

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 provide *legal information* only and **are not intended** to be a substitute for legal advice.

Facilitators cannot provide legal advice or complete your forms for you. It's a good idea to talk to a lawyer before you file any forms.

- You can get information about their services and a list of low-cost and free legal resources at <https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/family-law-facilitators>.

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		☐
Order to Allow Service by Mail	FL All Family 105	Fill this out the way that you would like the Commissioner to decide	☐
Summons Served by Mail	FL All Family 106		☐
Proof of Service by Mail	FL All Family 107		☐
Ex Parte via the Clerk Coversheet			☐

Step 2: Submit your documents Ex Parte via the Clerk

Ex Parte via the Clerk is a service provided by the Clerk's Office. Submit your Motion and Order to the Clerk 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.

You can submit your documents to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

OR

You may also provide your papers electronically to Ex Parte via the Clerk. Please see:

<https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/ex-parte-via-the-clerk>

There is a fee; if you cannot afford to pay the fee, apply to waive the fee. Forms and instructions are at: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/courts-financial/fees-payments/fee-waiver>.

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).