

PO SERVICE BENCHCARD

1. Was Respondent Timely Served? (.165(1))

- Service At Least 5 Judicial Days Before? Service must be completed not less than 5 judicial days before the hearing date unless the non-moving party waives the 5 day requirement.
- If Not Timely Service, Reissue Temporary and Reset Full Hearing. Court shall either –
 - Require an additional attempt at service, or
 - Permit service by another method.
- Maximum 2 Attempts Before Another Method (Exception). Court shall not require more than 2 service attempts b/4 permitting service by other method unless moving party wants more time.
- Documents Already Served. No need to re-serve documents already served. .165(3).
- Reset Of Hearing Date (No Service Or Untimely Service). .200(3) –
 - Personal Or Electronic Service. Not later than 14 days from temporary PO reissue date.
 - Mail Or Publication Service. Not later than 30 days from date of order authorizing service.
 - Good Cause Extension. These time frames may be extended for good cause.

2. Personal Service

- Required In 3 Specific Circumstances. Respondent must be personally served where –
 - (1) Firearms/Weapons. Protection orders with orders to surrender and prohibit weapons; or
 - (2) Respondent incarcerated; or
 - (3) Respondent vacated from shared residence. .150(1)(a)(i).
- Method. .150(1)(a)(i) (consistent with civil court rules). CRLJ 4(d)(2) (personal service as required by RCW 4.28.080 – .090).
 - RCW 4.28.080(16). Service either – (1) to the defendant personally, or (2) (substitute) by leaving a copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein.
- Must Be By Law Enforcement. .150(1)(a)(ii). Personal service must be by law enforcement, which must at a minimum make 2 timely attempts at personal service. .150(1)(a)(ii).
- Service Completion Date. Day respondent personally served. .165(2).

3A. Service By Electronic Means (See ¶3B)

- Required In Most Other Circumstances. Respondent must be served by electronic means where –
 - (1) Personal Service Not Required. Service by electronic means initially required where personal service is not required. .150(1)(a)(i); .150(2)(b)(i); or
 - (2) Two Unsuccessful Personal Service Attempts. After 2 unsuccessful law enforcement attempts at personal service, service shall be permitted by electronic means. .150(1)(a)(iii); .150(2)(b)(ii) (no formal motion required); or
 - Court must sign *Order To Allow Electronic Service*.
 - (3) Respondent Personally Served Or Personal Service No Longer Required. Subsequent motions and orders may be served electronically. .150(2)(b)(i).
- Method. Service by electronic means includes email, text message, social media applications, or other technologies. .150(2)(b)(i).
- Must Be By Law Enforcement. .150(2)(b)(ii) (unless petitioner elects private server (rare)).

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3B. Service By Electronic Means – Mandatory Verification

- Verification Required. Verification of electronic service is required to complete service by –
 - Read-receipt mechanisms, or
 - A response, or
 - A sworn statement from server verifying transmission and any follow-up communications, or
 - An appearance by respondent at a hearing. .150(1)(b)(iv).
- Service Completion Date. Date of transmission. .165(2).

4. Service By Mail (.150(1)(c))

- Permitted In 2 Circumstances.
 - (1) Personal Service Required. 2 unsuccessful attempts + electronic not possible; or
 - (2) Personal Service Not Required. 2 unsuccessful personal or electronic attempts.
- Court Shall Order. Where personal and electronic service not successful, court shall order service by mail.
- Motion Not Required. Petitioner not required to file motion.
- Method. See .150(1)(c) and/or *Order To Allow Service By Mail* for process.
- Private Server. Service must be by someone 18 years or older and not a party. LE not involved.
- Service Completion Date. On the 10th calendar day after mailing. .165(2); .150(1)(c).

5. Service By Publication (.150(1)(d))

- Last Resort. Service by publication only permitted where –
 - (1) All other means of service are unsuccessful, or
 - (2) Other means of service not possible due to lack of known physical or electronic address.
- Petitioner Must Serve And Pay. Petitioner must sign summons + make publication arrangements with newspaper of general circulation in Kitsap County + in county of respondent's last known address. Law enforcement is not involved.
- Method Is Complicated. See .150(1)(d) and/or *Order To Allow Service By Publication*.
- Not Until Court Signs Order. Publication must not be made until the court signs the order.
- Service Completion Date. On the date of the third publication where publication has been made for three consecutive weeks. .165(2); .150(1)(d).

6. Service By Law Enforcement Where Respondent Resides (.155(1))

- Clerk Shall Forward. Clerk shall forward service packet on or before the next judicial day to the law enforcement agency where respondent resides as the court specifies in the order.

7. Service Waived If Respondent Appears (.150(4))

- If order states respondent appears in person or remotely, further service waived + proof of service of that order not necessary (includes where respondent leaves hearing before a final ruling).