



Northwest Justice Project

# Service by Certified Mail or Publication

Instructions and Forms  
March 2009

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## Section 1: Introduction and Important Information

### A. Can I use this packet?

Use this packet when you've filed certain kinds of family court cases and have diligently tried to locate another party to have the summons and petition in your case personally delivered to him/her (called "personal service"), but haven't been able to find him/her for personal service or "abode" service<sup>1</sup>.

◆ **Note on reading this packet:** You'll see footnotes in this packet. Footnotes will tell you the law or court case that supports the statement that comes before the footnote, or will give you special tips, links to relevant websites, or other additional information. Use the legal references in the footnotes to look up the law at your local law library, or to tell the court when you're trying to make a legal argument. CR is the Civil Rules of Washington. GR stands for General Rules. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Custody of Child*. The references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

The kinds of family law cases covered in this packet are:

- dissolutions (divorces) of marriage, nonparental custody cases **where the child/ren in the petition are living with the petitioner**, parentage cases (paternity) to establish parentage.
- petitions to modify or adjust a parenting plan/residential schedule
- petitions to establish a parenting plan or residential schedule where paternity has already been established.
- **Warning: The court can't decide that a person is the parent of a child unless the court has personal jurisdiction over that person.**<sup>2</sup> **Service by mail or publication may not give the court personal jurisdiction.**<sup>3</sup>

This packet contains forms and instructions for requesting service by mail or publication. It gives information about how to complete service by mail or publication on the opposing party<sup>4</sup> if the court gives you permission.

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<sup>1</sup> If the other party isn't home, your process server may do "abode service" at the home. The server may give the papers at the other party's home to any adult (who's not mentally disabled) who lives in that home with the other party. If your server does this, your server should ask that person for his/her name and age, whether s/he lives at that address, and whether the other party also lives at that address. Your server should write this information on the Return of Service form.

<sup>2</sup> See [RCW 26.26.515](#).

<sup>3</sup> The failure to have personal jurisdiction over an alleged father doesn't deprive the court of jurisdiction to decide some or all the issues in the case based upon the parties and evidence before the court. [RCW 26.26.515\(3\)](#).

## **B. When shouldn't I use this packet?**

- Don't use this packet if you've already served the summons and petition on the opposing party, and you're giving him/her more documents during the case.
- Don't use this packet if your case isn't listed above.
- Don't use this packet if you're filing a nonparental custody case where the child doesn't live with you.
- Don't use this packet if you're filing a Petition for Modification of Child Support and you plan to serve the opposing party by mail. See the packet [\*Filing a Petition to Modify Your Child Support Court Order\*](#).
- Don't use this packet if:
  1. you can find the opposing party inside the State of Washington<sup>5</sup> to have him/her served personally (or by abode service), or
  2. you haven't yet tried to locate him/her.

Service by mail or publication is complicated and technical. It's only allowed in special circumstances.

It usually gives the court only limited authority over the other party. Examples: you may not be able to have property and debts divided, or get a restraining order, or get an award of child support.

Also, if a court later decides that the service by mail or publication was improper (example: because the court doesn't believe you tried hard enough to locate the opposing party), all your court orders can be cancelled, even years in the future.

## **C. When can I serve the other party by mail or publication?**

To serve by mail or publication, you must ask for a court order allowing service by one of these methods. When you ask the court for such an order, you must prove to the court that you've tried very hard to serve the opposing party in person or by abode service, but didn't succeed. This is called "due diligence." The court may give you permission to serve the other party by certified mail or publication if you can show:

- that the other party deliberately hid from you and/or a professional process server or sheriff, or
- that the other party has moved from the last known address and has no forwarding address, and
- that you don't know where s/he works, and

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<sup>4</sup> In this packet, we'll call the person who's filing the case the "petitioner" or the "requesting party." We'll call the party you're trying to serve the "opposing party," whether technically s/he's the respondent, the nonrequesting party or, in modification cases (because of the original case caption), the petitioner.

<sup>5</sup> If you locate the party outside the state of Washington, see the next text box.

- that you truly have no idea where the other party is and have no way to find out; or
- you know where the other party is, s/he lives outside the State of Washington but you can't afford to personally serve that person because you're low income. (**However, we don't recommend using service by mail or publication if you have an address for an opposing party who lives outside the state of Washington. See the text box below.**)

- ◆ The law may allow you to serve an opposing party who lives outside the state of Washington by mail, instead of personal service, if you're very low income. However, we don't recommend that you do this. It will only give the court limited authority, and there is a chance your papers will be challenged, even years later, for the lack of personal service. **Have the opposing party personally served in all cases where possible.**
- ◆ Consider having an opposing party who doesn't live in Washington served by mail only if there is no way that you can arrange to have the opposing party personally served. If you must serve by mail, try to take your Petition to a lawyer to ask how service by mail will affect your ability to get what you've asked for in the petition.

Before using this packet, you must make an honest and reasonable search to try to locate the opposing party for personal service. **Follow up on any information you receive that may help in locating the opposing party for personal service.**<sup>6</sup>

If you don't know anyone who can serve the other party, or you're having trouble finding the opposing party, hire a "process server" (a professional who serves legal papers) to try to locate the opposing party for personal service. If the process server doesn't find the opposing party, ask him/her to fill out a Return of Service form showing all the efforts s/he made to locate him/her. Look under "process servers" or "messenger services" in the yellow pages.

**D. If you can't personally serve the opposing party, and can't accomplish abode service, try to serve by mail rather than by publication**

It's very expensive to serve an opposing party by publication. Try first to get an order from the court to serve by certified mail, if you have any mailing address (even a close relative's address) that could be used to serve the opposing party. Ask the court to allow you to serve by publication only if you can't get an order to serve by mail. (If you don't understand legal words or phrases, use the "Words You May Need to Know" section in the filing packet you're using.)

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<sup>6</sup> Pascua v. Heil, 126 Wn. App 520, 529 (2005)

**E. Before filing your motion, you must search for the opposing party (show due diligence)**

Here are **some** of the kinds of things to try to do before asking court permission to serve by mail or publication. When you try each of these things (and any other steps you think of that may lead to an address for the opposing party), write down the date you took the action, exactly what you did, what you learned, and the results of your effort. The end of this packet contains a blank worksheet for your notes. The table at the end of this paragraph gives an example of a partially completed worksheet. You can then later write this information in the Declaration form if you couldn't locate the opposing party for personal service.

| <b>Date</b> | <b>What I Did</b>  | <b>What I Learned</b>                  | <b>Result</b>               |
|-------------|--|--|-----------------------------|
| 1/14/09     | Called the last phone number I have for opposing party: (509) 555-1818 | Disconnected, no forwarding number     | No phone number, no contact |
| 1/15/09     | Called opposing party's Mother, Alma Madre                             | Mrs. Madre hasn't seen him for 3 years | Didn't get address          |
| 1/16/09     | Did a "people search" of opposing party's name in Seattle, WA on Yahoo | No one by his name was listed          | No address                  |

Here are some steps to make and write into your worksheet and your declaration:

- Try to have your process server complete personal service on this opposing party wherever s/he can be found or abode service at his/her home. (See the instructions for serving the opposing party in the Filing packet you're using.)
- Try calling possible telephone numbers for the opposing party to try to locate him/her.
- Ask the US Postal Service for a forwarding address from the last known address you have. Do this **ONLY** for the purpose of serving legal papers. A forwarding address isn't available where the opposing party has certain restraining orders or Domestic Violence Orders for Protection. Information about the post office procedure is at: [http://www.usps.com/cpim/ftp/hand/as353/353c5\\_002.html#vnameref\\_1](http://www.usps.com/cpim/ftp/hand/as353/353c5_002.html#vnameref_1)
- Look in the white pages of the phone book for all cities where s/he might live.
- Call every friend, roommate, or family member of the opposing party that you know about to ask about an address.
- If the opposing party pays child support through DCS, and part of your petition includes a request to change child support, or your parenting plan/custody order, do a DCS address release request. The DCS Child Support Resource Center webpage, at <http://www1.dshs.wa.gov/dcs/disclosure2.shtml> has instructions, or see our packet

[Filing a Petition to Modify Your Child Support Court Order](#). Note: it may take 30 days or more to get the other party's address this way.

