

**PATERNITY**

**SERVICE OF PAPERS  
ON THE OTHER  
PARTY**

**Packet #4**

*Separate forms from packet before filing.*

# SOUTHERN ARIZONA LEGAL AID, INC.

## SERVICE OF PAPERS ON THE OTHER PARTY

### USE AND DISCLAIMER

These forms shall not be used to engage in the unauthorized practice of law. Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

### HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains court forms and instructions about service of papers on the other party. Be sure the documents are in the following order. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are general information or instructions. Documents that end with "form" are court forms that must be completed and filed with the court.

<b>Title</b>	<b>Form Name</b>
Use And Disclaimer (1 page)	dissolution-use and disclaimer.info
Service Of Process Information (2 copies)	dissolution-service of process.info
Instructions For Service Of Petition - Acceptance By Other Party (2 pages)	dissolution-accept by other party.info
Acceptance Of Service (2 pages)	dissolution-acceptance of service.form
Instructions For Service Of Petition - By Mail (1 page)	dissolution-serv by mail.info
Affidavit Of Service By Mail (2 pages)	dissolution-affidavit of serv by mail.form
Instructions For Service Of Petition By Private Process Server (1 page)	dissolution-private process server.info
Instructions For Service Of Petition - By Sheriff / Constable (3 pages)	dissolution-serv by sheriff or constable.info
Instructions For Service Of Petition - By Publication (1 page)	dissolution-serv by publication.info
Affidavit Showing Circumstances Why Service By Publication Was Used And About The Publication (3 pages)	dissolution-serv by publication.form

# SOUTHERN ARIZONA LEGAL AID. INC.

## SERVICE OF PROCESS

### SERVING LEGAL NOTICE ON THE OTHER PARTY

After you have filled out and filed your Petition papers, you must **serve** the papers on the other party. **This is probably the most important step you must take.**

**Service of Process** is the term used by the Court for your giving legal notice to the other party that you have filed a Petition with the Court. You must then provide proof to the Court of this Service. We will explain what steps you need to follow and what forms you must use to do this later in this packet.

By completing the steps for Service, you tell the Court that the other party has received a copy of your Petition papers describing what you want. After the other party is served, he or she will be given a limited time to file a document called the Response. If you give legal notice in Arizona, the other party will have 20 (twenty) calendar days to file a Response, or thirty (30) calendar days if the other party is served outside the state of Arizona. This is how the other party tells the Court that he or she disagrees or contests what you have asked for in your Petition. If the other party does NOT disagree with what you have asked for, he or she does not have to file a Response. If this happens, you may get a judgment or decree by **default**. This kit contains a packet titled “**Obtaining a Default Judgment or Decree**”, which has more information on defaults. You will use this packet later.

### THE METHODS OF SERVICE

There are five different ways to give notice that will be accepted by the Court.

1. **Service by Acceptance** - 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 terms of your Petition. It only means that he or she has received the papers. You must file this Acceptance of Service form with the Court along with the original Summons. (Do NOT give the original of the Summons to the other party. You will have to return that to the clerk where you filed.)

Be sure to note the date that the other party signed this form. This is the most common, easiest, and quickest form of service and the one that the court may require you to try first. **DO NOT USE in domestic violence situations! If you are a victim of domestic violence, do not attempt to deliver the papers to the other party yourself. If you believe the other party will become violent or uncooperative when you give notice of the Petition, use one of the other methods of service described below.**

If you do choose this method of service, use the **Instructions on Service of Petition By Acceptance By Other Party.**

2. **Service by Mail** – You may serve the other party by mail if you know where they live. You may serve that person by sending the papers to him or her by mail. When you use this method of service, you may use any form of mail that requires a signed and returned receipt. Be sure to ask the post office for “**Restricted Delivery**” so that only the person to whom the papers were sent can sign for them. Remember that the party being served must sign the receipt. Upon receiving the signed return receipt, you will have to file an **Affidavit of Service By Mail** with the court. Be sure to note the date the Receipt was signed. See the **Instructions on Service of Petition By Mail.**
3. **Service by Private Process Server** - This means that a state licensed private person or company will serve the papers on the other party. You generally must pay this person or company to do this for you. The private process server will serve the papers on the other party and then provide you with an affidavit or sworn statement that he has served the other party. You must then file this affidavit with the court. Be sure to note the date the other person was served. This method of service is particularly useful if the other party is avoiding service. It can also be used when the other party lives out of state. You always have the right to use a private process server without trying Service by Acceptance. When using a private process server, be sure to tell him where the other party lives AND works. If you decide to use this method, look under “PROCESS

