

# SERVICE ON THE OTHER PARTY FOR DISSOLUTION, LEGAL SEPARATION, & ANNULMENT



## Packet #10



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) users' reliance upon the instructions or information provided.

# General Information & Frequently Asked Questions

This packet contains court forms and instructions about serving documents on your spouse.

After you have filled out and filed your Petition for Dissolution of Marriage (Packet #2 or #5), you must “serve” the other party.



## What is Service of Process?

Any time you file a legal document with the court, you must “serve” the other party (your spouse). This is so he or she knows you are asking for a divorce and can choose to respond. Service of Process occurs when your spouse actually receives copies of the legal documents you filed. You can complete service by several methods that have specific rules (discussed below). You **MUST** provide proof of service to the court. Failure to provide proof will delay your divorce.

The legal documents that must be served include a copy of the Petition and a copy of the Summons. (The Summons is included in Packets #2 and #5. When you file, the clerk will sign and seal the Summons and return it to you.) If you filled out and filed any part of Packet #13 (Temporary Orders), you must also serve copies of that to your spouse.

## What happens after service is complete?

After service, your spouse has a limited time to file a Response. If served in the state of Arizona, your spouse has 20 calendar days after service to respond. If served outside of Arizona, your spouse has 30 calendar days after service to respond.

**There is a minimum 60-day waiting period from the time your spouse is legally served to the time your divorce hearing can be scheduled.**

## What is a Response?

Your spouse’s Response is a written document filed with the court that states that your spouse disagrees with all or part of your Petition. If the two of you cannot come to an agreement, you will need to have a divorce trial. For more information about the Response, see Packet # 3 or #6.

## What if my spouse does not file a Response?

If your spouse does not file a Response within the time limit, you can file an Application for Default.

See Packet # 1, *General Information*, and # 11, *Default Judgment or Decree*, for more information about this process.



**Service is REQUIRED. Your divorce process cannot move forward until you complete the steps below.**

You have **120 days from the date you file your Petition** with the clerk to serve your spouse. If you do not serve your spouse within 120 days of filing, your case may be dismissed.

## What are acceptable ways to serve the Petition and Summons?

### Personal Service

Personal Service means that a sheriff, constable, or a private process server gives copies of the legal documents to your spouse. Service may also be complete if your spouse signs an Acceptance of Service form.



Be sure to remember the date that your spouse is served, because the time your spouse has to respond begins after this date (20 days if served inside Arizona, 30 days if served outside Arizona).

#### A) Personal Service by a Sheriff or Constable

You may wish to attempt Service by Acceptance (see below) before using other service methods, unless it would be useless or dangerous for you to do so.

Service by a Sheriff or Constable can take two to three weeks to complete. There is a fee for service by this method, but the court may defer or waive the fee. For additional information on waiver and deferral of fees and costs, see Packet # 12.

If you plan to complete Service of Process using this method, see *Instructions for Service of Petition—Service by Sheriff/Constable*, below.

#### B) Personal Service by a Private Process Server

Service by a Process Server involves a state-registered individual or company serving the papers on your spouse. This can take time to complete and there is usually a fee. Unlike the service fees for Sheriffs or Constables, the fees for Private Process Servers cannot be waived.

This method of service is particularly useful if the other party is avoiding service or lives outside the state of Arizona. You can locate private process servers by looking under “Process Server” in the Yellow Pages, or by doing an Internet search.

If you plan to complete Service of Process using this method, see *Instructions for Service of Petition—Service by Process Server*, below

### **C) Acceptance of Service**

This is the easiest, quickest, and most common form of service.

To use this method, you will give copies of the legal documents to your spouse, and your spouse will sign, date, and have notarized an **Acceptance of Service** form (included in this packet). This Acceptance of Service form tells the court that your spouse has agreed to accept the documents from you. When your spouse signs this form, your spouse is NOT agreeing to the terms of your Petition.

The signature only means that your spouse has **received** the documents.

You can give copies of the legal documents to your spouse in three ways:

1. In person, as you file the documents with the clerk,
2. In person, in the presence of a notary, and
3. By mail, with your spouse sending the signed and notarized Acceptance of Service form back to you.

Service is not valid if your spouse does not sign the form in the presence of the clerk or other notary.

If you plan to complete Service of Process using this method, see *Instructions for Service of Petition—Acceptance of Service*, below.



**DO NOT USE this form of acceptance in domestic violence situations! If you are a victim of domestic violence, DO NOT attempt to deliver the documents to the other party yourself. If you believe your spouse will become violent or uncooperative when you tell him or her that you want a divorce, use one of the other methods of service described in this packet.**

### **Service by Mail**

“Service by Mail” is when you mail the Summons and Petition to your spouse, “Return Receipt Requested.” You must ask the post office for “Restricted Delivery” so that only your spouse (the person you addressed the envelope to) can sign the receipt. If someone other than your spouse signs the receipt, Service of Process is NOT complete: the party being served **MUST** sign the receipt.