- Check sources on the internet for locating people's addresses. Example: Google.com.
- Check with present or former employers or unions or co-workers to try to get a residence address or a place of work
- Contact known third parties who could help you locate the opposing party (examples: a college, if you know that the opposing party is a student there,<sup>7</sup> or a church you know the party has attended).
- If you think the other party may own real estate, check the property records of the county where you think property is located.
- Try all other leads you have or learned about that might help locate the opposing party.

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<sup>7</sup> Charboneau Excavating, Inc. v. Turnipseed, [118 Wn. App. 358](#), 362-63, 75 P.3d 1011 (2003), review denied, [151 Wn.2d 1020](#) (2004).

## Section 2: What's in this packet?

This packet contains the forms and instructions for the following:

| <b>Form Title</b>  | <b>Form Number</b>                       |
|--|--|
| Due Diligence Worksheet  | Not a court form. For personal use only. |
| Motion and Declaration to Serve by Mail (All Cases)  | WPF DRPSCU 01.0280                       |
| Order Allowing Service by Mail (All Cases)   | WPF DRPSCU 01.0285                       |
| Summons by Mail (for Dissolution, Legal Separation, Petitions concerning the Validity of a Marriage) | WPF DRPSCU 01.0290                       |
| Motion and Declaration for Service of Summons by Publication (All Cases)                             | WPF DRPSCU 01.0260                       |
| Order for Service by Publication (All Cases)   | WPF DRPSCU 01.0265                       |
| Summons by Publication (All Cases)   | WPF DRPSCU 01.0270                       |
| Return of Service  | WPF DRPSCU 01.0250                       |
| Declaration of Witness   | WPF DRPSCU 01.0100                       |

### Section 3: What other Packets or Publications do I Need?

The following list generally describes the types of packets you may need. A complete list of publications and packets of forms and instructions is at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org). The Filing packet you'll use contains lists of packets often used for the type of case you're filing.

- ❑ **Filing (Petition) Packet** - if you're starting a case for divorce, parentage, establishment or modification of a parenting plan/residential schedule, or nonparental custody, you need the appropriate filing packet. We have separate packets for each type of case. These packets will give instructions about how to personally serve the other party.
- ❑ **Parenting Plans, Residential Schedules, and Child Support** - if you're asking the court to make or change an order about custody or visitation (and to make related child support changes), get one of these packets. We have separate packets for different types of case.
- ❑ **Temporary and Emergency Orders** – to ask the court for an order covering part or all of the time period between the time you file your case until the final orders are signed, or for a court order appointing someone to investigate the situations of all parties and make a recommendation about the children's best interests, you'll need the appropriate packet. We have separate packets for different types of case and orders.
- ❑ **[Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. Include the state as a party and serve them with papers you file.
- ❑ **[How to Subpoena Witnesses or Documents](#)** - to make sure important witnesses or documents are at trial.

## Section 4: General Instructions

◆ Read these instructions before you beginning to fill out any of the forms.

**These general instructions apply to all the forms you complete for this packet. The instructions cover all types of family law cases, so some of the information may not be used in your particular case.** A Sample form at the end of this section may help you understand these instructions better.

(The sample form is for a dissolution case. The caption may look different on your case if your case isn't a dissolution.)

**Caption.** The caption appears at the top of the first page of every form. It includes the name of the court where you're filing your case, the names of the parties (and sometimes of the children), the case number, and sometimes the type of case.

**Court:** Write in the name of the county where your case is filed in the blank space where the form reads "Superior Court of Washington County of \_\_\_\_\_."

**Names:** If you've already filed the case, look at the Petition form and copy the information (from the upper left-hand side of that form) and the case number (from the upper right side of that form) onto your blank forms.

If you're preparing the Petition at the same time that you're preparing this motion, use the instructions in the Filing packet you're using or the following guidelines:

- Dissolution of Marriage, after "In re:" write in, "the marriage of" before filling in your name as Petitioner and your spouse's name as Respondent.
- Third Party Custody, after "In re:" write in the blank space, "the custody of" and then the child/ren's names. Then write, "minor child/ren." Next, write the name(s) of the Petitioner(s) and the names of the Respondents. Respondents are the parents (even if paternity hasn't been legally established yet), guardians, custodians, and any other person with court ordered time with the children.
- Modifications of Parenting Plans/Residential Schedules, after "In re," write the name of the child/ren for whom you wish to modify custody or change the parenting plan. Then write "minor child/ren." See the packets [Filing a Petition to Modify/Adjust a Parenting Plan in a Dissolution Case](#) or [Filing a Petition to Modify/Adjust a Parenting Plan in a Parentage Case](#) for information on how to name the petitioner and respondent.
- Parentage cases (to establish parentage) (New cases only. For modifications, see above), After "In re," write in "the Parentage of." In the blank space, write the names of the child/ren for whom you want the court to determine parentage. Then write "minor child/ren." Then write your name before the word "Petitioner." In the blank lines before "Respondent," write the names of the presumed father and the alleged fathers, and of the mother (if the mother isn't the petitioner) (See "Words You May Need to Know" section in the [Filing a Petition for Establishment of Parentage](#) packet for definitions.)

- Petitions for Residential Schedule/Parenting Plan (when parentage has already been established): After “In re,” write in “the Parenting and Support of.” In the blank space, write the names of the child/ren for whom you want the court to determine a residential schedule or parenting plan. Then write “minor child/ren.” Then write your name before the word "Petitioner." In the blank lines before “Respondent,” write the name of the other parent.

**Case number.** When the petitioner first files the papers to begin the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must write that case number on every paper they file with the court and serve on the other parties during the case. Write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for “number”). When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk’s counter to stamp the case number on each paper. It does not matter if the case number is written or stamped. If you are filing a modification/adjustment case in the same court that entered the order you are asking to modify/adjust, you may use the case number on that order.

◆ You must write or stamp the case number on the first page of every copy of every paper you file with the court and on the copies you make for other parties. If you do not, your papers may be lost, or they may be returned to you. Some courts will also fine you for filing incorrect forms.

**Title.** Each form has a title. The title is on the right-hand side of the form under the case number. Sometimes the full title is pre-printed on the form, and sometimes you must add more information to complete it (for example, on a declaration, you write in the name of the person completing the declaration).

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11”) white paper and you may write on only one side of the paper. The first page of each paper that you file must have a 3 inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. You should use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

**The contents.** Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use BLACK OR DARK BLUE INK. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not write in the margins of any page or the clerk may reject your form.

**Dates.** On the last page of most forms (not including orders), there is a space for the person who completes a form to write the date that the form is signed. Dates in orders will be filled in by the judge when s/he signs the order.

**Signatures.**

- **Your signature**

After you fill out a form, look for the place(s) requiring your signature:

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you. Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
  - When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked “signature of moving party or lawyer.” Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
  - When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by,” and sign in the space underneath.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.
  - **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – he/she can choose to sign, or not. However, if you have prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge’s decisions, (or the judge may require the other party to sign), even if the party is not happy with the decision itself.
    - Agreed orders. If the other party agrees with the orders you have written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
    - Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you did not prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you are agreeing that the judge should sign the order as it is written. If “Notice of Presentation Waived” is checked, that means that you are agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.
  - **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who is writing the declaration.

**Place signed.** Declarations and Returns of Service must include the place they are signed, as well as the date (example: Signed this 10th day of October 2005 at Seattle, WA).

**Identifying Information.** Court rules try to protect privacy but also allow for public access to

certain information in court files. The three boxes discuss these rules: [GR 15](#), [GR 22](#) and [GR 31](#).

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**Box #1****Things You Should Not Write in Most of Your Court Papers:**

General Rules [22](#) & [31](#) try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public (except for some aspects of parentage cases), and may be available to the public on the internet.

Except where instructions about a specific form tell you otherwise (for example the forms in Box #3), use these rules for papers you file with the court.

