

# PIMA COUNTY JUVENILE COURT

## SERVICE OF PROCESS

HOW TO SERVE NOTICE AS REQUIRED BY LAW FOR TERMINATION (SEVERANCE) OF PARENTAL RIGHTS.

**“Service”** means notifying the other party(ies) that you filed the Termination Petition and providing the other party(ies) with a copy of the Petition for Termination of Parent-Child Relationship and Notice of Hearing (which contains the court hearing date and other important information). Service is legally required, and you **MUST** use one of the methods described in this packet.

## Table of Contents

Overview	2
Part 1: Methods of Service	3
You know where the other party lives in Arizona.	4
You know where the other party lives in the United States, but they live outside of Arizona.	5
You know where the other party lives outside of the United States.	6
You cannot find the other party.	7
You need to notify an Indian Tribe.	8
Part 2: Instructions for Each Method	9
Acceptance of Service Method	10
Registered (Private) Process Server	12
Certified Mail	13
Sheriff	15
Publication	16
Legal Help Resources	18

## OVERVIEW

When you file paperwork to terminate, or sever, someone's parental rights, the law says you must tell that person and provide them copies of the Petition to Terminate Parent-Child Relationship and Notice of Hearing. This is called "serving notice." This packet has instructions for "serving notice" in a Juvenile Court case to terminate someone's parental rights.

1. First, you file the "Petition to Terminate Parent-Child Relationship" with the Clerk of the Court.
2. Next, you must serve the Petition to Terminate AND the Citation/Notice of Hearing on the other party(s). The "other party" is the parent(s) whose rights you want to terminate. A person might also have a right to receive notice of the petition you filed if they are the minor's parents, legal guardian, or custodian (a custodian is a person the minor lives with).

You also need to serve the petition and the notice on an Indian tribe if it is known or there is reason to know that a child subject to the petition is an Indian child. A child is considered an Indian child if he/she is either enrolled as a member of the tribe or eligible to enroll as a member of the tribe. If the child is an Indian child, their tribe, each parent whose rights are sought to be terminated, and the Secretary of the Interior/Bureau of Indian Affairs must be provided a copy of the petition and the notice by certified mail with a return receipt provided.

When you follow the steps for service, you will give proof to the Court that the other party has received a copy of the court papers. You cannot go forward with your case until you give the Court proof that you served the other party.

There are several methods to serve the other party. The first part of this packet will help you decide which method is best for you. The second part of this packet gives you directions for each method.

**NOTE:** You have permission to use these forms for a lawful purpose. You cannot use the forms to practice law without a license. The Court is not responsible and not liable for your actions when you use this packet, or for your reliance on this packet's contents. We regularly revise this packet, so it is only current for the day you received it. You should check with the Resource Center that you have the most current packet.

## Part 1: METHODS OF SERVICE

Use this first section to help you decide which method of service works best for your circumstances. After you choose your method of service, turn to **Part 2** on page 9 to find instructions for that particular method.

## **You Know Where the Other Party Lives in the State of Arizona.**

*Example: You know the other party's address in Casa Grande, Arizona.*

Service must take place as soon as possible and at least ten business days before the date of the hearing. Business days do not include Saturdays, Sundays, or weekdays when the court is closed because of a legal holiday (example: Martin Luther King, Jr. Day).

### **1. Service by Acceptance**

- You give or mail the court papers to the other party. You include an "Acceptance of Service" form. The other party signs the Acceptance of Service form in front of a Notary Public and returns the signed form to you.
- **DO NOT** use this method if you are a victim of domestic violence, if you have an order of protection against the other party, or if you think the other party may hurt you or your children.
- For detailed instructions, go to page 10.

### **2. Service by Registered Process Server**

- You hire and pay a registered process server to serve the other party with the court papers. A process server is a person who will give the papers to the other party at home, work, or another location.
- For detailed instructions, go to page 10.

### **3. Service by Sheriff**

- You contact the Sheriff's Office in the county where the other party lives. You pay for a deputy to give the other party the court papers. There is a fee, but you may be eligible for a fee waiver or deferral.
- For detailed instructions, go to page 15.

### **4. Other Methods of Service**

- **There may be more ways to serve the other party. To learn more about these methods, you should ask a lawyer for help.**

## **You Know Where the Other Party Lives in the United States, But They Do Not live in the State of Arizona.**

*Example: You know the other party's address in Santa Rosa, California.*

Service must take place as soon as possible. The next hearing must be at least 30 calendar days after the other party was served plus ten business days.

### **1. Service by Acceptance**

- You give or mail the court papers to the other party. You include an "Acceptance of Service" form. The other party signs the Acceptance of Service form in front of a Notary Public and returns the signed form to you.
- **DO NOT** use this method if you are a victim of domestic violence, you have an order of protection against the other party, or if you think the other party may hurt you or your children.
- For detailed instructions, go to page 10.

