I read, understood, and completed this document, and the information I have provided is true and correct under penalty of perjury.**

_____ Date

_____ Signature

_____ Printed Name

(Attach the **AFFIDAVIT OF PUBLICATION** supplied by the newspaper that published Notice.)

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