SERVER” in the Yellow Pages to find someone who can serve your papers. Use the **Instructions on Service of Petition By Private Process Server.**

4. **Service by Sheriff/Constable** - This means that a Sheriff or Constable or other law enforcement officer serves the papers on the other party. This can take time and there is a fee, although this fee can be deferred or waived by the court if the Sheriff/Constable is in Arizona. Generally, the court will require you to attempt Service by Acceptance before using the Sheriff/Constable unless it would be useless or dangerous to do so. You can use a sheriff or other law enforcement officer to serve the other party in another state, but if they charge a fee this cannot be deferred or waived by the Arizona courts. If you choose this method of service, use the **Instructions on Service of Petition by Sheriff/Constable.**
5. **Service by Publication** - In this method of service a copy of the summons and a statement as to how the other party can receive a copy of the other papers is published in a newspaper in the county where the case was filed. If the other party’s last known residence was in Arizona, publication will also be made in the county where he or she last lived, if different from the county where the case was filed. This method of service can be used **ONLY** if you cannot locate the other party or that party is avoiding service and service by publication **is the best means practicable under the circumstances to provide notice.** Use this method only as a last resort because the court is limited in what it can award you if Service by Publication is used. Try very hard to find where the other party is living or working first. In Pima County, publishing is through a newspaper called the Daily Territorial or any other newspaper in the county. The Court may waive or defer the cost of this publication. When you serve by publication the newspaper you use will send you an affidavit stating what dates they published and they will also provide you with a copy of each publication. You will be required to file this affidavit along with your own affidavit stating how and why service by publication was used. If you use this method of service, use the **Instructions on Service of Petition by Publication.**
6. **Alternative or Substituted Service** - Additionally, if a person is avoiding service by process server or the sheriff, you may make a motion with the court to use an alternate or substitute form of service. Whenever the court allows an alternative or substituted form of service, reasonable efforts must be undertaken by you to make sure that actual notice of this case is given to the person to be served. Alternate methods of service include posting a copy of the summons and complaint on the door of the residence of the party being served or other means that will ensure the person receives actual notice of the case. In any event, you must mail to the other party’s last known business or home address a copy of the Summons and all the paperwork to be served. Paperwork for this method of service is not provided in this packet.

#### **TIPS FOR FINDING THE OTHER PARTY**

Before using the Service by Publication method or any alternative method, try to find the other party in every way you can. You may want to talk to the other party’s friends, current and former co-workers, family, or anyone you think may have a current address. You can also search for a person’s whereabouts through various internet services, many of which are free. The Court requires you to make an Affidavit showing that you have made significant efforts to try to find the other party, so be thorough and creative in locating the other party.

There are also locator services that charge a fee to do computer searches of things like department of motor vehicle, voting, or tax records to help you track down the other party. If you know the other party’s date of birth, and especially if you know his or her Social Security Number, this approach may work for you. The effort you put into finding the other party may be well worth it.

Remember, in choosing the method of service that best fits your circumstance, if at all possible, you should first try the method called **Service By Acceptance.**

# SOUTHERN ARIZONA LEGAL AID, INC.

## INSTRUCTIONS ON SERVICE OF PETITION -- ACCEPTANCE BY OTHER PARTY (after you have filed your court papers)

### STEP 1: ASK THE OTHER PARTY TO ACCEPT SERVICE OF THE PAPERS:

#### (A) IF THE OTHER PARTY GOES WITH YOU TO THE FILING COUNTER:

**GIVE:** Give the other party his/her set of copies.

**DO:** Stay at the counter. The other party must sign the original Acceptance of Service in front of the Clerk. The Clerk will notarize the other party's signature FREE. The other party must have a valid picture I.D.

OR

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

**SET:** Arrange a meeting place and time with the other party before a Notary Public. Give the other party his/her set of copies; have the original of the Summons with you in case the other party wants you to prove that you have it. Have the other party sign the original Acceptance of Service before the Notary.

OR

#### (C) IF YOU CANNOT BE WITH THE OTHER PARTY IN PERSON TO GIVE THE PAPERS:

**MAIL:** Mail all the copies to the other party with an explanation, such as the form letter attached.

**GET:** The other party must sign the original Acceptance of Service and write the date he/she signed on the Acceptance. The signature must be in front of a notary public. You should write the date the other party signed the Acceptance on your copy.