**Residence Address (Where you Live) and Telephone Number:** You do not have to write these in court papers; however, you do need to write in an address where you can get mail from the court, and it is a good idea to give the court a phone number where you can be reached.

**Social Security/Driver's License, ID Numbers of Adults and Children:** You are not required to write these in court papers; if you do, you should write only the last four digits, not the whole number.

**Dates of Birth of Children:** Do not write them in court papers.

**Bank Account, Credit Card Numbers:** Write the bank name, type of account (savings, checking, etc.), and only the last four digits of the account number.

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**Box #2:****Private Information That Should Be Filed With Sealed Cover Sheets:**

If a sealed cover sheet is used, this information is usually available to the other party and the court but it is not placed in the public file.

**Financial Information:** If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them to a Sealed Financial Source Documents form to ensure that they will not be available to the public.

**Medical or Mental Health Records or Information:** If you file papers containing health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form so that they will not be available to the public.

**Confidential Reports:** Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are intended for court use must have two

sections, a public section and a private section. The private section of the report should be attached to a Sealed Confidential Reports Cover Sheet.

**Retirement Plan Orders:** Certain retirement information belongs in the public file, but “Retirement Plan Orders” do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition or see an attorney if this affects your case.

**Other Kinds of Confidential or Embarrassing Information Not Mentioned Above.** If the paper that you want to keep confidential is not in the above list, you may need to file a motion with the court to ask permission to have that paper, or part of a paper, sealed under General Rule [\(GR\) 15](#). We do not have a packet that tells you how to do this and there are presently no mandatory forms for this type of motion; you will need to talk to an attorney.

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### **Box #3**

#### **When You Should Write Private Information In Court Forms:**

These forms are not placed in the public file, and information in them is usually not available to the other party.

You are required to fill in your personal information completely (including children’s full names, dates of birth, your residence address, social security numbers, etc.): Confidential Information Form, Vital Statistics Form, Domestic Violence Information Form, Foreign Protection Order Form, and Law Enforcement Information Sheet. If you are afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014

**SAMPLE FORM**

Fill in the county where you are filing or where your case was already filed.

Fill in the name of the Petitioner here.

or Court of Washington  
**County Of Evergreen**

In re the Marriage of:  
JANE DOE,  
 and  
JOE DOE,

Fill in Respondent's name.

Petitioner,

Opposing party.

This sample case name is for dissolution cases. This information may be different depending upon the type of case.

Your court case number. Assigned by the court when you file your case.

Form title.

**NO. 08-3-99999-9**

**Note for Motion Docket**

**(No Mandatory Form Developed)**

TO THE CLERK OF COURT AND TO: **Joe Doe**  
**99 Railway Lane**  
**Treelane, WA 98000**

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: **Monday, October 4, 2008**

HEARING TIME: **10:00 a.m.**

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**  
**Treelane, WA 98000**

NATURE OF MOTION: **Temporary Orders regarding parenting plan, child support, and restraining orders.**

\_\_\_\_\_  
 Jane Doe, Petitioner

## Section 5: Service by Certified Mail

Court rules allow you to ask for permission to serve the opposing party by certified mail if you've unsuccessfully tried to serve him/her by personal or abode service, and if a certified letter is just as likely to actually notify the other party as publishing the Summons in a newspaper in the Legal Notices section.

If you've diligently tried to locate the opposing party for personal service but failed, you may file a motion to serve by mail as follows:

- 1. Complete the service by mail forms in this packet and the forms you'll need from the main packets you're using.** (We have packets for the types of cases listed on page 1.)
- 2. Go to court to ask for permission to serve the opposing party by mail.**
- 3. If the court signs your order allowing service by mail, have your server mail your papers to the opposing party by certified and regular mail.**
- 4. Have your server complete a Return of Service form.**
- 5. File the Return of Service (with the green receipt from the post office and a copy of the summons attached) with the court clerk.**

These steps are described in more detail in the following paragraphs.

### **A. Forms for service by certified mail**

If you serve an opposing party by certified mail, you'll need 4 forms from this packet:

1. Motion and Declaration to Serve by Certified Mail, form WPF DRPSCU 01.0280
2. Order Allowing Service by Mail, form WPF DRPSCU 01.0285
3. Summons by Mail, form WPF DRPSCU 01.0290
4. Return of Service, form WPF DRPSCU 01.0250

To serve more than one opposing party by mail, you should prepare separate motions, declarations, orders, and summons for each opposing party.

**You'll also need the appropriate forms from the main packets you're using** (such as the packets [Filing for Dissolution of Marriage \(Divorce\)](#) and [Parenting Plans and Child Support for Dissolution Cases](#)).

- 1. Motion and Declaration to Serve by Certified Mail - WPF DRPSCU 01.0280**

**Caption:** Fill out the caption as described in the "General Instructions."

### **Section I. Motion.**

Fill in your name in the blank before the words “moving party.” Fill in the date. Sign in the space provided.

Legibly print in BLACK OR DARK BLUE INK or type your name on the next line where it says to print or type name.

## **Section II. Declaration**

### **Paragraphs 2.1 and 2.2.**

Check the boxes showing why you should be allowed to serve by mail, and why you’ve been unable to locate or serve this opposing party personally.

If you check boxes 1 or 2 in Paragraph 2.1, fill in the name of the opposing party you’re asking to serve by certified mail.

It’s best to check the third box in Paragraph 2. if you’ve also checked box one and/or box two.

If the opposing party lives out of state and you truly can’t afford to have him/her served personally there, check just the third box (asking for permission to serve out of state because of poverty<sup>8</sup>). NOTE: the relief you can get from the court will be limited, and there may be a greater chance your final orders can be set, aside even years later, because the party wasn’t personally served.

In Paragraph 2.2, check any box(es) that apply. If you check “Other,” fill in your explanation.

### **Paragraph 2.3**

Write in the facts proving what you stated above. (Example: someone saw the other party hiding when your server attempted to serve him or her.)

In cases where you’re trying to serve more than one person (example: third party custody cases, or parentage cases where you can’t locate one alleged father), write the name of the **specific** opposing party who can’t be located.

### **Paragraph 2.4**

Write **EVERYTHING** you’ve done to try to find and serve the other party. **State facts, not just conclusions.** Look back at the list of things in the “due diligence” section of this packet. Look back at the worksheet you kept to show all the steps you took.

◆ You must make serious efforts to locate the opposing party for personal service. Your declaration must explain all those efforts and the results. If some effort gave you a lead to follow, show how you followed that lead, and what result you got. You can’t just assume that the opposing party can’t be found.

Explain everything you’ve tried, the dates you took each step, and what happened. Remind yourself of each step by looking at the checklist earlier in this packet and the worksheet you made that describes each action you took. Example: if you went to the opposing party’s old

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<sup>8</sup> *Ashley v. Superior Court*, 83 Wn.2d 630 (1974)

apartment to ask about a new address, you could write, “On February 10, I went to Joe Smith’s old apartment on 11<sup>th</sup> Street. His former roommate told me Joe had moved to Alaska but that he didn’t know where. I asked his roommate if he knew anyone I could contact who has Joe’s current address. He said he had no idea. As I was leaving, I saw Joe’s former neighbor. I asked him if he knew where Joe Smith was. The neighbor said Joe moved out with all his belongings, but the neighbor didn’t know where he went.”

Write in how long it's been since you've seen the opposing party and how you know the address(es) you're asking to use for mailing are the best ones available. Explain what kind of case you're filing (example: dissolution of marriage). If you believe the opposing party left the state or is hiding to avoid service, explain the facts that show this.

If you're saying you want to serve someone out of state by mail because you can't afford to serve by personal service (box 3 in paragraph 2.1), you must show that you're indigent. If you've filed a detailed financial declaration with your petition showing you're low income, or if you're asking to the court to waive your filing fee (file IFP), state this.

Check with anyone you know in the area where the opposing party lives to see if they're willing to do personal service. If you don't know anyone, check the phone book in the town where the opposing party lives for “process servers.” Call and ask about the cost for personal service. If you can afford it, we strongly recommend that you have the opposing party personally served instead of using service by mail. If you've tried to arrange for out-of state personal service, but couldn't find anyone or could not afford the cost, explain in detail.