This method is different from using the mail for Acceptance of Service, because Service by Mail requires a signed and returned receipt instead of the notarized Acceptance of Service form.

If you use this method of service, you must file an Affidavit of Service by Mail (included in this packet). The Affidavit must include a copy of the green receipt of mail which will be returned to you after your spouse receives the papers.

If you plan to complete Service of Process using this method, see *Instructions for Service of Petition—Service by Mail*, below.

### **Service by Publication**

This method of service can be used ONLY if you cannot locate your spouse OR your spouse is avoiding service, AND service by publication is the best means practical under the circumstances to provide your spouse with notice that you want a divorce.



**Service by Publication is a method of last resort. The court is limited in what it can award you if you use Service by Publication.**

SEE “What if I don’t know where my spouse is?” below for advice on locating your spouse.

Service by Publication can be used to serve Petitions for Dissolution of Marriage and for legal decision-making and parenting time issues, but CANNOT be used to serve papers concerning issues of child support, spousal maintenance, division of marital property and debts, or any other issue which requires personal jurisdiction.

In this method of service, you publish a copy of the summons in a newspaper, along with a statement that tells your spouse how to get a copy of your filed Petition and other documents. The notice must run in the newspaper at least once a week for four weeks in a row. Service is considered complete 30 days after the first time the summons is published. The newspaper in which the summons is published will send you an Affidavit of Publication and a copy of each published notice.

If you use this method of service, you must file an Affidavit Showing Circumstances of Why Publication Was Used and About the Publication (included in this packet) with the court explaining WHY you published the summons instead of completing service by any of the other appropriate methods. You must also file the affidavit you received from the newspaper.

If you plan to complete Service of Process using this method, see *Instructions for Service of Petition—*

*Service by Publication*, below.

### **What if I don't know where my spouse is?**

Before using the Service by Publication method, or any alternative method, try to find your spouse in every way you can. Talk to your spouse's friends, current and former co-workers, family, or anyone you think may have your spouse's current address.

You can also search for a person's whereabouts through various Internet services, many of which are free. In addition to free services, there are also companies that charge fees to help you track down your spouse. These companies have access to records that you don't, such as the department of motor vehicles and voting and tax records. If you know your spouse's date of birth—and especially if you know his or her Social Security number—this approach may work best for you.

Using Service by Publication or alternative service requires you to complete an affidavit showing you made significant efforts to try to find your spouse, so be creative and keep track of all the searching that you do. Since the court is restricted in what it can order if you use Service by Publication or alternative methods, the effort you put into finding your spouse may make a big difference to the outcome of your divorce.

### **Alternative or Substituted Service**

If your spouse avoids service by a process server, Sheriff, or Constable, you may ask the court to use an alternative or substituted form of service. If the court allows an alternative or substituted form of service, you must make reasonable efforts to make sure your spouse is notified that you filed a Petition for Dissolution of Marriage.

Alternative methods of service may include securely posting a copy of the Summons and Petition on the door of your spouse's residence, or similar methods. All alternative methods must be approved by the court for service to be valid.

If you use an alternative method of service, you **MUST** also mail the papers to your spouse's last known home or work address.

# General Instructions for Completing this Packet



You may type or write on the forms, but you must use black ink.

This packet contains the following forms that may be filled out and submitted to the court.

- **Request for Service by Sheriff or Constable** (used for Service by Sheriff or Constable)
- **Acceptance of Service** (used for Service by Acceptance—Personal Service)
- **Form Letter** (used for Service by Acceptance—Personal Service, by mail)
- **Affidavit of Service by Mail** (used for Service by Mail)
- **Affidavit Showing Circumstances Why Service by Publication Was Used and About the Publication** (used for Service by Publication)

Please note that the forms you need to complete will depend on the method of service you choose. Each method of service has its own set of instructions. Once you choose a method, make sure you follow each step carefully and completely.

Remember, you have **120 days** to serve your spouse **from the date you file your Petition**. If you do not serve your spouse within 120 days of filing, your case may be dismissed.



## **Instructions for Service of Petition—Service By Sheriff or Constable**

**Notice:** There is a fee for having a Sheriff or Constable serve your spouse. You may request a deferral or waiver of this fee at the time you file your Petition with the clerk of the court. See Packet # 12, *Deferral or Waiver of Fees and Costs*.

### **STEP 1: GO TO THE SHERIFF’S OFFICE:**

Take the copies of the Petition and the original Summons with you. If your spouse lives in Pima County, the address is below.

