

INSTRUCTIONS ON SERVING LEGAL DOCUMENTS

SPOKANE COUNTY FAMILY COURT FACILITATOR

You must begin your legal action by serving one copy of every document you filed with the court on the opposing party. You should determine which of three ways the opposing party will receive the papers: Personal Service, Certified Mail or by Publication. **YOU CANNOT** serve the papers on the opposing party. **YOU MUST** make the necessary arrangements to have this done and a document **MUST** be filed with the court showing that service has been done or you **CANNOT** finalize your legal action.

PERSONAL SERVICE (preferred method):

- 1) The opposing party may agree to sign a receipt for the papers. This form is the *Service Accepted (FL All Family 117)*. If the opposing party signs this form you do not need to serve the opposing party by any other means, but you must file this form with the court.
- 2) Another adult over eighteen (18) years of age may serve the papers. You can ask a friend or relative to give the papers to the opposing party. The person serving the papers to the opposing party must then sign the *Proof of Personal Service (FL All Family 101)*, which tells the court s/he knows the opposing party and that s/he was given the papers on this date at this address. You must take this form to the courthouse and file it with the Clerk, Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday under your court file number.
- 3) If you do not have a friend willing to do this for you, you will need to contact a process server (see telephone yellow pages) who will serve the opposing party for a fee. Or you may hire the Sheriff of Spokane County or the county in which the opposing party lives to do this for you. For Spokane County, go to the Sheriff's Office, Civil Division, in the Public Safety Building behind the Courthouse. Make the necessary arrangements with them to serve the papers on the opposing party. The sheriff serves papers for both the City and County and charges a flat fee plus mileage. You must pay any fees in cash before they will serve the papers. If the opposing party lives in another county or state, you may contact the Sheriff of the county in which the opposing party lives and arrange for them to serve the papers.

_____ If you use Personal Service (Preferred Method), prepare the following:

- () *Summons* for personal service (for the type of case you are starting) and one of the following:
- () *Service Accepted* (if the opposing party is willing to sign this receipt for the forms). **(FL All Family 117)**

OR

() *Proof of Personal Service (FL All Family 101)* for service by a friend, the Sheriff in Washington or in another state, or a process server.

File the *Service Accepted* or *Proof of Personal Service* with the court. **This will be your only proof that the opposing party has been served.**

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CERTIFIED MAIL SERVICE: (Second Best Method):

If you do not know where the opposing party is, but have a last-known address, such as the address of a good friend or relative of the opposing party or an address of his/her employer, you may obtain an order from the court allowing you to serve the opposing party by certified mail. **Remember that if you serve by mail, the court may not have the authority to require the opposing party to pay child support or pay debts if served by mail.**

1) **You must obtain a court order** before you can mail the documents to the opposing party. The court must be certain that you have no way to personally serve the papers or that you tried unsuccessfully to personally serve the opposing party before an order will be signed allowing certified mail service.

_____ If you must serve by Certified and First Class Mail, prepare the following:

- () *Summons Served by Mail (FL All Family 106)*
- () *Motion to Serve by Mail (FL All Family 104)*
- () *Order to Allow Service by Mail (FL All Family 105)*

_____ Take the documents to the Ex Parte Courtroom 304, open Monday through Friday, 9am to noon and 1:30pm to 4pm, to have the Order signed.

_____ After obtaining the court order, arrange to have a friend or relative over 18 years of age mail one copy of the *Summons Served by Mail* and *Petition* (for the type of case you are starting) (and *Parenting Plan* and *Child Support Worksheets*, if required for your type of action) to the opposing party by regular first class mail **and a second copy of each document** by Certified Mail, Return Receipt Requested.

YOU CANNOT MAIL THE DOCUMENTS! THEY MUST BE MAILED BY A THIRD PARTY OVER 18 YEARS OF AGE.

Save the receipt and green card from the post office and attach them to the *Proof of Service by Mail (FL All Family 107)* form, which must be signed by the person who mailed the papers. File the *Proof of Service by Mail* with the Clerk, Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday.

SERVICE BY PUBLICATION (Method of Last Resort): This is the most expensive way to serve the opposing party. If you do not know where the opposing party is, have no address for the opposing party or any of his/her friends, relatives, or employer you must file a declaration stating this and you must obtain a court order before you can publish the summons in a newspaper for six weeks.

Remember that the court may not have the authority to require the opposing party to pay child support or pay debts if served by publication.

_____ If you must serve by publication, prepare the following:

- () *Motion to Serve by Publication (FL All Family 108).* (This tells the court you cannot locate the other party, have no addresses and cannot serve the other party by any other method.)
- () *Order to Allow Service by Publication (FL All Family 109)*
- () *Summons Served by Publication (FL All Family 110)*

_____ Take the documents to the Ex Parte Courtroom 304 to have the Order signed.

After the Order is signed, you must take the *Summons Served by Publication* form to a local newspaper and ask them to publish it for six weeks. Pay the publication fees. Put the date of first publication in the *Summons Served by Publication* form. They will send you an affidavit with a copy of the newspaper summons after it has been printed for six weeks. This must be filed in the court file to show that notice to the opposing party was published six times.

NOTE: All of the above mentioned forms can be found on the Washington State Court website: www.courts.wa.gov/forms.

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.