

Service by Mail or Publication

Instructions and Forms
July 2020



Northwest Justice Project

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Section 1: Read this first!

A. Can I use this packet?

❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.

Yes, if you have done both of these:

- filed a certain kind of family law case AND
- diligently tried to find another party to have the summons and petition in your case hand delivered to them (called “**personal service**”), but have not been able to find them for personal service or “**abode**” service.

❖ If the other party is not 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 responsible person living with the other party. If your server does this, your server should ask the person for their name and age, if they live at that address, and if the other party also lives at that address. Your server should put this information on the Proof of Personal Service form.

The kinds of family law cases this packet covers are:

- divorces, non-parent custody cases **where the children are living with Petitioner**, petitions to decide parentage (paternity)
- petitions to change a parenting plan, residential schedule, or custody order
- petitions for a parenting plan where paternity has already been established

❖ **Warning:** The court can only decide that someone is a child’s parent if the court has **personal jurisdiction** over the person. Service by mail or publication may not give the court personal jurisdiction. See [Which Court Can Enter Custody Orders? Questions and Answers about Jurisdiction.](#)

This packet has forms and instructions for asking for court permission to do service by mail or publication. It also explains how to do service by mail or publication on the other party, if you get court permission.

❖ The person who is filing the case is usually the “**Petitioner.**” This might not always be true in Petition to change parenting plan cases.

❖ The party you are trying to serve is always the “**other party.**”

B. When should I NOT use this packet?

- If you have already served the summons and petition on the other party, and you are giving them more documents during the case.
- If your case is not listed above.
- If you are filing a non-parent custody case where the child does **not** live with you.
- If you are filing a Petition to Modify Child Support Order and you plan to serve the other party by mail. Use our [Filing a Petition to Modify Your Child Support Court Order](#) packet.
- If:
 - you **can** find the other party inside the State of Washington to have them served personally (or by abode service) **or**
 - you have not yet tried to find them

Service by mail or publication is complicated and technical. Courts only allow it in special situations.

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

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

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

You must ask for a court order letting you do it. You must prove to the judge that you have tried very hard (you used **due diligence**) to serve the other party in person or by abode service. The judge may let you serve the other party by mail or publication **if** you can show:

- the other party deliberately hid from whoever was trying to serve them **or**
- the other party moved and has no forwarding address **and**
- you do not know where the other party works **and**
- you truly have no idea where the other party is and have no way to find out **or**
- you know the other party lives outside the State of Washington but you cannot afford to personally serve them. **(We do not recommend service by mail or publication if you have an address for a party who lives outside Washington. See the text box below.)**

-
- ❖ The law may let you serve a party who lives outside the state of Washington by mail, instead of personal service, if you are very low-income. **We do not recommend you do this.** It will give the court only limited authority. There is a chance your papers will be challenged, even years later, for the lack of personal service. **Have the other party personally served in all cases where possible.** Try asking the sheriff in the county where the other person lives to serve for you.

 - ❖ Consider having a party who does not live in Washington served by mail only if there is no way you can arrange to have them 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 have asked for in the petition.
-

Before using this packet, you must make an honest, reasonable search to try to find the other party for personal service. **Follow up on any information you get that may help you find the other party.**

If you do not know anyone who can serve the other party, or you are having trouble finding them, you can hire a “process server” (a professional who serves legal papers) to try to find them for personal service. If the process server does not find the other party, ask the process server can fill out a Proof of Personal Service form showing everything they did to find the other party.

D. If you cannot personally serve the other party, and cannot do abode service, try to serve by mail

It costs a lot to serve by publication. Try first to get an order to serve by certified mail, if you have any mailing address (even a close relative’s address) you could use. Ask for court permission to serve by publication **only** if you cannot get an order to serve by mail. (If you do not understand legal words or phrases, use the “Words and Expressions You Should Know” section in the filing packet you are using.)

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

Here are **some** things to do before asking court permission to serve by mail or publication. When you try these things (and anything else you think of that may lead to an address for the other party), put information in the Motion if you could not find the other party for personal service. Here is an example:

Date	What I Did	What I Learned	Result
1/14/12	Called the last phone number I have for other party: (509) 555-1818	Disconnected, no forwarding number	No phone number, no contact

1/15/12	Called other party's Mother, Alma Madre	Mrs. Madre has not seen him for three years	Did not get address
1/16/12	Did a "people search" of other party's name in Seattle, WA on Google	No one by his name was listed	No address

Here are some things to try and to put in your worksheet and your declaration:

- Try to have your process server do personal service on this other party wherever the other party can be found, or abode service at the other party's home. (See the instructions for serving the other party in your Filing packet.)
- Try calling possible phone numbers for the other party to try to find them.
- Ask the Post Office for a forwarding address from the last known address you have. Do this **only** for serving legal papers. A forwarding address is not available where the other party has certain restraining orders or Domestic Violence Orders for Protection.
- Search online for all cities where the other party might live.
- Call every friend, roommate, or relative of the other party you know.
- If the other party pays child support through DCS, and your petition asks for a change to child support or parenting plan or custody order, do a DCS address release request. Read our [Filing a Petition to Modify Your Child Support Court Order](#) packet. **It may take 30 days or more to get the other party's address this way.**
- Check with current or former employers, unions, or co-workers for a home or work address.
- Contact known third parties who could help you find the other party (**examples:** a college or church you know the other party attends or has attended).
- If you think the other party may own real estate, check the property records for the county where you think the property is.
- Try all other leads you have or learn about that might help find the other party.