If you checked the box in Paragraph 2.2 saying the opposing party is avoiding service, try to provide a separate declaration from your server about the efforts the other party made to avoid service. Use the Return of Service form for this: use the “other” paragraph. Or use the Declaration of Witness form found in this packet.

### **Paragraph 2.6.**

Write in the address(es) where the forms will be sent. Choose the address(es) where your papers are the most likely to reach the opposing party.

List more than one address if, for example, you have a recent address for the opposing party, and also have an address for his/her family member or close friend. (Example: the opposing party's last known address and his parents' present address.)

Again, if there is more than one opposing party you're asking to serve by certified mail, state the name of the **particular** opposing party whom you'll serve at each address you list.

### **Paragraph 2.7.**

Check the correct box(es). If you check “other,” fill in the details.

Fill in the date and place where you're signing the form. Sign your name. Legibly print in **BLACK OR DARK BLUE INK**, or type, your name on the next line where it says to do so.

## **2. Order Allowing Service by Certified Mail - WPF DRPSCU 01.0285**

There is one Order for Service by Mail for all types of cases.

**Caption:** Fill in the caption as shown in the General Instructions.

**I. Basis.** Write your name in the blank before “moving party.”

**II. Findings.** Fill in the name of the opposing party you’re asking to serve by certified mail.

**Paragraph 3.3.** Fill in the mailing address(es) where the Summons and Petition will be sent. These should be the same address(es) as in the motion. If there is more than one opposing party you’re asking to serve by certified mail, fill in the name of the party and each address(es) to which papers will be sent to that opposing party.

**Paragraph 3.4.** Check the appropriate box(es). If you check “other,” explain why you’re using the address you listed.

Read the instructions in this form. Follow them exactly.

Sign under “signature of moving party.” Legibly print or type your name on the next line where it says print or type name.

### **3. Summons by Mail - WPF DRPSCU 01.0290**

**Caption.** Fill out the caption for your kind of case. See the “General Instructions.”

**Contents:**

**After “*To the Respondent*”,** fill in the other party’s name.

**Paragraph 1.** Fill out this item to show the kind of case you’re filing. Examples:

1. Dissolution of Marriage: if your petition is for dissolution of marriage, check the first box.
2. If you’re filing a Petition for Establishment of Parentage (WPF PS 01.0100): check the fourth box
3. If you’re filing a Petition for Modification/Adjustment of Custody Decree/ Parenting Plan/Residential Schedule (WPF DRPSCU 07.0100): check the fifth box. 1.
4. If you’re filing a Nonparental Custody Petition (WPF CU 01.0100): check the seventh box.

**Paragraph 2.** This paragraph shows what else you’re asking for in your petition.

1. Look back at your petition. Check every box in Paragraph 2 of the summons form that shows the kinds of relief you requested in your petition. Fill in any blanks and mark appropriate boxes in the text of in an item you’ve checked.

Example: if you’re filing for dissolution of marriage without children and you asked for maintenance, for division of property and liabilities, and for a name change, check each of these items in Paragraph 2 of the Summons form. Then check the box in the text of the line “Provide reasonable maintenance for” next to who should receive it. In the “name change” item, write in the name you asked for in the petition.

If your petition asks for something not listed in Paragraph 2, check the “other” box. Write in a brief explanation.

2. DON'T LEAVE OUT ANY ITEMS OF RELIEF REQUESTED IN YOUR PETITION.

**Paragraph 3.**

Write in the date the summons will be mailed in this paragraph. (You'll write it again at the end of the form.)

**Paragraph 4.**

This paragraph tells the other party which form to use to Respond.

The Response form names are similar to the petition name. If you look at your petition, you can usually choose the proper Response form to check.

**Signature.**

Sign and date the summons in the space provided. Print or type your name on the line indicated.

Write or type in the name of the court where you're filing the petition, and the name and address of the courthouse

Where the form says “File Original Response with the Clerk of the Court at:” write in the date as in Paragraph 3.

Check the “Petitioner” box. Under the words “*Serve a copy of your response on:*” write or type your name and address where the form has a blank for Petitioner's Address. You can use an address other than your residence address to receive legal papers, so long as you'll immediately learn of any papers received for you there.

**B. Instructions for completing Service by Mail**

**1. Ask for court permission.**

You need the court's permission to serve the opposing party by certified mail. Call the court clerk to find out when you may schedule your hearing, or appear, to ask the court to approve your request. When you appear before the judge, you'll need the Motion, Summons, and Order forms listed above, plus the forms from any filing packet(s) you're using.

Go to court when the clerk tells you. The judge will probably hear your motion "ex parte," meaning that you don't have to file the motion ahead of time, and you don't have to give the other party notice first. If you're asking to file your case In Forma Pauperis (without paying the filing fee), ask the judge to approve your IFP order and the Order Authorizing Service by Mail at the same time.

The judge<sup>9</sup> will sign and date the order if s/he approves your request. If the judge signs your order, file the original Motion and Declaration and Order with the court clerk. Keep a conformed copy of both forms for yourself. Then continue on with the next steps in this packet.

## 2. Instructions for Mailing.

After the judge signs an order allowing service by mail, and you've filled out the appropriate Summons by Mail, make copies of these forms and the main forms you've prepared for your case for mailing -- the petition, and other forms starting the case. You'll need twice as many copies for service as you have addresses in the Order Allowing Service by Certified Mail. In addition, make one extra copy of the Summons. Example: if there is only one opposing party in your case, and you have only one address for service in your order, you'll need two copies of each document you're serving on the opposing party, and three copies of the Summons. If you're filing any motions or scheduling any hearings at the start of your case, include those papers too.

**Don't include any papers your Filing packet tells you to keep confidential.**

Organize the copies into sets with one copy of each document in each set. Set the extra copy of the summons aside for use later. Put each set of papers into separate manila envelopes. Write your return address on each envelope, using the address you wrote for yourself on the Summons. Address two envelopes to the opposing party at each address for him/her contained in the Order Allowing Service by Certified Mail.

If you're sending any Summons and Petition to the opposing party in care of his/her parent(s) or other individual, address the envelope directly to the parent or other individual. Enclose a note asking that the Summons and Petition (and other enclosed documents) be delivered to the opposing party. Make a copy of that note.

Make sure the date on the Summons form is actually the date the papers will be mailed. If not, prepare and use a new summons with the actual date of mailing.

**Don't mail the papers yourself.** Have a friend or relative who is a resident of Washington, over the age of 18, and competent to be a witness do the mailing for you. Have a copy sent by regular mail and a copy sent by certified mail to each address listed in the Order Allowing Service by Mail. The envelopes must have your return address on them.

Example: if your order had a last known address of 710 Maple Street, Portland, Oregon 98449 as opposing party's mother's address, and 4404 Garden View, Pasco, Washington 99485 as opposing party's last known address, your friend would send four envelopes of papers as follows:

- one by certified mail, return receipt requested to the Pasco address,
- one by regular mail to the Pasco address,
- one by certified mail addressed to the opposing party's mother, return receipt requested, to the Portland address, with a note inside asking her to deliver the papers to the opposing party and

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<sup>9</sup> A court commissioner is similar to a judge, but only makes decisions relating to a specific subject matter. Many counties use family law commissioners, instead of judges, to decide family law cases. To make this packet simpler, we just use "judge."

- one by regular mail to the Portland address addressed to the opposing party's mother, with a note inside asking her to deliver the papers to the opposing party.

### **3. Instructions for Filling out and filing Return of Service - WPF DRPSCU 01.0250**

After the envelopes are sent, have the person who mailed them complete a separate Return of Service for each opposing party you're serving by mail.

**Caption:** Fill in the caption.

#### **Paragraph 2.**

Print in the blank the name of the opposing party served. Check the box for each document served. If a document served isn't on the list, check the box marked "other." Print in the name of each document served. Note: some boxes have blanks that must be filled in. (Example: the "declaration" box needs the name of the person(s) who signed the declarations.)