**NOTE:** If the other party does not send back the Acceptance, ask him/her again to send it back. If he/she still does not send it back, then you will have to serve him/her by one of the other methods.

### STEP 2: FILE ACCEPTANCE AT THE COURT:

- Go back to the Clerk of the Court to file the original of Acceptance of Service signed by the other party.
- Give the Clerk both ORIGINALS:
  1. SUMMONS
  2. ACCEPTANCE OF SERVICE, signed by the other party in front of a Notary Public

### STEP 3: COUNT: Now start counting days from the date the other party signed the Acceptance of Service.

\_\_\_\_\_  
(YOUR NAME)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY/STATE/ZIP)

\_\_\_\_\_  
(TELEPHONE NUMBER)

\_\_\_\_\_  
(DATE)

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

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY/STATE/ZIP)

**Re: Acceptance of 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. Preliminary Injunction
- 4. Affidavit Re: Minor Child(ren)
- 5. Order to Complete Course in Domestic Relations Education on Children's Issues
- 6. 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 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)

Enclosures

Name: \_\_\_\_\_

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

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

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

### ACCEPTANCE OF SERVICE

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

1. I acknowledge and 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 40(f)];

2. I am aware that my taking service of these court papers and signing this document does not in any way reduce my rights or obligation to file a written Answer to this action. I understand that if I do not agree with any relief asked by Petitioner/Plaintiff, I must Answer 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 and defend in 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 giving the Petitioner/Plaintiff any and all things 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 Service Members Civil Relief Act, and,

\_\_\_\_\_  
Respondent/Defendant

SUBSCRIBED AND SWORN to before me this day of \_\_\_\_\_, 20\_\_\_\_\_, by  
\_\_\_\_\_.

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

My Commission Expires:

\_\_\_\_\_

# SOUTHERN ARIZONA LEGAL AID, INC.

## INSTRUCTIONS ON SERVICE OF PETITION -- BY MAIL (after you have filed your court papers)

**STEP 1: GO TO THE POST OFFICE** and tell the clerk you would like to mail the papers to the other party as follows:

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

**STEP 2: WAIT** For green receipt to be returned in the mail with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

**STEP 3: PAPERS FOR THE COURT**

- COMPLETE:** Affidavit of Service by Mail.
- ATTACH:** You must also attach original of green receipt to the Affidavit to prove how you served the other party.
- COPY:** For yourself the original Affidavit of Service by Mail and attached green receipt.

**STEP 4: FILE AFFIDAVIT OF SERVICE BY MAIL AT THE COURT:**

- Go to the Clerk of the Court and give him:
  - Original of Summons
  - Affidavit of Service by Mail and attached green receipt.

**STEP 5: COUNT**

Note the date the other party signed for the papers and start counting down the days for the other party to respond. (When counting down the days, start counting with the day after the other party signed the green receipt.)

Name: \_\_\_\_\_

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

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

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

\_\_\_\_\_  
Petitioner/Plaintiff

and

### AFFIDAVIT OF SERVICE BY MAIL

\_\_\_\_\_  
Respondent/Defendant

1. I am the Petitioner/Plaintiff 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/Defendant by certified mail, restricted delivery, postage prepaid, return receipt requested, pursuant to Arizona Rules of Family Law Procedure, Rules 41(C)(2) or 42(C).

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

Address where Respondent/Defendant papers were mailed: \_\_\_\_\_

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

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

2. I know that the Respondent/Defendant is located at the address where the papers were mailed. The Summons, Petition for Paternity, and (list other documents sent, if applicable)

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

were sent by mail to the Respondent/Defendant. These papers were received by Respondent/Defendant as shown by a receipt, the true original of which is attached to this Affidavit on the following page.

\_\_\_\_\_  
Petitioner/Plaintiff

SUBSCRIBED AND SWORN to before me this day of \_\_\_\_\_, 20\_\_\_\_\_, by

\_\_\_\_\_.