### **2. Service by Certified Mail**

- You mail the court papers to the other party using certified mail, which requires the other party to sign for the papers. No one other than the other party is allowed to sign the certified mail receipt for this form of service.
- For detailed instructions, go to page 13.

### **3. Service by Registered Process Server**

- You hire and pay a registered process server to serve the other party with the court papers.
- A process server is a person who will give the papers to the other party at home, work, or another location.
- For detailed instructions, go to page 12.

### **4. Service by Sheriff**

- You contact the Sheriff's Office in the county where the other party lives. You pay for a deputy to give the other party the court papers. There is a fee, but you may be eligible for a fee waiver or deferral.
- For detailed instructions, go to page 15.

### **5. Other Methods of Service**

- **There may be more ways to serve the other party. To learn more about these methods, you should ask a lawyer for help.**

## **You Know Where the Other Party Lives Outside of the United States.**

*Example: You know the other party's address in Mexico City, Mexico.*

If this is your situation, you may need to ask a lawyer for help and/or research international law to find the right method of service. For a list of local legal resources, go to page 18.

## **You Cannot Find the Other Party.**

*Example: You cannot find a way to contact or locate the other party.*

### **1. Service by Publication**

- After you try your best to find the other party and if you are unable to locate the other party, you publish the court papers in a newspaper.
- For detailed instructions, go to page 16.



## **You need to notify an Indian Tribe.**

*Example: The child is not enrolled with the Hopi but is eligible for enrollment, you will need to send a copy of the petition and the notice of hearing by certified mail, return receipt requested, to the Tribe (or all tribes of which the child may be a member or eligible for membership), each parent whose rights could be terminated, and to the Secretary of the Interior/Bureau of Indian Affairs.*

### **1. Service by Certified Mail**

- a. You mail the petition and notice of hearing using certified mail with a return receipt requested, which requires the other party to sign for the papers. No one other than the other party is allowed to sign the certified mail receipt for this form of service.
  - b. Provide the petition and notice to the Secretary of the Interior/Bureau of Indian Affairs by sending it certified mail to this address:  
Western Regional Office, 2600 North Central Avenue, 4<sup>th</sup> Floor, Phoenix, AZ 85004
  - c. To service notice to a tribe, use this website: [ICWA Designated Agents Listing | Indian Affairs \(bia.gov\)](#) Locate the state where the tribe/s is/are located and click on the locators to find the specific tribe's ICWA Designated Agent. Then send the petition and the notice via certified mail to the ICWA agent at the address provided for the tribe.
  - d. For a parent, send to the certified letter to the last known mailing address.
- 2.** For detailed instructions to prove you provided petition and notice by certified mail, go to page 13.

## **Part 2: Instructions for Each Method of Service**

In this section, you will find instructions for how to complete the method of service that is best for your situation.

## How to Serve the Other Party Using the **ACCEPTANCE OF SERVICE METHOD**



**WARNING:** Do not use this method if you are the victim of domestic violence, or you think the other party may hurt you or your children. Asking the other party to accept service through the mail might make them aware of your home address. Ask a lawyer for help if you have questions about whether you should use this method.

**Overview:** In this method, you give or mail the court papers (including the Petition to Terminate Parent Child Relationship and the Notice of Hearing containing the hearing date) to the other party. You include an “Acceptance of Service” form. The other party signs the Acceptance of Service form in front of a Notary Public and returns the signed form to you. The other party’s signature on the Acceptance of Service form does not mean that they agree to the termination. It means that the other party acknowledges that they received the papers.

**1**

**STEP 1: After you file the Petition to Terminate, ask the other party (or parties) to accept service.**

You can ask the other party to accept service by:

- Talking to them,  
*Or*
- Sending them a letter

NOTE: You must file the Petition before you have the other party sign the Acceptance of Service form.

**2**

**STEP 2: If the other party agrees to accept service, they must sign the Acceptance of Service form in front of a Notary Public. Choose one of three options:**

- **GO:** Go with the other party to the filing counter at the courthouse. This should be where you filed the Petition. Bring with you THREE copies of the Acceptance of Service. The other party must also bring their valid picture I.D. with them.  
The other party must sign the original Acceptance of Service in front of the Clerk at the filing counter. The Clerk will notarize the other person’s signature for free. **OR**

- **MEET:** Meet the other party at a Notary Public. Bring three copies of the Acceptance of Service form. The other party must bring their valid picture I.D. with them. You should also bring the court papers with you in case the other party or the Notary Public wants to see the court papers. **OR**
- **MAIL:** Mail a copy of the court papers to the other party with the original Acceptance of Service and. Explain why you want the other party to sign the Acceptance of Service form, and ask them to sign the form in front of a Clerk or Notary Public. You may use the form letter in this packet to tell the other party why you have asked them to sign the Acceptance of Service.