◆ Every form that was served **MUST** be listed. If you leave a form off your list, you'll have no proof that it was mailed.

#### **Paragraph 3.**

The server should fill in the date and time the papers were mailed, and the address(es) to which they were mailed.

#### **Paragraph 4.**

Check the last box in paragraph 4 of that form. Fill in the dates of the order authorizing service by mail, and the date the papers were mailed.

#### **Paragraph 5.**

The Notice to Dependent of a Person in Military Service (see your Filing packet for a description of this form) should have been in the packet of forms served. If so, your server checks the first box, and then the box in the text of that paragraph before the words "*mailed by first class mail on,*" and then fill in the date of mailing. Your server should also check the second box "other" and write in "this notice was also sent by certified mail on \_\_\_\_\_ (date of mailing) to the addresses in the Order allowing Service by Mail."

#### **Paragraph 6.**

In the "*Other*" section, your server may write additional information.

#### **Signature.**

The server should write the city and state where s/he signed the form, write in the date, and sign where it says "Signature," and then print or type his/her name in the blank space. Usually only professional servers will use the box for fees and mileage.

Attach a copy of the Summons and of any note you prepared (where an envelope was addressed to a parent or other individual as described above) to the Return of Service.

Then, the person who mailed the papers to the opposing party should date and sign the Return of Service, and give it back to you.

Keep the original signed Return of Service in a safe place until you receive the green certified mail receipts back from the post office. When you receive the certified mail receipt(s) back from the post office, tape the return receipt to the bottom of the form, in the place marked.<sup>10</sup> Make a copy of the Return of Service form and the attachments (Summons, certified mail receipt(s) and any note requesting delivery to the opposing party).

File the original form at the clerk's office in the superior courthouse where you filed your case. Keep a conformed copy of the Return of Service form and attachments for your own records.

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<sup>10</sup> What if the Certified Mail is Returned or Refused? If the certified envelope is returned or refused, make a copy of the envelope so that the court can see and the cancelled stamp and any notes from the post office. Attach the copy to your Return of Service and file the Return of Service. For support modification cases, service by mail is effective even if the other party doesn't sign the return receipt. *In re Marriage of McLean*, 132 Wn.2d 301, 937 P.2d 602 (1997). The appeals courts haven't yet clearly determined whether service by mail is effective in other types of cases where the certified mail is returned or refused. You should point out to the court that the court rule allows service by mail in situations where it's at least as likely to give notice as service by publication, and that you've tried hard to give notice. If this becomes an issue in your case, file the Return of Service anyway. Be prepared to tell the court whether the envelopes mailed by first class mail were returned or not. (If they weren't returned, it may just be that the certified mail wasn't signed for and/or that the opposing party is avoiding service, but the first class mail was delivered.)

## **Section 6: Service by Publication**

Service by publication is very expensive, and may be less likely than service by mail to reach the opposing party. You should request permission to serve the opposing party or parties by publication only as a last resort, if you can't get a court order allowing you to serve by mail.

If you're not sure where the opposing party lives, you must make an honest and reasonable effort to locate the party. Try to locate the opposing party for personal service using the "due diligence" steps listed at the beginning of this packet. Use the worksheet in this packet described in the "Show Due Diligence" section.

If you locate an address for the party, try to have the party personally served at that address. Remember: have someone else serve for you. (See "Instructions for Mailing" about finding a server.) If the address is the opposing party's residence, try to get "abode" service, even if the server can't find the opposing party for personal service there. If you're unable to serve the party at that address, try to get an order allowing service by mail before attempting service by publication.

If your efforts at all of the above fail, file a motion to serve the other party by publication as follows:

1. Complete the service by publication forms in this packet.
2. Have your server mail the summons and petition (and other papers starting the case) to the opposing party's place of residence, if known.
3. Go to court to ask for permission to serve the opposing party by publication.
4. If the court signs an order allowing service by publication, have the Summons published in a newspaper of general circulation in the county where you filed your case. (The law requires this location.)
5. Obtain a Return of Service form from the newspaper (usually an affidavit of service), showing that publication has been completed.
6. File the Return of Service and the summons with the court clerk.

These steps are described in more detail in the following paragraphs.

### **A. Forms for service by publication**

If you can't find out where the other party lives or can be found, and can't get an order authorizing service by mail, you'll need an Order Allowing Service by Publication signed by a judge. Call the court clerk to find out when you may schedule your hearing, or appear, to ask the court to approve your request. When you appear before the judge you'll need the Motion, Order, and Summons forms listed below. After service by publication is completed, you'll need the return of service form.

The following forms for service by publication are in this packet:

1. Motion and Declaration for Service of Summons by Publication, form WPF DRPSCU 01.0260
2. Order, form WPF DRPSCU 01.0265
3. Summons, form WPF DRPSCU 01.0270
4. Return of Service, form WPF DRPSCU 01.0250

If you're asking to serve more than one opposing party by publication, use a separate motion and declaration, order, summons, and return of service form for each.

## **1. Motion and Declaration for Service of Summons by Publication – WPF DRPSCU 01.0260**

**Caption.** Fill out the caption for your kind of case as shown in the General Instructions.

### **Section I. Motion.**

Fill in your name in the blank before the words “moving party.” Fill in the date and sign in the space provided. Legibly print in **BLACK OR DARK BLUE INK** or type your name on the next line where it says to print or type name.

### **Section II. Declaration.**

#### **Paragraph 2.1.**

Check the box(es) showing why you should be allowed to serve by publication and why you've been unable to locate or serve this opposing party personally. In every box you check, fill in the name of the opposing party you're asking to serve by publication. If you check the second box, you must also check the indented box(es) that apply. If you check “other,” you must explain.

#### **Paragraph 2.2.**

State the facts that support (prove) the box(es) you checked in paragraph 2.1. Examples: you saw the other party in another state; a family member told you he had moved there. If you've asked to serve more than one party by publication, explain which facts apply to which party. State the kind of case you're filing. (Example: “I'm filing a petition for dissolution of marriage.”)

#### **Paragraph 2.3.**

If your petition is for nonparental custody of a child, check the box at the start of paragraph 2.3. Check the box in the text that applies. In other types of cases, skip to paragraph 2.4.

#### **Paragraph 2.4.**

Show all the efforts that have been made to locate the opposing party for personal or abode service or serve him/her by mail. **State facts, not just conclusions.** Re-read the list of due diligence steps at the beginning of this packet so that you don't leave anything out. Look at the worksheet you kept: use the information there. In paragraph 2.4, write **EVERYTHING** you've done to try to find and serve the other party. **Explain completely and in as much detail as possible all the efforts you've made to locate the opposing party for personal or abode**

**service.** If you've tried to serve by mail, explain that too. Describe everything you've tried, the dates you took each step, and what happened.

Example: if one thing you did was to go to opposing party's old apartment, for that activity you could write, "On February 10, I went to Joe Smith's old apartment on 11<sup>th</sup> Street. His former roommate told me Joe had moved to Alaska but that he didn't know where. I asked his roommate if he knew anyone I could contact who has Joe's current address. He said he had no idea. As I was leaving, I saw opposing party's former neighbor. I asked him if he knew where Joe Smith was. The neighbor said Joe moved out with all his belongings, but the neighbor didn't know where he went."

Write in how long it's been since you've seen the opposing party. If you believe the opposing party left the state or is hiding to avoid service, explain the facts that show this.

If you checked the box in Paragraph 2.1 saying the opposing party is avoiding service, try to provide a separate declaration from the person who's been trying to obtain personal service or abode service about the efforts the other party made to avoid service. Use the Return of Service form for this. (Use the "other" paragraph, or use the Declaration of Witness form included in this packet.)

### **Paragraph 2.5.**

Check the box that applies. If you check the first box, make sure that your server has mailed the summons, petition, and other documents starting the case to the other party's last known residence.

Fill in the date and place where you're signing the form. Sign your name. Legibly print, in BLACK OR DARK BLUE INK, or type your name on the next line where it says to print or type name.

## **2. Instructions for Order for Service of Summons by Publication - WPF DRPSCU 01.0265**

There is one Order for Service by Publication for all types of cases.