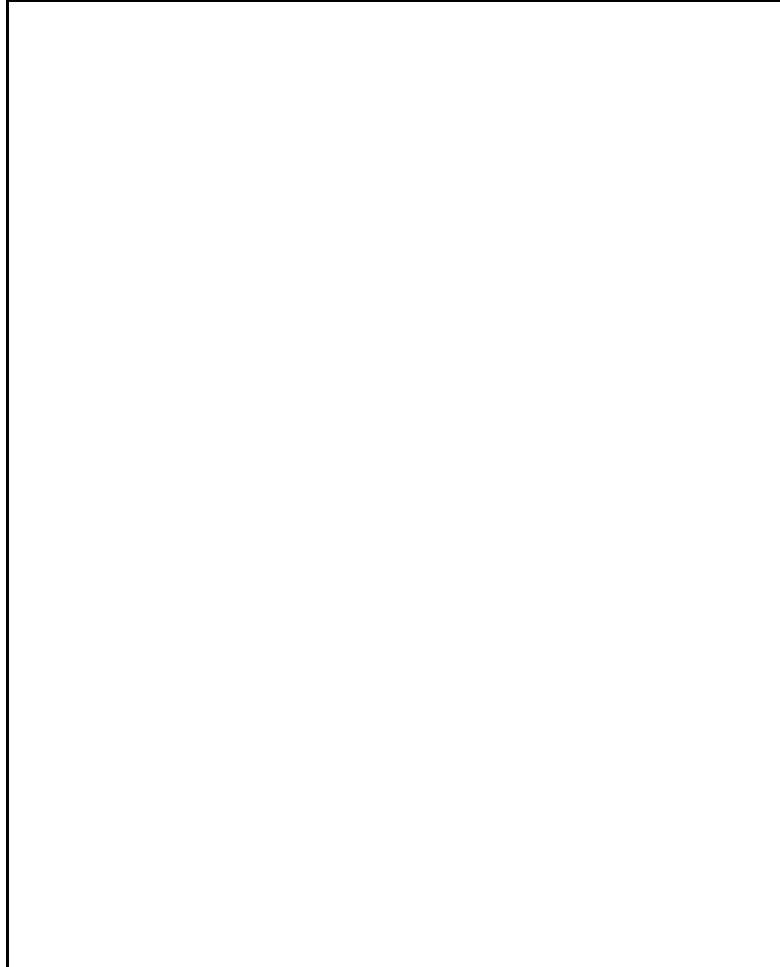
\_\_\_\_\_  
NOTARY PUBLIC

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

**STAPLE OR TAPE ORIGINAL OF POST OFFICE**

**GREEN RECEIPT HERE**

**WITH SIGNATURE SIDE UP**



# SOUTHERN ARIZONA LEGAL AID, INC.

## INSTRUCTIONS ON SERVICE OF PETITION BY PRIVATE PROCESS SERVER (Arrange for service after you have filed your court papers.)

**STEP 1:**     **FIND:** Private Process Server (Look up in Yellow Pages under "Process Servers.")

**Notice:** There is a filing fee for all Petitions and there are service fees. You may request a Deferral or Waiver of the filing fees at the time you file your papers with the Clerk of the Court. Private Process Server's fees cannot be deferred or waived.

**STEP 2:**     **GO TO:** Private Process Server

**TAKE WITH YOU THE FOLLOWING:**

- Original Summons.
- Other Party's Set of Copies.
- A photograph or a written physical description of the Other Party.
- A written description of the automobile the other party drives.
- Any address where the other party can be served. (home or work)
- 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/she serves the Respondent with the papers. **IMPORTANT: If the Process Server does not file an Affidavit of Service with the Clerk of Court, then you must file such an Affidavit and the original Summons with the clerk. Bring an extra copy with you to the default hearing.**

**STEP 4:**     **COUNT:**

When you get the copy of the original Summons and the Affidavit back from the process server, note the date the other party was served the papers and start counting down the days for the other party to respond. (When counting down the days, start counting with the day after the other party was served the papers.)

**SOUTHERN ARIZONA LEGAL AID, INC.**  
**INSTRUCTIONS ON**  
**SERVICE OF PETITION -- BY SHERIFF/CONSTABLE**  
(after you have filed your court papers)

**STEP 1: GO TO OFFICE OF THE COUNTY SHERIFF/CONSTABLE WHERE THE OTHER PARTY LIVES WITH THE PAPERS FOR SERVICE**

**PIMA COUNTY SHERIFF'S DEPARTMENT**  
**Civil Process**  
**32 N. Stone Ave.**  
**8th Floor, Room 808**  
**Tucson, AZ 85701**  
**740-5510**

If your spouse resides in a county in Arizona other than Pima County, you may mail the Petition and other papers to the Sheriff of that county to have the Sheriff serve your spouse. A list of the addresses of the county sheriffs is attached to this instruction sheet. If the party resides outside Arizona you may contact a sheriff or other law enforcement agency where the other party lives and see if they can serve the papers on the other party.