Section 2: What is in this packet?

This packet has forms and instructions for these:

Form Title	Form Number
Due Diligence Worksheet	Not a court form. For personal use only.
Motion to Serve by Mail	FL All Family 104
Order to Allow Service by Mail	FL All Family 105
Summons Served by Mail	FL All Family 106
Proof of Service by Mail	FL All Family 107
Motion to Serve by Publication	FL All Family 108
Order to Allow Service by Publication	FL All Family 109
Summons Served by Publication	FL All Family 110
Proof of Publication	FL All Family 111
Declaration of:	FL All Family 135

Section 3: What Else do I Need?

The following list generally describes types of packets you may need. There is a complete list of publications and packets of forms and instructions at www.washingtonlawhelp.org. The Filing packet you will use has lists of packets often used for the type of case you are filing.

- Filing (Petition) Packet** - if you are filing a case for divorce, parentage, non-parent custody, or establishment of or changes to a parenting plan/residential schedule, you need the right filing packet. We have separate packets for each type of case. They have how to personally serve the other party.
- Parenting Plans, Residential Schedules, and Child Support** - to ask the court to make or change an order about custody or visitation (and make related child support changes). There are separate packets for different types of case.
- Temporary and Immediate Restraining Orders** – You need the right packet to ask for an order covering some or all the time between the time you file your case until the entry of final orders, or for an order appointing someone to investigate and make a recommendation about the children’s best interests. We have separate packets for different types of case and orders.
- [Serving Papers on the State](#)** - if any party wants a child support court order, and any child has gotten public assistance (TANF) or Medicaid, or is in foster care or out-of-home placement, the state must be a party to the case. You must serve them with papers you file.
- [Subpoenaing Witnesses or Documents](#)** - to make sure important witnesses or documents are at trial.

Section 4: General Instructions

-
- ❖ Read these instructions before filling out any forms.
-

These apply to all forms. They cover all types of family law cases. You may not use some of the information in your case. The Sample form at the end of this section may help you understand these instructions better.

(The sample form is for a divorce case. The caption may look different on your case if it is not a divorce.)

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

Court. Put the county where your case is filed after "Superior Court of Washington County of _____."

Names. If you have already filed the case, look at the Petition form. 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.

Case number. When Petitioner files the initial papers and pays the filing fee (or has it waived), the court clerk assigns a case number. You must put that case number on every paper you file with the court and serve on other parties. Put it near the top on the right-hand section of the first page of every form after "No." (abbreviation for "number")

-
- ❖ If you do not print or stamp the case number on the first page of every copy of everything you file with the court and copies you make for other parties, your papers may be lost, or the clerk may return them to you. Some courts will fine you for filing incorrect forms.
-

Title. Each form has a title directly under the case caption. Sometimes you must add more information. (**Example:** On a declaration, you put the name of the person filling out the declaration.)

-
- ❖ **Format:** Pleadings (legal forms) you file with the court and attachments to those pleadings must follow court rules about size and margins. You must use regular size (8 ½ x 11") white paper. You may write on only one side of the paper. The first page of each paper must have three inches of space (a 3-inch **margin**) 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. 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 form’s instructions. In most counties, you may print or type. It must be readable. You must use **black or dark blue ink**. After filling out each form, re-read it. Make sure you have correctly filled in all blanks as needed. Any corrections must be neat and readable.

Do not write in the margins of any page. The clerk may reject your form.

Dates. The last page of most forms (not including orders) has a space for the person who filled the form out to put the date they signed it. The judge puts dates in orders when signing the order.

Signatures.

- **Your Signature:** After you fill out a form, look for the place(s) to sign your name:
 - 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. **Look carefully.** You may have to sign in more than one place. You may have to put the date and the place (city, state) you signed the form.
 - When you prepare and file motions, you are the moving party. On the last page of a motion, you fill out and sign the section called **Person making this motion** (or **asking for this order**) fills out below.
 - When you prepare an order and plan to present it for the judge to sign, you must check **is presented by me** in the column that applies to you at the end of the order.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.

Place signed. Declarations and Proofs of Service must include the place you signed them and the date. (**Example:** Signed this 10th day of October 2014 at Seattle, WA.)

This **case type** is for a divorce. Yours may be different.

Put the **county** where you are filing this form.

Superior Court of Washington, County of

In re the marriage of:

Petitioner *(person who started this case):*

Jane Brown

And Respondent *(other spouse):*

John Brown

Put the **case number**. The court clerk assigns this number when the Petitioner files the case.

No.

Notice of Hearing **<** (NTHG)


This is the form's **title**.