**Caption:** Fill in the caption as shown in the General Instructions.

**I. Basis.** Write your name in the blank before "moving party."

**II. Findings.** Fill in the name of the opposing party you're asking to serve by publication.

Complete the form with your signature. Legibly print or type your name on the next line where it says print or type name.

## **3. Instructions for Summons by Publication - WPF DRPSCU 01.0270**

**Caption.** Fill out the caption as shown in the General Instructions.

After "TO THE RESPONDENT," write the opposing party's name.

**Paragraph 1:** check the box showing the type of petition you're filing

**Paragraph 2:** This paragraph shows what else you're asking for in your petition.

Look back at your petition. Check every box in Paragraph 2 of the summons form that shows the kinds of relief you requested in your petition. Fill in any blanks and check appropriate text boxes in an item you've checked.

Example: if you're filing for dissolution of marriage without children, and you also ask for maintenance, division of property and liabilities, and for a name change, check each of these items in Paragraph 2 of the Summons form. Check the box in the text of the maintenance item to show who should receive it. In the name change item, write in the name you requested in the petition.

If your petition requests something not listed in Paragraph 2, check the "other" box. Write in a brief explanation.

◆ DON'T LEAVE OUT ANY ITEMS OF RELIEF REQUESTED IN YOUR PETITION.

### **Paragraph 3:**

write the first day that you'll have this summons printed in the newspaper in the blank forming this paragraph. Get this date by calling the paper where you'll publish. Leave enough time to get the Summons delivered to the paper before the start date.

### **Paragraph 4:**

check the box showing the kind of Response form the other party needs to use to Respond to the Petition. (The Response form names are similar to the petition name. If you look at your petition, you can usually choose the proper Response form to check.)

Read the remaining paragraphs.

Where the form says "File Original Response with the Clerk of the Court at," write or type in the name of the county where you've filed your petition and the address of the courthouse. Check the "Petitioner" box.

Where the form has a blank for Petitioner's Address under the words "Serve a copy of your response on," write or type your name and address. You can use an address other than your residence address to receive legal papers, if it's a reliable address where you'll immediately learn of any papers received for you there.

**Sign the Summons.** Fill in the date, sign, and print or type your name where indicated.

## **B. Presenting your motion to serve by publication in court**

After you've completed the forms, you must get the court's permission to serve the opposing party by publication. Call the court clerk to find out when you may schedule your hearing, or appear, to ask the court to approve your request.

Go to court when the clerk tells you. The judge will probably hear your motion "ex parte," meaning that you don't have to file the motion ahead of time, and you don't have to give the opposing party notice first. If you're asking to file your case In Forma Pauperis (without paying the filing fee), try to ask the judge to approve your IFP order and the Order Authorizing Service by Publication at the same time.

The judge<sup>11</sup> will sign and date the order if s/he approves your request. If the judge signs your order, file the original Motion and Declaration and Order with the court clerk. Keep a conformed copy of both forms for yourself. Then continue with the next steps in this packet.

If the court permits you to serve the other party by publication, use the **Summons by Publication** form in this packet.

After the judge signs your order, you can publish your notice. Ask the court clerk for a list of newspapers that are authorized to publish legal notices in the county where you've filed your case.<sup>12</sup> Contact the newspaper(s) on that list. Ask about the cost of publication and their procedures for payment, for getting the Summons to them, and for receiving the proof of service (usually an affidavit) back from them. Decide which newspaper you want to use.

Arrange with that paper to have the summons published once a week, for 6 weeks in a row.

### **C. Instructions for completing service by publication**

#### **1. Instructions for Service of Summons**

After the judge signs your order allowing you to serve by publication,

1. Make sure you've filed your case in court and that the summons has the case number on it.
2. Mail or take this summons and a copy of the order to the newspaper where your summons will be published. See previous section for details.
3. Arrange for payment of the costs of publishing the summons, if you haven't already done so.
4. At the end of the 6 weeks, most newspapers will send you an affidavit stating that your Summons was published for 6 weeks. Ask the newspaper to send this to you. When you get it back, attach the completed affidavit to the **Return of Service** (below).

#### **2. Instructions for Return of Service - WPF DRPSCU 01.0250**

You'll need this form showing that service by publication has been done. **Complete and file a separate return of service for each party served.**

**Caption:** Fill in the caption as shown in the "General Instructions," above.

#### **Paragraph 4.**

Check the third box.

Attach a copy of the summons.

File the affidavit of service you received from the newspaper.

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<sup>11</sup> A court commissioner is similar to a judge, but only makes decisions relating to a specific subject matter. Many counties use family law commissioners, instead of judges, to decide family law cases. To make this packet simpler, we just use "judge."

<sup>12</sup> You must publish in "a newspaper of general circulation in the county where the action is brought once a week for six consecutive weeks." [RCW 4.28.110](#).

File the original Return of Service form and attachment and the affidavit of service with the court clerk. Keep a conformed copy for your records.

## **Section 7: Blank Forms and Due Diligence Worksheet**

The rest of this packet contains blank forms for you to complete and a worksheet for you to use. Make a copy of each form so that you have an extra in case your first draft needs lots of changes. You'll need forms from other packets to begin your case, and you won't need all the forms in this packet.

# Due Diligence Worksheet

**Don't file this worksheet in court. It's not a court form. Use this worksheet to keep a record of the due diligence steps you take when trying to locate the opposing party for personal service.**

| Date | Step taken  | What I Learned | Result |
|------|---|----------------|--------|
|      | Hired process server to serve opposing party, gave server all information I have about opposing party's addresses, work, locations, phone numbers |                |        |
|      | Called the last number I have for opposing party,<br>_____ (number)   |                |        |
|      | Looked up Opposing party in phone book  |                |        |
|      | Searched internet white pages   |                |        |
|      | Looked on-line at google.com  |                |        |
|      | Contacted opposing party's family member,<br>_____ (name)   |                |        |
|      | Contacted opposing party's family member,<br>_____ (name)   |                |        |
|      | Contacted opposing party's friend,<br>_____ (name)  |                |        |
|      | Contacted opposing party's friend,<br>_____ (name)  |                |        |
|      | Contacted opposing party's employer,<br>_____ (name)  |                |        |
|      | Contacted opposing party's old employer,<br>_____ (name)  |                |        |
|      | Called opposing party's old phone number  |                |        |
|      | Went to opposing party's old apartment complex/residence  |                |        |

| Date | Step taken  | What I Learned | Result |
|------|---|----------------|--------|
|      | and asked _____ (name) about opposing party's whereabouts   |                |        |
|      | Went to _____ a place opposing party used to hang out and asked _____ (name) about opposing party's whereabouts |                |        |
|      | Contacted opposing party's union, _____ (name)  |                |        |
|      | Contacted opposing party's co-worker, _____ (name)  |                |        |
|      | Contacted opposing party's old co-worker, _____ (name)  |                |        |
|      | Requested address forwarding information from the post office   |                |        |
|      | Contacted opposing party's church   |                |        |
|      | Did address request to DCS  |                |        |
|      |   |                |        |
|      |   |                |        |

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

\_\_\_\_\_

Petitioner,

and

\_\_\_\_\_

Respondent.

No. \_\_\_\_\_

**Motion and Declaration  
To Serve by Mail  
(MTAF)**

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**I. Motion**

\_\_\_\_\_ [moving party] moves the court for an order allowing service of the summons and petition by mail.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Moving Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

**II. Declaration**

2.1 Service should be made by mail because:

- \_\_\_\_\_ [nonmoving party] is not a resident of this state.
- \_\_\_\_\_ [nonmoving party] cannot be found in this state.
- the moving party is proceeding in forma pauperis and cannot afford service by publication or personal service.