**Notice:** There is a filing fee for all Complaints/Petitions and there are service fees. You may request a Deferral or Waiver of the filing fees and the Sheriff or Constable's Service fees at the time you file your papers with the Clerk of the Court.

**STEP 2: FILL OUT:** The attached sheet for identifying the other party and mail or bring it with you to the Sheriff/Constable along with:

- Original Summons and
- Other Party's Set of Copies
- A photograph or a written physical description of the other party
- A written description of the automobile the other party drives
- An address where the other party can be served (home or work)
- If applicable, a Certified Order Deferring or Waiving Fees, or cash/money order

**STEP 3: WAIT:**  
It may take the Sheriff/Constable 2-3 weeks to serve the other party.

The Sheriff/Constable will mail you a copy of the Affidavit of Service after he/she serves the other party with the papers. The Sheriff/Constable will also return the original Summons to you. You must then file these with the Clerk of the Court. (In Pima County, the Sheriff/Constable may file these papers instead of sending them back to you.)

**STEP 4: COUNT**  
When you get the copy of the Affidavit, note the date the other party was served the papers and start counting down the days for the other party to respond. (When counting down the days, start counting with the day after the other party was served the papers.) Count TWENTY (20) DAYS if the other party was served in Arizona.

## ARIZONA SHERIFFS CIVIL PROCESS UNITS

Apache County Sheriff's Department  
Civil Process  
P. O. Box 518  
St. John's, AZ 85936  
(520) 337-4321

Cochise County Sheriff's Department  
Civil Process  
P. O. Drawer F  
Bisbee, AZ 85603  
(520) 432-9513

Coconino County Sheriff's Department  
Civil Process  
P. O. Box 39  
Flagstaff, AZ 86002  
(520) 774-4523

Gila County Sheriff's Department  
Civil Process  
P. O. Box 311  
Globe, AZ 85502  
(520) 425-4449

Graham County Sheriff's Department  
Civil Process  
523 S. 10th Ave.  
Safford, AZ 85546  
(520) 428-3141

Greenlee County Sheriff's Department  
Civil Process  
P. O. Box 998  
Clifton, AZ 85533  
(520) 865-4149

La Paz County Sheriff's Department  
Civil Process  
P. O. Box BF  
Parker, AZ 85344  
(520) 669-6141

Mohave County Sheriff's Department  
Civil Process  
301 W. Beale  
Kingman, AZ 86401  
(520) 753-0756

Maricopa County Sheriff's Department  
Civil Process  
102 W. Madison  
Phoenix, AZ 85003  
(602) 256-1011

Navajo County Sheriff's Department  
Civil Process  
P. O. Box 668  
Holbrook, AZ 86025  
(928) 524-4300

**Pima County Sheriff's Department**  
**Civil Process**  
**32 N. Stone, # 808**  
**Tucson, AZ 85701**  
**(520) 740-5510**

Pinal County Sheriff's Department  
Civil Process  
P. O. Box 867  
Florence, AZ 85232  
(520) 868-5822

Santa Cruz County Sheriff's department  
Civil Process  
P. O. Box 1150  
Nogales, AZ 85628  
(520) 287-4643

Yavapai County Sheriff's Department  
Civil Process  
255 E. Gurley  
Prescott, AZ 86301

Yuma County Sheriff's Department  
Civil Process  
141 3rd. Ave.  
Yuma, AZ 85364

\_\_\_\_\_  
 (YOUR NAME)  
 \_\_\_\_\_  
 (ADDRESS)  
 \_\_\_\_\_  
 (CITY/STATE/ZIP)  
 \_\_\_\_\_  
 (TELEPHONE NUMBER)  
 \_\_\_\_\_  
 (DATE)

\_\_\_\_\_  
 County Sheriff/Constable  
 (COUNTY)  
 \_\_\_\_\_  
 (ADDRESS)  
 \_\_\_\_\_  
 (CITY/STATE/ZIP)

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/Defendant. His/Her current address and physical description are:

\_\_\_\_\_  
 (RESPONDENT/DEFENDANT'S NAME)

\_\_\_\_\_  
 (HOME ADDRESS)

\_\_\_\_\_  
 (WORK ADDRESS)

\_\_\_\_\_  
 (HOME CITY/STATE/ZIP)

\_\_\_\_\_  
 (WORK CITY/STATE, ZIP)

