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How to Serve A Domestic Violence Protection Order

April 2016

So you just got your temporary Domestic Violence Protect Order. Now what? You are required to make sure the Respondent gets a copy of the order. This is called "service" and it must happen at least 5 business days before your next hearing. For example, if the next hearing is Friday, September 20, you would need to make sure the Respondent receives a copy of the temporary order and notice of the next hearing by Friday, September 27 (be sure to add an extra day for official court holidays). This is required for two reasons:

- So the Respondent knows there is a temporary order prohibiting him or her from contacting you
- So the Respondent knows the date and time of the next hearing and can attend if he or she wants to argue against a longer DVPO

The court will require you to show proof that the Respondent has been served. This proof is a form called a "Return of Service." It must be signed by whoever served the order to the Respondent and then filed with the Court. **You are not allowed to serve the Respondent yourself** but there are three other options:

1. Law Enforcement – Your local police or sheriff's department can serve DVPOs for free. You can ask the Court Clerk if the court will send your order to your local law enforcement agency or if you need to take it there yourself. Once law enforcement has the papers, they should attempt to serve the Respondent within 5 days. You should call to find out if it has been served and if they filed the Return of Service with the Court. You can also ask for a copy of the Return of Service document. If for some reason, they are unable to serve the papers, they should provide written notice of how many and what kind of attempts they made.
2. Professional Service – There are individuals called Process Servers who will serve the Respondent. They charge a fee. They will file the Return of Service with the court but you should ask for a copy as well. Fees and length of time to serve vary among Process Servers.
3. Friend or Family Member – Anyone over the age of 18 (except you) can serve the Respondent **if it is safe**. When you consider this option, it is important to think about how the Respondent might react to service. If you have a friend or family member serve the papers, they MUST fill out sections 1-4 of the Return of Service form and sign it and then you must file it with the court as soon as possible.

If for any reason the Respondent does not get served in time, you should still attend the next scheduled hearing and explain that service did not happen. The Court will likely schedule another hearing within the next 24 days to give you more time to complete service.

Important: Make copies of all your documents before they are filed with the Court and bring them with you to your next hearing.

If you can prove to the Court that you (or law enforcement or a process server) are still unable to serve the Respondent, the Court must allow you to serve the papers by mail or publication.

Service by Mail

If the Court allows Service by Mail:

- You will need to provide a list of address where the papers will be mailed. These should be the last known address of the Respondent or other addresses that the Court allows.
- You will need someone else to mail TWO (2) copies of all the court papers to the addresses listed on the order.
    - One copy must be mailed via ordinary first-class mail
    - The other must be sent via registered or certified mail that provides a return receipt.

    Note: You are responsible for all mailing costs.
- The person that mails the documents must fill out sections 1, 2, and 4 of the Return of Service form and sign it.
- You should make a copy of the Return of Service for yourself and file the original (with the mailing receipt attached) with the Court.
- When you receive notice that the papers were delivered, you should make a copy of the notice and file it with the Court as soon as possible.
- Be sure to bring all your copies to your next hearing.
- *Be sure to attend the next hearing even if you do not receive notice that the papers were delivered.*

Service by Publication

If the Court allows Service by Publication:

- You will need to publish a special statement in a newspaper that tells the Respondent there has been a case filed against him or her. This statement is called a "summons."
- The summons is form WPF DV 9.030 and is available at the courthouse and online at http://www.courts.wa.gov/forms. You will need to fill it out, sign it, make two copies, and:
    - File the original with the Court
    - Give one copy to the newspaper
    - Keep one copy for yourself
- You must publish the summons in one of the three most widely circulated papers in your county AND in the county of the Respondent's last known address.
- You are responsible for all publication costs.
- The newspaper must publish the summons once per week for three weeks in a row.
- Once the summons has been published three times, the newspaper will send you a notice called an "Affidavit of Publication."
- Make a copy of the Affidavit of Publication for yourself and file the original with the Court.
- Be sure to bring all your copies to your next hearing.

A community-based Domestic Violence Legal Advocate or a King County Protection Order Advocate can answer your questions about service.