**Then, SIGN.** The other party must sign the Original Acceptance of Service form in front of the Notary Public or Clerk. If you are not with the other party when they sign and have the original form notarized, they must send it back to you.

3

### **STEP 3: File the original (not a copy) of the signed and notarized Acceptance of Service form at the Court where you filed the Petition.**

- **GO** to the Clerk of the Court where you filed the Petition.
- **GIVE** the Clerk the original Acceptance of Service that is signed and notarized.

NOTE: The Acceptance of Service form must be signed by the other party at least ten days before the court hearing. If this does not occur, the court may continue the hearing.

NOTE: If the other party does not send you back the signed and notarized Acceptance of Service form, you must serve the other party by one of the other service methods.



#### **Forms Required:**

- Acceptance of Service Form

## How to Serve the Other Party by **REGISTERED (“PRIVATE”) PROCESS SERVER**

**Overview:** You hire and pay a registered process server to serve the other party with the court papers. A process server is a person who will give the papers to the other party at home, work, or another location.

**1**

**STEP 1: You must hire a Registered Process Server.** To find a Registered Process Server, look in the Yellow Pages or online under “Process Servers.”

You cannot get a deferral or waiver of costs when using a Registered Process Server.

**2**

**STEP 2: Go to the Registered Process Server’s Office and bring with you the following things:**

- The other party’s copies of the court papers (the Petition for Termination of Parent-Child Relationship and Notice of Hearing).
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The cash you need to pay for this service. You can call ahead and ask the Process Server how much money it will cost.

**3**

**STEP 3: The Process Server will mail you a copy of the Affidavit of Service after they serve the other party with the papers.**

**IMPORTANT:** If the Process Server does not file an Affidavit of Service with the Clerk of the Court, you must get the Affidavit of Service from the Process Server and file it yourself.

**4**

**STEP 4: If the Process Server does not file an Affidavit of Service with the Clerk of the Court, you must get the Affidavit of Service from the Process Server and file it.**

**5**

**STEP 5: Go to the Court Hearing.** Bring a copy of the Petition, Notice of Hearing, and Affidavit of Service with you.



### Forms Required:

- None.

# How to Serve the Other Party by

## CERTIFIED MAIL

**Overview:** You mail the court papers (including the Petition to Terminate Parent-Child Relationship and Notice of Hearing) to the other party using certified mail, which requires the other party to sign for the papers.

**1**

**STEP 1: Go to the Post Office and tell the Clerk you would like to mail the other party a letter as follows:**

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage

Using this method, the other party must sign a receipt in order to accept the delivery. Once signed, the receipt will be mailed back to you.

**2**

**STEP 2: Wait for receipt to be returned in the mail with the other party's signature.**

When you receive the receipt, **do not throw it away!** Pay attention to the date that the other party received and signed for the papers. Make sure that it is the signature of the party you were trying to serve.

**3**

**STEP 3: Fill out papers for the Court.**

- **Fill Out:** Declaration of Service by Certified Mail form
- **Attach:** You must attach the original receipt to the Declaration to prove that you served the other party. Make sure you make a copy of both sides of the receipt for yourself to keep.
- **Copy:** Make a copy of the Declaration of Service by Certified Mail form and attach a copy of the receipt to it.

**4**

**STEP 4: File the papers with the Court.**

File the Declaration of Service by Certified Mail and the attached receipt with the Clerk of the Court.

**5****STEP 5: Go to the Court Hearing.**

- Bring your own copy of the Petition, Notice of Hearing, Declaration or Affidavit of Service by Certified Mail, and the receipt.

**Forms Required:**

- Declaration of Service by Certified Mail

# How to Serve the Other Party by **SHERIFF**

**Overview:** The Sheriff's Office gives the other party the court papers.

**1**

**STEP 1: Contact the Sheriff's Office in the county where the other party lives.**

- Bring your court papers (including the Petition to Terminate Parent-Child Relationship and Notice of Hearing) with you, OR send a copy of the court papers to the Sheriff's Office if the other party does not live in the same county as you.

**Note:** There are fees for service of court papers. If you want to use the Sheriff's Office for service, you may request a deferral (a delayed payment) or a waiver of the service fees. You should request this when you file your papers with the Clerk of the Court. For instructions on how to request a deferral or waiver of fees, visit the Superior Court website at [www.sc.pima.gov](http://www.sc.pima.gov). Next, click "Forms." Next, click "Fee Deferral and Waiver."

**2**

**STEP 2: Give the Sheriff's Office the following items:**

- Other party's set of copies of the court papers (the Petition for Termination of Parent-Child Relationship and the Notice of Hearing)
- A picture or a written physical description of the other party
- A written description of the vehicle the other party drives
- The address where the other party can be served
- A Certified Order Waiving/Deferring Fees, or a \$200.00 deposit fee in cash or a money order.