**PIMA COUNTY SHERIFF'S DEPARTMENT  
Civil Process 32 N. Stone Ave.  
16th Floor  
Tucson, AZ 85701  
(520) 351-6000**

If your spouse lives in Arizona, but not in Pima County, you may mail the Petition and other papers to the Sheriff of that county. That county’s Sheriff Department will then serve your spouse. See the attached list of addresses for Arizona County Sheriff’s Civil Processing Units.

If your spouse resides outside of Arizona, you may contact a sheriff or other law enforcement agency where your spouse lives, and ask if it can serve the papers on your spouse. Each agency will have its own procedure for you to follow.

### **STEP 2: FILL OUT THE REQUEST FORM (included below):**

Fill out the attached Request for Service by Sheriff or Constable form and provide it to the Sheriff or Constable (either in person or by mail). Also provide:

- Original Summons
- The copies of the papers for the Sheriff or Constable to give to your spouse
- Personal check, cashier's check, money order, or debit card to pay the service fees OR a certified order deferring or waiving the fees

It may also be helpful to provide a photograph of your spouse and a photograph or written

description of the automobile your spouse drives.

**STEP 3: WAIT:**

It may take the Sheriff or Constable two to three weeks to serve your spouse.

The Sheriff or Constable will mail you a copy of a completed Return of Service form proving that your spouse was served. The Sheriff or Constable will also return the original Summons to you. You must then file the Affidavit of Service and the original Summons with the clerk of the court. (In Pima County, the Sheriff or Constable may file these documents instead of sending them back to you.)

Be sure to remember the date your spouse was served by the Sheriff or Constable, as indicated on the Return of Service form. This date is the day of service, and your spouse has 20 days if served inside the state of Arizona, or 30 days if served outside the state, to respond to your Petition.

## **ARIZONA SHERIFF'S CIVIL PROCESS UNITS**

Apache County Sheriff's Department  
Civil Process  
P. O. Box 518  
St. John's, AZ 85936  
(928) 337-4321

Maricopa County Sheriff's Department  
Civil Process Division  
111 S. 3rd Avenue, West Court Building 2nd Floor  
Phoenix, AZ 85003  
(602) 876-1840

Cochise County Sheriff's Department  
Attn. Civil Division  
205 N. Judd Drive  
Bisbee, AZ 85603  
(520) 432-9513

Navajo County Sheriff's Department  
Civil Division  
137 W. Arizona St.  
Holbrook, AZ 86025  
(928) 524-4781

Coconino County Sheriff's Department  
Civil Process Division  
911 E. Sawmill Rd.  
Flagstaff, AZ 86001  
(928) 226-5012

Pima County Sheriff's Department  
Civil Process  
32 N. Stone, 16th Floor  
Tucson, AZ 85701  
(520) 351-6000

Gila County Sheriff's Department  
Civil Process  
P. O. Box 311  
Globe, AZ 85502  
(928) 402-1879

Santa Cruz County Sheriff's Department  
Civil Process  
2170 N. Congress Dr.  
Nogales, AZ 85621  
520-761-7869

Pinal County Sheriff's Department  
Civil Process  
P.O. Box 867  
Florence, AZ 85132  
(520) 866-5137

Graham County Sheriff's Department  
Civil Process  
523 S. 10th Ave.  
Safford, AZ 85546  
(928) 428-3141

Greenlee County Sheriff's Department  
Civil Process  
P. O. Box 998  
Clifton, AZ 85533  
(928) 865-4149

Yavapai County Sheriff's Department  
Civil Unit  
255 E. Gurley St.  
Prescott, AZ 86301  
(928) 777-7233

La Paz County Sheriff's Department  
Civil Unit  
1109 Arizona Ave  
Parker, AZ 85344  
(928) 669-6141

Yuma County Sheriff's Department  
Civil Department  
141 S. 3rd Avenue  
Yuma, AZ 85364  
(928) 783-6274

Mohave County Sheriff's Department  
Civil Division  
PO Box 1191  
Kingman, AZ 86401  
(928) 753-0756

Your name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

County: \_\_\_\_\_ County Sheriff/Constable

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**REQUEST FOR  
SERVICE BY SHERIFF  
OR CONSTABLE**

Dear Sheriff/Constable:

I enclose an original Summons and a copy of each document listed below, for case No. \_\_\_\_\_.

1. Summons
2. Petition for Dissolution
3. Preliminary Injunction
4. Notice of Right to Convert Health Insurance
5. Affidavit Re: Minor Child(ren)
6. Notice to Creditors
7. Order to Complete Course in Domestic Relations Education on Children's Issues
8. Others (list) \_\_\_\_\_

Please serve these papers on the Respondent. Their current address and physical description are:

\_\_\_\_\_  
Respondent's Name

\_\_\_\_\_  
Home Address

\_\_\_\_\_  
Work Address

\_\_\_\_\_  
Home City, State, Zip Code

\_\_\_\_\_  
Work City, State, Zip Code

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized Affidavit of Service and the original Summons to my address at your earliest convenience.