Clerk's action required: **1**

Sample Form - Notice of Hearing

To the Court Clerk and all parties:

1. A court hearing has been scheduled:



for: May 15, 2016 at: 9:30 a.m. p.m.

date time

at: 1234 Maple Street in 15

court's address room or department

Judge Anne Smith

docket / calendar or judge / commissioner's name

2. The purpose of this hearing is *(specify):* Temporary Family Law Orders regarding a parenting plan and child support.

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing was requested by: Petitioner or his/her lawyer Respondent or his/her lawyer

▶ Jane Brown Jane Brown 5/1/16

Person asking for this hearing signs here Print name (if lawyer, also list WSBA No.) Date

I agree to accept legal papers for this case at:

5252 A Street

address

Treelane WA 98888

city state zip

(Optional) email: jbrown@email.com

This does **not** have to be your home address. If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the *Notice of Address Change* form (FL All Family 120). A party must also update his/her *Confidential Information* form (FL All Family 001) if this case involves parentage or child support.

Section 5: Service by Mail

Under court rules, you can ask permission to serve the other party by certified mail if you have unsuccessfully tried to serve them by personal or abode service, and a certified letter is just as likely to notify them as publishing the Summons in a newspaper in the Legal Notices section.

If you have diligently tried to find the other party for personal service, here is how to file a motion to serve by mail:

1. Fill out the service by mail forms in this packet and the forms you will need from the main packets you are using. (We have packets for the types of cases listed on page 1.)
2. Get court permission to serve the other party by mail.
3. If the judge signs your order allowing service by mail, have your server mail your papers to the other party by certified and regular mail.
4. Have your server complete a Proof of Service by Mail form.
5. File the Proof of Service by Mail (with the green receipt from the post office and a copy of the summons attached) with the court clerk.

We describe these steps in more detail next.

A. Forms for service by mail

This packet has the forms and instructions for the following:

Form Title	Form Number
Due Diligence Worksheet	Not a court form. For personal use only.
Motion to Serve by Mail	FL All Family 104
Order to Allow Service by Mail	FL All Family 105
Summons Served by Mail	FL All Family 106
Proof of Service by Mail	FL All Family 107

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

You will also need the right forms from the main packets you are using (such as the packets [Filing for Divorce](#) and [Parenting Plans](#)).

1. **Motion and Declaration to Serve by Certified Mail - FL All Family 104**

Caption. Fill out the caption as described in the “General Instructions.”

1. Check the box showing who you are.

2. Check the boxes showing

- why you should be able to serve by mail
- why you have been unable to find or serve this other party personally

❖ If you check “the other party does not live in Washington state”, the relief you can get from the court will be limited. There may be a greater chance a judge will set aside your final orders aside, even years later, because the party was not personally served.

3. Put the facts proving what you checked in the last section. (**Example:** someone saw the other party hiding when your server tried to serve him/her.)

❖ In cases where you are trying to serve more than one person (**example:** third party custody cases, or parentage cases where you cannot find one alleged father), you must put the name of the **specific** other party who cannot be found.

4. & 5. Copy your list of things from the “due diligence” section of this packet into these sections.

❖ You must try hard to find the other party for personal service before you can ask to serve by alternate means. Your motion must list all your efforts and the results. If some effort gave you a lead to follow, show how you followed that lead, with what result. You cannot just assume that the other party cannot be found.

Example: You went to the other party’s old apartment to ask about a new address. In section 4, you could put:

What you did	Date you did this	What you learned
Went to Joe Smith’s old apartment on 11th Street	February 10, 2015	Former roommate said Joe had moved to Alaska, but did not know where exactly. Asked former neighbor on my way out. Neighbor saw Joe move out with all his belongings, but did not know where he went.

In section 5, you could put:

What was done	Who did it	Date	What happened
Went to Joe Smith’s last known address	self	2/9/15	Was told he had moved six months earlier to a different address. Was given that address.

If you find where the other party lives, ask anyone you know in that area if they will do personal service for you. If you do not know anyone, check online for “process servers” to call and ask about the cost for personal service. If you can afford it, you should have the other party personally served instead of using service by mail. If you have tried to arrange for out-of-state personal service, but could not find anyone, explain in detail.

If you checked the box in section 2 saying the other party is avoiding service, try to provide a separate declaration from your server about how the other party avoided service. Use the Proof of Service by Mail form for this or the Declaration form in this packet.

6. Check the box showing which address you are going to use. Then put the addresses where you will have the forms sent.

-
- ❖ Choose the addresses where your papers are the most likely to reach the other party.
-

You should list more than one address if, for example, you have a recent address for the other party, and also an address their relative or close friend. (**Example:** the other party’s last known address and his parents’ present address.)

Sign where it says. Put the date and place where you are signing the form. Print or type your name on the next line.

2. Order to Allow Service by Mail - FL All Family 105

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

Caption. Fill in the caption.

1. Check **Petitioner**.

2. Put the other party’s name.

If this is a proposed order, check the box/es showing where you want to be able to send the Summons and Petition. These should be the same address(es) as you put in the motion.

3. Do not make any changes to this section. Read and follow its instructions.

Ordered. LEAVE THIS FOR THE JUDGE.

Presented by. Check **Petitioner**. Then sign and print where indicated.

