

**PIMA
COUNTY
JUVENILE
COURT**

“Service” means giving legally required notice to the other party that you have filed the Termination Petition. You must provide written proof of service to the Court.

**SERVICE
OF
PROCESS
HOW TO SERVE
NOTICE AS
REQUIRED BY
LAW FOR
TERMINATION
(Severance) OF
PARENTAL
RIGHTS**

SERVICE OF COURT PAPERS in a JUVENILE COURT CASE FOR TERMINATION OF PARENTAL RIGHTS

CHECKLIST

You may use the forms and instructions in this packet if ...

- ✓ You have filed a petition or other document regarding a person under the age of 18, a minor, in the Juvenile Court for:
 - Termination of Parental Rights (“Severance”).
- ✓ You are required to “serve notice” to parties legally entitled to receive notice of your filing such as the minor’s parents, legal guardian, custodian (a person with whom the minor is or has been living), or other person claiming a right to receive notice.
- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law.
- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign an **“Acceptance of Service”** form in front of a Notary or Clerk of the Superior Court, and return the form for **you** to file with the Court.

This packet explains the steps you need to take to serve the other party and what

forms you must use. 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/parties.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

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

SERVICE OF COURT PAPERS

HOW TO SERVE THE OTHER PARTIES IN A SEVERANCE CASE

This packet contains information, instructions, and court forms about serving court papers in a Juvenile Court case to permanently terminate (sever) parental rights. The items listed in **BOLD** are **forms** that *if applicable*, you will need to fill out, copy, and submit to the Court. The other items are information or instruction pages. *Do not copy or file the instructions* and other non-bold items. By completing the steps for service, you tell the Court that the other party has received a copy of the court papers.

- A. Helpful Information on Serving the Other Party
- B. Methods of Service:
 - a. You Know Where the Other Party Lives in the State of Arizona
 - b. You Know Where the Other Party Lives in the United States but not in the State of Arizona
 - c. You Cannot Find the Other Party
- C. HOW TO SERVE THE OTHER PARTY:
 - a. USING THE ACCEPTANCE OF SERVICE METHOD
 - b. BY REGISTERED ("PRIVATE") PROCESS SERVER
 - c. BY CERTIFIED MAIL
 - d. BY SHERIFF
 - e. BY PUBLICATION

users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

You have permission to use these forms for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other parties (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 court papers. You must provide 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 forms. Select the method of service that works best for you.

METHODS OF SERVICE:

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. Service by Acceptance. This method requires you to give or mail the court papers to the other party and include an “**Acceptance of Service**” form. The other party must sign the Acceptance of Service form in front of a Notary Public and return it to you. The other party cannot sign the Acceptance of Service until after you have filed the court papers with the Court. The other party’s signature on the Acceptance of Service does not mean that they agree with the termination. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server. Service is complete at the time the other party signs the Acceptance of Service. If you choose this method of service, use the *Acceptance of Service* forms.

WARNING: Do not use this method of service if you are the victim of domestic violence or believe the other party will hurt you or your children. If you believe the other party will become violent or uncooperative when you ask them to accept service, use one of the methods of service described below instead.

B. Service by Registered Process Server. This method 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. This method of service costs

more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under “**PROCESS SERVER**” in the Yellow Pages or online to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the *Service by Process Server* form.

C. Service by Sheriff. 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 Juvenile Court Resource Center located in the Juvenile Court lobby 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 Court 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. If you choose this method of service, use the *Service by Sheriff* form.

D. 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. Service must take place at least ten (10) days before the date of the hearing.)

A. Service by Acceptance. This method requires you to give or mail the court papers to the other party and include an Acceptance of Service form. The other party must sign the Acceptance of Service form in front of a Notary Public and return it to you. The other party cannot sign the Acceptance of Service until after you have filed the Petition to Terminate with the Court. The other party's signature on the Acceptance of Service does not mean that he or she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the Sheriff or a process server. Service is complete at the time the other party signs the Acceptance of Service. If you choose this method of service, use the *Acceptance of Service* forms.

WARNING: Do not use this method of service if you are the victim of domestic violence or believe the other party will hurt you or hurt your children. If you believe the other party will become violent or uncooperative when you ask him or her to accept service, use one of the methods of service described below instead.

B. Service by Certified 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 called **Certified Mail, Restricted Delivery** by the Post Office. This means that the other party must sign for the papers. No one else can sign for the other party.

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.

C. Service by Registered Process Server. This method 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. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "**PROCESS SERVER**" in the Yellow Pages or online to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you choose this method of service, use the *Service by Process Server* form.