**3**

**STEP 3: The Sheriff will mail you the Affidavit of Service after they serve the other party with the court papers.** Then, file the Affidavit of Service with the Clerk of the Court.

**4**

**STEP 4: Go to your court hearing.** Bring a copy of:

- The Petition,
- Notice of Hearing, and
- Affidavit of Service from the Sheriff's Office.



**Form(s) Required:**

- None.



## How to Serve the Other Party by **PUBLICATION**

**Overview:** If you cannot find the other party after making good faith efforts to do so, you can still serve them by publication. However, you should only use this method as a “last resort”, if: 1) you cannot find the other party’s address, or 2) you tried to serve the other party and reasonably believe they are hiding to avoid service. Service by publication can be expensive and may delay your court case.

For instructions on how to request a deferral or waiver of fees, visit the Superior Court website at [www.sc.pima.gov](http://www.sc.pima.gov). Next, click “Forms.” Next, click “Fee Deferral and Waiver.”

**1**

### **STEP 1: Try your best to find the other party.**

- You must take every reasonable step to locate the other party and serve them. If the Court does not think you took every reasonable step, you may have to repeat the publication process.
- You will have to fill out a form explaining which steps you took to try to find the other party (See Step 4).
- Examples of steps you may be expected to take:
  - Check to see if the party is at any former address.
  - Talk to friends, family members, co-workers, employers, and/or neighbors.
  - Search phone directories, the internet, county property, voter registration records, and obituaries.
  - Search online with the county jail and state prison.
  - You could consider hiring a company to do computer searches for you and help track down the other party.

**2**

### **STEP 2: Publish notice in a newspaper.**

- After you file the court papers, you must publish notice in a newspaper to serve the other party. The notice must be published for four weeks in a newspaper in the county where the court case is happening – for you, this is Pima County.
  - **If you have a court order waiving or deferring the cost of publication**, the Clerk’s Office will publish for you in *The Daily Territorial*.
  - **If you are paying the cost of publication**, you may use any newspaper of “general circulation” in Pima County.
- Note:

- There are other eligible publications other than the one mentioned above. The Arizona Corporation Commission maintains a list of eligible publications along with their contact information online at: <https://azcc.gov/docs/default-source/corps-files/newspaper-list-for-publishing.pdf>
- Fees vary. You should call the newspaper and ask for “Legal Advertising” to compare prices.

3

### **STEP 3: Wait for the newspaper to send you the original document called “Affidavit of Publication.”**

- **If you have a court order waiving or deferring the cost of publication, the newspaper will send the Affidavit of Publication directly to the Clerk’s Office.**

4

### **STEP 4: Fill out your paperwork.**

- Fill out the “Declaration Supporting Publication” form.
- Make a copy for yourself.

5

### **STEP 5: File the court papers with the Clerk of the Court before the hearing.**

- File the original “Declaration Supporting Publication” with a copy of the “Affidavit of Publication.” Make sure the published notice from the newspaper is attached.
- File the original “Affidavit of Publication” you received from the newspaper.
- **If you have a court order waiving or deferring the cost of publication, only file the Declaration Supporting Publication. The Clerk’s Office will file the Affidavit of Publication with the published notice.**

6

### **STEP 6: Go to your court hearing.**

Bring a copy of the following with you to the hearing:

- Petition,
- Notice of Hearing,
- Declaration Supporting Publication, and
- Affidavit of Publication



#### **Form(s) Required:**

- Declaration Supporting Publication

**Need help?** If you want advice from a lawyer but cannot afford to hire one, there are some options for you to receive low cost or free legal advice:

- **Pima County Superior Court Law Library and Resource Center**  
110 W. Congress (located on the 2<sup>nd</sup> floor in the law library)  
Free legal clinics offered at various times – check with library staff at 520-724-8456  
Hours: 8:00 AM to 5:00 PM Monday-Friday (except legal holidays)
- **Pima County Bar Association, Lawyer Referral Service or QUILT programs**  
117 North Church Ave. #101  
Tucson, AZ (520)-623-4625 or [www.pimacountybar.org](http://www.pimacountybar.org)
- **The Arizona Attorney General’s Office, Child Support Division** – they can assist you (but NOT act as your attorney) in establishing paternity and child support and the collection and enforcement of child support.  
(520)-628-6504 (option 5) or <https://des.az.gov/dcsc>
- **Step Up to Justice**  
[www.stepuptojustice.org/apply-for-help](http://www.stepuptojustice.org/apply-for-help)
- **Southern Arizona Legal Aid, Inc.**  
2343 E. Broadway Blvd #200  
Tucson, AZ (520)-623-9465 or [www.sazlegalaid.org](http://www.sazlegalaid.org)

Consulting a lawyer before filing documents with the court may help prevent unexpected results.