3. Summons Served by Mail – FL All Family 106

Caption. Fill out the caption.

To: put the other party's name.

Check the box showing what kind of case you are filing.

- 1.** Do not make any changes to this section.
- 2.** Check the correct box for this type of case.

❖ The Response form names are similar to the petition name.

- 3.** Do not make any changes to this section.
- 4.** Put the county of the court where you are filing the petition, and the courthouse address.
- 5.** Do not make any changes to this section.

Person filing this Summons fills out below: Date the form and sign where it says to. Print or type your name in the next blank.

I agree to accept legal papers at: Check the second box. Put your name and address. If you do not want the other party to know where you live, put a P.O. box number if you have one, or put the address of a friend or relative you trust to tell you immediately if you receive any legal papers. You can also list an email address.

B. How to Complete Service by Mail

1. Ask for court permission.

You need court permission to serve the other party by mail. When you appear before the judge, you will need the Motion, Summons, and Order forms listed above, plus the forms from any filing packet you are using.

Call the clerk. The clerk will help you schedule a day and time to appear before the judge. Go to court when the clerk tells you to. The judge will probably hear your motion "ex parte." That means you do not have to file the motion ahead of time or give the other party notice first. If you are asking to file your case without paying the filing fee, ask the judge to approve your Waiver of Filing Fee Order and Order to Allow Service by Mail at the same time.

The judge will sign and date the order if the judge approves your request. File the original Motion and Order with the court clerk. Keep a conformed copy of both forms for yourself. Go to the next steps in this packet.

2. Instructions for mailing

After the judge signs the order allowing service by mail, and you have filled out the Summons by Mail, make copies of these forms and the main forms you have prepared for your case for mailing -- the petition and other forms starting the case. You will need twice as many copies for service as you have addresses in the Order to Allow Service by Mail. Make one extra copy of the Summons.

Example: There is only one other party in your case. You have only one address for service in your order. You will need two copies of each document you are serving on the other party, and three copies of the Summons.

If you are filing any motions or scheduling any hearings at the start of your case, include those papers too. **Do not 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 envelopes. Put your return address on each envelope, using the address you wrote for yourself on the Summons. Address two envelopes to the other party at each address for them in the Order Allowing Service by Certified Mail.

If you are sending the other party the Summons and Petition in care of someone else, address the envelope directly to the other person. Enclose a note asking them to deliver the Summons and Petition (and other enclosed documents) to the other party. Make a copy of the note.

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

Do not mail the papers yourself. Have someone who lives in Washington, is at least age 18, and competent mail everything for you. Have one copy sent by regular mail and one by certified mail to each address listed in the Order Allowing Service by Mail. The envelopes must have your return address on them.

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

- 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 other party's mother, return receipt requested, to the Portland address, with a note inside asking her to give the other party the papers
- one by regular mail to the Portland address addressed to the other party's mother, with a note inside asking her to give the other party the papers

3. How to Fill out and file Proof of Service by Mail - FL All Family 107

The person who mailed your papers must complete a separate Proof of Service by Mail for each party you are serving by mail.

Caption. Fill in the caption.

1. Put your name.

2. Read your choices carefully. Check the box that is true for this case. If you check the first box, you must put the date the court signed your Order to Allow Service by Mail.

3. The server should put the date and time they mailed the papers and the other party's name. Then the server should check all the boxes showing where they mailed the papers.

4. Check the box for each document served. If a document served is not on the list, check **Other** and fill in the blank. **Note:** some boxes have blanks that must be filled in. (**Example:** the "declaration" box needs the name of the person who made the declaration.)

❖ You **must** list every form you had served. If you leave a form off your list, you will have no proof that it was mailed.

5. Most people will not put anything here.

Signed at: Your server must fill out this last section.

The person who mailed the papers to the other party should date and sign the Proof of Service by Mail, and give it back to you.

Keep the original signed Proof of Service by Mail in a safe place until you get the green certified mail receipts back from the post office. When you receive the certified mail receipts back from the post office, tape the return receipt to the bottom of the form, in the place marked. Make a copy of the Proof of Service by Mail form and the attachments (Summons, certified mail receipts and any note requesting delivery to the other 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 Proof of Service by Mail form and attachments for your own records.

If the Certified Mail is Returned or Refused: Make a copy of the envelope so the judge can see it, the cancelled stamp and any notes from the post office. Attach the copy to your Proof of Service and file it.

Section 6: Service by Publication

Service by publication costs a lot. It may be less likely than service by mail to reach the other party. **You should only ask to serve by publication as a last resort**, if you cannot get an order allowing you to serve by mail.

If you are not sure where the other party lives, you must make an honest and reasonable effort to find them. Use the “due diligence” steps listed earlier in this packet and our worksheet.

If you find an address for the party, try to have them personally served there. **Have someone else serve for you.** (See “Instructions for Mailing” about finding a server.) If the address is the other party’s home, try to get “abode” service, even if the server cannot find the other party there. If you cannot serve the party at that address, try to get an order allowing service by mail before trying service by publication.