D. Service by Sheriff. 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 Juvenile Court Resource Center located in the Juvenile Court lobby 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 Court 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. If you choose this method of service, use the Service by Sheriff Form.

E. 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 the Other Party.

Service by Publication. You may use this method only if you do not know and cannot find the other party. Service by publication is your "last resort." 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 certified 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 (4) weeks in a newspaper in the county where the action is pending. Service is complete 30 days after the first publication, and the initial hearing cannot be held until 10 days after service is complete. In other words, the hearing can be no earlier than the 41st day after the first 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 Service by Publication form.

TIPS FOR FINDING THE OTHER

PARTY: Before using the Service by Publication method, you must take every reasonable step to try to find the other party. The Court requires you to file an "Affidavit Supporting Publication" telling the Court, under penalty of perjury, exactly *what you did* to find the other party. If the court is not satisfied that you have taken every reasonable step to locate and serve notice on everyone legally entitled to notice, your case may be delayed and you may be required to repeat publication.

Examples of steps you may be expected to take include:

- Verify the "missing" party is not at any former addresses.
- Talk to friends, family members, co-workers, employers, and/or neighbors.
- Search phone directories, the internet, county property and voter registration records, and even the obituaries.
- You may also consider hiring a company to do computer searches for you or to otherwise help you track down the missing party.
- Search online with the county jail and state prison.

HOW TO SERVE THE OTHER PARTY USING THE ACCEPTANCE OF SERVICE METHOD

STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE AFTER YOU HAVE FILED THE COURT PAPERS.

- You can ask the other parties to accept service by talking to them, or by sending the *letter* included in this packet that asks them to sign the **Acceptance** in front of a Notary and return the form to you.
- **WARNING: Do not do this in-person if you are the victim of domestic violence or believe the other party will hurt you or hurt your children.** Do not do this by *mail*, if the prior statements are true and the other person does not know your present address. If you have questions about whether you should use this method, you should see a lawyer for help.
- The other party *cannot* sign the **Acceptance of Service** until **after** you have filed the Petition to Terminate.

STEP 2: IF THE OTHER PARTY AGREES TO ACCEPT SERVICE, YOU HAVE THREE OPTIONS:

A. GO: You and the other party can go to the filing counter at the courthouse where you filed the court papers. Bring the original Acceptance of Service, plus two copies (one for you and one for the other party.) 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. The other party must have a valid picture I.D. with him or her for the Clerk or Notary Public to sign the Acceptance of Service.

OR

B. MEET: Arrange a meeting place and time with the other party before a **Notary Public**. Bring the original Acceptance of Service, plus two copies (one for you and one for the other party). You should also bring the court papers with you in case the other party or the Notary Public wants to see the court papers. The other party must have a valid picture I.D. with him or her for the Notary Public to sign the Acceptance of Service. There is usually a small cost to use a Notary Public.

OR

C. MAIL: Mail a copy of the court papers to the other party with the original Acceptance of Service. Ask the other party to sign the Acceptance of Service before a Clerk or Notary Public and tell the other party why you have asked him or her to sign the Acceptance of Service. You may use the form letter in this packet to tell the other party why you have asked him or her to sign the Acceptance of Service.

AND

SIGN: The other party must sign the Original Acceptance of Service and write in the date he or she signed on the Acceptance of Service. The other party must sign the Original Acceptance of Service in front of a Notary Public. The other party must have a valid picture I.D. with him or her for the Notary Public to sign the Acceptance of Service.

There is usually a small cost to use a Notary Public. The other party should then send you the signed and notarized Original

Acceptance of Service. You should write the date the other party signed the Acceptance of Service on your copy.

NOTE: If the other party does not send back the Acceptance of Service, ask him or her again to send it back. If the other party still does not send it back, then you have to serve the other party by one of the other service methods.

STEP 3: FILE THE SIGNED AND NOTARIZED ACCEPTANCE OF SERVICE AT THE COURT:

- **GO** to the Clerk at the Court where you filed the court papers and file the original **Acceptance of Service** signed by the other party and notarized.
- **GIVE** the Clerk the original **ACCEPTANCE OF SERVICE** signed by the other party in front of a notary public
- The Acceptance of Service should be signed by the other party at least ten (10) days before the court hearing.

HOW TO SERVE THE OTHER PARTY BY REGISTERED (“PRIVATE”) PROCESS SERVER

STEP 1: FIND. You must hire a Registered Process Server. To find a Registered Process Server look in the Yellow Pages or online under "Process Servers."

Notice: There may be a filing fee for Petitions or Complaints, and Responses or Answers, and there are Service Fees. You may request a Deferral of the filing fees and/or the costs (and Sheriff's Service Fees if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court. You may **not** defer costs of a Registered Process Server.

