

How to Serve by Mail

Superior Court Civil Rule 4(d)(4)

Use this packet if either:

1. You have attempted personal service, **but** service was unsuccessful because:
 - a. The opposing party is not a resident of this state; or
 - b. The opposing party cannot be found in this state.

OR

2. You have an order waiving filing fees and cannot afford to attempt personal service, **and**:
 - a. The opposing party is not a resident of this state; or
 - b. The opposing party cannot be found in this state.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court
516 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th Ave North, Room 3D
Kent, WA 98032

Step 1: Fill out these forms

All of these forms in Step 1 can be downloaded at: www.courts.wa.gov/forms/

Form Name	Form Number	Notes	Completed
Motion to Serve by Mail	FL All Family 104		<input type="checkbox"/>
Order to Allow Service by Mail	FL All Family 105	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>
Summons Served by Mail	FL All Family 106		<input type="checkbox"/>
Proof of Service by Mail	FL All Family 107		<input type="checkbox"/>

Step 2: Take your original forms to the Clerk's Office and pay a fee

Take your Motion and Order to the Clerk's office and pay the Ex Parte via the Clerk processing fee. The Clerk will present the Order to the Commissioner for you. After the Order has been signed the Clerk will automatically file the original documents and return a copy of the Order to you via the method you requested. ***You cannot proceed with service by mail until this Order is signed by a Commissioner.***

Step 3: Have someone mail the documents



Important! You cannot mail the documents yourself.

Someone other than you, who is at least 18 years old, and not a party to the case (not the petitioner or respondent), must mail the documents for you. The server must mail **2 copies** of the Summons Served by Mail and other required documents to the opposing party at the address on the Order:

- One set of copies to be mailed **regular, first class mail** with postage fully paid
- Second set of copies to be mailed via certified or registered mail, **RETURN RECEIPT REQUESTED**

The server must do this at the Post Office. Both envelopes must contain your return mailing address.

Step 4: Have the server complete and sign the Proof of Service by Mail

After the server has mailed the documents they must complete and sign the Proof of Service by Mail form. Attach a copy of the Summons Served by Mail and the return receipt you received from the post office to the Proof of Service by Mail form. Make a copy of the Proof of Service by Mail form and then file the original with the Clerk's Office.

If 90 days pass following the date of mailing and the other party has not responded, you may be able to finalize your case by default (contact the Facilitator's Office for more information).