If none of the above works:

- Fill out the service by publication forms in this packet.
- Have your server mail the summons and petition (and other papers starting the case) to the other party’s home address, if known.
- Ask for court permission to serve the other party by publication.
- If the court signs an Order to Allow Service by Publication, have the Summons published in a newspaper of general circulation **in the county where you filed your case.**
- Get proof from the newspaper showing publication has been completed. Attach the proof to a Proof of Publication cover sheet (In this packet).
- File the Proof of Service and summons with the court clerk.

We explain in more detail below.

A. Forms for service by publication

If you cannot find out where the other party lives or can be found, and cannot get an order for service by mail, you need an Order to Allow Service by Publication signed by a judge. Call the court clerk about when to schedule your hearing to ask the court to approve your request. When you appear before the judge you will need the Motion, Order, and Summons forms listed below. After service by publication is completed, you will need the Proof of Publication cover sheet.

These forms are in this packet:

Form Title	Form Number
Due Diligence Worksheet	Not a court form. For personal use only.
Motion to Serve by Publication	FL All Family 108
Order to Allow Service by Publication	FL All Family 109
Summons Served by Publication	FL All Family 110
Proof of Publication (cover sheet)	FL All Family 111

If want to serve more than one other party by publication, use a separate motion and declaration, order, summons, and proof of publication form for each.

1. Motion to Serve by Publication – FL All Family 108

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

1. Check which party you are.
2. Check all the boxes that are true in this case. If you check **Other**, fill in the blank.
3. State the facts that support (prove) the boxes you checked in section 2. **Examples:** you saw the other party in another state. A relative told you he had moved there.

❖ If you have asked to serve more than one party by publication, explain which facts apply to which party.

4. & 5. Copy your list of things from the “due diligence” section of this packet into these sections.

❖ You must **try hard** to find the other party for personal service before asking to serve by alternate means. Your motion must list all your efforts and the results. If something you did resulted in a lead, show how you followed that lead, and the result. You cannot just assume the other party cannot be found.

Example: You went to the other party’s old apartment to ask about a new address.

In section 4, you could put:

What you did	Date you did this	What you learned
Went to Joe Smith’s old apartment on 11th Street	February 10, 2015	Former roommate said Joe had moved to Alaska, but did not know where exactly. Asked former neighbor on my way

		out. Neighbor saw Joe move out with all his belongings, but did not know where he went.
--	--	---

In section 5, you could put:

What was done	Who did it	Date	What happened
Went to Joe Smith's last known address	self	2/9/15	Was told he had moved six months earlier to a different address. Was given that address.

6. Check the box that is true for you. If you check **Yes**, you must follow the instructions in this section.

7. Check the boxes showing what is true in this case.

Sign your name where it says. Put the date and place where you are signing. Print or type your name on the next line.

2. Instructions for Order to Allow Service by Publication - FL All Family 109

Caption. Fill out the caption.

1. Check the box showing which party you are.

2. Put the other party's name.

Ordered. LEAVE THIS FOR THE JUDGE.

Presented by: Check the box showing which party you are. Then sign and print where indicated.

3. Instructions for Summons Served by Publication - FL All Family 110

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

TO: put the other party's name.

Check the box showing the type of petition you are filing.

1. Do not make any changes to this section.

2. Check the correct box for this type of case.

3. Do not make any changes to this section.

4. Put the county of the court where you are filing the petition, and the courthouse address.

5. Do not make any changes to this section.

Person filing this Summons fills out below: Date the form and sign where it says. Print or type your name in the next blank.

I agree to accept legal papers at: Check the second box. Put your name and address. If you do not want the other party to know where you live, put a P.O. box number if you have one, or put the address of a friend or relative you trust to tell you immediately if you receive any legal papers. You can also list an email address.

B. Presenting your motion to serve by publication in court

After filling out the forms, you need court permission to serve the other party by publication. Call the court clerk about when to schedule your hearing 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." This means you do not have to file the motion ahead of time or give the other party notice first. If you are asking to file your case without paying the filing fee, try to ask the judge to approve your Waiver of Filing Fee Order and the Order to Allow Service by Publication at the same time.

The judge will sign and date the order if the judge approves your request. After that, file the original Motion and Order with the court clerk. Keep a conformed copy of both forms for yourself. Follow 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 authorized to publish legal notices in the county where you have filed your case. Contact the newspapers on that list. Ask:

- the cost of publication
- how and when to pay them
- how to get the Summons to them
- how you get the proof of publication back from them

Decide which newspaper to use. Arrange to have the summons published once a week, for six 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,

- Make sure you have filed your case in court and that the summons has the case number on it.
- Mail or take this summons and a copy of the order to the newspaper that will publish your summons. See previous section for details.
- Arrange for payment of the costs of publishing the summons, if you have not already done so.
- At the end of the six weeks, most newspapers will send you something confirming that they published your Summons for six weeks. Ask the newspaper to send this to you. When you get it back, attach the proof to the **Proof of Publication** (below).

2. Proof of Publication (cover sheet) – FL All Family 111

Once you get the proof of publication back from the newspaper, you must fill out this form, attach the proof to it, and file it with the court.

Fill out the caption.

