

HELPFUL INFORMATION TO COMPLETE SERVICE ON INTERESTED PARTIES



PINAL COUNTY

SERVICE OF COURT PAPERS ON THE OTHER PARTY TO TERMINATE PARENT / CHILD RELATIONSHIP

Second Packet

INSTRUCTIONS AND FORMS

Provided as a Public Service by
Rebecca Padilla
Clerk of the Superior Court

**PINAL COUNTY
CLERK OF SUPERIOR COURT**

**TABLE OF FORMS
PETITION FOR TERMINATION OF PARENT / CHILD RELATIONSHIP**

How to assemble these documents:

This packet contains general information and instructions service the other party(ies) on copies of court documents. Be sure this packet contains the following documents:

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PINAL COUNTY CLERK OF SUPERIOR COURT

HELPFUL INFORMATION ON SERVING THE OTHER PARTY

SERVING THE OTHER PARTY:

- After you have filed the initial paperwork with the court use this packet to determine the method of service that works best for you.
- **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. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement to your request. The Response or Answer tells you, and the court, what the other party wants.

METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct service packet. Select the method of service that works best for you.

1. You Know Where the Other Party Lives in the State of Arizona.

- 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 he/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.

If you choose this method of service, use the **"ACCEPTANCE OF SERVICE Severance forms"** form provided in this packet.

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

- 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. The process server will give the Court a Sworn Affidavit of Service stating that the person was served. If you decide to use this method, look under **"PROCESS SERVER"** in the Yellow Pages to find someone who can serve your papers.

- 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 deferral or waiver. The fee deferral or waiver form that Arizona uses is available at the Self-Service Center and is only for persons who cannot afford the cost of service and meet certain financial requirements. The Sheriff's Office will give the Court a Sworn Affidavit of Service stating that the person was served.
- D. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you may want to research Arizona Rules of Civil Procedures and /or Arizona Rules of Family Law or you should see a lawyer for help.

2. You Know Where the Other Party Lives in the United States but he/she does not live in the State of Arizona. (If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.)

- 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 he/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.

If you choose this method of service, use the **"ACCEPTANCE OF SERVICE Severance Forms"** form provided in this packet.

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

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

If the other party signs a receipt (green card) for the papers, the green card will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the person being served is known to be located outside the State of Arizona, (2) that the court papers were sent to the other party, (3) that the papers were received by the other party, as evidenced by the green card, a copy of which you attach to the affidavit; and (4) the date the party received the documents.

If you choose this method of service, use the **"AFFIDAVIT OF SERVICE BY REGISTERED MAIL"** form provided in this 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. The process server will give the Court a Sworn Affidavit of Service stating that the person was served. If you decide to use this method, you would need to find a registered process server in the state where the other party lives.
- 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, The Sheriff's Office will give the Court a Sworn Affidavit of Service stating that the person was served. If you decide to use this method, you would need to contact the Sheriff's Office in the state and county where the other party lives.
- E. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you may want to research Arizona Rules of Civil Procedures or you should see a lawyer for help.

3. You Cannot Find the Other Party - Before you do service by Publication, you must first complete the "***Declaration of Due Diligence and Request for Alternate Means of Service (Publication)***" for the Judge to grant service by Publication.

See Completing the Declaration of Due Diligence and Request for Alternate Means of Service (Publication) and Order for Alternate Means of Service"

If the Judge approves service by Publication; the Order for Alternate Means of Service will be signed and a copy of the Order mailed to you. At that time you can continue with Publication:

- A. Service by Publication.** You may use this method only if you do not know where the other party lives, or 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, unsuccessfully, to find the other party. Use a paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

Tips for Finding the Other party: Before the Court will accept **Service by Publication**; you must have made every reasonable effort to find the Respondent and to give actual notice of this case by personal service of the required documents. You will be required to state, under penalty of perjury, the steps you have taken to try to locate the Respondent and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken. Examples of steps you **MUST** take: verify the Respondent is not at any last known address (es), talk to Respondent's friends, family members, employer, co-workers former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

Service by Publication can be expensive and may delay your court case. You would need to contact the newspaper to determine the cost of publication. You may inquire if the newspaper will accept a fee deferral or waiver from the court. The Application for Deferral form is available at the Self-Service Center and is only for persons who cannot afford the cost of publication and meet certain financial requirements.

Note: Application for Deferral is only applicable to Pinal County newspaper. If you need to publish in another County or State, the Deferral of Fees is not applicable.

1. Publication must be done in the county where the case originated:

This method requires that a copy of the **“Notice of Petition to Terminate Parental Rights and Notice of Hearing”** be published in a newspaper of general circulation in Pinal County once a week for four consecutive weeks.

