

# SERVICE ON THE OTHER PARTY FOR PATERNITY



## Packet # 21



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 the other parent.

After you have filled out and filed your Petition for Paternity (Packet # 18), 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 (here, the other parent). This is so the other parent knows you are asking the court to decide paternity, legal decision-making, parenting time, or child support, and the other parent can choose to respond. Service of Process occurs when the other parent 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 the court’s decision on paternity, legal decision-making, parenting time, or child support.



The legal documents that must be served include a copy of the Petition and a copy of the Summons. (The Summons is included in Packet # 18. 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 the other parent.

## What happens after service is complete?

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

## What is a Response?

The other parent’s Response is a written document filed with the court that states that the other parent disagrees with all or part of your Petition. If the two of you cannot come to an agreement, you will need to attend mediation and may need to have a paternity trial. For more information about the Response, see Packet # 19. For more information about Mediation, see Packet # 15.

### What if the other parent does not file a Response?

If the other parent does not file a Response within the time limit, you can file an Application for Default. See Packet # 17, *Paternity-General Information*, and # 20, *Paternity-Judgment*, for more information about this process.



**Service is REQUIRED. The paternity 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 the other parent. If you do not serve the other parent 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 the other parent. Service may also be completed if the other parent signs an Acceptance of Service form.



Be sure to remember the date that the other parent is served, because the time the other parent 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 the other parent. 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 the other parent, and the other parent will sign, date, and have notarized an **Acceptance of Service** form (included in this packet). This Acceptance of Service form tells the court that the other parent has agreed to accept the documents from you. When the other parent signs this form, the other parent is NOT agreeing to the terms of your Petition. The signature only means that the other parent has **received** the documents.



**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 the other parent will become violent or uncooperative when you tell him or her that you are filing a paternity case, use one of the other methods of service described in this packet.**

You can give copies of the legal documents to the other parent 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 the other parent sending the signed and notarized Acceptance of Service form back to you.

Service is not valid if the other parent 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.

## **Service by Mail**

“Service by Mail” is when you mail the Summons and Petition to the other parent, “Return Receipt Requested.” You must ask the post office for “Restricted Delivery” so that only the other parent (the person you address the envelope to) can sign the receipt. If someone other than the other parent 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 the other parent 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**

Service by Publication CANNOT be used for Paternity Petitions, child support issues, or any other issue which requires personal jurisdiction.

## **Alternative or Substituted Service**

If the other parent 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 the other parent is notified that you filed a Petition.

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

If you use an alternative method of service, you MUST also mail the papers to the other parent’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)

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 the other parent **from the date you file your Petition**. If you do not serve the other parent 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 the other parent. 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 the other parent 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 the other parent 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’s Department will then serve the other parent. See the attached list of addresses for Arizona County Sheriff’s Civil Processing Units.

If the other parent resides outside of Arizona, you may contact a Sheriff or other law enforcement agency where the other parent lives, and ask if it can serve the papers on the other parent. 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 the other parent
- Personal check, cashier's check, money order, or debit card to pay the service fees OR a certified

order deferring or waiving the fees OR a certified order deferring or waiving the fees  
It may also be helpful to provide a photograph of the other parent and a photograph or written description of the automobile the other parent drives.

**STEP 3: WAIT:**

It may take the Sheriff or Constable two to three weeks to serve the other parent.

The Sheriff or Constable will mail you a copy of a completed Return of Service form proving that the other parent 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 the other parent was served by the Sheriff or Constable, as indicated on the Return of Service form. This date is the day of service, and the other parent 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 Paternity
3. Affidavit Re: Minor Child(ren)
4. Order to Complete Course in Domestic Relations Education on Children’s Issues
5. 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.

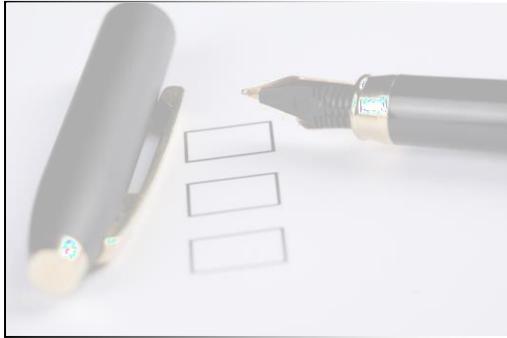
I also enclose a deposit of \$\_\_\_\_\_ OR,

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 – 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 the other parent
- A photograph and/or written physical description of the other parent
- A photograph and/or written description of the automobile the other parent drives
- Addresses (home and work) where the other parent 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 the other parent was served by the Process Server, as indicated on the Affidavit of Service. This day is the date of service, and the other parent 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—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 the other parent’s name.

### STEP 2: ASK THE OTHER PARENT TO ACCEPT SERVICE:

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

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

#### OR

#### (B) IF THE OTHER PARENT WILL NOT OR CANNOT GO WITH YOU TO FILE THE PETITION:

- Agree on a day and time to meet with the other parent in front of a notary public. Most banks have notaries 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 the other parent his or her set of copies of the papers you filed. Have the original Summons with you in case the other parent wants you to prove you have it.
- The other parent 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 the other parent must bring his or her driver’s license, passport, or other form of photo identification.

**OR**

(C) IF YOU CANNOT BE WITH THE OTHER PARENT 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 the other parent 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.
- The other parent 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 the other parent must bring his or her driver's license, passport, or other form of photo identification.



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

**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 the other parent and notarized). The day you file the signed Acceptance of Service form is the date of service. The other parent 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, the other parent (“Respondent”) verifies UNDER OATH** that each statement in numbers 1 through 4 is true.

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 Paternity
3. Affidavit Re: Minor Child(ren)
4. Order to Complete Course in Domestic Relations Education on Children's Issues
5. 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: \_\_\_\_\_  
 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

### ACCEPTANCE OF SERVICE

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

- I acknowledge that I have voluntarily accepted a copy of these legal papers: Summons, Petition for Paternity, 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)].

- 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.
- 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.
- 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.
- (COMPLETE THIS PART ONLY IF YOU WANT TO RESTORE YOUR NAME TO WHAT IT WAS BEFORE THE MARRIAGE) Please restore my name to:

\_\_\_\_\_

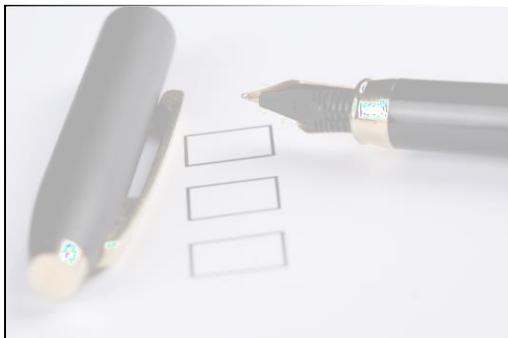
\_\_\_\_\_  
 Respondent

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 the other parent 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 the other parent's signature. Be sure to remember the date the other parent received and signed for the papers (NOT the date you received the green receipt). The day the other parent received and signed for the papers is the date of service, and the other parent 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: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Representing  Self, without a Lawyer or  
 Attorney for  Petitioner OR  Respondent

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_ Case No. \_\_\_\_\_  
Petitioner ATLAS No. \_\_\_\_\_  
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 Paternity, 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**