I also enclose a deposit of \$\_\_\_\_\_ OR,

I also enclose a certified copy of the Order for Deferral/Waiver of fees for Service of Process.

Thank you for your cooperation in this matter.

Sincerely,

\_\_\_\_\_  
(YOUR SIGNATURE)



## Instructions for Service of Petition—Acceptance of Service

### **STEP 1: COMPLETE THE BLANKS AT THE TOP OF THE ACCEPTANCE OF SERVICE FORM:**

- Fill in your name, street address, City, State, ZIP code, and telephone number (*unless you requested a Protected Address in your Petition*).
- In the spaces that say “Petitioner,” fill in your name.
- In the spaces that say “Respondent,” fill in your spouse’s name.

### **STEP 2: ASK YOUR SPOUSE TO ACCEPT SERVICE:**

#### **(A) IF YOUR SPOUSE GOES WITH YOU TO THE CLERK OF COURT TO FILE YOUR PETITION AND OTHER DOCUMENTS:**

Your spouse must sign the Acceptance of Service form (provided below) in front of the clerk. The clerk will then notarize your spouse’s signature for free. Notaries require **valid picture ID’s** of the person whose signature they are verifying, so your spouse must bring his or her driver’s license, passport, or other form of photo identification.

#### **OR**

#### **(B) IF YOUR SPOUSE WILL NOT OR CANNOT GO WITH YOU TO FILE THE PETITION:**

- Agree on a day and time to meet with your spouse in front of a notary public. Most banks havenotaries on staff, and your own bank may notarize documents for free. You can also find notaries under “Notaries Public” in the Yellow Pages, or by doing an Internet search.
- Give your spouse his or her set of copies of the papers you filed. Have the original Summons with you in case your spouse wants you to prove you have it.
- Your spouse must sign the Acceptance of Service form (provided below) in front of the notary. Notaries require **valid picture ID’s** of the person whose signature they are verifying, so your spouse must bring his or her driver’s license, passport, or other form of photo identification.

#### **OR**

#### **(C) IF YOU CANNOT BE WITH YOUR SPOUSE IN PERSON AND HAVE THE**

#### ACCEPTANCE OF SERVICE FORM SIGNED:

- Send copies of all of the documents (including a **copy** of the Summons) and the original Acceptance of Service form to your spouse with an explanation of the process. You may use the model cover letter included below. Indicate all included documents and list any not already listed.
- Your spouse must sign the Acceptance of Service form in front of a notary public and send it back to you. The Acceptance of Service form must include the date it was signed. Notaries require **valid picture ID's** of the person whose signature they are verifying, so your spouse must bring his or her driver's license, passport, or other form of photo identification.



You may need to remind your spouse to send back the Acceptance of Service form. If your spouse still does not send it back (signed and notarized!), you will have to serve your spouse using one of the other methods.

#### **STEP 3: FILE THE ACCEPTANCE OF SERVICE FORM:**

File with the clerk of the court the original Summons and the original Acceptance of Service form (signed by your spouse and notarized). The day you file the signed Acceptance of Service form is the date of service. Your spouse has 20 days after that day if the form was signed inside the state of Arizona, or 30 days if it was signed outside the state, to respond to your Petition.

**When signing the Acceptance of Service form, your spouse (“Respondent”) verifies UNDER OATH** that each statement in numbers 1 through 4 is true. The Respondent should only complete question 5 if the Respondent wishes to change his or her name back to what it was before the marriage.

Your name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

Other Party's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**ACCEPTANCE OF  
SERVICE COVER  
LETTER**

**Re: Acceptance of Complaint/Petition for** \_\_\_\_\_

Dear \_\_\_\_\_  
(OTHER PARTY'S NAME)

I have filed a Petition for \_\_\_\_\_ Enclosed is a copy of the following papers for you:

1. Summons
2. Petition for Dissolution/Annulment/Legal Separation
3. Preliminary Injunction
4. Notice of Right to Convert Health Insurance
5. Affidavit Re: Minor Child(ren)
6. Notice to Creditors
7. Order to Complete Course in Domestic Relations Education on Children's Issues
8. Others (list)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
I have also enclosed an Acceptance of Service, which I would like you to sign in front of a Notary Public and return to me in the self-addressed stamped envelope in order to save me the cost of service of process.

By signing the Acceptance, you still have the right to contest the terms of the Petition, but you must file a written Response with the Court. You must do so within 20 days of signing the Acceptance if you sign in the State of Arizona, or within 30 days of signing the Acceptance if you sign outside the State of Arizona.