If the other party’s last known address was also in Pinal County, then the publication above will suffice for service to the other party.

2. How to publish service if the other party’s last known address is in Arizona, but not in the county in which your case is pending:

- A. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
- B. To publish in another county (not Pinal County) you will need to contact a newspaper in that county.
- C. The **“Notice of Petition to Terminate Parental Rights and Notice of Hearing”** is published in a newspaper of general circulation in that county once a week for four consecutive weeks.
- D. Wait for the newspaper to send you the original document called “Affidavit of Publication” in five weeks.

B. Complete Your Paperwork. Fill out the **“Affidavit of Publication”** provided in this packet. The Affidavit of Publication is a statement affirming or swearing under oath that you have done everything possible to try to find the other party. File the original “Affidavit of Publication” with the Clerk of the Superior Court.

You must also file original the **“Affidavit of Publication”** that you received for the newspaper(s), verifying and stating the dates of publication.

IMPORTANT NOTICE: When your hearing date arrives and you have failed to provide proof of serve, for the other party, to the court, the Court will delay the signing of the final Order.

Completing the Acceptance of Service form – This form is completed by the other parties, stating that they have received copies of court documents:

- 1. Fill in the name, address and telephone number of the party receiving the copies of court documents.
- 2. In the Case Caption list the name(s) of the child(ren) for whom termination of parental rights is being requested.
- 3. Write the case number that is written on the Petition for Termination of Parent / Child Relationship. (This may already be printed on the form).
- 4. Check the boxes for which you have received copies of. List any additional copies of documents you have received.
- 5. The party must sign the Acceptance of Service form in front of a Notary Public and return the original form to you.
- 6. Make a copy for your record and file the original form with the Office of the Clerk of the Superior Court.

Completing the Affidavit of Service by Restricted Registered Mail form:

1. Fill in the name, address and telephone number of the person who initiated the severance case.
2. In the Case Caption list the name(s) of the child(ren) for whom termination of parental rights is being requested.
3. Write the case number that is written on the Petition for Termination of Parent / Child Relationship. (This may already be printed on the form).
4. Answer the questions regarding service by registered mail. Make sure to list the title of each documents that was mailed by registered mail on statement #2.
5. Sign the document in front of a Notary Public or Deputy Clerk of the Clerk of the Superior Court.
6. Attach the original green return receipt to the second page where indicated.
7. Make a copy for your record and file the original form with the Office of the Clerk of the Superior Court.

Completing the Declaration of Due Diligence and Request for Alternate Means of Service (Publication) and Order for Alternate Means of Service:

Request for Alternate Means of Service:

1. Fill in the name, address and telephone number of the person who initiated the severance case.
2. In the Case Caption list the name(s) of the child(ren) for whom termination of parental rights is being requested.
3. Write the case number that is written on the Petition for Termination of Parent / Child Relationship. (This may already be printed on the form).
4. Answer the questions as to why publication is the best method of serve on the other party.
5. Sign the document in front of a Notary Public or Deputy Clerk of the Clerk of the Superior Court.
6. Make a copy for your record.and file the original form with the Office of the Clerk of the Superior Court

Order for Alternate Mean of Service:

1. In the Case Caption list the name(s) of the child(ren) for whom termination of parental rights is being requested.
2. Submit the original Request and Order to the Clerk's office. Include with the Request and Order a self addressed stamped envelope. The court file and Request for Alternate Means of Service will be forwarded to the Judge for review. If the Order is signed, a copy will be mailed to you to move forward with publication.

Completing the Affidavit of Publication:

1. Fill in the name, address and telephone number of the person who initiated the severance case.
2. In the Case Caption list the name(s) of the child(ren) for whom termination of parental rights is being requested.
3. Write the case number that is written on the Petition for Termination of Parent / Child Relationship. (This may already be printed on the form).
4. After publication has been complete, answer all the questions regarding why publication was the best method of serve on the other party.
5. Enter the dates of publication.
6. Sign the document in front of a Notary Public or Deputy Clerk of the Clerk of the Superior Court.
7. You must also attach original clipping from the newspaper on a separate piece of paper and staple to the Affidavit of Publication.
8. Make a copy for your record and file the original form with the Office of the Clerk of the Superior Court.

5. **MILITARY SERVICE.** I am not in the military forces of the United States of America in any capacity or I waive the protection of the Soldiers and Sailors Relief Act.

