

How Do I Serve the Restrained Person with my Petition for a Protection Order?

我如何向被限制人送达保护令申请？

What is “proof of service” and why does it matter?

何为“送达证明”，“送达证明”为何至关重要？

Service is the act of giving legal papers to someone. Service is how the other party formally learns about the case and lets the court know they can begin making decisions that affect that person (this is called personal jurisdiction).

送达是将法律文件交给某人的行为。送达是另一方正式了解案件并让法院知道其可开始做出影响该人的决定（这被称为属人管辖权）。

The law requires that all parties have a fair chance to go to their hearings and to receive all evidence that the court sees. The restrained person must be served with a petition and notice of the hearing (usually contained in the temporary order). **If the restrained person is not served correctly, the court cannot decide the case until they are served correctly.** Also, a protection order cannot be enforced unless the restrained person knows about it. You must prove that the restrained person was properly given the petition, notice of hearing, temporary order, and Order to Surrender and Prohibit Weapons, if applicable, and all evidence that you want the court to review. If you don't, your case can be delayed or even dismissed.

法律要求所有当事人都有公平的机会参加聆讯，并接收所有提交给法院的证据。必须向被限制人送达申请书与听证会通知（通常包含在临时命令中）。如果未能正确送达被限制人，法院在正确送达之前不能判决案件。此外，除非被限制人知情，否则不能执行保护令。您必须证明已向被限制人妥善送达申请书、听证会通知，临时命令，交出和禁止武器的命令（若适用）以及您希望法院审查的所有证据。如果你未能履行，可能会推迟甚至被驳回该案。

After the restrained person is served the petition and temporary order(s), either party may file more evidence they want the court to consider. All parties have a right to see what the other party gave to the court. It is usually okay to serve this additional evidence by electronic or mail service.

被限制人收到申请书和临时命令后，任何一方均可提交其希望法院考虑的更多证据。所有当事人都有权查看对方向法院提供的资料。通常可以通过电子送达或邮寄送达提供这些附加证据。

Deadline! Protection orders must be served at least 5 court days before the hearing. For example, if your hearing is on a Friday and there are no holidays, papers must be served by Friday the week before. Weekends and holidays do **not** count towards the 5 days. Check with your court clerk for more information on deadlines.

截止日期！保护令应在聆讯会召开前至少5个工作日送达。例如，如果聆讯会在周五召开，而且不是节假日，那么文件必须在上一周的周五之前送达。5个工作日不含周末和节假日。向法院书记员了解更多关于截止日期的信息。

What form do I use?

我需要使用什么表格？

The form is called “Proof of Service.” This form can be used for all protection order cases except for Extreme Risk Protection Orders. You can find the Proof of Service form on the Washington Court Forms website here: <http://www.courts.wa.gov/forms/>. You can also search the internet for the form title, “PO 004 Proof of Service,” or ask the court clerk for help.

本表格的名称为“Proof of Service (《送达证明》)”。本表格适用于除 Extreme Risk Protection Orders (极端风险保护令) 外的所有保护令案件。可以在 Washington 法院表格网站上找到 Proof of Service (《送达证明》) 表格：<http://www.courts.wa.gov/forms/>。你也可以在网上搜索表格标题“PO 004 Proof of Service (《送达证明》)”，或向法院书记员求助。

Who fills out the form?

由谁填写这张表？

The person who served the legal papers (the server) must complete the Proof of Service form. The person who started the case (the petitioner) cannot serve the petition and temporary order on the restrained person. The server must be over the age of 18. The server may be a police officer, Sheriff's deputy, other law enforcement officer, professional service provider, or any adult whom you trust to do it right and fill out the proof of service.

送达法律文件的人 (送达人) 必须填写 Proof of Service (《送达证明》) 表格。起诉人 (申请人) 不能向被限制人送达申请书和临时命令。送达人应年满 18 岁。送达人可以由警察、治安官、其他执法人员、专业送达提供者或任何你信任的并能正确地填写填写 proof of service (《送达证明》) 的成年人担任。

What are the different ways to serve legal papers?

送达法律文件有哪些不同的方式？

1. **Personal Service** – The server hands the legal papers directly (in-person) to the person being served. This is the best kind of service and should be done whenever possible for the petition and temporary order(s).

专人直接送达 – 送达人将法律文书 (亲自) 交付被送达人。这是最佳服务，只要有可能，就应该为申请书和临时命令提供该等服务。

2. **Electronic Service** – The server sends the legal papers by email, text, social media, or other technology. Electronic service can be okay. However, **do not** use electronic service for a petition and temporary order if any of these are true:

电子送达 – 服务器通过电子邮件、文本、社交媒体或其他技术发送法律文书。很多情况可以采用电子送达。但是，如果以下情况属实，请勿使用电子服提交请愿书和临时命令：

- ✓ the restrained person is in jail or prison.
被限制人正遭受监禁或在狱中服刑。
- ✓ the court ordered the restrained person to surrender firearms.
法院命令被限制人交出枪支。

- ✓ the court ordered transfer of child custody.
法院下令转移子女监护权。
- ✓ the court ordered the restrained person to leave the residence that they share with the protected person.
法院命令被限制人离开其与受保护人共同居住的住所。
- ✓ the petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult.
弱势成年人保护令的申请由除弱势成年人外的其他人提出。

For cases involving a restrained person who is in jail or prison, the surrender of firearms, the transfer of child custody or that requires the restrained person to leave the shared residence, only law enforcement can personally serve the petition and temporary order.
对于被限制人遭受监禁或在监狱服刑、交出枪支、转移子女监护权或要求被限制人离开共同住所的案件，只有执法人员方可亲自送达申请书和临时命令。

For cases involving a petition for a vulnerable adult protection order that is filed by someone other than the vulnerable adult, the petitioner can choose to have someone else serve the petition, temporary order, and notice to the restrained person. The court must allow electronic service in these cases after 2 unsuccessful attempts at personal service.