Sincerely,

\_\_\_\_\_  
(YOUR SIGNATURE)

Person Filing: \_\_\_\_\_  
 Address (if not protected): \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Lawyer's Bar Number: \_\_\_\_\_  
 Representing  Self, without a Lawyer or  
 Attorney for  Petitioner OR  Respondent

**ARIZONA SUPERIOR COURT, PIMA COUNTY**

Case No. \_\_\_\_\_

\_\_\_\_\_  
 Petitioner

and

**ACCEPTANCE OF SERVICE**

\_\_\_\_\_  
 Respondent

**THE RESPONDENT IN THIS ACTION MAKES THESE STATEMENTS UNDER OATH:**

1. I acknowledge that I have voluntarily accepted a copy of these legal papers: Summons, Petition for Dissolution, and other documents (if applicable, list them here):

\_\_\_\_\_  
 \_\_\_\_\_

I waive formal service of process (personal service), and understand by accepting these papers it is the same as if I were personally served under Arizona law [Arizona Rules of Family Law Procedure, Rule 40(f)].

2. I am aware that accepting service of these court papers and signing this document does not reduce my rights or obligation to file a written Response to this action. I understand that if I do not agree with any relief asked by Petitioner, I must respond within 20 days if I accepted service in Arizona, or 30 days if I was served elsewhere, counting from the day after I signed this form.
3. I understand that if I do not appear in and defend this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to respond or appear could result in the court granting the Petitioner any legally available remedies requested in his or her Petition, through a Default Judgment.
4. I am not in the military forces of the United States of America in any capacity, OR I waive the protection of the Servicemembers Civil Relief Act.
5. (COMPLETE THIS PART ONLY IF YOU WANT TO RESTORE YOUR NAME TO WHAT IT WAS BEFORE THE MARRIAGE) Please restore my name to:

\_\_\_\_\_

\_\_\_\_\_  
 Respondent

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ by

\_\_\_\_\_  
 (Respondent's Name)

\_\_\_\_\_  
 Notary Public

My Commission Expires:



## Instructions for Service of Petition—Service By Mail

### **STEP 1: GO TO THE POST OFFICE:**

Tell the Post Office clerk you would like to mail the papers to your spouse as follows:

- Restricted Delivery (**Deliver to Addressee Only**) AND
- Return Receipt Requested

### **STEP 2: WAIT:**

Wait for the green receipt to be returned in the mail with your spouse's signature. Be sure to remember the date your spouse received and signed for the papers (NOT the date you received the green receipt). The day your spouse received and signed for the papers is the date of service, and your spouse has 20 days from that day if served inside the state of Arizona, or 30 days if served outside the state, to respond to your Petition.

### **STEP 3: PREPARE THE DOCUMENTS FOR THE COURT:**

- Complete the Affidavit of Service by Mail (included below)
- Attach the original green receipt to the Affidavit to prove method of service
- Keep a copy of the Affidavit of Service by Mail and attached green receipt

### **STEP 4: FILE THE AFFIDAVIT OF SERVICE BY MAIL:**

Give the clerk the:

- Original Summons
- Original Affidavit of Service by Mail (with attached green receipt)

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Representing  Self, without a Lawyer or  
 Attorney for  Petitioner OR  Respondent

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner  
and  
\_\_\_\_\_  
Respondent

### AFFIDAVIT OF SERVICE BY MAIL

1. I am the Petitioner in this case. I am familiar with the facts stated in this Affidavit and I make this Affidavit to show that I have served the court papers on the Respondent by mail, restricted delivery, postage prepaid, return receipt requested, pursuant to Arizona Rules of Family Law Procedure, Rule 41(c)(2) or 42(c).

Person served (Name of Respondent): \_\_\_\_\_

Address where Respondent was served: \_\_\_\_\_

Date of receipt by the Respondent: \_\_\_\_\_

Date of return of receipt to Sender: \_\_\_\_\_

2. The Summons, Petition for Dissolution, and (list other documents sent, if applicable)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ were sent by mail to the Respondent. These papers were received by the Respondent as shown by the original receipt attached to this Affidavit on the following page.