Submitted by: Check the box showing which party you are. Sign and print your name.

Section 7: Blank Forms and Due Diligence Worksheet

The rest of this packet has blank forms for your use. Make a copy of each form so that you have an extra in case your first draft needs many changes. You may need forms from other packets. You may not need all the forms in this packet.

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of many of these forms available on their web site at <http://www.courts.wa.gov/forms>.

Due Diligence Worksheet

Do not file this worksheet in court. It is not a court form. Use it to keep a record of the due diligence steps you take trying to find the other party for personal service.

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

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

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Motion to Serve by Mail
(MTSM)

Motion to Serve by Mail

Important! The person making this motion must ask the court to sign an Order to Allow Service by Mail (form FL All Family 105) either at a hearing or at ex parte. Contact the court for scheduling information.

- 1.** I am the (*check one*): Petitioner Respondent in this case.
- 2.** I ask the court to allow me to serve the other party the *Summons* and *Petition* for this case by mail because service by mail will be as effective as service by publication and because (*check all that apply*):
- The other party cannot be found in Washington State because (*check all that apply*):
 - s/he has left Washington State to avoid being served.
 - s/he is hiding to avoid being served.

Warning! If you serve someone by publication only for the reasons listed below, the court may not have personal jurisdiction over that person. This may limit the court's ability to divide property and debts, award money, set child support or spousal support, or approve a restraining order or protection order.

- The other party does not live in Washington State.
- I cannot find the other party to serve him/her. I have made a reasonable search as described below.
- Other (*explain*): _____

3. Give facts that support your statements in section **2** above:

4. List what you did to try to find the other party:

<i>What you did</i>	<i>Date you did this</i>	<i>What you learned</i>

5. List attempts to serve the other party in person:

<i>What was done</i>	<i>Who did it</i>	<i>Date</i>	<i>What happened</i>

6. The court papers should be mailed to the other party at the address/es listed below.
(List all addresses where the other party may receive the court papers):

Last known mailing address:

Name and address of the other party's parent or nearest living relative:

Name: _____

street number or P.O. box *city* *state* *zip*

This address should be used because (*explain*): _____

Other address:

In care of (*name*): _____

street number or P.O. box *city* *state* *zip*

This address should be used because (*explain*): _____

7. Are you trying to serve a *Non-Parent Custody Petition*? Yes No

If Yes, are the children listed in the *Petition* living with you now? Yes No

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

Signed at (*city and state*): _____ Date: _____



Person making this motion signs here

Print name here

Superior Court of Washington, County of _____

In re:

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

And Respondent/s (other party/parties):

No. _____

Order to Allow Service by Mail
(ORRSR)

Order to Allow Service by Mail

1. The court has considered the *Motion to Serve by Mail* filed by the (check one):
 Petitioner Respondent. The *Motion* shows a valid reason to serve by mail.

2. The requesting party may serve the *Summons* and *Petition* in this case by mail to
(name): _____ as follows:

to his/her last known mailing address:

_____ *street number or P.O. box* *city* *state* *zip*

to this other appropriate address:

Addressed to him/her: directly in care of (name): _____
at:

_____ *street number or P.O. box* *city* *state* *zip*

other: _____

3. To Serve by Mail:

- The requesting party may use the *Summons by Mail* form (FL All Family 106).
- The *server* must be someone age 18 or older who is **not** a party to this case.
- The *server* must mail **two copies** of the court papers to each address listed above.
 - Mail one copy of the court papers by regular, prepaid first class mail.
 - Mail the other copy by certified mail, with return receipt requested.
- Each envelope must show the requesting party's (not the *server's*) return address. The return address may be the requesting party's lawyer's address or any other address where the requesting party agrees to receive legal papers.
- Fill out and file a *Proof of Service by Mail* (form FL All Family 107).

Ordered.

Date

▶

Judge or Commissioner

Presented by: Petitioner or his/her lawyer Respondent or his/her lawyer

▶

Sign here

Print name (if lawyer, also provide WSBA #)

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Summons Served by Mail
(SM)

Summons Served by Mail

To (*other party's name/s*): _____

I have started a court case by filing a petition. The name of the Petition is:

You must respond in writing if you want the court to consider your side.

Deadline! Your *Response* must be **filed and served** within **90 days** of the date this summons is mailed. If you do not file and serve your *Response* or a *Notice of Appearance* by the deadline:

- No one has to notify you about other hearings in this case, and
- The court may approve the requests in the *Petition* without hearing your side (called a *default judgment*).