2.2 The moving party has not been able to locate or serve the nonmoving party because:  
 the nonmoving party has departed from Washington to avoid service of summons.  
 the nonmoving party has concealed himself/herself to avoid service of summons.  
 other:

2.3 The facts supporting the above allegations are:

2.4 The following efforts were made to locate the nonmoving party for personal service:

2.5 Service by mail is as likely to provide actual notice as service by publication.

2.6 The mailings should be sent to the following address:

2.7 This address is:

- The last known mailing address of the nonmoving party.
- The mailing address of the nonmoving party's parent or nearest living relative.
- Other:

2.8 Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, [City] \_\_\_\_\_ [State] on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Signature of Moving Party

\_\_\_\_\_  
Print or Type Name

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

\_\_\_\_\_

Petitioner,

and

\_\_\_\_\_

Respondent.

No. \_\_\_\_\_

**Order Allowing Service  
By Mail  
(ORRSR)**

**I. Basis**

The court has considered \_\_\_\_\_ [Moving party]'s motion and declaration requesting an order allowing service of the summons and petition by mail.

**II. Findings**

Based on the motion and declaration, the court ***Finds*** that the summons and petition in this matter should be served on \_\_\_\_\_ [Nonmoving party] by mail in accordance with CR 4(d)(4).

**III. Order**

***It is Ordered:***

- 3.1 The summons and petition shall be served on the nonmoving party by mail by a person 18 years of age or over and competent to be a witness but not the moving party.
- 3.2 Two (2) copies shall be mailed postage prepaid, one by ordinary first class mail, and the other by certified mail, return receipt requested, showing when, and to whom, delivered, each showing a return address for the sender or an address through which correspondence may be directed to the sender.
- 3.3 The mailings shall be sent to the following address(es):

3.4 These addresses are:

- The last known mailing address of the nonmoving party.
- The mailing address of the nonmoving party's parent or nearest living relative.
- Other:

3.5 A summons and petition mailed to the nonmoving party in care of parents or other individuals shall be addressed directly to the parent or other individual with a note enclosed asking that the summons and petition be delivered to the nonmoving party.

3.6 The person mailing the summons and petition shall complete a Return of Service form.

Dated: \_\_\_\_\_ **Judge/Commissioner**

Presented by:

\_\_\_\_\_  
Signature of Moving Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

and

Petitioner,

Respondent.

**No.** \_\_\_\_\_

**Summons by Mail  
(SM)**

---

**To the Respondent:**

1. The petitioner has started an action in the above court requesting:

- that your marriage or domestic partnership be dissolved.
- a legal separation.
- that the validity of your marriage or domestic partnership be determined.
- that there be a determination of parentage.
- the establishment or modification of a parenting plan or residential schedule.
- the establishment or modification of a child support order.
- custody of the children listed in paragraph 1.3 of the Nonparental Custody Petition.
- that presumed paternity be disestablished.
- an order restraining the intended relocation of the children.
- rescission of the acknowledgment of paternity.
- rescission of the denial of paternity.
- an order declaring that the acknowledgment of paternity is invalid.
- an order declaring that the denial of paternity is invalid.

2. The petition also requests that the court grant the following relief:

- Provide reasonable maintenance for the  petitioner  respondent.
- Approve a parenting plan or residential schedule for the dependent children.
- Approve reasonable visitation.
- Determine support for the dependent children pursuant to the Washington State child support statutes.

- Order either or both parents to maintain or provide health insurance coverage for the dependent children.
- Approve a separation agreement.
- Dispose of property and liabilities.
- Change the name of the child to: \_\_\_\_\_.
- Change the name of the petitioner to: \_\_\_\_\_.
- Change the name of the respondent to: \_\_\_\_\_.
- Order the payment of court costs and reasonable fees.
- Enter a continuing restraining order.
- Enter a domestic violence protection order.
- Order the payment of day care expenses for the children.
- Award the tax exemptions for the dependent children as follows:
  
- Order the payment of attorney fees, other professional fees and costs.
- Declare that the Acknowledgment of Paternity is void.
- Declare that the Denial of Paternity is void.
- Other:
  
- 3. You must respond to this summons by serving a copy of your written response on the person signing this summons and by filing the original with the clerk of the court. If you do not serve your written response within 90 days from the date of mailing of this summons (90 days after the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_), the court may enter an order of default against you, and the court may, without further notice to you, enter a decree and approve or provide for other relief requested in the petition. In the case of a dissolution, the court will not enter the final decree until at least 90 days after service and filing. If you serve a notice of appearance on the undersigned person, you are entitled to notice before an order of default or a decree may be entered.
  
- 4. Your written response to the summons and petition must be on form:
  - WPF DR 01.0300, Response to Petition (Marriage)
  - WPF DR 01.0305, Response to Petition (Registered Domestic Partnership).
  - WPF CU 01.0300, Response to Nonparental Custody Proceeding.
  - WPF PS 01.0300, Response to Petition for Establishment of Parentage.
  - WPF PS 15.0300, Response to Petition for Residential Schedule/Parenting Plan/Child Support.
  - WPF PS 16.0300, Response to Petition for Establishment of Parentage Pursuant to RCW 26.26.540(2).
  - WPF PS 17.0300, Response to Petition to Disestablish Paternity Based on Presumption.
  - WPF DRPSCU 06.0300, Response to Petition for Modification of Child Support.
  - WPF DRPSCU 07.0200, Response to Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule.
  - WPF DRPSCU 07.0730, Response (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule).
  - WPF PS 11.0300, Response to Petition for Rescission of Acknowledgment of Paternity Within 60 Days.
  - WPF PS 12.0300, Response to Petition for Rescission of Denial of Paternity Within 60 Days.
  - WPF PS 13.0300, Response to Petition for Challenge to Acknowledgment of Paternity.
  - WPF PS 14.0300, Response to Petition for Challenge to Denial of Paternity.

WPF PS 15A.0300, Response to Petition for Residential Schedule/Parenting Plan/Child Support (*Out-of-State Acknowledgment of Paternity*)

Information about how to get this form may be obtained by contacting the clerk of the court, by contacting the Administrative Office of the Courts at (360) 705-5328, or from the Internet at the Washington State Courts homepage:

**<http://www.courts.wa.gov/forms>**

5. If this action has not been filed with the court, you may demand that the petitioner file this action with the court. If you do so, the demand must be in writing and must be served upon the person publishing this summons. Within 14 days after you serve the demand, the petitioner must file this action with the court, or the service on you of this summons will be void.
6. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
7. One method of serving a copy of your response on the petitioner is to send it by certified mail with return receipt requested.

This summons is issued pursuant to RCW 4.28.100 and Superior Court Civil Rule 4.1 of the state of Washington.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

***File original of your response with the clerk of the court at:***

***Serve a copy of your response on:***

Petitioner (you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.)

Petitioner's Lawyer

\_\_\_\_\_  
(Name of Court)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

Date Mailed: \_\_\_\_\_

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

and

Petitioner,

Respondent.

No. \_\_\_\_\_

**Motion and Declaration for  
Service of Summons by  
Publication  
(DCLR)**

---

**I. Motion**

\_\_\_\_\_ [moving party] moves (asks) the court, pursuant to RCW 4.28.100, for an order allowing service of the summons and petition by publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Moving Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

**II. Declaration**

2.1 Service of summons by publication is justified because:

- \_\_\_\_\_ [nonmoving party] is not a resident of this state.
- \_\_\_\_\_ [nonmoving party] cannot be found in this state because:
  - the nonmoving party has departed from Washington to avoid service of summons.
  - the nonmoving party has concealed himself/herself to avoid service of summons.
  - other:

2.2 The facts supporting the above allegations are:

2.3  Nonparental Custody Petition (You must also complete this part if you are filing a Nonparental Custody Petition):

The child  is  is not in the physical custody of (living with) the petitioner(s).

2.4 The following efforts were made to locate the nonmoving party for personal service or service by mail:

2.5  A copy of the summons (substantially in the form prescribed in RCW 4.28.110) and the petition have been deposited in the post office, directed to the nonmoving party at the nonmoving party's place of residence.

I do not know the nonmoving party's address.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, [City] \_\_\_\_\_ [State] on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Signature of Moving Party

\_\_\_\_\_  
Print or Type Name

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

No. \_\_\_\_\_

and

Petitioner,

**Order for Service of Summons  
by Publication  
(If Required by Local Practice)  
(ORPUB)**

Respondent.

