



What you need to know about.... ***SERVICE & NOTICE***

by
Tacoma-Pierce Coordinated Family Law Project

What is service?

When you file a case in Superior Court, you must serve the papers you filed with the court on the other party (the respondent). These papers will include a summons and a petition or complaint.

Service is giving the other party notice that you have filed an action against them. Service must be done in such a way that the court knows for sure that the other party has been notified, or your action cannot proceed to the next step.

What is personal service?

If personal service is done and proof of service is filed, you can prove to the court that the other party has been given notice. ***Personal Service is always the best....BUT Personal service cannot be done by you!***

Personal service must be done by someone who has no interest in the case, is not a party to the case, and is over the age of 18. When you file a case in Superior Court, you must serve the papers you filed with the court on the other party. These papers will include a summons and a petition or complaint. Service is giving the other party legally sufficient notice that you have filed an action against them. Service must be done in such a way that the court knows for sure the other party has been notified, or your case cannot proceed to the next step.

Why is personal service so important?

It is possible that issues, disputes or challenges regarding notice to the other party may come up at a later time in your case. If this happens, you are much less likely to have your case thrown out and have to start over if you used personal service to notify the other party when you filed your case.

How is personal service done?

Have someone (other than you) over the age of 18 deliver the papers directly to the other party (this can occur at the other party's residence or any other location where the other party can be contacted personally); OR Have someone (other than you) over the age of 18 deliver the papers to the other party's residence and leave them with a person of suitable age who lives on the premises and understands that the papers must be given to the other party. "Suitable age" is defined differently by the courts; the person doing the service should use common sense in assessing whether the person with whom they leave the papers is responsible and capable of understanding the importance of delivering them to the respondent.

A child in common to the parties in the action is not a suitable person to perform service or accept service.

If you do not know a reliable person over 18 unrelated to the action who can perform personal service, one of the very best options is to contact the County Sheriff to perform the service. If the Sheriff serves the other party, you and the court will know for sure that the other party has been served properly.

What is the Return of Service, who signs it and what do I do with it?

After you have someone personally give the other party copies of the forms you have filed, that person must fill out a form to prove that service was done. The form must include a list of all documents served, and the address, date and time they were served. Proof of service forms, including the Return of Service and Declaration of Mailing, are available in the Law Library.

As soon as that person has filled out the Return of Service, TAKE IT TO THE COURT CLERK'S OFFICE AND FILE IT! (Make sure to keep a copy for yourself.)

Does anybody besides the other party need to be served?

If your case involves child support and any child involved in the case has ever received public assistance (TANF) or medical assistance, you must deliver one copy of any documents involving that minor child to the Family Support Division of the Prosecutor's Office. Personal service is not required unless the prosecutor is a party to the action. The address is:

**Family Support Division
949 Court E
Tacoma, WA 98402**

What about serving other papers?

After you have _led and served your original summons and petition, you will still need to give notice to the other party of ANYTHING ELSE that you file in that same action.

Once your initial papers have been personally served, additional papers may be mailed, but have another person do the mailing. File a copy of a Declaration of Mailing with the Clerk.

What are the time frames for advance notice?

Any time you set a hearing on an issue in your case, you must give the other party advance notice of the hearing date, and copies of any documents related to the hearing which you are filing with the Clerk of Court and want the judicial officer to consider.

It is advisable to have someone else serve these papers a minimum of 14 days before the date you set the hearing. If the papers are mailed, add an extra 3 days.

Original Petitions must be served more than 20 days prior to the hearing if served in Washington, or 60 days before the hearing if served out of state. (These timelines apply to domestic cases but not all other types of cases, especially eviction/unlawful detainer.) To count the days, use calendar days (include weekends and holidays) but don't count the day of the hearing or the day of mailing.

What if I'm unable to do personal service?

If the other party lives a long distance away or you are unable to and their address, you may be able to serve by mail or publication **with the approval of the court.**

To learn more about how to serve by mail or publication and get more information about service, see these online resources:

www.tacomaprobono.org
www.washingtonlawhelp.org

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