Follow these steps:

- 1. Read** the *Petition* and any other documents that were mailed with this *Summons*. Those documents explain what the other party is asking for.
- 2. Fill out** a *Response* on this form (*check the Response that matches the Petition*):
 - FL Divorce 211, *Response to Petition about a Marriage*
 - FL Divorce 212, *Response to Petition about a Registered Domestic Partnership*
 - FL Non-Parent 415, *Response to Non-Parent Custody Petition*

- FL Non-Parent 452, *Response to Terminate or Change Non-Parent Custody Order*
- FL Parentage 302, *Response to Petition to Decide Parentage*
- FL Parentage 332, *Response to Petition for Parenting Plan, Residential Schedule and/or Child Support*
- FL Parentage 342, *Response to Petition for De Facto Parentage*
- FL Parentage 382, *Response to Petition to Stop Parentage Based on Sexual Assault*
- FL Modify 502, *Response to Petition to Modify Child Support Order*
- FL Modify 602, *Response to Petition to Change Parenting Plan, Residential Schedule or Custody Order*
- FL Relocation 722, *Response to Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)*
- FL Visits 476, *Response to Petition for Visits*
- Other (*specify*): _____

You can get the *Response* form and other forms you need at:

- The Washington State Courts' website: www.courts.wa.gov/forms
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

3. Serve (give) a copy of your *Response* to the person who filed this *Summons* at the address below, and to any other parties. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

4. File your original *Response* with the court clerk at this address:

Superior Court Clerk, _____ County

address *city* *state* *zip*

5. Lawyer not required: It is a good idea to talk to a lawyer, but you may file and serve your *Response* without one.

Person filing this *Summons* or his/her lawyer fills out below:

▶ _____

Signature *Date*

 Print name and WSBA No., if any

I agree to accept legal papers for this case at (*check one*):

Lawyer's address:

lawyer's address *city* *state* *zip*

Email (*if applicable*): _____

[] the following address (*this does **not** have to be your home address*):

<i>address</i>	<i>city</i>	<i>state</i>	<i>zip</i>
----------------	-------------	--------------	------------

*(If this address changes before the case ends, you **must** notify all parties and the court in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)*

Note: You and the other party/ies may agree to accept legal papers by email under Superior Court Civil Rule 5 and local court rules.

This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the state of Washington.

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 Service by Mail
(AFML)

Proof of Service by Mail

Warning! Use this form **only** if the court has signed an Order to Allow Service by Mail for documents that otherwise must be personally served. Use the Proof of Mailing or Hand Delivery form (FL All Family 112) to show service of documents that do **not** have to be personally served.

Server declares:

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

2. **Service by mail allowed** (Check one):

The court signed an order on (date): _____ that allows me to serve the documents listed in section **4** below by mail.

I served a *Summons and Petition to Modify Child Support Order* to change a *Child Support Order* that was signed by a Washington State Court. (The law allows these documents to be served by return receipt mail without a court order. RCW 26.09.175(2)(a).)

I served a *Notice of Intent to Move with Children (Relocation)*. (The law allows this Notice to be served by return receipt mail without a court order. RCW 26.09.440.)

I served an *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)*. (The law allows this Objection to be served by return receipt mail without a court order. RCW 26.09.480.)

3. On (date): _____, I personally mailed **two copies** of the documents listed below to (name): _____ at each address

listed below. I mailed one copy by regular, prepaid first class mail. I mailed the other copy by certified mail with return receipt requested. The return receipt is taped below.

(Check all that apply):

Last known mailing address:

street number or P.O. box city state zip

Other appropriate address approved by the court:

Addressed to him/her: directly in care of (name): _____

at: _____

street number or P.O. box 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 (Attach a copy.)	<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"/> Declaration of: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Declaration of: _____	<input type="checkbox"/> Other: _____

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

Tape return receipt below:

Superior Court of Washington, County of _____

In re:

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

And Respondent/s (other party/parties):

No. _____

Motion to Serve by Publication
(MTPUB)

Motion to Serve by Publication

Important! The person making this motion must ask the court to sign an Order to Allow Service by Publication (form All Family 109) either at a hearing or ex parte. Contact the court for scheduling information.

- 1. I am the (check one): Petitioner Respondent in this case.
- 2. I ask the court to allow me to serve the other party the *Summons* for this case by publication because (check all that apply):
 - the other party cannot be found in Washington State because (check all that apply):
 - s/he has left Washington State to avoid being served.
 - s/he is hiding to avoid being served.

Warning! If you serve someone by publication only for the reasons listed **below**, the court may not have personal jurisdiction over that person. This may limit the court's ability to divide property and debts, award money, set child support or spousal support, or approve a restraining order or protection order.

- the other party does not live in Washington State.
- I cannot find the other party to serve him/her. I have made a reasonable search as described below.
- other (explain): _____

3. Give facts that support your statements in 2:

4. List what you did to try to find the other party:

<i>What you did</i>	<i>Date you did this</i>	<i>What you learned</i>

5. List attempts to serve the other party in person:

<i>What was done</i>	<i>Who did it</i>	<i>Date</i>	<i>What happened</i>

6. Do you know the other party's current home address?

*(If you know it, you must mail a copy of the Summons and Petition to the other party's home address **before** you ask for permission to serve by publication. This mailing, by itself, does not count as service.)*

- Yes, and I have mailed a copy of the *Summons* and *Petition* to the other party at that address.
- No.

7. Are you trying to serve a *Non-Parent Custody Petition*? Yes No

If Yes, are the children listed in the *Petition* living with you now? Yes No

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

Signed at (*city and state*): _____ Date: _____



Sign here

Print name

Superior Court of Washington, County of _____

In re:

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

And Respondent/s (other party/parties):

No. _____

Order to Allow Service by Publication
(ORPUB)

Order to Allow Service by Publication

1. The court has considered the (check one): Petitioner's Respondent's *Motion to Serve by Publication*. The *Motion* shows a valid reason to serve by publication.