Signature of Person Accepting Service

Street Address: _____

City, State, Zip Code: _____

Telephone Number: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____,

My Commission Expires: _____
By _____
Deputy Clerk/Notary Public

Name of Person Filing: _____
 Your Mailing Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 Attorney Bar Number (if applicable): _____
 Representing Self (Without an Attorney) or Petitioner or Respondent

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of _____)
)
) Case No. SV 2
)
) **AFFIDAVIT OF SERVICE**
) **BY REGISTERED MAIL**
)
)
 _____)

STATE OF ARIZONA)
COUNTY OF PINAL)ss.

1. 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 other party by registered mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c).

Person served (name of other party): _____
 Address where other party was served: _____
 Date of receipt by the other party: _____
 Date of return of receipt to sender: _____

2. I know that the other party is located outside the State of Arizona. The following documents were sent to the other party by registered mail (List all of the documents sent to the other party):

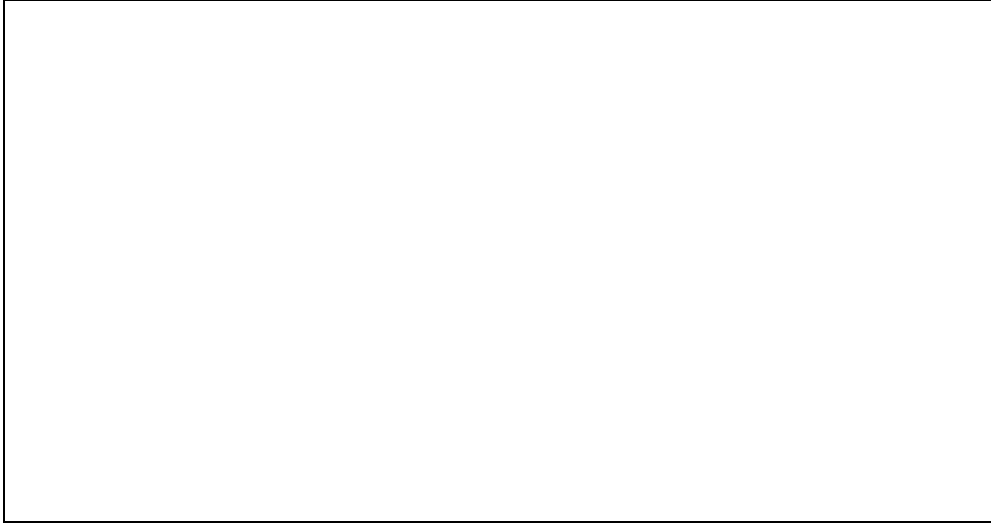
These court papers were received by the other party as shown by the **original** receipt that is attached to this Affidavit.

 Signature of Sender

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____,

By _____
 Deputy Clerk/Notary Public

My Commission Expires:



Attach your mail return receipt here.

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.
5. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Your Signature

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20_____,

My Commission Expires:

By _____
Deputy Clerk/Notary Public

**SUPERIOR COURT OF ARIZONA
IN PINAL COUNTY**

In the Matter of

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)
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)
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)
)
)
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_____)
Case No. **SV 2** _____

ORDER FOR ALTERNATE MEANS
OF SERVICE (PUBLICATION)

The Court having reviewed the ***“Declaration of Due Diligence and Request for Alternate Means of Service”***, and good cause appearing,

IT IS HEREBY ORDERED granting ***“Declaration of Due Diligence and Request for Alternate Means of Service”***.

DONE IN OPEN COURT this _____ day of _____, 20

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

Name of Person Filing: _____
 Your Mailing Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 Attorney Bar Number (if applicable): _____
 Representing Self (Without an Attorney) or Petitioner or Respondent

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of _____)
 _____)
 _____)
 _____)
 _____)
 _____)
 _____)

Case No. SV 2 _____

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA)
COUNTY OF PINAL)ss.

1. I make this Affidavit to show the Court service by publication was done.
2. The following document(s) _____ was/were published in a newspaper in the county where my case is pending on the following dates:
 A. ___ / ___ / ___, B. ___ / ___ / ___, C. ___ / ___ / ___, D. ___ / ___ / ___.

AND/OR

The following document(s) _____ was/were published in a newspaper in the county of the other party's last known address or in an adjoining county if no newspaper is published in the county of the other party's last known address, which is in Arizona and that address is not within the county in which my case is pending:

- A. ___ / ___ / ___, B. ___ / ___ / ___, C. ___ / ___ / ___, D. ___ / ___ / ___.

3. A original copy of the publication for each newspaper is **attached** to this Affidavit and filed into court record.
4. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

 Petitioner Signature

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____,

My Commission Expires:

By _____
 Deputy Clerk/Notary Public