\_\_\_\_\_  
Petitioner

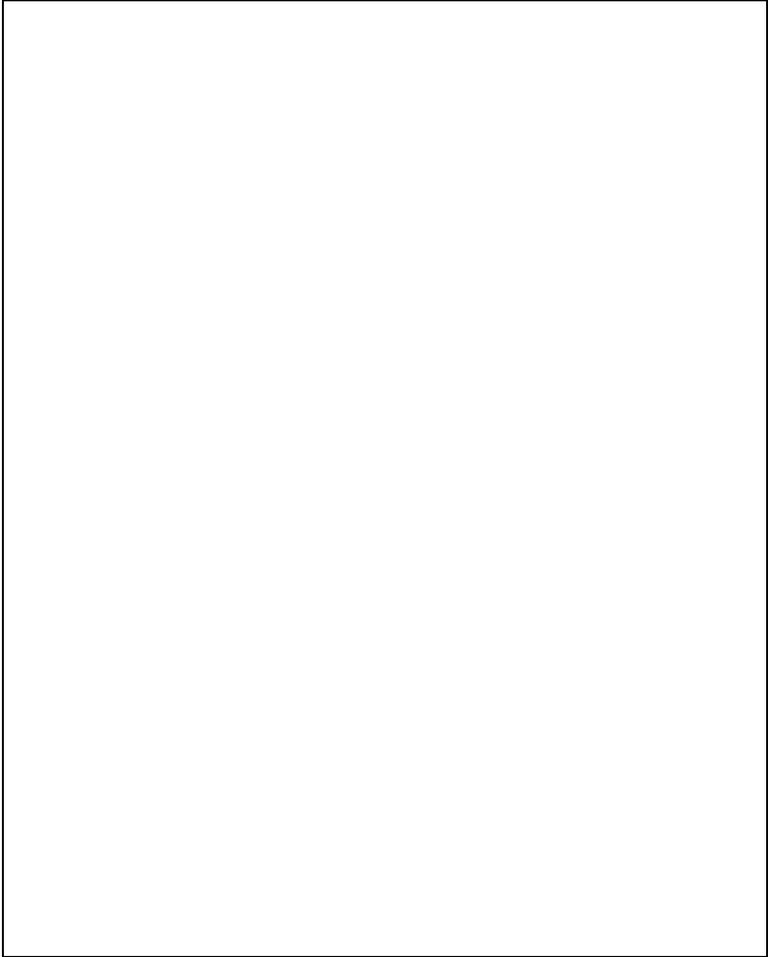
Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ by

\_\_\_\_\_  
(Petitioner's Name)

\_\_\_\_\_  
Notary Public

My Commission Expires:

**STAPLE OR TAPE ORIGINAL OF  
POST OFFICE GREEN RECEIPT HERE  
WITH SIGNATURE SIDE UP**





## Instructions for Service of Petition – Service by Private Process Server



**Private Process Servers charge a fee. Unlike the fees for filing Petitions and for service by a Sheriff or Constable, Private Process Server fees cannot be deferred or waived.** See Packet #12, *Waiver and Deferral of Costs and Fees* for more information.

### **STEP 1: FIND A PRIVATE PROCESS SERVER:**

You can find one in the Yellow Pages under “Process Servers,” or you can use an Internet search.

### **STEP 2: GO TO THE PRIVATE PROCESS SERVER:**

TAKE WITH YOU THE FOLLOWING:

- Original Summons
- A copy of the Petition and the other papers for the process server to give to your spouse
- A photograph and/or written physical description of your spouse
- A photograph and/or written description of the automobile your spouse drives
- Addresses (home and work) where your spouse can be served
- The money you need to pay for the service fees.

(You can call ahead of time to ask the cost and preferred method of payment).

### **STEP 3: WAIT:**

Wait for the Process Server to mail you a copy of the completed Affidavit of Service. Make yourself a copy of this Affidavit. The Process Server will also return the original Summons to you. You must then file the original Affidavit of Service and the original Summons with the clerk of the court. (The Process Server may file these papers instead of sending them back to you.)



Be sure to remember the day your spouse was served by the Process Server, as indicated on the Affidavit of Service. This day is the date of service, and your spouse has 20 days from this day if served inside the state of Arizona, or 30 days if served outside the state, to respond to your Petition.



## **Instructions for Service of Petition – Alternative Service or Publication**

### **STEP 1: SEARCH FOR YOUR SPOUSE**

Be creative and thorough in attempting to locate your spouse. Service by Publication is a last- resort method of service. You can only use this method if:

- You do not know your spouse’s current location or your spouse is avoiding service AND
- Service by publication is the best means practical under the circumstances to provide your spouse with notice that you want a divorce

Keep track of your search methods and include them in the Motion to Serve by Alternative Service or Publication (included below).

### **STEP 2: FILE YOUR MOTION TO SERVE BY ALTERNATIVE SERVICE OR PUBLICATION**

Before you can attempt to serve by alternative means, you must have a court order allowing it. To get the Court’s permission to serve by alternative means, you must file a Motion to Serve by Alternative Service or Publication.

Check either the box requesting **Alternative Service** or **Publication** to let the Court know how you wish to serve the other party. If you check the Alternative Service box, describe what alternative means you wish to use.