STEP 2: GO. Go to the Registered Process Server's Office. **TAKE** with you the following things:

- ✓ Other party's set of copies of the court papers (Petition 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 of time to ask the Process Server how much money it will cost.)

STEP 3: WAIT. The Process Server will mail you a copy of the Affidavit of Service after he or she serves 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.

STEP 4: GO. Go the Court Hearing. Bring a copy of the Petition, Notice of Hearing, and Affidavit of Service with you.

HOW TO SERVE THE OTHER PARTY BY CERTIFIED MAIL
USE THIS PROCEDURE ONLY after you have filed your papers with the Court.

Notice of Hearing, and Declaration or Affidavit of Service by Certified Mail and attached Green Receipt with you.

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

STEP 2: WAIT for Green Receipt to be returned with the other party's signature. When you get the Green Receipt, note the date the other party received and signed for the papers. Only the signature of the party to be served is permitted under the Rule.

STEP 3: COMPILE PAPERS FOR THE COURT

- **COMPLETE:** Original of Declaration or Affidavit of Service by Certified Mail.
- **ATTACH:** You must attach the original Green Receipt to the Declaration or Affidavit to prove how you served the other party. Make sure you keep a copy of the Green Receipt for yourself (both sides).
- **COPY:** Make yourself a copy of the Declaration or Affidavit of Service by Certified Mail and attach the copy of the Green Receipt to it.

STEP 4: FILE PAPERS WITH THE COURT. File the Declaration or Affidavit of Service by Certified Mail and attached Green Receipt with the Clerk of the Court.

STEP 5: GO TO THE COURT HEARING. Bring your copy of the Petition,

HOW TO SERVE THE OTHER PARTY BY SHERIFF

Bring your court papers 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 do.

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

Notice: There are fees for service of court papers. If you intend to use the Sheriff's Office for service you may request a *deferral* (delayed payment) or *waiver* of the service fees at the time you file your papers with the Clerk of the Court. You may **not** defer the cost of service by a Registered "private" Process Server.

STEP 2: WRITE. Fill out the attached sheet for identifying the other party and bring:

- Other party's set of copies of the court papers (*Petition* and *Notice of Hearing*).
- A picture or a written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- Certified Order Waiving/Deferring Fees, or a \$200.00 deposit fee - Cash/Money Order.

STEP 3: WAIT. The Sheriff will mail you a copy of the *Affidavit of Service* after he or she serves the other party with the papers. (The Sheriff may also file these papers instead of sending them back to you.)

STEP 4: GO. Go to your court hearing. Bring a copy of the *Petition*, *Notice of Hearing*, and *Affidavit of Service* from the Sheriff's Office.

HOW TO SERVE THE OTHER PARTY BY PUBLICATION

STEP 1: PUBLISH THE COURT PAPERS.

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending (Pima County) and/or the other party's last known address was not in Arizona.

1. IF YOU HAVE A COURT ORDER WAIVING/DEFERRING COSTS of PUBLICATION, YOU MUST PUBLISH IN *The Daily Territorial*.

– OR –

2. IF YOU ARE PAYING THE COST of PUBLICATION, YOU MAY USE ANY NEWSPAPER OF “GENERAL CIRCULATION” in this county.

Note that:

- A. There are other eligible publications **other than** the one mentioned above;
- B. The Arizona Corporation Commission maintains a list of eligible publications along with their contact information online at <http://www.azcc.gov/Divisions/Corporations/Newspaper-list-for-publishing.pdf>.
- C. Fees vary. You may call and ask for “Legal Advertising” to compare prices

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called **AFFIDAVIT OF PUBLICATION**.

STEP 3: COMPLETE YOUR PAPERWORK:

- A. Fill out the *Affidavit Showing Circumstances Why Service by Publication was Used and About the Publication Supporting Publication* document that is attached.
- B. ATTACH a copy of the *Affidavit of Publication* and published notice from the newspaper(s).
- C. KEEP A COPY for yourself of the *Declaration Supporting Publication* and *Affidavit of Publication*.

STEP 4: FILE THE COURT PAPERS:

- A. File the original of the *Declaration Supporting Publication* with copy of *Affidavit of Publication* and published notice from the newspaper attached, and;
- B. File the original *Affidavit of Publication* you received from the newspaper(s).

STEP 5: GO TO YOUR COURT HEARING. Bring a copy of the

- ✓ *Petition*,
- ✓ *Notice of Hearing*,
- ✓ *Declaration Supporting Publication*, and
- ✓ *Affidavit of Publication* with you to the hearing.