4. The *Summons* in this case may be served on (name): _____ by publication in a newspaper of general circulation in this county once a week for six weeks. Proof of publication must be filed with the court. The serving party may use the *Summons Served by Publication* form (FL All Family 110).

Ordered.

Date ▶ Judge or Commissioner

Presented by: Petitioner or his/her lawyer Respondent or his/her lawyer

▶

Sign here _____
Print name (if lawyer, also provide WSBA #)

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Summons Served by Publication
(SMPB)

Summons Served by Publication

(Note to Publisher: Publish everything but the text following unchecked boxes. Fill in the date of the first publication.)

To (*other party's name/s*): _____

I have started a court case by filing a petition. The name of the Petition is:

You must respond in writing if you want the court to consider your side.

Deadline! Your *Response* must be **filed and served** within **60 days** of the date this *Summons* is published (*Publisher enter date of first publication here*): _____. If you do not file and serve your *Response* or a *Notice of Appearance* by the deadline:

- No one has to notify you about other hearings in this case, and
- The court may approve the requests in the *Petition* without hearing your side (called a *default judgment*).

Follow these steps:

- 1. Read** the *Petition* and any other documents that were filed at court with this *Summons*. Those documents explain what the other party is asking for.

2. Fill out a Response on this form (check the Response that matches the Petition):

- FL Divorce 211, *Response to Petition about a Marriage*
- FL Divorce 212, *Response to Petition about a Registered Domestic Partnership*
- FL Non-Parent 415, *Response to Non-Parent Custody Petition*
- FL Non-Parent 452, *Response to Terminate or Change Non-Parent Custody Order*
- FL Parentage 302, *Response to Petition to Decide Parentage*
- FL Parentage 332, *Response to Petition for Parenting Plan, Residential Schedule and/or Child Support*
- FL Parentage 342, *Response to Petition for De Facto Parentage*
- FL Parentage 382, *Response to Petition to Stop Parentage Based on Sexual Assault*
- FL Modify 502, *Response to Petition to Modify Child Support Order*
- FL Modify 602, *Response to Petition to Change Parenting Plan, Residential Schedule or Custody Order*
- FL Relocation 722, *Response to Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)*
- FL Visits 476, *Response to Petition for Visits*
- Other (specify): _____

You can get the Response form and other forms you may need at:

- The Washington State Courts' website: www.courts.wa.gov/forms
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

3. Serve (give) a copy of your *Response* to the person who filed this *Summons* at the address below, and to any other parties. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

4. File your original *Response* with the court clerk at this address:

Superior Court Clerk, _____ County

address *city* *state* *zip*

5. Lawyer not required: It is a good idea to talk to a lawyer, but you may file and serve your *Response* without one.

Person filing this Summons or his/her lawyer fills out below:

▶ _____ _____

Signature *Date*

Print name and WSBA No., if any

I agree to accept legal papers for this case at (*check one*):

Lawyer's address:

lawyer's address *city* *state* *zip*

Email (*if applicable*): _____

the following address (*this does **not** have to be your home address*):

address *city* *state* *zip*

*(If this address changes before the case ends, you **must** notify all parties and the court in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)*

Note: You and the other party/ies may agree to accept legal papers by email under Superior Court Civil Rule 5 and local court rules.

This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the state of Washington.

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 Publication (Cover Sheet)
(AFPUB)

Proof of Publication (Cover Sheet)

Attached is the newspaper's proof that my *Summons* was published.

Submitted by: Petitioner or his/her lawyer Respondent or his/her lawyer



Sign here

Print name (if lawyer, also provide WSBA #)

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Declaration of
(*name*): _____
(DCLR)

Declaration of (*name*): _____

1. I am (*age*): _____ years old and I am the (*check one*): Petitioner Respondent

Other (*relationship to the people in this case*): _____

2. I declare: _____

(Number any pages you attach to this Declaration. Page limits may apply.)

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true. I have attached (number): ____ pages.

Signed at (city and state): _____ Date: _____

▶ _____
Sign here Print name

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents

EVALUATION FORM: How was this 3220EN SERVICE BY CERTIFIED MAIL OR PUBLICATION packet? 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:

LeeAnn Friedman
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660
Or email to webmaster@nwjustice.org

1. Where did you get this packet?
 CLEAR [washingtonlawhelp.org](http://www.washingtonlawhelp.org) Court Clerk or Facilitator
 Other: _____
2. What is your primary language? _____
3. Are you low-income? yes no
4. What is the last grade you finished in school? _____
5. Did you read the instructions? yes no
6. Did you need the help of an agency, court facilitator, or advocate to complete your case? yes no
If yes, what agency or individual helped you? _____
7. Did you find anything hard to understand? yes no
If yes, please tell us what. _____

8. Did you find any mistakes? yes no
Describe mistakes. Include the page #. _____

9. Additional Comments [use back if you need to]: _____

10. Today's Date: _____