Fill out the **Affidavit of Due Diligence at Attempted Service**. Be as specific and thorough as you can about how you’ve attempted to do your Due Diligence at getting the other party served. When you have filled out the form to the best of your ability, make sure to get it notarized.

When you file your Motion to Serve by Alternative Service or Publication, make sure to include the **Order to Serve by Alternative Service or Publication** (included below) as well. Fill in the personal information at the top of the form, your case number, and check the box for what service you are requesting. You don’t need to write anything else on this form, the Judge will fill in the rest.

### **STEP 3: WAIT**

After you've filed your motion, wait 5-7 business days and then contact the Clerk of Court at (520) 724-3210 about the status of your paperwork.

If the Judge **DENIES** your motion, you **cannot** continue with these instructions.

If the Judge **GRANTS** your motion, proceed to step 4.

### **STEP 4: SERVE THE DOCUMENTS ON THE OTHER PARTY**

After the Judge grants your motion, you need to serve the other party in the manner the Judge ordered. Read the order the Judge signed carefully. Follow any instructions written on the order. If there are no instructions, serve the other party the way you asked to in your Motion to Serve by Alternative Service or Publication.

If you requested to serve by publication, proceed to step 5.

If you requested to serve by other means, proceed to step 7.

### **STEP 5: FIND THE NEWSPAPER(S) FOR PUBLICATION**

To satisfy Service by Publication, you must publish (1) a copy of the Summons AND (2) a statement that tells your spouse how to get a copy of your filed Petition and other papers. The notice **MUST** run at least once a week for four consecutive weeks.

The notice **MUST** be published in a newspaper in Pima County (the county in which you filed your Petition). An appropriate Pima County newspaper is *The Daily Territorial*:

**THE DAILY TERRITORIAL**  
**100 N. Stone Ave. Suite #300**  
**Tucson, AZ 85701**  
**(520) 294-1200**

**(A) If your spouse's last known address is in Arizona, but not in Pima County:**

You must **also** publish the Summons and statement in a newspaper in the county of your spouse's last known residence. If that county doesn't have a newspaper, publish the Summons and statement in a newspaper of an adjoining county. You can find newspapers in other Arizona counties by doing an Internet search.

**(B) If you know your spouse’s address, but your spouse has been avoiding service:**

You must mail copies of the Summons, your Petition, and any other filed legal documents to your spouse’s residence ON OR BEFORE the first publication date.

**STEP 6: WAIT**

Wait until the newspaper sends you an Affidavit of Publication and copies of each published notice. This will take about five weeks. Service by Publication is complete 30 days AFTER the first day of publication (when notice has been published for four consecutive weeks). Your spouse has 20 days from the time service is complete to respond to your Petition.

**STEP 7: FILE**

File with the clerk of the court a COMPLETED Affidavit of Service by Alternative Means or Publication (included below).

If serving by alternative means, attach a copy of the notice you sent and proof of the method by which you sent it.

If serving by publication, attach the Affidavit of Publication sent to you by the newspaper. Also attach a copy of each notice published in the newspaper.

Be sure to make copies of the paperwork for your own records.

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Representing  Self, without a Lawyer or  
 Attorney for  Petitioner OR  Respondent

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner  
and  
\_\_\_\_\_  
Respondent

**MOTION TO SERVE by**  
 **ALTERNATIVE SERVICE**  
 **PUBLICATION**

**Pursuant to Arizona Rules of Family Law Procedure (ARFLP) 41 (l) and (m),**  
 Petitioner  Respondent respectfully requests this Court to authorize service to the opposing party by means other than service required by ARFLP Rules 41 (c) through (i) because of the reasons set forth below, in the incorporated Affidavit. Pursuant to ARFLP and to the reasons set forth in the Affidavit below, the above party requests:

**Alternative Service** in the form of:

\_\_\_\_\_  
If the Court allows this requested form of alternative means of service, the serving party will make a reasonable effort to provide the person being served with actual notice of the action's commencement. The serving party will also mail **the summons, the pleading being served, and any court order** authorizing an alternative means of service **to the last-known business or residential address** of the person being served.