对于涉及由除弱势成年人外的其他人提交弱势成年人保护令申请的案件，申请人可选择让其他人向被限制人送达申请、临时命令和通知。在这种情况下，倘若两次由专人直接送达未果，则法院必须允许电子送达。

After the petition and temporary order are served, you may be able to use electronic service for any additional evidence that you want the court to review. If you are not sure if electronic service is allowed in this case, use personal service.

在请愿书和临时保护令送达后，你可以使用电子送达来处理任何你希望法院审查的证据。若你不确定在这种情况下是否允许电子送达，可直接采用直接送达。

3. **Service By Mail** – For the petition and temporary order, you can ask the court to allow service by mail. Do not serve a petition and temporary order by mail unless you have a court order saying it is okay. The Order to Allow Service by Mail (form PO 025) has instructions for how to serve by mail.

邮寄送达 – 对于申请书和临时命令，您可要求法院允许通过邮寄送达。除非有法院下令允许，否则不要邮寄送达申请书和临时保护令。允许邮寄送达的命令（表格 PO 025）可提供有关如何邮寄送达的说明。

For evidence filed after the petition is served, you can always serve by mail.

申请书送达后所提交的证据，可通过邮寄的方式送达。

4. **Service By Publication** – If you cannot serve the restrained person in any other way, you can ask the court to allow service by publication in a newspaper. This costs money and takes more time. The Order for Service of Summons by Publication (form PO 026) has instructions for how to serve by publication. If you serve by publication, do **not** use

the regular Proof of Service form. Instead, attach the newspaper's proof that the Summons was published to the Proof of Publication (Cover Sheet) (form All Civil 036).
公告送达 – 如果无法以其他任何方式送达被限制人，可以请求法院允许通过在报纸上刊登的方式送达。这需要花费金钱和更多的时间。以公告方式送达传票的命令（表格 PO 026）可提供有关如何以公告方式送达的说明。如果您通过公告送达，请勿使用常规的送达证明表格。而是将报纸证明传票已刊登的证明附在刊登证明（封面页）（表格 All Civil 036）。

How Do I Fill Out the Proof of Service Form? 如何填写 **Proof of Service** (《送达证明》) 表格？

It is important to fill out the whole form. It is important to file this form in the court file even if the other party was not served. Make sure you file this form with the court clerk so the judge can see it and determine next steps for service in your case.

完整地填写整张表格非常重要。该表格即使不送达另一方当事人，也要归入法院档案，这一点至关重要。请确保您将此表格交付法院书记员，以便法官可以看到，并确定您案件的后续送达步骤。

Caption. At the beginning of the form at the top, write the parties' full names with middle initials, date of birth, and case number.

标题。在表格顶部的开头，用中间的首字母写下当事人的全名、出生日期和案件编号。

1. Write the server's full name. The form needs to be filled out by the person who served the other party.

写下服务器的全名。此表格需要由送达人填写。

2. Able to Serve: If service was successful, check the box for the type of service used.

送达成功：如果送达成功，请勾选所使用的送达类型选框。

Personal Service: Write the name of the person who was served, the date and time, and address where the service happened.

专人直接送达：写下被送达人的姓名、日期和时间，以及送达法律文书的地址。

Electronic Service: Write the name of the person served and the date service happened. Check the method of electronic service by selecting email, text messaging, social media application, or other technology. Provide the address, number, and any account or username used.

电子送达：写下被送达人的姓名和送达的日期。勾选电子送达的方式：电子邮件、短信、社交媒体或其他技术方式。提供所使用的地址、号码和任何帐户或用户名。

For example: user@gmail.com for email, 206-555-5555 for text, or through Facebook at User Name.

例如，电子邮件：user@gmail.com，短信：206-555-5555，或 Facebook 的用户名。

What kind protection order do you want? There are different orders based on the type of harm and how the parties know each other. **See definitions in Attachments A and B.**

您要申请哪一类保护令？根据损害类型与当事人是如何相互认识的，有不同类型的保护令。详见附件 A 和附件 B 中的定义。

If **every** document served is not checked or listed on this form, service may be considered “incomplete” and will likely require other attempts at service. This can cause delay.

如果并未在该表格上勾选或列出送达的每一份文件，送达可视为“不完整”，并可能需要尝试其他送达。这可能会导致延迟。

5. Fees Charged for Service: If you are a professional server, fill out this section about your fees.

送达费用：如果你是专业送达人，请填写送达费用部分。

6. Other: You can write anything else that the court should know about service. If service was not successful, write the reasons. For example, explain if the person was not at the location or the party moved. Also explain any concerning behavior of the restrained person at the time of service and any information they share about the possession of weapons, including any denials about firearm ownership/possession.

其他：你可以填写任何法院应该知道的关于送达的情况。如果送达不成功，写明原因。

例如，说明该人是否不在该地方，或者对方是否搬离了。还应解释被限制人在送达法律文书时的任何相关行为，及其就持有枪支分享的任何信息，包括否认拥有/持有任何枪支。

At the bottom of the form. Remember that the server, **NOT** the petitioner or respondent, must sign the form. It must be signed and sworn “under penalty of perjury” that the information in the form is true. In addition, the location of the server, the date of signing, and the server’s signature must be included at the bottom.

在表格的底部。注意：应由送达人，而非申请人或被申请人在此表签名。必须在表格上签字并经宣誓（宣誓“作伪证者受罚”），表格上的信息是真实的。此外，底部应包含送达人的位置、签名日期和送达人的签名。