



## How to Serve the Other Party in a Family Law Case

### Do I have to serve the other party?

Yes. When you file a family law case in court, you must have a copy of the petition, summons, and other papers you are filing delivered to the person you are filing the case against (“the other party”). We call this having the other party “served.”

The other party has a legal right to receive a copy of the papers you file. The judge will not make any decisions in your case until you can show proof that the other party got copies of your court papers.

### How do I have the other party served?

There are three different ways:

1. personal service (hand delivery)
2. by mail
3. by publication

**In Washington, you must always try to have the other party personally served.** If you absolutely cannot have them served this way, you can ask court permission to serve them by mail or publication.

### What is personal service?

**Someone age 18 or older besides you must hand deliver the papers to the other party, or to someone old enough living at their home. The person who delivers the papers is your “server.”**

You do not need court permission for personal service.

Personal service is usually the cheapest way to get the other party served.

Keep track of everything you do to try to get the other party personally served. You may be unsuccessful. At that point, you need court permission to serve by mail or publication.

## Who can do personal service?

You can get a friend to do this, or you can pay a server.

## What is service by mail?

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You need court permission before you try to serve by mail.

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You find someone to mail the paperwork for you. They must mail **two copies** of the papers to the other party:

- one by regular mail
- one by certified mail, return receipt requested

## What is service by publication?

You need court permission before you can try to serve this way. This method of serving costs the most. It may be the least likely to reach the other party.

You should ask permission to serve the other party by publication **only as a last resort**, if you cannot get a court order to serve by mail.

If a judge later decides the service by mail or publication was improper (**example:** the judge does not believe you tried hard enough to find the other party), the judge can cancel all your court orders.

## How can I find the other party for personal service?

You must make an honest, reasonable search. **Follow up on any information you get that may help you find them.**

- Try calling possible phone numbers for them.
- Ask the Postal Service for a forwarding address from the last known address you have.

- Call every friend, roommate, and relative of the opposing party you know. Ask about an address.
- If the other party pays child support through DCS, and you are trying to change child support or your parenting plan, do a DCS address release request. Download the form, [www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/18-176A.pdf](http://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/18-176A.pdf), or in Spanish at [www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/18-176ASP.pdf](http://www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/18-176ASP.pdf). Or see our packet [File a Petition to Modify Your Child Support Court Order](#). It may take 30 days or more to get the other party's address this way.
- Check sources online for finding people's addresses.
- Talk to the other party's present or former employers, unions, or co-workers to try to get a home address or a place of work.

### **I have found the other party. How do I have them personally served?**

Find detailed instructions for your type of family law case and a Proof of Personal Service form at [WashingtonLawHelp.org](http://WashingtonLawHelp.org) under the Family Law topic area. Look for the do-it-yourself packet for your type of case.

There is also a Proof of Personal Service form here. Your server must fill out this form. You must then file it with the court. Keep a copy for your records.

### **I tried everything. I cannot find the other party for personal service. Now what?**

You can ask court permission to serve the other party or parties by mail or publication. Use our [Service by Certified Mail or Publication](#) packet.

### **Get Legal Help**

**Outside King County:** Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.

**In King County:** Call 211 for referral to a legal services provider weekdays from 8:00 am – 6:00 pm.

**Persons 60 and Over** can call CLEAR\*Sr at 1-888-387-7111 (statewide).

**Deaf, hard of hearing or speech impaired callers** can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of your choice.

**Apply online with [CLEAR\\*Online](https://nwjustice.org/get-legal-help) - [nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)**

CLEAR and 211 will provide a free interpreter.

Visit [WashingtonLawHelp.org](https://WashingtonLawHelp.org). It has free information about Washington laws, do-it-yourself court forms, videos about legal issues and a legal help directory.

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Superior Court of Washington, County of \_\_\_\_\_

In re:

Petitioner/s (*person/s who started this case*):

\_\_\_\_\_

And Respondent/s (*other party/parties*):

\_\_\_\_\_

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

Proof of Personal Service  
(AFSR)

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## Proof of Personal Service

*Server declares:*

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

**2. Personal Service**

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

giving the documents directly to him/her.

giving the documents to (*name*): \_\_\_\_\_,  
a person of suitable age and discretion who lives at the same address as the party.

**3. Date, time, and address of service**

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

Address:

\_\_\_\_\_  
*Number and street* *city* *state* *zip*

**4. List all documents you served (*check all that apply*):**

*(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)*

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

**5. Fees charged for service**

Does not apply.

Fees: \$ \_\_\_\_\_ + Mileage \$ \_\_\_\_\_ = Total: \$ \_\_\_\_\_

**6. Other Information (if any):** \_\_\_\_\_

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of server

\_\_\_\_\_  
Print or type name of server

**To the party having these documents served:**

- File the original *Proof of Personal Service* with the court clerk.
- If you served a *Restraining Order* signed by the court, you must also give a copy of this *Proof of Personal Service* and a *Law Enforcement Information Sheet* to law enforcement.

**To the Server:** check here if you personally served the documents *outside* Washington state. Your signature must be notarized or sworn before a court clerk.

*(For personal service in Washington state, your signature does **not** need to be notarized or sworn before a court clerk.)*

Signed and sworn to before me on *(date)*: \_\_\_\_\_.

▶ \_\_\_\_\_  
*Signature of notary or court clerk*

\_\_\_\_\_  
*Print name of notary or court clerk*

I am a notary public in and for the state  
of: \_\_\_\_\_

My commission expires: \_\_\_\_\_

I am a court clerk in a court of record in  
*(county)*: \_\_\_\_\_

*(state)*: \_\_\_\_\_

*(Print seal above.)*