The last known business or residential address of the opposing party is:

\_\_\_\_\_  
\_\_\_\_\_

**OR**

**Publication**

**AFFIDAVIT**  
**of DUE DILIGENCE at ATTEMPTED SERVICE of** \_\_\_\_\_  
*(Name of other party)*

1. The following is a **Summary of the Efforts** I made to **FIND** the other party's current address:

- Yes  No: I mailed a copy of the documents to be served to the party's last known address, even if it was my OWN address, to see whether the documents would be returned marked "undeliverable."
- Yes  No: The documents were returned "undeliverable," and I attached the envelope that states "undeliverable" to this affidavit.
- Yes  No: I talked to the party's friends, family members, current or former employers, coworkers, and anyone else I thought may have a current address.
- Yes  No: I searched telephone directories, and obituaries online and in print (phone book and newspaper), and did not find a current address.
- Yes  No: I checked the websites of and telephoned the county jail, state prisons, and other facilities (Department of Corrections, Immigration and Detention Facilities), and did not find the other Party detained.
- Yes  No: I did an online search, checking online networking sites such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as the internet "people search" sites such as Spokeo.com and ZabaSearch.com, and found no trace of the other Party.
- Yes  No: The other Party had an email account, and I attempted to email scanned copies of all the documents to his or her email address; but I did not receive a reply.
- Yes  No: I hired a private detective or a company that charged a fee to do computer searches to help me track down the other Party.
- Other Effort(s) I made to find the other party's current address:** *(describe)*

\_\_\_\_\_  
\_\_\_\_\_

2. The following is a **Summary of the Attempts** I made to **SERVE** the other Party.

- Personal Service:** I made the following attempts at personal service of the summons and pleading to personally serve the other Party:
  - Delivering a copy of the summons and the pleading being served to the party personally at the following residential address:

\_\_\_\_\_

Delivering a copy of the summons and the pleading being served to the party personally at the following employer address:

\_\_\_\_\_

Leaving a copy of each at the party's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

Delivering a copy of each to an agent authorized by appointment or by law to receive service for the party.

**Service by Mail or National Courier Service:** I attempted to send the summons and copies of the pleading and other documents to the party's address at

\_\_\_\_\_, using

U.S. Mail, requesting **restricted delivery and signature** of the other party.

National Courier service (*such as UPS, Fed Ex*), requesting **restricted delivery and signature** of the other party.

**Other Attempt(s):** (*describe*)

\_\_\_\_\_

\_\_\_\_\_

3. The following is a **Summary of the results** of the above attempts to serve the other party.

**Personal service:** I made \_\_\_\_\_ number of attempts at personal service of the summons and pleading and have been unable to personally serve the other party. This is what happened when personal service was attempted:

\_\_\_\_\_

\_\_\_\_\_

The person to be served appears to have intentionally avoided service of process.

Despite reasonably diligent efforts, I have been unable to determine **the person's current address and serve the other Party.**

**Service by Mail or National Courier Service:** I made \_\_\_\_\_ number of attempts at service of the summons and pleading by U.S. Mail and/or National Courier Service, and have been unable to serve the other party. This is what happened when service by U.S. Mail and/or National Courier Service was attempted:

\_\_\_\_\_

\_\_\_\_\_

4. Based upon the above reasons and alleged results in this Affidavit,

**Personal service** as set forth in ARFLP Rules 41 (c) through (i) is impractical.

**Service by Publication** is the best means practicable in the circumstances for providing the person with notice of the action’s commencement. ARFLP Rule 41 (m)(1)(b).

**Other:**

\_\_\_\_\_  
\_\_\_\_\_

**AND**

5.  **Petitioner**  **Respondent** respectfully requests the Court to authorize:

**Alternative service** in the form of:

\_\_\_\_\_

**Publication**

**OATH OR AFFIRMATION:** By signing below, I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ By  
(Date)

\_\_\_\_\_

(Notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Representing  Self, without a Lawyer or  
 Attorney for  Petitioner OR  Respondent

**ARIZONA SUPERIOR COURT, PIMA COUNTY**

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner  
and  
\_\_\_\_\_  
Respondent

**ORDER TO SERVE by**  
 **ALTERNATIVE SERVICE**  
 **PUBLICATION**

**DO NOT WRITE BELOW THIS LINE. FOR COURT USE ONLY.**

**Pursuant to Arizona Rules of Family Law Procedure (ARFLP) 41 (l) and (m),**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
**Judge/Commissioner,**  
**Arizona Superior Court, Pima County**

**COMPLETE THE FOLLOWING FORM ONLY  
IF SERVICE BY ALTERNATIVE MEANS OR  
PUBLICATION WAS GRANTED**



5. If service was by PUBLICATION:  
 The Summons was published in a newspaper in Pima County and in  
 County (Respondent's last known Arizona residence) on the following dates.  
 A. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_                      B. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 C. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_                      D. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
6. A copy of the notice as published and the Affidavit of Publication are attached.
7. I have read this statement and know of my own knowledge that the facts stated are true and correct.

\_\_\_\_\_  
 Petitioner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ by

\_\_\_\_\_  
 (Petitioner's Name)

\_\_\_\_\_  
 Notary Public

My Commission Expires:  
 \_\_\_\_\_

**AFFIDAVIT OF SERVICE:**

(Attach proof of service by alternative means and/or the original Affidavit of Service from the newspaper(s) to this page.)