
How do I notify parties about my court case or hearing?

WARNING!

The judge will not hear your case unless you correctly notify the other party/parties

INTRODUCTION

Notice is an important part of your court case. Judicial Officers need to make sure that everyone involved in the case gets a chance to participate. For this reason, the Judicial Officer will not hear your case unless you give proper notice to all the parties.

Common terms:

“**Service of process**” or “**service**” is the way a person receives paperwork informing them that there is a court case involving them and what they need to do to participate in the case.

“**Notice**” means any other kind of communication about the case. Here, we will talk about notice that there will be a court hearing.

“**Party**” means each person(s), called petitioner and/or respondent, directly involved in the case. For example, in a divorce (dissolution) case, the respondent is your spouse.

HOW DO I GIVE PROPER “SERVICE”?

You are responsible for service of process if you are the petitioner in a new court case.

1. Who needs to be served?

The other party/parties must be served.

2. What paperwork needs to be served?

The other party/parties must be given copies of all the paperwork you file with the court.

This must include:

New Cases:

- For example, a summons and petition for dissolution of marriage, and
- anything else that you filed with it

Show Cause Orders:

- a motion and order
- and anything else that you filed with it

3. Who can serve the other party/parties?

You cannot serve the other party yourself. However, it is your responsibility to arrange for service. People who can serve papers are referred to as “process servers” these people include:

- Your lawyer, if you have one;
- Law Enforcement
- A professional process server or legal messenger; or
- Any other adult who is not a party to the case

If you are paying a professional, they will probably charge you for each time they try to serve the papers, even if they do not succeed.

4. How does the paperwork need to be served?

There are different ways to serve parties. These are the main ways that parties can be served:

- *Personal Service:* Giving the papers to the person in their hand (this is the best way);
- *Substitute Service:* Giving the papers to an adult who lives in the same home where the person you need to serve lives. This type of service must happen at that home and you need to be able to show that these people actually live in that home.
- *Alternative Service:* A judicial officer may let you serve the person by mail or publication if you show that you tried hard to serve the person but could not. You need to complete the proper forms and then schedule a hearing to ask the judicial officer for alternative service.

5. How do I show that the parties were properly served?

The Judicial Officer will check to see if there has been service or notice given to the other party/parties. Therefore, to show proof of service, you will need the person who did the service or “process server” to fill out and sign a form called “**Return of Service.**” This form is available in the Clerk’s Office or online at the Washington Court’s website.

The return of service must list the title of each document that has been served to the other party, the person who was given the documents, the date and time they were served, the address where they were served (including city and state) and how they were served. Once the return of service has been completed. You will need to file it in the court file.

NEED ASSISTANCE?

Family Court Facilitator
(360) 709-3260

OR

Northwest Justice Project
1-888-201-1014
www.washingtonlawhelp.org

HOW DO I SCHEDULE A HEARING AND GIVE “NOTICE” TO THE OTHER PARTY/PARTIES?

1. How do I schedule a hearing?

To schedule a hearing, you need to fill out and file a Notice of Hearing. This form notifies the court and the other party/parties that there will be a hearing. This form is available in the Clerk’s Office or online on the Clerk’s office website at www.co.thurston.wa.us/clerk.

If you are scheduling the hearing you must fill out the certificate of service box on the second page of the Notice of Hearing. Do not schedule a hearing until you have also prepared and filed a motion and declaration and have attached any additional supportive evidence you want the court to consider for the hearing. A written motion is the way you tell the Judicial Officer what you want to happen. A declaration explains to the Judicial Officer why you should be granted what you asked for in the motion.

(See the Pink Sheet or the court’s website for filing requirements).

2. Who do I notify about the hearing?

You must give copies of everything you filed such as the: 1) notice of hearing form, 2) motion and declaration, 3) supporting evidence, and 4) anything else you filed with the court to the following:

1. The court clerk (give them the originals);
2. The opposing party or their attorney if they have one;
3. Any other parties in the case, such as: the Guardian Ad Litem (if one was appointed), Prosecuting Attorney’s Office, Division of Family Support (if they have an interest in your case).

3. When do I give notice of a hearing?

Notice must be given every time you schedule a hearing. You must give the court and the other party/parties time to prepare for the hearing. Motions must be filed by **noon six court days** before the hearing you scheduled. If you mail the papers, mail them six court days, plus three additional days before the hearing.

There are special situations with different deadlines. If there is an emergency situation or you have a special motion, check with the court facilitators in the Clerk’s office.

4. How do I give notice of a hearing?

File your original papers with the court clerk.

For all other parties, you can arrange for:

- **hand-delivered** papers (personal delivery not required);
- **fax or email** them if the other party/parties said that was okay; or
- have another adult **mail** the papers to the person’s last known address.

STILL NEED HELP?

Consult with a Family Law Attorney
Check out the Family & Juvenile Court website for
information and our local court rules at
www.co.thurston.wa.us/fjc

NEED FORMS?

Thurston County Clerk’s Office
Washington Courts website: www.courts.wa.gov
Northwest Justice Project 1-888-201-1014