

SERVING THE OTHER PARTY:

- ⋮ After you have filed the **Petition to Terminate Parent-Child Relationship** with the Clerk of the Court, you must **serve** the **PETITION** and the **CITATION/ NOTICE OF HEARING** on the other party (the parents, the guardian, the custodian, and any other person whose presence in the action is required.).
- ⋮ **Service** means giving legal notice to the other party that you have filed the Termination Petition. You must provide written proof of service to the Court.
- ⋮ This packet explains the steps you need to take to serve the other party and what forms you must use.
- ⋮ By completing the steps for service, you tell the Court that the other party has received a copy of the court papers.

METHODS OF SERVICE: Read the choices below to make sure that you are using the correct service packet. Each packet contains instructions and the forms you may need. Select the method of service that works best for you.

1. **You Know Where the Other Party Lives in the State of Arizona. (Service must take place as soon as possible and at least ten (10) business days before the date of the hearing.)**

A. Personal Service. Personal service is the preferred method of providing notice to all parties. Personal service can be accomplished through service by a registered process server or by the Sheriff's Office. Service by a registered process server requires you to hire and pay a registered process server to serve the other party with Court papers. A process server is a person who will give the papers to the other party at home, work, or other location. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. An affidavit of service must be filed to prove that service was completed and will specify the date the service was done. If you choose this method of service, use the Service by Process Server instructions.

Personal service can also be accomplished by the Sheriff's Office. This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Clerk's Office at the Pima County Juvenile Court for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. An affidavit of service must be filed to prove that service was completed and will specify the date the service was done. If you choose this method of service, use the Service by Sheriff form.

B. Acceptance of Service by the other party. This means that you give the papers to the other party (either in person or by mail) and the other party must sign, date and have notarized an Acceptance of Service form that tells the court that he or she has agreed to accept the papers from you. By signing this form the other party is not agreeing to the Petition to Terminate. It only means that he or she has received the papers. The acceptance must be signed before a notary at least 10 business days before the hearing.

C. Other Methods of Service. There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

2. You Know Where the Other Party Lives in the United States but not in the State of Arizona Service must take place as soon as possible. You must allow 30 calendar days from the time the other party was served plus ten (10) business days before the date of the hearing. (If the other party lives outside the United States, you should see a lawyer to find out which method of service will work best for you.)

A. Service by Registered Mail. Use this method of service only if the other party lives outside the State of Arizona and you know the address. This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope postage prepaid to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called Certified Mail, Restricted Delivery by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that copies of the petition and notice of hearing were sent to the person being served; 2) that the copies were received by the person to be served as evidenced by the attached green receipt; 3) that the original green receipt is attached; and 4) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

B. Personal Service. Personal service is the preferred method of providing notice to all parties. Personal service can be accomplished through service by a registered process server or by the Sheriff's Office. Service by a registered process server requires you to hire and pay a registered process server to serve the other party with Court papers. A process server is a person who will give the papers to the other party at home, work, or other location. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. An affidavit of service must be filed to prove that service was completed and will specify the date the service was done. If you choose this method of service, use the Service by Process Server form.

Personal service can also be accomplished by the Sheriff's Office. This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office, unless you receive a fee waiver or deferral. The fee waiver or deferral form that Arizona uses is available at the Clerk's Office at the Pima County Juvenile Court for persons who cannot afford the cost of service and meet certain financial requirements. The fee waiver and deferral form requires you to explain to the Sheriff why your situation calls for this method of service. Service is complete at the time the sheriff or deputy hands the other party the court papers. An affidavit of service must be filed to prove that service was completed and will specify the date the service was done. If you choose this method of service, use the Service by Sheriff form.

C. Acceptance of Service by the other party. This means that you give the papers to the other party (either in person or by mail) and the other party must sign, date and have notarized an Acceptance of Service form that tells the court that he or she has agreed to accept the papers from you. By signing this form the other party is not agreeing to the Petition to Terminate. It only means that he or she has received the papers. Service is complete when the acceptance is signed before a notary. The time limits for service apply.

- C. **Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. You Cannot Find or serve the Other Party in person.

Service by Publication. You may use this method only if you do not know and cannot find the other party or if the other party is avoiding service. Service by publication is your "last resort" and is used only in those situations when the location of the person to be served cannot be discovered by diligent efforts. It is used only if you do not have a current address for the other party and have tried to find the other party or after you have tried to serve the other party by personal service or registered mail and there are reasonable grounds to believe that the person is concealing him/herself to avoid service.

Service by Publication can be expensive and may delay your court case. This method requires that a notice be published once a week for four consecutive weeks in a newspaper in Pima County (in the county where the action is pending) and in the county of the party's last known residence (if in Arizona) or in the adjoining county if no newspaper is published in the county of last known address. The Notice must identify the child(ren) involved and the person to be served, and must contain a statement of the issues to be determined by the court and the consequence for failure to appear. If the address of the person to be served is known, you must mail a copy of the Dependency Petition and the Citation and Notice of Hearing postage prepaid, to the person at that address on or before the date of publication. To use this method, you must fill out several forms explaining to the Court what you have done to try to find the other party. If you choose this method of service, use the Affidavit for Service by Publication form.

You must allow 30 calendar days from the first date of publication plus ten (10) business days before the date of the hearing.

TIPS FOR FINDING THE OTHER PARTY: Before using the Service by Publication method, you must try to find the other party. You may hire a process server or you may conduct the search yourself. If possible, you should talk to the other party's friends, co-workers, family, or anyone you think may have a current address. The Court requires you to file an Affidavit or Statement Under Oath telling the Court that you have done everything you possibly could to find the other party. Other companies charge a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

The following are resources for locating the other party for service. Your search should include such items and include the results in your Affidavit for Service by Publication.

Telephone book	Postal service
Employ Independent process server	County jail
State prison	Previous addresses
County voting lists	Previous employment
Motor Vehicle Records	County assessor's office
Utility companies	City directory
Family members - List by name, date and result	