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)

Enclosure

# SOUTHERN ARIZONA LEGAL AID, INC.

## INSTRUCTIONS ON SERVICE OF PETITION -- BY PUBLICATION (after you have filed your court papers)

### STEP 1: HOW TO PUBLISH SERVICE OF PROCESS:

If the other party's residence is unknown after attempts to locate him/her or the other party has avoided service and service by publication is the best means practicable under the circumstances, you may serve the other party by publishing the Summons and a statement telling the other party how to obtain a copy of the Petition and related papers in a newspaper published here in Pima County and in a newspaper published in county of the last known residence of the other party if that residence was in Arizona but outside of Pima County. If the other party last resided in another state you need only publish in Pima County. You may have such notice published in:

**THE DAILY TERRITORIAL  
P.O. Box 27087  
Tucson, Arizona 85726  
(520) 294-1200**

If the residence of the other party is known, you must mail a copy of the Summons, Petition, and other documents to be served to that person to his or her residence.

**Note:** You may request a Deferral or Waiver of the Filing Fees and the Service Fees at the time you file your papers with the Clerk of the Court. If your request for waiver or deferral is approved by the court, the Clerk will request that the Daily Territorial publish notice in the Daily Territorial.

### STEP 2: WAIT:

The newspaper will send you the original of a document called AFFIDAVIT OF SERVICE in about five weeks.

**Note:** If your fees have been waived or deferred, the newspaper will send the Affidavit of Service to the Clerk.

### STEP 3: GATHER ALL THE PAPERWORK:

- COMPLETE the AFFIDAVIT OF SERVICE BY PUBLICATION
- If your fees were NOT waived or deferred, ATTACH a copy of the published notice from the newspaper along with the Affidavit of Service from the newspaper.
- COPY: For yourself the AFFIDAVIT OF SERVICE BY PUBLICATION and AFFIDAVIT OF SERVICE.

### STEP 4: FILE:

- Original of the AFFIDAVIT OF SERVICE BY PUBLICATION and copy of the publication and
- If your fees were NOT waived or deferred, original of the AFFIDAVIT OF SERVICE you received from the newspaper.

### STEP 5: COUNT:

The other party is considered "served" THIRTY (30) days after the date of first publication in the newspaper. (When counting down the days, start counting with the day after the FIRST day of publication.) The other party then has an additional TWENTY (20) DAYS if the other party is in Arizona or THIRTY (30) DAYS if the other party is outside of Arizona to respond.

Name: \_\_\_\_\_

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

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

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

### **AFFIDAVIT SHOWING CIRCUMSTANCES WHY SERVICE BY PUBLICATION WAS USED AND ABOUT THE PUBLICATION**

(AFFIDAVIT OF PUBLICATION  
ATTACHED)

1. I am the Petitioner/Plaintiff and make this Affidavit to show circumstances why service by publication was used, and to show how service by publication was done, as authorized by the Arizona Rules of Family Law Procedure (ARFLP).

2. Pursuant to ARFLP 41(M) and 42(D), I allege that service by publication is the best means to give notice of this court case to the Respondent/Defendant because the Respondent/Defendant is:

Avoiding service of process, and I have mailed, postage prepaid, a copy of the Summons, the Petition for Paternity, and other required papers to the last known address of the Respondent/Defendant on or before the first date of publication, OR

Respondent/Defendant is a person whose residence is unknown, so I have not mailed copies of the proceedings to the Respondent/Defendant.

3. The residence and whereabouts of the Respondent/Defendant is unknown to the Petitioner/Plaintiff, even though the Petitioner/Plaintiff has made a diligent search to find out. This search failed to reveal any information that might lead to knowledge about the Respondent/Defendant's residence or whereabouts. This is what I did to try to find the Respondent/Defendant: (explain in detail here everything you did to try to find the Respondent/Defendant):

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

4. To the best of my knowledge, information and belief, the Respondent/Defendant is not in the military service, including an activated National Guard unit, of the United States.

5. The Summons was published in a newspaper in Pima County and in \_\_\_\_\_ County (Respondent's last known Arizona address) 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 herein are true and correct.

\_\_\_\_\_  
Petitioner / Plaintiff

SUBSCRIBED AND SWORN to before me this day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_.

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

My Commission Expires:

\_\_\_\_\_

**AFFIDAVIT OF PUBLICATION:**

(Attach to this page the original of the Affidavit of Service from the newspaper)