---

**I. Basis**

The court has considered \_\_\_\_\_ [moving party]'s motion and declaration requesting that the summons in this matter be served by publication.

**II. Findings**

Based on the representations made in the declaration, the court ***Finds*** that the summons in this matter may be served on \_\_\_\_\_ [nonmoving party] by publication in accordance with RCW 4.28.100.

**III. Order**

***It is Ordered*** that the summons in this matter may be served on the nonmoving party by publication in conformity with RCW 4.28.100.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner**

Presented by:

\_\_\_\_\_  
Signature of Moving Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

and

Petitioner,

Respondent.

No. \_\_\_\_\_

**Summons by  
Publication  
(SMPB)**

***To the Respondent:***

**[Note to Publisher: Publish only those boxes which are checked.]**

1. The petitioner has started an action in the above court requesting:

- that your marriage or domestic partnership be dissolved.
- a legal separation.
- that the validity of your marriage or domestic partnership be determined.
- that there be a determination of parentage.
- the establishment or modification of a parenting plan or residential schedule.
- the establishment or modification of a child support order.
- custody of the children listed in paragraph 1.3 of the Nonparental Custody Petition.
- that presumed paternity be disestablished.
- an order restraining the intended relocation of the children.
- rescission of the acknowledgment of paternity.
- rescission of the denial of paternity.
- an order declaring that the acknowledgment of paternity is invalid.
- an order declaring that the denial of paternity is invalid.

2. The petition also requests that the court grant the following relief:

- Provide reasonable maintenance for the  petitioner  respondent.
- Approve a parenting plan or residential schedule for the dependent children.
- Approve reasonable visitation.

- Determine support for the dependent children pursuant to the Washington State child support statutes.
- Order either or both parents to maintain or provide health insurance coverage for the dependent children.
- Approve a separation agreement.
- Dispose of property and liabilities.
- Change the name of the child to: \_\_\_\_\_.
- Change the name of the petitioner to: \_\_\_\_\_.
- Change the name of the respondent to: \_\_\_\_\_.
- Order the payment of court costs and reasonable fees.
- Enter a continuing restraining order.
- Enter a domestic violence protection order.
- Order the payment of day care expenses for the children.
- Award the tax exemptions for the dependent children as follows:
  
- Order the payment of attorney fees, other professional fees and costs.
- Declare that the Acknowledgment of Paternity is void.
- Declare that the Denial of Paternity is void.
- Other:

3. You must respond to this summons by serving a copy of your written response on the person signing this summons and by filing the original with the clerk of the court. If you do not serve your written response within 60 days after the date of the first publication of this summons (60 days after the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_), the court may enter an order of default against you, and the court may, without further notice to you, enter a decree and approve or provide for other relief requested in this summons. In the case of a dissolution, the court will not enter the final decree until at least 90 days after service and filing. If you serve a notice of appearance on the undersigned person, you are entitled to notice before an order of default or a decree may be entered.

4. Your written response to the summons and petition must be on form:

- WPF DR 01.0300, Response to Petition (Marriage).
- WPF DR 01.0305, Response to Petition (Registered Domestic Partnership).
- WPF CU 01.0300, Response to Nonparental Custody Proceeding.
- WPF PS 01.0300, Response to Petition for Establishment of Parentage.
- WPF PS 15.0300, Response to Petition for Residential Schedule/Parenting Plan/Child Support.
- WPF PS 16.0300, Response to Petition for Establishment of Parentage Pursuant to RCW 26.26.540(2).
- WPF PS 17.0300, Response to Petition to Disestablish Paternity Based on Presumption.
- WPF DRPSCU 06.0300, Response to Petition for Modification of Child Support.
- WPF DRPSCU 07.0200, Response to Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule.
- WPF DRPSCU 07.0730, Response (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule).

- WPF PS 11.0300, Response to Petition for Rescission of Acknowledgment of Paternity Within 60 Days.
- WPF PS 12.0300, Response to Petition for Rescission of Denial of Paternity Within 60 Days.
- WPF PS 13.0300, Response to Petition for Challenge to Acknowledgment of Paternity.
- WPF PS 14.0300, Response to Petition for Challenge to Denial of Paternity.
- WPF PS 15A.0300, Response to Petition for Residential Schedule/Parenting Plan/Child Support (*Out-of-State Acknowledgment of Paternity*)

Information about how to get this form may be obtained by contacting the clerk of the court, by contacting the Administrative Office of the Courts at (360) 705-5328, or from the Internet at the Washington State Courts homepage:

**<http://www.courts.wa.gov/forms>**

5. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
6. One method of serving a copy of your response on the petitioner is to send it by certified mail with return receipt requested.
7. Other:

This summons is issued pursuant to RCW 4.28.100 and Superior Court Civil Rule 4.1 of the state of Washington.

---

Dated \_\_\_\_\_ Signature of Petitioner or Lawyer/WSBA No. \_\_\_\_\_ Print Name \_\_\_\_\_

**File Original of Your Response with the Clerk of the Court at:      Serve a Copy of Your Response on:**

Petitioner (you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.)

Petitioner's Lawyer

|                 |           |
|-----------------|-----------|
| (Name of Court) | (Name)    |
| (Address)       | (Address) |
|                 |           |

**Superior Court of Washington  
County of \_\_\_\_\_**

In re:

and

Petitioner,

Respondent.

No. \_\_\_\_\_

**Return of Service  
(Optional Use)  
(RTS)**

***I Declare:***

1. I am over the age of 18 years, and I am not a party to this action.
2. I served the following documents to (name) \_\_\_\_\_:
  - summons, a copy of which is attached
  - petition in this action
  - proposed parenting plan or residential schedule
  - proposed child support order
  - proposed child support worksheets
  - sealed financial source documents cover sheet and financial documents
  - financial declaration
  - Notice Re: Dependent of a Person in Military Service
  - notice of hearing for \_\_\_\_\_
  - motion for temporary order
  - motion for and ex parte order
  - motion for and order to show cause re: \_\_\_\_\_
  - declarations of \_\_\_\_\_
  - temporary order
  - other:

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

|                |                       |
|----------------|-----------------------|
| Date: _____    | Time: _____ a.m./p.m. |
| Address: _____ |                       |
| _____          |                       |

4. Service was made pursuant to Civil Rule 4(d):

- by delivery to the person named in paragraph 2 above.
- by delivery to (name) \_\_\_\_\_, a person of suitable age and discretion residing at the respondent's usual abode.
- by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)
- (check only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on (date) \_\_\_\_\_. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Tape return receipt below.) The copies were mailed on (date) \_\_\_\_\_.

5. Service of Notice on Dependent of a Person in Military Service.

- The Notice to Dependent of Person in Military Service was  served on  mailed by first class mail on (date) \_\_\_\_\_.
- Other:

6. Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

Fees:  
Service \_\_\_\_\_  
Mileage \_\_\_\_\_  
Total \_\_\_\_\_

(Tape Return Receipt here, if service was by mail.)

File the original Return of Service with the clerk. Provide a copy to the law enforcement agency where protected person resides if the documents served include a restraining order signed by the court.





**Service by Certified Mail or Publication 3/09  
EVALUATION FORM**

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar  
Northwest Justice Project  
500 W. 8<sup>th</sup>, Suite 275  
Vancouver, WA 98660

1. Where did you get this packet? \_\_\_\_\_  
\_\_\_\_\_
2. What's your primary language? \_\_\_\_\_
3. Are you a \*low-income person?  yes  no  
[\*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
4. What's the last grade you completed in school? \_\_\_\_\_
5. Did you read the instructions?  yes  no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?  
 yes  no  
6a. If yes, what agency or individual helped you? \_\_\_\_\_
7. Did you use the legal forms?  yes  no
8. Did you find anything difficult to understand?  yes  no  
8a. If yes, please tell us what. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Did you find any mistakes?  yes  no  
If yes, what mistakes were found? \_\_\_\_\_
10. Today's Date: \_\_\_\_\_
11. Other comments:  
\_\_\_\_\_
12. Other Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_